

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

16 July 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm
Closure: 8.59pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 20 August 2014.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The presiding member declared the meeting open at 7.00pm

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Jim Garrett	Executive Manager Technical Services
Mr Azhar Awang	Executive Manager Development Services
Mrs Karen Parker	Manager Human Resources
Ms Danica Kay	Executive Assistant (Minute Secretary)
Ms Kim Perry	Executive Assistant (Minute Secretary)

There were eighteen members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Cr Mackie declared a proximity interest in item 9.1.3 as she lives close by to the proposed development.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Public Question Time – M Penketh – Targa West

Mark Penketh submitted the following questions prior to the Council meeting:

Question 1 Given the Council's Risk Management Policy States that risk will be managed to a high standard and in accordance with ISO31000 can the Council elaborate on how it is ensuring that this policy is being effectively managed at all levels within the LGA given that it has been publicly stated that the Council and its officers are lacking skills and training in risk assessments?

Response 1 Council's policy in part states;

It is the Shires policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and is invited and encouraged to participate in the process.

In relation to the comment that Council staff are lacking the appropriate Risk Management skills was in relation to a large public event such as the Targa West Rally, not day-to-day operations. In these situations (large events) we rely on expert professional advice from our Risk Management providers at Local Government Insurance Scheme (LGIS).

Question 2 Does the Council consider training in risk assessments for all decision makers (officers and Councillors) to be an essential element of effective risk management in line with the stated Council Policy?

Response 2 Whilst in an ideal world it would be desirable if all staff & Councillors could be fully conversant in all areas of conventional business practices, in reality it is not possible, and we often need to seek professional assistance from those that are qualified and deal with such issues on a daily basis. In the current circumstance Council has relied on its Risk Management provider LGIS.

All staff are provided with appropriate training for them to undertake their roles, and have received varying levels of training in risk assessment/management.

Question 3 The Robson Report (Western Australia), The UK Independent Commission for Good Governance in Public Services (Good Governance Standard for Public Services 2005), ASX Principles of Good Corporate Governance and Best practice Recommendations (2003) and the King Reports (1994-2008) in South Africa all discuss good governance in the following or similar terms:

- a) Focusing on the organisation's purpose and outcomes for citizens
- b) Performing effectively in clearly defined functions and roles
- c) Promoting values for the whole organisation and demonstrating the values of good governance through behaviour
- d) Taking informed, transparent decisions and managing risk
- e) Developing the capacity and capability of the governing body to be effective
- f) Engaging stakeholders and making accountability real

Given these standards/codes would be used as the basis of what a reasonable person making a decision at Council level would be expected to follow if the Council was ever legally challenged (for example like Shire of Toodyay 2004 for lack of guide posts) can the Council elaborate on its own risk assessments and how it incorporates information from outside sources such as LGIS before making a decision?

Response 3 All major projects/events are subject to a risk assessment process and are documented. A recent example is the assessment of Council's "Bush Reserves Risk Assessment". The risk assessment process was undertaken in accordance with the Australian Standards AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines as outlined in State Emergency Management Policy No. 2.9 – Management of Emergency Risks 2014.

As mentioned above all major community events are sent to LGIS Risk Management for their assessment and feedback, which is used by Council when considering each proposal before them.

Question 4 How will these risk assessments be used for formulating risk management plans with any imposed mergers of Shires where the merger results in having to prioritise other risks in new areas such as drainage, poor road maintenance or insufficient maintenance on Public Buildings?

Response 4 Council is not currently aware of any proposed local government mergers in rural WA. The State Government's current reform agenda only pertains to metropolitan local governments.

Question 5 Under Council Policy 1.4 Management of Assets the policy notes that a Whole of Life Management Philosophy is used and maintenance is scheduled in the 10 year maintenance plan. Given the age of Maryville Downs – reseals for these roads should now form part of this plan. Can the Council elaborate on when reseals are planned within the 10 year plan and what the expected costs to Council are estimated to be?

Response 5 Roman II is a road asset management program used by Technical Service staff to develop future road asset preservation programs. All bitumen and gravel roads were assessed and the Roman II program updated in the 13/14 financial year to reflect future reseal and road maintenance programs.

Maryville Downs Roads have not been identified in the Romans II as requiring reseals over the next 10 years due to the current condition of the bitumen seal. However this could change following bi annual road assessments and updating of Roman II.

Reseals identified in the 10 year program are scheduled to start in the 15/16 financial year. The estimated cost for reseal works in the ten year road program is \$1,948,690. It should be noted that the ten year road program is reviewed annually and costs are subject to change.

Question 6 Given the large development of new road by developers 10-15 years ago (over 90 km) which will be approaching reseal within the next 5-10 years how is the Council planning for this risk?

Response 6 Council has a (10) ten year Roadwork's and Maintenance Plan, which has been incorporated into a 10yr Financial Plan that attempts to deal with this issue given the scarce resources it has to operate with. However, as a former employee of technical service who was directly responsible for this area would appreciate, it is unlikely that council will ever be in a position it would ideally like in relation to fully funding the road network need, which is a common problem across the Wheatbelt.

Question 7 How much will rates need to increase annually to cover this maintenance expense?

Response 7 Based on current forward estimates a 7% pa increase in revenue will be required for Council's entire operations. However, this rate is subject to change. This does not necessarily translate into a 7% increase in your rates for all UV properties as they are revalued every year by Landgate. UV properties may fluctuate up or down meaning (-%) increase or (+%) increase.

4.2.2 Public Question Time – S Vallance – Road Construction

Steve Vallance, Muchea submitted the following questions prior to the Council meeting:

Question 1 Why does the shire cart materials twice to do a job? i.e. Gravel from Bindoon to Lower Chittering and stock pile, then from the stockpile to the job, all in the same month of works. Same for Muchea South Rd and other road works on Chittering Valley Rd. Photo shows at least 13 loads of stockpiled gravel which at 10m each would have cost a minimum of \$720 to load, let alone cart. It obviously has to be shifted again with similar wasted expenditure.

Response 1 The Shires only gravel supply is at the Agricultural College on Dewars Pool Road. Contractors are used to cart the gravel to road projects. As roadtrains are not allowed on the roads, semi-trailers are used. There is a turnaround of one to one and half hours per load. It is not practical to have plant and equipment sitting around waiting for loads to spread the gravel.

Gravel is stockpiled as close to the project as possible so the Shire can use their own two trucks to cart to the job. Two of these projects were cement stabilised as the process uses less gravel, because what is under the bitumen surface is suitable, also less water is used in this process and it causes minimal delays to the traffic using the road. Traffic management of projects is expensive and the quicker gravel is spread and levelled, then bituminized, costs of road projects are kept down. The process for cement stabilisation is to pulverise the road first and then lay and spread the gravel

on top where needed to bring the road up to finish level. The gravel needs to be carted and spread in a short period of time so no delays are caused to traffic flows and the contractor does not charge for stand down time.

Once gravel is levelled, cement is spread and mixed in and compacted.

The gravel stockpiled at Chittering Valley Road is for the maintenance of Davis Road, and was carted while Shire trucks had a couple of day's downtime as the grader and roller were on other projects.

Question 2 What was the total cost of hiring a water carting contractor over the Christmas period to keep the road gravel at required moisture levels for Chittering Valley Rd? They didn't get back to do the seal until February 2014. Very hot January. Lots of water.

Response 2 The water contractor was not used to maintain a moisture level in the road for construction purposes, it was only required for user safety – dust suppression.

Sealing was planned for early December 2013, the Sealing contractor cancelled due to being behind and could not get back to seal the road until February. Other contractors were contacted and were also busy. For safety reasons a water truck was hired to keep the road wet to reduce dust over the Christmas period as the Shire water truck was broken down and could not be repaired until after the Christmas break. The cost for this was \$8,000. It should be noted that the Shire hires a water truck to use in conjunction with the Shire water truck to supply the required water to undertake the project due to the large distance water has to be transported.

Question 3 Why was Chittering Valley Rd reconstruction carried out when there is minimum traffic on this Rd compared to Chittering Rd south from Muchea East Rd intersection to Swan-Chittering boundary? There are 3 school buses, each way, morning and afternoon, plus heavy traffic on this route, shoulders are rutted out and tree pruning is required. Swan has fixed their section. See photo. There are loads of other photos but this one illustrates the point. It would take too long to send them all.

Response 3 Traffic counts had indicated that there was more traffic on Chittering Valley road than Chittering Road and the road surface was in need of repair. The Shires 10 year road program has Chittering road as the main road to receive Regional Road Group funding. Due to the costs to construct roads this will be ongoing over the next ten years.

Question 4 Why was so much fill used on top of rises in work done on Chittering Valley Rd?

Response 4 As there was rock just below the surface on Chittering Valley Road and test results showed that there was only 80mm of gravel in places, the road was required to have at least 200mm of gravel before the Bitumen surface could be laid.

Question 5 Why is Davis road allowed to languish in such poor condition, when the property owner at the end of the road paid the shire to upgrade it 6-7 years ago?

Response 5 A contractor was paid to upgrade the road and this was done to a standard requested at the time. Over the last two years work has been done on Davis Road with a culvert pipe being put under the road to reduce erosion on a bend and a section gravelled last year because of a water washout. Due to the road being on steep terrain and narrow it is monitored by staff and repaired as needed.

4.2.3 Public Question Time – S Vallance – Chief Executive Officer

Steve Vallance, Muchea submitted the following questions prior to the Council meeting:

Question 1 What are the KRAs currently set for the CEO?

Response 1 The CEO KRAs are currently:

KRA 1: Leadership

- 1.1 The CEO leads by example
- 1.2 High standards of ethical behaviours are displayed
- 1.3 Competent subordinates are employed and developed
- 1.4 The creative ideas of employees are encouraged and developed

KRA 2: Working with Council

- 2.1 The CEO contributes constructively to the Council meeting process.
- 2.2 The decisions of Council are implemented in accordance with Council directions
- 2.3 Councillors have an appropriate level of access to the CEO
- 2.4 The concerns of Councillors effectively and professionally managed
- 2.5 Council is provided with appropriate information and advice on relevant statutory requirements.

KRA 3: Working with External Groups

- 3.1 The organisation reflects a customer service oriented modus operandi
- 3.2 The community is provided with relevant and timely information and access regarding Council policies, procedures and decisions.
- 3.3 Effective working relationships with State and Federal Government agencies.
- 3.4 Effective working relationships with the public.
- 3.5 Implement the objectives of Council's Strategic Community Plan.

KRA 4: Financial Management

- 4.1 Longer term financial forecasting occurs and assists with Council's planning processes.
- 4.2 Implementation of long term Asset Management strategy.

KRA 5: Organisation Management

- 5.1 Organisational arrangements are in place so as to ensure the Council programmes and statutory requirements are achieved.
- 5.2 Senior managers are appropriately delegated and empowered to achieve their functional objectives to the satisfaction of their customers.
- 5.3 Corporate planning to allow the achievement of operational objectives.

Additional significant projects for this year

- Construction of Multi-purpose Health Centre
- Redevelopment of Binda Place, Bindoon
- Development of the Independent Living Units project & site.
- Completion of Council's subdivision at Lot 62 Great Northern Highway, Bindoon
- Feasibility Study for a district sporting facility

- Completion of the Bindoon Town Hall renovations
- Implementation of the Kerbside household rubbish & recycling collection service
- Review of the Shire's Corporate business plan
- Continue negotiations with Water Corporation for improved water infrastructure

Question 2 What were they last year?

The same KRAs as above 1 – 5 applied

Completed significant Projects

- Commencement of a rating strategy over 24 months.
- Development of Business Plan for Lot 62 Residential sub-division – completed.
- Extension to current Medical centre (Bindoon)
- Investigate the development of a reticulated deep sewer system in Bindoon – feasibility study/business. - Option for its implementation currently being explored.
- Develop a business plan for the redevelopment of Binda Place – concept commenced; however funding was withdrawn, so project was put on hold for a year. Stage 1 to commenced 2014/15 financial year.
- Develop a business plan & secure necessary funding for the Bindoon Multi-purpose Medical Centre. Secured over \$1.89 million in external funding for the project. Construction will commence 28/07/14.
- Oversee the development of a Community Infrastructure Plan – currently in draft form, work in progress.
- Development of the Integrated Strategic Plan – Completed
 1. Strategic Community Plan (10 year vision)
 2. Long Term Financial Plan (10 year)
 3. Asset Management Plans
 - a. Infrastructure – 10 yr roadwork's program
 - b. Buildings – 10 yr. maintenance program
 - c. Plant & Equipment – develop plant replacement program (10 yr).
 4. Workforce plan
 5. Corporate Plan
- Oversee the implementation of the Scheme amendment for the Muchea Employment Node – currently being advertised.
- Rezoning of lot 7 Muchea Road East to Industrial – WAPC placed on hold until MEN was dealt with first.
- Development & implementation of Local Emergency Management Plan - completed
- Development & implementation of Local Recovery Management Plan – completed
- Develop Shire of Chittering - Community Sport & Recreation Plan – completed
- Business Risk Management/Recovery Plan – completed
- Review & Implementation of Disabilities & Services Inclusion Plan – current plan has expired. – completed
- Commence the development of a long term Health Plan in conjunction with WA Country Health Services – work in progress.

Question 3 What is the total cost of the CEO to ratepayers in the current year, including all extras such as car, super, long service leave provisions and whatever else?

Response 3 CEO Salaries are set in accordance with recommended ranges provided by the Salaries and Allowances Tribunal (SAT).

Section 7A of the Salaries and Allowances Act 1975 ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') at intervals of not more than twelve months to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".

SAT has determined the Shire of Chittering to be a level 3 band (\$154,045 - \$252,917)

Question 4 Why would you award a pay rise approximately double the rate of the growth in the economy for a merely satisfactory performance?

Response 4 The increase was felt appropriate to bring the CEO's salary in-line with industry expectations for the role as the starting salary was originally set at the lower end of the CEO banding which is set by the Tribunal to allow for recognition of satisfactory performance to be rewarded.

The term satisfactory performance was used as it was felt appropriate language to reflect that the CEO had met the required standards set to receive a pay rise.

All Councillors were asked to completed a CEO performance review survey against the KRA's (6 out of 7 completed) of which resulted in the following assessment;

A survey consisted of 32 questions (KRA); the measure used was "Agree", "Disagree" or "Not Sure". Provision was also made to provide written feedback for each question/KRA any comments made by Councillors were discussed with the CEO.

(192 responses/189 responses) = 98% agree KRA had been met

(192 responses/3 responses) = 2% not sure KRA had been met

Based on this process the CEO Performance Working Group recommended to Council that a 5% increase was appropriate.

Question 5 Since he appears to have been awarded a rise in advance for next year can we be assured that a satisfactory performance this year won't result in another pay rise?

Response 5 The CEO's performance is reviewed annually in accordance with his contract and a decision in relation to any increment (if any) is made at that time.

4.2.4 Public Question Time – D Barnard – Targa West

David Barnard, Lower Chittering submitted the following questions prior to the Council meeting

Question 1 Chittering Shire Council voted by 4:3 to allow an event posing an unmanaged risk rating EXTREME. In this context AS/NZS ISO 31000, the relevant “Standard”, requires this rating when:-

- a. “OH&S Risk Classification 5 = Catastrophic - Permanent and severe disablement; Fatality”
- b. “Likelihood A = Almost Certain”, (of Permanent and severe disablement; Fatality)
- c. LDIS advised our Local Authority that *there are still ten high and significant risks remaining*. The purpose of the Standard is to *prevent* catastrophic outcomes before they happen and its requirements must be properly met before the QTW is granted approval to proceed with the event.

The Standard explains unequivocally that EXTREME RISK is “Unacceptable risk. HOLD POINT. Work cannot proceed until risk has been reduced.” Clearly, the “work” in this case is processing the QTW Planning Application. Council’s attention was drawn to this both by email and also verbally at the Council Meeting on 25/06/14.

Why was the Targa West Planning Application allowed to proceed when the Standard requires a hold point to be observed?

Response 1 Condition 3 of the recommendation required that the Risk Management Plan be assessed by an independent risk consultant which has resulted in the Plan being rewritten. The new plan is yet to be reassessed by LGIS Risk Management.

Question 2 As minuted, some three weeks ago at the meeting on 25/06/14 I asked Council to state in terms of the hazard death or serious injury, what level of risk as defined in AS/NZS ISO 31000:2009 is Council prepared ~~are~~ prepared to allow. In the council Officer’s Recommendation to allow the Targa West Rally what is the answer?

Response 2 A response was provided to this question by mail on the 14th July 2014:
“The Event Manager has been informed of the short comings within the Event Risk Management Plan for rectification prior to event approval.

It is recognised that motor sport is inherently dangerous and the Shire, in collaboration with event stakeholders, is seeking assurances from the Event Manager that reasonable measures will be implemented aligned with relevant legislation, standards, codes of practice, guidance notes and best practice to manage the level of risk to a tolerable level.”

Question 3 Is there any reason why landholders and residents should not be afforded the same very low level of exposure to danger that could result in death/injury/damage from passing road traffic that they have come to expect during the course of their day-to-day occupation of Rural Residential property that they purchased?

Response 3 Based on the survey results the majority of landholders that are most impacted by the road closures are in favour of the event. This was evidenced by the 63 signature petition from property owners along the proposed course, and the 70% support received in the community survey.

The actual event will be conducted over three hours, with one hour involving competitor participation.

Question 4 Application signed by the LA for road closure and for temporary suspension of the (reckless driving) s.60 RTA 1975 should be submitted not less than three months prior to the Targa Rally event. The application form states that under section 97(b) RTA 1974 it is an offence to wilfully mislead a person in any particular likely to affect the discharge of that person's duty under the Act.

Can the CEO provide assurance that the application makes reference to the fact that permission given to Targa West to hold a Rally was given on the basis that Risk of death and injury to spectators remains unmanaged at extreme?

Response 4 As mentioned above in response to question (1) the plan has now been rewritten and is subject to reassessment by LGIS Risk Management.

Whilst many risks can be assessed and treatments provided, it is not possible to state that all risks associated with the event can be effectively controlled/mitigated, simply for the fact that if someone chooses to watch the event they must make their own risk assessment as to the likelihood and consequences of their decision.

Question 5 Chittering Local Authority joined in with Targa West to conduct a "RESIDENTS SURVEY" stating that the survey would be "monitored by representatives from the Shire of Chittering and Targa West". Only 129 were in favour of the event proceeding out of a population of 1,558 people (ABS 2011-quick stats): that is 8.25% using the same basis that the later Submissions from Landholders was analysed by the Council. No information was provided about the repeated high fatality rate that has occurred in Targa Rally events in Australia nor of the highly dangerous life-threatening incidents – at least six in Chittering - that had happened in previous years.

Do you believe that the survey was conducted in a responsible manner and was fair to the people of Chittering?

Response 5 Yes, for the residents of Lower Chittering who are directly impacted by the event, the survey was not sent to all residents in the Lower Chittering area, only 454.

The survey undertaken by Targa West which showed a 40% (180/454) response rate, which is one of our higher response rates for a community survey, a total of 180 responses were received, with 71% (129/180) supporting the event and 20% (37/180) against, the balance not concerned either way.

Question 6 Will the updated risk assessment be provided to landowners?

Response 6 The Chief Executive Officer advised that he will investigate this as the document is not ours.

Question 7 Has form 1 been submitted?

Response 7 Form 1 was submitted in April 2014. The amended form was signed after the last Council meeting and submitted to the Police Commissioner.

The Shire President advised Mr Barnard to contact the Targa West directly in relation to this.

Question 8 Can this be investigated as I have been told that the form has not been submitted to the Police Commissioner as yet? Is the form available for public inspection?

Response 8 The Chief Executive Officer advised that the form may be available via a Freedom of Information request and that he cannot advise if the form has been submitted to the Police as it is not a Shire process.

4.2.5 Public Question Time – C O’Neil – Economic Development Strategy and Shire Budget

Clint O’Neil, Lower Chittering asked the following questions at the Council meeting

Question 1 Can Council identify how many of the 2002 economic development strategy recommendations have been successfully implemented to the benefit of the community?

Question 2 It is my understanding that the Shire has engaged a consultant to produce a developer contribution plan for the Shire. It is also my understanding that the State Government has made funds available for infrastructure developments, administered through the various development commissions.

Is the DCP advanced enough for the Economic Development Officer to submit an infrastructure development funding application to the Wheatbelt Development Commission to support and advance the infrastructure requirements of the identified strategic Muchea Employment Node, consist with item 5.9?

Question 3 Item 4.2.7 of the strategy makes specific reference to “the Shire of Chittering developing water infrastructure investment plans with the Water Corporation and Department of Water”

Whilst recognizing that Water Corporation has existing ‘at capacity’ water service infrastructure, servicing customers within the non-exclusive Bindoon-Chittering operating area, is Council proposing to exclude existing, potential water service providers from entertaining water infrastructure investment plans for the provision of water supply services within the Shire by its proposed action?

Question 4 It would appear that all ratepayers received a letter dated 14 July 2014 from the Shire making reference to compulsory curbside waste collection, incurring a fee of \$310pa.

As the Shire administers the relevant Act and has identified specific zones on the map supplied, has the Council by this method introduced a differential rating system for various ratepayer groups within the Shire?

Question 5 If the compulsory payment is classified as a differential rate, is Council also proposing to introduce a differential rating system for agricultural businesses operating in agricultural resource zones and introduce a new commercial/industrial rating classification?

Response The Shire President advised that the questions are taken on notice and a written response will be provided.

4.2.6 Public Question Time – S Vallance – Economic Development Strategy and Shire Budget

Steve Vallance, Muchea asked the following questions at the Council meeting:

Question 1 Is this an acceptable attitude for the Shire to take to the community's assets?

Local planning policy No 2 Muchea Village:

Point 4.5 page 33. Policy: To consider the use of Lot 20 (Reserve 9213) for community purposes including aged accommodation, recreation in the form of a playground of other compatible uses.

Question 2 Previous councils considered it a community asset and with so little recreation land available in the Shire why is it not so considered now?

Question 3 With parking so limited, Archibold Street now a major thoroughfare and vehicles parked up and down the road on weekends, would it not be a good idea to develop some of this land for parking on the much quieter Carl Street?

Question 4 Can the Shire of Chittering write to the department of lands requesting the vesting of the management order on reserve 9213 with the Shire of Chittering for its care, control and management under sections 3.5.3 and 3.5.4 of the local government act and in accordance with our own policy?

Response The Shire President advised that the questions are taken on notice and a written response will be provided.

4.2.7 Public Question Time-S Vallance – Shire Rates

Steve Vallance, Muchea asked the following questions at the Council meeting:

Question 1 We have a proposal to increase rates by an alleged 6% + again this year. How much is that % if the extra rubbish impost is included?

Question 2 Why cannot Chittering join reality and peg rat increases to a maximum of the inflation rate? Belmont did. We are well beyond value for money for the great majority of residents.

Question 3 Is it the case that a "compliance officer" is provided for in this budget? How much would this cost?

Question 4 Why would less money have been allowed in this budget for planning legal costs when they would obviously go through the roof once we had a “big brother” picking nits for all us all over the Shire?

Question 5 Why is it that the shire of Chittering with a pop of 3520 will require 4 town planners (if we get a “compliance officer”) + staff to administer it while Gingin with a pop of 4500 has 2 and Swan with 120 000 people has 15?

Question 6 What are the push up, covering and cell building costs of the two rubbish tips?

Question 7 Will Council reject this budget tonight on the grounds that it is unsustainable and must be brought into line with Community standards?

Response The Shire President advised that the questions are taken on notice and a written response will be provided.

4.2.8 Public Question Time –B Rogers – BFAC Notification

Bob Rogers asked the following questions at the Council meeting:

Question 1 Why was not BFAC consulted before this Memorandum of understanding with DFES, which effectively dismissed Dennis Badcock as Chief FCO, was put to council and voted on in March this year?

Question 2 Do you realize that Mr Badcock was half way through a two year term to which he had been duly and democratically elected unopposed by his peers on a shire appointed board?

Question 3 Why was not Mr Badcock and the BFAC committee of this council given the courtesy of prior notice and advice of this move and why was due process not followed?

Question 4 Why were they not consulted, which is their role, about the suitability of this MOU?

Question 5 Does Council realize that no attempt was made to inform Mr Badcock of this development and he found out from a member of public days after the event?

Question 6 Do you realize that to this day Council has not recognized nor thanked Mr Badcock for his 14 years of unpaid work as Chief Bush Fire Control Officer on behalf of this community?

Response The Shire President advised that the questions are taken on notice and a written response will be provided. He further advised that Council has expressed their appreciation to the former Chief Bush Fire Control Officer and he will be rewarded at an upcoming function.

4.2.9 Public Question Time – G Belgrove – Targa West

Graham Belgrove, Lower Chittering asked the following questions at the Council meeting

Question 1 According to the data formulated by Mark Penketh, and in relation to the statements made by council in reference to the Targa West rally being safer than driving on the Great Northern Highway, it is evident that the lost time injury frequency rate on the GNH is calculated at 2 compared to a LTIFR of 147.05 Targa Australia. Making Targa West rally 71 times more likely to cause injury be it to a participator or spectator than you are if driving on the GNH.

Question 2 When making such remarks are the councilors merely “shooting from the hip” or are you making statements and decisions based on sound scientific, engineering and economic advice?

Response The Shire President advised that the questions are taken on notice and a written response will be provided.

4.2.10 Public Question Time – L Martin, Bindoon Rates Enquiry

Lee Martin, Bindoon asked the following questions at the Council meeting

Question 1 The level of rates increase is extravagant. Senior Citizens have had a Government cut back will Council also consider a cut back?

Response 1 Council offers a pensioner and senior concession under the Rates and Charges (Rebates and Deferrals) Act and is funded by the Government of Western Australia. No concessions have been provided for in the 2014-2015 budget.

Question 2 Bindoon hall has had a lot of money spent on it, will the asbestos on the inside and outside be removed?

Response 2 The Chief Executive Officer advised that all exposed and broken asbestos on the inside of the building will be removed and disposed as required. All asbestos on the interior will be replaced and there will be no risk of asbestos exposure. He further advised that the Bindoon Hall has been funded by a Lottery West Grant.

4.2.11 Public Question Time –N Hunt – Rubbish Collection

Nigel Hunt, Maryville Downs made the following statement at the Council meeting

I paid my rates 10 days ago. I moved here to leave the urban area and am disgraced at having to pay more in my rates for rubbish. I received a 5pm call from the Shire of Chittering 8 days after I called and left a message. I am disgraced I did not receive a letter in regards to rubbish collection. If I wanted rubbish removal I would go back to the city. Muchea dump is a disgrace, as I get abused.

4.2.12 Public Question Time –D Badcock – Targa West Lower Chittering

Dennis Badcock, Bindoon asked the following questions at the Council meeting

Question 1 Have local Emergency Services been contacted and consulted in regards to the Targa West including Brigade event? Ambulance and Fire. As the CBFCO I was not contacted and as a member of the local Ambulance Centre I believe they have not been either.

Response 1 Deputy Shire President advised that local Fire Brigade have been contacted and will be on call on the day.

Question 2 Upon lockdown how do Emergency Services get in to restricted areas? Or Ambulance officers get to the sub centre?

Response 2 The Deputy Shire President advised that Targa West has agreed to help in any Emergency and will have doctors on-site at the event.

The Shire President advised that he will verify the procedure.

4.2.13 Public Question Time –G Donaldson - Rates

Graham Donaldson, Bindoon made the following statement at the Council meeting

I have been paying rates for 58 years no one consulted the public in regards to the rates. It worries me to see this council put up above CPI. I think the Council can do better.

4.2.14 Public Question Time – G Belgrove – Targa West

Graham Belgrove, Lower Chittering asked the following questions at the Council meeting

Question I read on the Chittering website that the Targa West Rally will be in Bindoon next year, are the Council aware of this?

Response The Chief Executive Officer advised that Council are aware of the error and have asked for it to be corrected. No approval has been given for a Targa West event to Bindoon in the future.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Application for Leave of Absence – Cr Norton

6.1 COUNCIL RESOLUTION - 010714

Moved Cr Mackie / Seconded Cr Clarke

That Councillor Norton be granted a leave of absence for the 20 August 2014

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 25 June 2014

7.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 020714

Moved Cr Rossouw / Seconded Cr Gibson

That the minutes of the Ordinary meeting of Council held on Wednesday, 25 June 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Amendment to Planning Conditions – M1920 Great Northern Highway, Muchea*

Applicant:	Westmore Corporation
File ref:	A3263
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Simple Majority
Documents table:	Nil
Attachments:	1. Proposed application – Glass Processing

Background

On 20 May 2014, Council received correspondence from the Department of Environment Regulation seeking Council's comments in regards to a Works Approval on Lot M1920 Great Northern Highway, Muchea.

Council's Planning Services responded stating that it had no objection, subject to the approval being consistent with the planning approval granted to the property on 8 December 2008, which was for Construction and Demolition Recycling and Inert Landfill Facility.

The Works Approval requested by Westmore Corporation is for a licence amendment to allow it to operate a crusher and associated activities at its Muchea Landfill site relating to the recycling of glass and other fine material from waste processing facilities.

The proposed activity is to process waste glass and other fine residual materials into recyclable products, with only a small percentage of the material being sent to a Class II landfill facility. The proposal entails the feedstock material to be delivered to site and tipped near the processing equipment. The material will either be processed immediately or to be stockpiled until approximately 500 tonnes of material has been accumulated which is equivalent to 3 to 4 day's deliveries. The process involves the crushing (grinding) and screening the secondary waste treatment facility to remove glass, sand and stones (earth, concrete or brick) fragments from the waste residue, which is ground down to a suitable size to be used as construction material. In addition, a pre- screening operation of one of the input products produces a sand/fine organic product that is used for rehabilitation purposes. The remaining residue is separated from the crusher and screened products and subsequently removed from site to a Class II landfill. None of the material associated with the proposed processing operation will be land filled on site.

Two of the conditions on the current approval would not be consistent with the proposed Works Approval, namely conditions 4 and 21 which read as follow:

Condition 4 - "Any putrescible (or other) waste not falling within the waste permitted to be buried on-site is to be separated and taken off-site within 24-hours of its arrival on-site and deposited at an appropriate alternative facility."

The proposal is to process the material delivered on site and stockpiled until approximately 500 tonnes have been accumulated (which takes 3 to 4 days deliveries) before it can be process for grinding and screening so as to remove the glass, sand and stones before crushing to suitable size for construction

material. The 24 hours taken off-site requirement would apply to putrescible waste however would not be consistent with the proposal as this would require a longer period of time to be stored on site (10 days) before processing and removal from site.

Condition 21 - *"Crushing is only to occur in the area within the bunds and identified for crushing on the plans submitted for approval."*

The proposal is to have the crushing of materials to be undertaken on the landfill surface as this area is lower and will have less visual and acoustic impact. The initial phase would be to undertake the crushing of materials on the landfill location and once the landfill site has been consumed by waste, the crusher will be moved to the approved area. Condition 21 as it stands will not allow the proposal to be carried out in the proposed area and therefore requires modification to this condition.

The applicant is seeking Council's consideration in amending these conditions to allow it to undertake the works as this was not included in the original application.

Consultation

The EMDS had a number of discussions with the Department of Environment Regulation and the applicant regarding this proposal. Council's Solicitors in McLeods has been consulted regarding the proposed changes to the conditions of approval and possible implications and raised no objection to the modifications.

Statutory Environment

State – *Planning and Development Act 2005*

Local – *Shire of Chittering Town Planning Scheme No 6*

8.3 Amending or Revoking a Planning Approval

The Local Government may on written application from the owner of land in respect of which a Planning Approval has been granted, revoke or amend the Planning Approval, prior to the commencement of the use or development subject of the Planning Approval.

The subject land falls within the Landscape Protection Area, Basic Raw Materials and Military Consideration Special Control Area.

Policy Implications

State – *Statement of Planning Policy no 2.4 "Basic Raw Materials"*

The objectives of the Policy are:

- *To identify the location and extent of known basic raw material resources.*
- *To protect Priority Resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future exploitation.*
- *To ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction.*
- *To provide a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.*

Financial Implications

Nil

Strategic Implications

Local: *Shire of Chittering Local Planning Strategy*

10.3 Basic Raw Materials Extraction Areas

The intent is:

- *To provide appropriate buffer areas in accordance with State Government and local policies and legislation to both protect the workings of extractive industry sites and protect any residences, agricultural development and tourism from adverse effects of noise and dust emissions.*
- *Not to support new development within any identified buffer areas which may be detrimental to the efficiency of the industries and the issues of basic raw material requirements at the local, regional and State levels.*
- *In relation to Greenfield site applications for extractive industries, to protect existing residences and approved developments by ensuring that all buffer areas are designated so as not to encroach detrimentally on existing authorised developments.*

10.5 Land Refuse (Sites)

There are two waste management sites in the Shire – one in Bindoon on Crest Hill Road and the other in Muchea on Wandena Road.

Both sites require buffer areas to provide adequate setbacks because of dust, noise and odour issues.

In both cases there is a shared buffer with nearby extractive industries.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

There are no known Economic Implications associated with the proposal.

Social Implications

There are no known Social Implications associated with the proposal.

Environmental Implications

There are no known Environmental implications associated with the proposal.

Comment

The applicant provided the following amendments to planning conditions 4 and 21 in order to allow the proposed glass recycling to be undertaken as an amendment to the Works Approval to the Department Environment Regulation.

The proposed amendments (in bold lettering) are as follow:

Condition 4 - “Any putrescible (or other) waste **delivered to site for the intention of landfilling** not falling within the waste permitted to be buried on-site is to be separated and taken off-site within 24-hours of its arrival on-site and deposited at an appropriate alternative facility. **All material delivered to site for processing and subsequent removal is to be processed and taken off-site within 10 days of its arrival on-site and recycled or deposited at an appropriate alternative facility.**”

This will allow the applicant sufficient time for materials handling between waste delivered to site for land filling and materials to site for processing and subsequent removal.

Condition 21 - *“Crushing is only to occur **on the landfill surface or in the area within the bunds and identified for crushing on the plans submitted for approval.**”*

According to the applicant the benefit of operating on the landfill surface includes:

- Existing flat area and no additional site disturbance required.
- Stormwater is already diverted away from the landfill and no additional stormwater management is required.
- The landfill surface is lower than the nominated external crushing area resulting in less noise and visual impact.
- Operating within the existing void negates the need to construct a full 6m high perimeter bund as the operation would be carried out within existing landfill void, below natural ground level. There will still be effective bunding of 6m high around the glass processing operations; however some of this will be achieved by the batters of the existing clay void.

Other requirements as specified in the conditions of approval will remain and will be required to be complied with such as noise levels in accordance with the relevant legislations.

Given that the proposal is consistent with the current approval and that the amendments proposed is consistent with the intent of the conditions, it is recommended that Council support the proposed amendments to conditions 4 and 21 of the Planning Approval granted on 8 December 2008.

9.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 030714

Moved Cr Rossouw / Seconded Cr Gibson

That Council supports the proposed amendment to conditions 4 and 21 of the Planning Approval granted on 8 December 2008 in regards to the proposed Construction and Demolition recycling and Inert Landfill facility at Lot M1920, Great Northern Highway, Muchea as follow:

- 1. Amending condition 4 to read - *“Any putrescible (or other) waste delivered to site for the intention of landfilling not falling within the waste permitted to be buried on-site is to be separated and taken off-site within 24-hours of its arrival on-site and deposited at an appropriate alternative facility. All material delivered to site for processing and subsequent removal is to be processed and taken off-site within 10 days of its arrival on-site and recycled or deposited at an appropriate alternative facility.”***
- 2. Amending condition 21 to read - *“Crushing is only to occur on the landfill surface or in the area within the bunds and identified for crushing on the plans submitted for approval.”***

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.2 Request to revise Deed – Stage 11 Maryville Downs Estate, Lower Chittering

Applicant	RobertsDay
File ref	04/10/22
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Applicant's letter of request

Background

The Shire recently received a request from RobertsDay Planning consultants (Attachment 1) for Council to consider revising the Deed.

Council at its 15 May 2013 Ordinary Council Meeting resolved to support variations to the existing Deed:

That Council advise the Applicant regarding the proposed Development Plan for Stage 11 Maryville the following:

- 1. supports the variation to the Deed of Agreement to include the following;*
 - a. 10m widening of McGlew Road free of cost to Council;*
 - b. Land containing Marbling Brook to be fenced and ceded free of cost to Council;*
 - c. A cash payment to be made in lieu of the Deed of Agreement for the creation of lots 650 and 651 at Maryville into a 'Community Fund';*
 - d. Cede free of cost 10ha for Public Open Space to be made available to Council within six (6) months from the date of the approval of the subdivision of stage 11 by the WAPC;*
 - e. Cede free of cost 46ha for Public Open Space to be made available to Council within six (6) months from the date of the approval of the subdivision of stage 11 by the WAPC.*
- 2. that the Chief Executive Officer be authorised to negotiate with the developer on Council's contribution for the construction of McGlew Road.*
- 3. that Stage 12 will be considered as a separate application once the above conditions (1) and (2) above have been satisfied.*
- 4. Authorises the Chief Executive Officer and the Shire President to sign and affix the Common Seal incorporating the above conditions into the Deed of Agreement.*
- 5. All costs associated with the Deed of Agreement shall be borne by the Applicant.*

Following Council's resolution the owner Bernville Pty Ltd has contributed \$20,000 for the 'Community Fund' required in 1c above and lodged the Deposited Plan for subdivision clearance to cede the 10ha Public Open Space to the Shire as required in 1d above, to which the Shire has signed and awaiting the creation of the Certificate of Title from Landgate. RobertsDay, on behalf of the owner, and the Shire have also negotiated acceptable terms of the contribution to the construction of McGlew Road which have been agreed to be inserted into the Deed.

As mentioned in the letter (Attachment 1), RobertsDay are seeking the variations to the Deed to be revised to:

1. Reflect the completion of 1c and 1d as per Council's Resolution from the 15 May 2013 OCM by removing them from the revised Deed;
2. Remove the provision requiring the ceding of the 46ha Public Open Space lot within a 6 month period from the Deed to retain it as the condition of subdivision approval of Stage 11; and
3. Insert new clauses into the Deed which outlines the contributions of the construction of McGlew Road as negotiated as per condition 2 of Council's Resolution from the 15 May 2013 OCM.
4. Amend the standard of construction for McGlew Road as discussed with the Shire to allow swale rather than piped drainage.
5. Include the upgrade of the McGlew and Muchea East Road intersection.

Consultation

Chief Executive Officer

Executive Manager Development Services

Executive Manager Corporate Services

Mcleods Barristers and Solicitors have been briefly consulted relating to the revisions of the Deed and its preparation.

Statutory Environment

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

Policy Implications

Execution of documents

Financial Implications

The inclusion in the Deed of a road contribution by the Shire of up to a maximum of \$80,000 or 10%, whichever is lesser. Provisions have been made in Council's 2014/15 Budget.

The Applicant bears all costs associated with the Deed.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic Implications

There are no known significant economic implications associated with the variations to the Deed.

Social implications

There are no known significant social implications associated with the variations to the Deed.

Environmental implications

There are no known significant environmental implications associated with the variations to the Deed.

Comment

It is considered the revisions to the Deed are appropriate following what has taken place since Council's last consideration of the Deed.

Community Fund

The Developer has paid the Shire a total of \$20,000 for the purposes of the 'community fund' required in the Deed when the land is subdivided. The Stage 11 lot has been subdivided (to separate Stage 11 and Stage 12 parcels) resulting in the creation of 2 lots. The Deed required \$10,000 per lot; hence the \$20,000 contribution which meets this requirement and removes the need for it to remain in the Deed.

McGlew Road

The Deed includes a section that sets out the standard of road construction of McGlew Road. Council's last consideration to variations of the Deed at the May OCM resulted in Council's support for negotiations to take place regarding the Shire's contribution to the construction of McGlew Road. The Developer and Shire have now negotiated contributions for the road construction. It was agreed the Shire would contribute up to 10% of the cost, but not exceeding \$80,000 and the Developer would contribute the remainder of no less than 90%.

A small amendment to the standard of road construction has also been requested. The Shire's Technical Services department have advised swale drainage is acceptable. During these discussions the Shire have requested the Muchea East Road intersection upgrade be included in the Deed.

Should the Deed of Agreement be amended as per the Officer's Recommendation, the Development Plan for Stage 12 of Maryville Downs can then be considered by Council.

9.1.2 OFFICER RECOMMENDATION

Moved Cr Douglas / Seconded Cr Mackie

1. That subject to Council receiving the certificate of titles for the 10ha POS site, Council endorse the following modifications to the Deed of Agreement dated 27 October 2008 for Stage 11 of Maryville Downs Estate:
 - a. Remove 'Clause 7 – Payment of Contribution for Community Fund'.
 - b. Amend 'Clause 1 – Ceding of Land for POS/Conservation Area' requiring the 46ha Public Open Space lot to be ceded as a condition of the subdivision (first stage) of Stage 11.
 - c. Insert the negotiated details relating to the contributions for the construction of McGlew Road, more specifically the Applicant funds no less than 90% and the Shire funds up to 10%, but no more than \$80,000.
 - d. Amend 'Clause 6 – Standard of Construction of Road' to be swale drainage rather than piped drainage and include the upgrade of the Muchea East/McGlew Road intersection.
2. Council Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement with the modifications set out in 1 above.
3. All costs associated with the Deed of Agreement shall be borne by the Applicant.
4. Council advises the applicant of the above.

COUNCILLOR MOTION/COUNCIL RESOLUTION - 040714

Moved Cr Rossouw / Seconded Cr Gibson

That item 9.1.2 lay on the table until the applicant has submitted the certificate of titles for the 10ha POS site.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.3 Proposed Development Plan and Subdivision (WAPC 149632) – Lot 2D22550 (RN 262) Maddern South Road, Chittering*

Applicant	Land Insights
File ref	18/07/8; 18/03/93; A11483
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	1. Land Capability – Geotechnical Assessment report 2. Development Plan Report
Attachments	1. Locality Plan 2. Proposed Development Plan 3. Schedule of Submissions 4. Original Proposed Development Plan 5. Hydrology Plan 6. Vegetation Protection Areas 7. Draft Post BAL Assessment Plan

Background

Council is requested to consider the proposed Development Plan and subdivision for Lot 2D22550 (RN 262) Maddern South Road, Chittering.

The subject property is zoned Rural Residential permitting the subdivision of lots ranging in size from 2-4 hectares, given no reticulated water supply is available. Therefore, the Applicant has submitted a Development Plan (WAPC) application concurrent with a subdivision application to the Western Australian Planning Commission. Subdivision approval can only be granted once the Development Plan is endorsed.

The subject property is 45.3 hectares in size located approximately 10km North East of Muchea Townsite. The property is undulating with a steep ridge located to the North East. Vegetation has been predominantly cleared with natural remnant vegetation existing along the steep ridgeline (refer to Attachment 4 Proposed Development Plan).

In brief the Development Plan proposes the following:

- Total of twenty (20) Rural Residential lots ranging in size from 2-2.7 hectares; and
- A 25m wide road reserve;

Council has also been referred the subdivision application for the opportunity to provide comment to the Western Australian Planning Commission.

Consultation

The Development Plan application was advertised for a period of twenty one (21) days in the following ways:

- Letters to likely affected landowners;
- Letters to relevant agencies;
- Advertising sign at property; and
- Advertisement in the Advocate newspaper.

Within this period a total of nine (9) submissions were received, three (3) public submissions and six (6) agency submissions (refer to Attachment 3). Local Government is not required to undertake public consultation for subdivision.

The proposal was referred to the Shire's Executive Manager Technical Services (EMTS) to obtain advice regarding access and road layout of the proposal. The advice has been incorporated in the comments section of this report. The Shire's Community Emergency Services Manager (CESM) was also consulted regarding the fire management and hazard of the site which has been incorporated in the Comments section.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned 'Rural Residential'. The objectives of this 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.*

Clause 5.8.1 of the Scheme makes a requirement for a Development Plan to be prepared in accordance with Council Policy to be endorsed by both Council and the WAPC. Subdivision is to be in accordance with the endorsed Development Plan.

Shire of Chittering Delegated Authority Register DA47 Subdivision

The proposed subdivision is greater than five (5) lots and therefore there is no delegated authority to determine the application.

Policy Implications

Planning for Bush Fire Protection Guidelines Edition 2

The following 5 principles underpin the guidelines:

Principle 1:

Bush fire hazards must be considered in planning decisions at all stages of the planning process to avoid increased fire risk to life and property through inappropriately located or designed land use and development.

Principle 2:

Local governments are to identify bush fire hazard levels in their structure plans, local planning strategies and local planning schemes, based on the bush fire hazard assessment methodology in the guidelines. A detailed assessment is to be undertaken to review the accuracy of a 'broad brush' assessment, as a basis for determining land use and zoning for specific development proposals. The advice of FESA is to be sought in this regards.

Principle 3:

Subdivision and development in areas with an extreme bush fire hazard level or a bush fire attack level between BAL-40 and BAL-FZ, is to be avoided unless certain fire protection requirements can be implemented to the satisfaction of the WAPC, FESA and/or the local government.

Principle 4:

In areas with an extreme bush fire hazard level where more intensive subdivision/development, such as residential, rural-residential, hobby farms, tourist and industrial developments, is considered unavoidable, permanent hazard reduction measures need to be implemented to the satisfaction of the decision-making authorities (i.e. FESA, the WAPC, and/or the relevant local government) to reduce the hazard level to low or moderate or bush fire attack levels between BAL-Low and BAL-29.

Principle 5:

Structure plans, subdivision and development in areas with a moderate to extreme (or BAL-12.5 to BAL-FZ) bush fire hazard level needs to be supported by an assessment of the bush fire risk and compliance with the performance criteria and acceptable solutions set out in these guidelines. If such development cannot achieve compliance with the performance criteria and acceptable solutions, any alternative acceptable solutions have to be jointly endorsed by FESA, the WAPC, and the relevant local government.

The following guidance statements relate to Development Plans (Structure Plans):

2.3 Guidance statements for strategic plans, planning strategies, planning schemes, planning scheme amendments and structure plans

Guidance statement A1 - Bush fire hazard assessment and analysis required:

Unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:

- include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in appendix 1 of these guidelines;*
- identify any bush fire hazard issues arising from that assessment; and address those issues, in accordance with the general principles that underpin these guidelines, in a statement or a report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.*

Guidance statement A2 - Areas with extreme bush fire hazard levels:

Any change of zoning/planning provisions or design resulting in the introduction of, or an intensification of, development in an area that has an extreme bush fire hazard level will normally not be approved.

Guidance statement A3 - Areas with extreme bush fire hazard levels where the introduction of, or intensification of land use is unavoidable:

Any new proposals or proposed land use, zoning or design change that will result in the introduction of, or an intensification of development in an area that has an extreme bush fire hazard level, but which are considered unavoidable, will only be approved where it can be demonstrated that acceptable, permanent hazard reduction measures can be implemented at some subsequent stage in the planning process to reduce the hazard level to an acceptable level, and that the development can be undertaken in accordance with the general principles and building construction standards that underpin these guidelines. This may include an appropriate building protection zone, hazard Item 9.1.8 Attachment 2 separation zone and construction to an appropriate standard as specified in AS 3959 and as supported by a satisfactory risk assessment and analysis.

Guidance statement A4 - Areas with moderate fire hazard levels:

Any new proposals or proposed changes of zoning or design that will result in the introduction of, or an intensification of, development in an area that has a moderate bush fire hazard level will only be approved where the development can be undertaken in accordance with the general principles that underpin these guidelines. In the case of structure plans, where the bush fire hazard was addressed at the time of the zoning of the land, the information on that hazard may be re-used, if the information is still relevant.

Guidance statement A5 - Incorporating bush fire hazard controls in local planning schemes and local planning strategies:

Consideration is to be given to providing measures in local planning schemes and their amendments, and local planning strategies to identify bush fire hazard areas and ensure that development in these areas addresses bush fire hazard issues. Special control areas can be linked to the boundaries of the bush fire hazard areas established through a strategic bush fire hazard assessment.

Guidance statement A6 - Consult with FESA for planning matters and strategic bush fire hazard assessments:

The advice of FESA is to be sought where compliance with the guidelines is unlikely to be achieved or additional/alternative measures are proposed to achieve the objectives. FESA is also to be consulted to provide advice on a strategic bush fire hazard assessment and the selection of areas suitable for more intensive development from a bush fire safety point of view.

Guidance statement A7 - Referral to DEC and other decision-making authorities:

Where the land that is the subject of a new proposal or proposed changes of zoning or design that will result in the introduction of, or an intensification of, development in an area that abuts vegetated land managed by DEC or other relevant management agency, the application is to be referred to the DEC (or relevant agency) for advice, regarding the potential impact of their fire management practices on the amenity of the future occupants, prior to a decision being made by the decision making authority.

Guidance statement A8 - Matters to be taken into consideration:

In addition to the matters normally required to be taken into consideration, any advice received from FESA, the DEC (regarding potential impacts of their fire regime on amenity) or other relevant authority regarding fire management practices is to be taken into consideration before a decision is made by the decision-making authority on that application. When assessing new proposals or proposed changes of zoning or design that will result in the introduction of, or an intensification of, development that abuts land vested in the DEC, FESA will consider input from DEC on bush fire management prior to providing final advice on fire management practices to the decision-making authority.

Shire of Chittering Local Planning Policy No 32 Development Plans

Local Planning Policy No 32 – Development Plans requires the endorsement of a Development Plan prior to the subdivision of land. The Applicant has submitted a Development Plan consistent with Section 5.2 of the Policy.

Shire of Chittering Local Planning Policy No 21 Fire Management Plans

A draft Fire Management Plan has been lodged with the Proposed Development Plan. The requirement for a Fire Management Plan to be endorsed is a condition of subdivision approval. Therefore, The Fire Management Plan will be endorsed in accordance with the *Planning for Bush Fire Protection Guidelines Edition 2* and Council's *Local Planning Policy No 21 Fire Management Plans* should the WAPC approve the proposed subdivision. The Draft Fire Management Plan has been referred to the Shire's Community Emergency Services Manager who confirmed it is in accordance with the Guidelines

Shire of Chittering Local Planning Policy No 16 Roads and Drainage

Council's *Local Planning Policy No 16 Roads and Drainage* outlines the requirements for roads and associated drainage in regard to subdivisions. The proposed road reserve width outlined by the Development Plan is consistent with the adjoining Chittering Springs Estate and the Shire's Specification. In addition, it is considered that road drainage will be appropriately addressed through the recommended conditions of subdivision approval. Otherwise the proposal is consistent with *Local Planning Policy No 16 Roads and Drainage*.

Shire of Chittering Local Planning Policy No 18 Setbacks

Council's *Local Planning Policy 18 Setbacks* outlines the prescribed setbacks for the Rural Residential zone. It is noted that the location of the building envelopes on the proposed Development Plan is consistent with the prescribed setbacks.

Financial Implications

Nil

Strategic Implications*Shire of Chittering Local Planning Strategy 2001-2015*

The *Local Planning Strategy Map* identifies the subject property for future Rural Residential development.

The subject property is identified by the *Local Planning Strategy* as being located within the 'Dandaragan Plateau' Local Geographical Unit. The following of Section 6.3 is relevant to the proposal:

6.3 DANDARAGAN PLATEAU**6.3.1 Description/Location**

Major highways and rural living precincts in the central and lower part of the Shire fragment these landforms.

The arable land is generally of poor quality and mainly used for grazing with some isolated pockets of horticulture. There are extensive areas of remnant vegetation, which require consideration when assessing any application for development.

Other land uses include floriculture, basic raw material extraction (predominantly clay and gravel) and industrial land uses including Tiwest.

6.3.2 Aims

- *To retain existing natural vegetation and connecting areas to provide for biodiversity corridors;*
- *To enhance and protect the rivers, lesser flow lines and wetlands as a measure of to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria;*
- *To protect landscape values of the valley landforms from visually intrusive development or inappropriate land uses.*



The Strategy also identifies Landscape Protection as a broad issue within the Shire. The following of 7.3 is relevant to the proposal:

7.3 LANDSCAPE PROTECTION

The Chittering Valley in particular, and the majority of rural areas in the Shire, has been assessed as of highest landscape value, because of the natural landform attributes.

The Gingin Scarp is also recognised as a feature of landscape sensitivity particularly as viewed from the Ellen Brook alluvial plain.

The intent is to retain the rural character and natural features of the landform.

7.3.1 Aims

- *To retain high landscape values of the Shire by prohibiting inappropriate development and land uses in prominent locations;*
- *To enhance the landform by the application of rehabilitation measures where land degradation is evident;*
- *To prohibit the development of structures along prominent ridgelines;*
- *To apply appropriate setbacks from major and local distributor roads for all structures;*
- *To designate and protect local roads for roadside conservation;*

The proposal is consistent with the *Local Planning Strategy* in regard to Rural Residential development in the area.

Shire of Chittering Local Biodiversity Strategy

Remnant bush at the property is outlined by the Local Biodiversity Strategy as being in 'very good' condition. The general objectives of the Strategy are to identify the areas of 'very good' remnant vegetation as Vegetation Protection Areas on local structure plans.

Site Inspection

Site inspection undertaken: Yes. A site inspection was undertaken with the Shire's Executive Manager Technical Services and Community Emergency Services Manager.

Triple Bottom Line Assessment

Economic Implications

The applicant proposes an additional twenty (20) rateable Rural Residential lots which will increase the existing population threshold in the Shire. Resultantly, there will be a larger population to support the viability of goods and services provided by local business owners.

Social Implications

Three (3) public submissions were received outlining concerns in regard to the location of building envelopes, the preservation of potential nesting sites for Carnaby's Cockatoo and whether the draft Fire Management Plan (FMP) has been formally signed off by the CESM and Chief Bush Fire Control Officer. The concerns were raised in regard to the FMP due to there being no strategic fire break required around the perimeter of the development.

Environmental Implications

Comments received from the Ellen Brockman Integrated Catchment Group (EBICG) outlined the potential for the denser remnant bushland located on the steep ridge at the subject property to be suitable habitat for Carnaby's Cockatoo within larger Wandoo Trees. Concerns regarding the Cockatoo's were also raised through two of the public submissions lodged to the Shire. However, the Department of Parks and Wildlife

(DPaW), who is the statutory authority that would normally require a survey to identify Carnaby Cockatoo nesting hollows, did not raise any such concerns. DPaW outlined that they considered the proposal and any environmental impacts will be adequately addressed through the planning framework.

The EBICG outlined the removal of large eucalyptus wandoo trees should be avoided wherever possible as these trees assist in the management of soil and stream salinity by holding water in the upper catchment. In addition, the Department of Agriculture and Food outlined that the property is dominated by undulating terrain with poorer soils of deep sands and gravels which may be prone to erosion in areas.

Comment

Town Planning Scheme No 6

The Development Plan has been submitted to comply with the requirements of the Scheme to permit subdivision of the site. The property was zoned 'Rural Residential' through the adoption of the current *Town Planning Scheme No. 6*. The lot sizes depicted on the Development Plan meet the minimum lot size requirements for the zone. Furthermore, the proposal is considered to be consistent with the objectives of the zone.

Strategic Implications

Given the *Local Biodiversity Strategy* has the general objective of identifying remnant vegetation in 'very good' condition on local structure plans it is recommended that vegetation protection areas be identified on the Development Plan as per Attachment 6. The identification of Vegetation Protection Areas on the Development Plan further protects such vegetation under the provisions of *Town Planning Scheme No. 6*. Currently the Development Plan identifies all natural remnant vegetation as Vegetation Protection Areas. Given the scattered nature of some of the trees at the property it would make the Vegetation Protection Areas more clear to identify the vegetation in 'very good' condition through the legend on the Development Plan.

The aims of the *Local Planning Strategy* for the 'Dandaragan Plateau' Local Geographical Unit and broad issues of Landscape Protection can be summarised as protecting landscape values through the retention of existing natural vegetation, precluding ridgelines from visually intrusive development, achieving appropriate setbacks and protecting local water systems.

As outlined in this report the proposal has been modified in an effort to reduce clearing of remnant vegetation. In addition, remnant vegetation in 'very good' condition is recommended to be clearly identified on the Development Plan. To further protect remnant vegetation from development it is recommended a restrictive covenant be placed upon the Certificate of Title only allowing development within approved building envelopes.

The alignment of Lot 16 does not allow for a building envelope that is not located in a Vegetation Protection Area or on the edge of a ridgeline that meets the setbacks. Given the aims of the Strategy, it is recommended Lots 16 and 15 be amalgamated and the current building envelope for Lot 15 be established. Resultantly, no building envelope will be established on a prominent ridgeline. In addition, clearing will be further reduced through fewer firebreaks being required under the Shire's Fire Break Notice and the building envelope being established in larger cleared area.

All other building envelopes are in accordance with the prescribed setbacks and achieve appropriate separation as outlined by the Strategy. Separation from local water and drainage systems will be further protected through easements.

Should the modifications be made as per the Officer's recommendation the proposal will achieve a positive strategic outcome for the Shire.

Local Planning Policy No 32 – Development Plans

The Development Plan has been submitted as required by Local Planning Policy No 32 Development Plans prior to subdivision. It is considered the Development Plan will require some minor modifications to be consistent with the Policy and other matters outlined in this report. This is reflected through the Officer's Recommendation.

Consultation

Concern was raised through public submissions and the submission received from the EBICG regarding the potential for remnant vegetation at the property to contain Wandoo trees with significant hollows suitable for the nesting of Carnaby's Cockatoo. Therefore, it was recommended that these trees be exempt from clearing along with other recommended modifications to minimise clearing through revised lot and road layout.

It is difficult to require a flora survey be undertaken to identify Carnaby's Cockatoo nesting trees given the Department of Parks and Wildlife did not raise any concerns in regard to the proposal. However, the Development Plan has been modified as a result of the advertising process to minimise clearing. The cul-de-sac road location has been modified to a previously cleared location. In addition, lot layout modifications, such as lot amalgamations and boundary realignments, minimise clearing.

The EBICG also raised the issue of weed infestation. The weed is commonly known as narrow-leaf cotton bush (*Gomphocarpus fruticosus*). It was recommended that the Developer be required to completely eradicate the weed. However, there is nothing in the local planning framework to warrant this requirement. Pursuant to *Local Planning Policy 32 Development Plans*, it is recommended a provision for the management of weeds be included on the Development Plan as per Condition 1(j) in the Officer's recommendation to address the issue.

The proposed Development Plan outlines that a vegetation survey is to be undertaken prior to confirming a building envelope to "ensure no rare or endangered flora is present". A survey has already been undertaken in the Land Capability – Geotechnical Assessment report outlining no rare or endangered flora is present. Furthermore, building envelope relocations that result in increased vegetation clearing are generally not supported. Therefore the requirement to do a survey each time a building envelope is relocated is unnecessary.

In addition, a submission received outlined that a particular land owner adjacent of the proposed development was supportive of the proposal given building envelopes are not relocated closer to adjoining properties in the future. It is considered unreasonable to restrict the movement of building envelopes if proposed envelope locations comply with the local planning framework and are assessed on their merits.

Land Capability

The Land Capability – Geotechnical Assessment report lodged by the applicant recommends that no effluent disposal systems be located in the Wet Sandy Loam soil type that exists in the Central Southern area of the property and for 50 metres upslope. This has been reflected on the Development Plan, prohibiting effluent disposal in this area.

The Department of Agriculture and Food outlined that poorer soils of deep sands and gravels at the property may be prone to erosion in areas. The Department recommended that the Development Plan encourages good land management practices to protect the soils in the area which are highly vulnerable to degradation from inappropriate land uses. The Shire's local planning framework is considered to address the appropriateness of land uses on the proposed lots. The Development Plan has been modified to give further reference to this framework, such as Council's Local Planning Policies.

Roads/Access

Council's *Local Planning Policy 16 Roads and Drainage* requires 30m road reserves given the proposed roads are not located in an urban area. Currently 25m road reserves are proposed which are considered sufficient on advice from the Shire's Executive Manager Technical Services given they are constructed to the requirements of the Shire's Subdivision Guidelines. In addition, the 25m road reserves will allow seamless connection to the 25m road reserve proposed to the South of the Development.

Drainage

The Land Capability – Geotechnical Assessment report lodged by the applicant outlines the hydrology of the site, showing the existing creek lines and stormwater flow lines (refer to Attachment 5). The requirement for drainage easements is considered necessary to protect stormwater flows and retention basins/sumps that result through water management as a part of the subdivision conditions. The report recommends a minimum setback of 10m from stormwater flow lines. This is achieved through development being prohibited within the drainage easements 10m either side of the flow lines.

It is recommended that all stormwater flow lines and creek lines are shown on the Development Plan, with the appropriate easements, to the satisfaction of the Chief Executive Officer. This is to ensure that all the stormwater flow lines required for the drainage of the development are protected for that purpose and that this is outlined to prospective buyers. The applicant has failed to include one of the stormwater flow lines with the appropriate easement on the Development Plan. Therefore, this flow line should be included on the Development Plan as part of the local drainage system unless the applicant can justify otherwise. This may result in the location of building envelopes being modified to achieve the 10m setbacks from the flow lines.

The creek line at the property (refer to Attachment 2) is identified on the Development Plan with a 20m easement either side in accordance with Council's *Local Planning Policy 32 Development Plans* given the water way is identified on the *Local Planning Strategy Map*.

The Shire's Executive Manager Technical Services has advised that the steep slopes of the subject property may lead to drainage issues if the drainage system is not appropriately constructed to slow the flow. Therefore, it is recommended that an Urban Water Management Plan (UWMP) be prepared and approved as a condition of subdivision approval to address any drainage issues. The Shire's EMTS further advised that drainage can be appropriately addressed through the clearance of the subdivision condition as per the Officer's recommendation.

Furthermore, an existing dam within the wet sandy loam soils at the property has been incorporated into the proposed local drainage system to retain water from flowing through existing properties to the South. The ability of the dam to perform this function is of particular concern. Special note should be given to the dam in the Urban Water Management Plan as a condition of subdivision approval in the applicant justifying that drainage retention will be sufficient in this area.

Fire Hazard

The Applicant has provided a draft Fire Management Plan, including a bush fire hazard assessment of the site. The assessment of the site identifies some areas of extreme fire hazard, predominantly in the denser bush located along the Eastern ridge at the property. The indicative Post BAL Assessment Plan (refer to Attachment 7), which will be finalised as a condition of subdivision approval, shows all building envelopes being located in areas of BAL 29 or lower in accordance with the *Planning for Bush Fire Protection Guidelines Edition 2*. Furthermore the envelopes have been located in previously cleared areas to minimise vegetation clearing.

To ensure future proposed building envelopes comply with the Guidelines it is recommended a BAL assessment be required prior to the granting of formal planning consent for a building envelope modification.

One submission received raised concern in regard to there being no strategic fire break around the perimeter of the development. The proposal and draft Fire Management Plan was referred to the Shire's Community Emergency Services Manager (CESM). The CESM advised that a strategic fire break was not necessary given strategic fire breaks exist around the perimeter of the development within neighbouring estates.

Rural Numbering

The Shire has recommended a condition of subdivision for the supply of rural numbers to all lots. The Shire has received correspondence from the Department of Planning advising they don't support the condition. It is understood that the Department may have based this view on outdated and incorrect information stating that the Shire has an existing financial arrangement with Landgate for the supply of rural numbers. After further clarification with Landgate this was found to be incorrect. The Shire therefore retains the recommendation to include a condition requiring rural numbering is installed for all lots as part of the subdivision at the Applicant's cost. Rural numbering is installed for the purpose of emergency services, not only for St John Ambulance, but is also far more effective in the case of fire emergencies and more generally for locating properties.

Further Modifications

The proposed Development Plan requires Council approval for fences in Vegetation Protection Areas. Under Council's *Local Planning Policy 22 Fences* there are exemptions for certain types of fencing along required firebreaks and within building clearing areas. All the proposed lots will require fire breaks as they are greater in area than 2 hectares. Therefore, it is recommended that Development Provision 4 be modified to be consistent with the policy. In addition, Development Provision 4 gives reference to strategic firebreaks. As the development proposes no strategic firebreaks it is recommended that this reference is removed.

It is recommended that the following be added to Development Provision 11 'Stocking Restrictions':

"No grazing animal or stock shall be permitted in Vegetation Protection Areas."

This is recommended to outline to prospective buyers and landowners up front the requirement of Council's *Local Planning Policy 24 Stocking*. To further protect remnant natural vegetation it is recommended Vegetation Protection Areas be fenced to restrict stock access as a condition of subdivision approval. Furthermore, it achieves the aims of the *Local Planning Strategy* in restricting land uses to appropriate areas.

Furthermore it is recommended the site boundary areas (in pink) which designate the 15m boundary setback lines are removed from the legend and Development Plan to make the Plan clearer.



9.1.3 OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

1. Endorses the Development Plan for Lot 2D22550 (RN 262) Maddern South Road, Chittering subject to the following modifications:
 - a. Removal of the site boundary areas (in pink) which designate 15m boundary setback lines from the lots and legend;
 - b. Modify Development Provision 3 'Building Envelopes' to remove the following:
"prior to confirming a building clearing area a vegetation survey is to be undertaken to ensure no rare or endangered flora is present"
 - c. Modify Development Provision 3 'Building Envelopes' to add the following:
"Prior to being granted formal planning consent, any proposed building envelope modification shall require a BAL assessment to be undertaken. Building envelope modifications will not be supported where they result in increased natural remnant vegetation clearing."
 - d. Modify Development Provision 4 'Fencing' to remove the following:
"Elsewhere, no boundary fences are permitted in Vegetation Protection areas identified on the Development Plan, without consent of the Council. Where a fence crosses a strategic fire break a gate of approved design is to be provided."
 - e. Modify Development Provision 11 'Stocking Restrictions' to add the following:
"No grazing animal or stock shall be permitted in Vegetation Protection Areas."
 - f. Modify Development Provision 13 'Vegetation Protection Areas' to remove the following:
"as all naturally vegetated areas."
 - g. Modify the Development Plan to show Vegetation Protection Areas generally in accordance with Attachment 6 and include in the legend to the satisfaction of the Chief Executive Officer.
 - h. Modify the Development Plan to incorporate all stormwater flow lines required for drainage as outlined in Attachment 5, with the relevant easements, to the satisfaction of the Chief Executive Officer.
 - i. Modify the development Plan to setback all building envelopes 10m from stormwater flow lines in accordance with Council's *Local Planning Policy 18 Setbacks*.
 - j. Add the following Development Provision 17 'Weeds':
*"17. Weeds
Infestations of narrow-leaf cotton bush (Gomphocarpus fruticosus) have occurred on the estate. Where found to be present on any property there is a requirement for all construction and earth moving equipment to be washed down before leaving the area to prevent the spread of these weeds. It is the responsibility of each owner/occupier to contain the spread and, where possible, to eradicate all weeds listed."*
 - k. Lots 16 and 15 are amalgamated using the building envelope proposed at Lot 15.
2. Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan for Lot 2D22550 (RN262) Maddern South Road, Chittering.
3. Forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.
4. Advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 149632) of Lot 2D22550 (RN 262) Maddern South Road, Chittering subject to the following conditions:
 - a. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.

- b. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the local government.
- c. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
- d. Engineering drawings and specifications are to be submitted, approved to the satisfaction of the local government, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - i. lots can accommodate their intended use; and
 - ii. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
- e. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved to the satisfaction of the local government, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan.
- f. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Local Government.
- g. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in the Shire of Chittering under Sections 152 and 167 of the *Planning and Development Act 2005*.
- h. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
- i. A Fire Management Plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.
- j. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'The lot(s) is/are subject to a Fire Management Plan and Outline Development Plan.'
- k. Engineering drawings and specifications are to be submitted and approved to the satisfaction of the local government, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - i. roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly.
- l. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision, in accordance with Council's specification.
- m. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where

relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.

- n. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A mains potable water supply is not available to the lot/s.'
- o. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated sewerage service is not available to the lot/s.'
- p. Rural numbering shall be required to be supplied and installed for all lots at the Applicant's cost in accordance with the national model.
- q. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:
"No development and/or clearing of trees is to take place outside the defined building envelope(s), unless otherwise approved by the local government."
- r. A fence restricting stock access to Vegetation Protection Areas is to be constructed:
 - i. On the boundaries of the Vegetation Protection Areas as per the approved Development PlanTo protect native vegetation.

5. Council authorises the President and Chief Executive Officer to sign and affix the Common Seal to any documents necessary to clear the conditions of subdivision approval.

Advice Notes

- 1. In regard to Condition 4(a), the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
- 2. Conditions 4(e) and (f) have been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'* (Department of Water 2008).
- 3. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed. This is also adopted by Council in its Policy.
- 4. In regard to Condition 4(k), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be consistent with the approved plan of subdivision.

AMENDMENT

Moved Cr Mackie / Seconded Cr Gibson

That an Additional condition be added as follows:

That arrangements be made for a two wheel drive trafficable connection through to Wisteria Way until the road is constructed alternatively a strategic firebreak be installed along the southern boundary of the development.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

9.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 050714

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

1. Endorses the Development Plan for Lot 2D22550 (RN 262) Maddern South Road, Chittering subject to the following modifications:
 - a. Removal of the site boundary areas (in pink) which designate 15m boundary setback lines from the lots and legend;
 - b. Modify Development Provision 3 'Building Envelopes' to remove the following:
"prior to confirming a building clearing area a vegetation survey is to be undertaken to ensure no rare or endangered flora is present"
 - c. Modify Development Provision 3 'Building Envelopes' to add the following:
"Prior to being granted formal planning consent, any proposed building envelope modification shall require a BAL assessment to be undertaken. Building envelope modifications will not be supported where they result in increased natural remnant vegetation clearing."
 - d. Modify Development Provision 4 'Fencing' to remove the following:
"Elsewhere, no boundary fences are permitted in Vegetation Protection areas identified on the Development Plan, without consent of the Council. Where a fence crosses a strategic fire break a gate of approved design is to be provided."
 - e. Modify Development Provision 11 'Stocking Restrictions' to add the following:
"No grazing animal or stock shall be permitted in Vegetation Protection Areas."
 - f. Modify Development Provision 13 'Vegetation Protection Areas' to remove the following:
"as all naturally vegetated areas."
 - g. Modify the Development Plan to show Vegetation Protection Areas generally in accordance with Attachment 6 and include in the legend to the satisfaction of the Chief Executive Officer.
 - h. Modify the Development Plan to incorporate all stormwater flow lines required for drainage as outlined in Attachment 5, with the relevant easements, to the satisfaction of the Chief Executive Officer.
 - i. Modify the development Plan to setback all building envelopes 10m from stormwater flow lines in accordance with Council's *Local Planning Policy 18 Setbacks*.
 - j. Add the following Development Provision 17 'Weeds':
*"17. Weeds
Infestations of narrow-leaf cotton bush (Gomphocarpus fruticosus) have occurred on the estate. Where found to be present on any property there is a requirement for all construction and earth moving equipment to be washed down before leaving the area to prevent the spread of these weeds. It is the responsibility of each owner/occupier to contain the spread and, where possible, to eradicate all weeds listed."*
 - k. Lots 16 and 15 are amalgamated using the building envelope proposed at Lot 15.

2. Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan for Lot 2D22550 (RN262) Maddern South Road, Chittering.
3. Forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.
4. Advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 149632) of Lot 2D22550 (RN 262) Maddern South Road, Chittering subject to the following conditions:
 - a. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
 - b. To commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the local government.
 - c. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
 - d. Engineering drawings and specifications are to be submitted, approved to the satisfaction of the local government, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - i. lots can accommodate their intended use; and
 - ii. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
 - e. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved to the satisfaction of the local government, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan.
 - f. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Local Government.
 - g. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in the Shire of Chittering under Sections 152 and 167 of the *Planning and Development Act 2005*.
 - h. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
 - i. A Fire Management Plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.

- j. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'The lot(s) is/are subject to a Fire Management Plan and Outline Development Plan.'
- k. Engineering drawings and specifications are to be submitted and approved to the satisfaction of the local government, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - i. roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly.
- l. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision, in accordance with Council's specification.
- m. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.
- n. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A mains potable water supply is not available to the lot/s.'
- o. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated sewerage service is not available to the lot/s.'
- p. Rural numbering shall be required to be supplied and installed for all lots at the Applicant's cost in accordance with the national model.
- q. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:
"No development and/or clearing of trees is to take place outside the defined building envelope(s), unless otherwise approved by the local government."
- r. A fence restricting stock access to Vegetation Protection Areas is to be constructed:
 - i. On the boundaries of the Vegetation Protection Areas as per the approved Development Plan
To protect native vegetation.
- s. That arrangements be made for a two wheel drive trafficable connection through to Wisteria Way until the road is constructed alternatively a strategic firebreak be installed along the southern boundary of the development.

- 5. Council authorises the President and Chief Executive Officer to sign and affix the Common Seal to any documents necessary to clear the conditions of subdivision approval.

Advice Notes

- 1. In regard to Condition 4(a), the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
- 2. Conditions 4(e) and (f) have been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is

provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'* (Department of Water 2008).

3. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed. This is also adopted by Council in its Policy.
4. In regard to Condition 4(k), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be consistent with the approved plan of subdivision.

THE MOTION SUBSTANTIVE WAS PUT AND DECLARED CARRIED 6/1

9.1.4 Proposed subdivision WAPC 150119 - Lot 103 Gray Road, Bindoon*

Applicant	Burgess Design Group
File ref	18/03/98
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Subdivision Plan 2. Endorsed Development Plan

Background

Council's consideration is requested for the proposed subdivision of Lot 103 Gray Road, Bindoon.

The subdivision proposes 32 lots ranging between 1.45ha and 20.16ha, with the majority being in the 2ha-4ha range. 5 lots in the northern portion are 'Rural Retreat', 27 lots are 'Rural Residential' and there are 2 Public Open Space lots totalling approximately 25ha.

Council endorsed a Development Plan at its 20 February 2013 Ordinary Council Meeting. The Development Plan included provisions for the implementation of AS 3959 (Bush Fire Prone Areas), building exclusion areas to protect high conservation value areas and the identification of habitat trees for Carnaby's Cockatoo. The proposed subdivision is consistent with the Development Plan.

Consultation

N/A

Statutory Environment

State: *Planning and Development Act 2005 (as amended)*

Local: *Shire of Chittering Delegated Authority Register*
DA47 Subdivision

The proposed subdivision is greater than five (5) lots and therefore there is no delegated authority to determine the application.

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

The subject property is zoned 'Rural Retreat' and 'Rural Residential', with the objectives of each listed below:

Rural Retreat

- *To promote land protection and environmental remediation.*
- *To permit a range of land uses which are compatible with the capability of the landform for limited agricultural, viticultural, horticultural, tourism and rural lifestyle development.*
- *To provide lots with a minimum size of 10ha.*

Rural Residential

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

Clause 5.8.1 of the Scheme requires subdivision to be in accordance with a Development Plan.

As the property includes Rural Residential zoned lots in the 'Bindoon Townsite Consolidation Area' Clause 5.8.5 Water Supply of the Scheme applies:

"In the Bindoon Townsite Consolidation Area, as identified in the Local Planning Strategy, Rural Residential zoned lots created through subdivision shall be connected to a reticulated water supply except in the following circumstances –

- *The water supply license holder advises the provision of a reticulated water supply is not possible or feasible; or*
- *The lot is not in the licensed water supply area; or*
- *The lot is in a recognised conservation area; or*
- *Potable water supply is addressed in an endorsed Outline Development Plan or Structure Plan."*

Clause 10.2 of the Scheme sets out matters to which the Local Government are to give due regard.

Local: *Shire of Chittering Subdivisional Development Guidelines*

The Guidelines sets out criteria and requirements for road works, drainage and subdivision development dealt with by the Shire's Technical Department.

Policy Implications

State: *Planning for Bush Fire Protection Guidelines 2010*

The Guidelines provide requirements for fire protection of developments. The subdivision will require a Fire Management Plan in accordance with the Guidelines.

Local: *Local Planning Policy No. 16 – Roads and Drainage*

The Policy requires rural road reserve widths to be 30m and constructed to the standards prescribed in the Shire's Subdivision Guidelines. The proposed road reserves are 30m, which is consistent with the Policy and existing interconnecting roads.

Local: *Local Planning Policy No. 32 - Development Plans*

Local Planning Policy No. 32 – Development Plans requires the endorsement of a Development Plan prior to the subdivision of 'Rural Residential' and/or 'Rural Retreat' land. The Development Plan for the subject land has been endorsed by Council. The proposed subdivision is in accordance with the endorsed Development Plan.

Financial Implications

Nil

Strategic Implications

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

The Local Planning Strategy identifies the subject land as a 'Priority Development Area' for 'Townsite Consolidation' and 'Rural Retreat'. The subdivision is consistent with the Development Plan which was approved in line with the Strategy.

Local: *Shire of Chittering Local Biodiversity Strategy 2010*

The Development Plan protects areas of 'Indicative High Conservation Value Area' identified in the Biodiversity Strategy.

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment*Economic Implications*

It is considered the approval of this subdivision allows for the creation of residential lots within the Bindoon Townsite Consolidation Area, which would result in more residents in Bindoon and the common flow-on effects that population growth brings.

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*Town Planning Scheme No 6*

The proposed subdivision meets the objectives of the zones and is in accordance with the approved Development Plan. The endorsed Development Plan contains a provision requiring roof catchment water supply which may meet the Scheme's water supply requirement. It is however expected that the subdivision should be the subject of providing reticulated water given the comments received from the Water Corporation during the rezoning and Development Plan stage and the comments received from the Applicant advising that reticulated water would be addressed at subdivision stage. It is considered the Applicant shall have to make arrangements for reticulated water supply or demonstrate how this cannot be arranged.

Local Planning Strategy

The subdivision is in accordance with the Development Plan, which was adopted in line with the Local Planning Strategy. The zones match the Strategy Map and the Public Open Space connects with the watercourses identified for protection. The detail within the Strategy is outdated, particularly with reference to the Perth to Darwin Highway dissecting the lot. This however was dealt with during the Development Plan phase.

Development Plan

The Development Plan endorsed by the Shire and the Western Australian Planning Commission has covered a number of the concerns that are relevant to the subdivision. These include requiring dwellings to be constructed to AS 3959 to address the bush fire hazard of the site, minimising clearing of significant vegetation (both conservation worthy and habitat trees) through placement of building envelopes and protection of waterways and drainage catchment with the provision of Public Open Space. The Development Plan also provides a future road connection to Lot 104 and an emergency access way to the north to Mingah Road to provide multiple access points.

It is believed the Development Plan successfully addresses all of the matters relevant to the subdivision.

Fire Management

A Bush Fire Hazard Assessment of the site was undertaken during the Development Plan process. It was assessed as 'moderate' and the provision of requiring dwellings to be constructed to AS3959 was implemented on the Development Plan. The requirement for 2 public access points to comply with the *Planning for Bush Fire Protection Guidelines* was also addressed in the Development Plan.

It is recommended that a Fire Management Plan be required as a condition of subdivision, which will be consistent with *Local Planning Policy 21 – Fire Management Plans* and the *Planning for Bush Fire Protection Guidelines*.

Roads and access

The subdivision proposes 30m wide road reserves with access from Gray Road, an Emergency Access Way to Mingah Road and a future access connection to Lot 104 should the Shire develop this land. A Provision of the Development Plan requires 2 public access ways at all stages of the subdivision.

Biodiversity/Environment

As mentioned earlier the preparation of the Development Plan factored in the environmental values and approved with constraints to protect these values. The subdivision is to be in accordance with the Development Plan and is therefore considered to adequately preserve these values. Furthermore a condition of subdivision requires the Developer to protect vegetation where possible during construction phase.

Conclusion

The Applicant has submitted a subdivision proposal consistent with the endorsed Development Plan. The assessment and approval of the Development Plan required several modifications to be made to address the environmental concerns and bush fire hazard risk of the site. It is considered approval of this subdivision is of benefit to further consolidating the Bindoon Townsite area and provides a range of lot sizes in close proximity to the town. Subdivision in the Consolidation Area will increase the demand for greater services in the area.

9.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 060714

Moved Cr Gibson / Seconded Cr Douglas

That Council:

- 1. Advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 150119) at Lot 103 Gray Road, Bindoon subject to the following conditions:**
 - a. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.**
 - b. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the local government.**
 - c. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.**
 - d. Engineering drawings and specifications are to be submitted and approved to the satisfaction of the local government, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
 - i. lots can accommodate their intended use; and**
 - ii. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.**

- e. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved to the satisfaction of the local government, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan.
- f. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Local Government.
- g. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in the Shire of Chittering under Sections 152 and 167 of the *Planning and Development Act 2005*.
- h. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
- i. A Fire Management Plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.
- j. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *'The lot(s) is/are subject to a Fire Management Plan and Outline Development Plan.'*
- k. Engineering drawings and specifications are to be submitted and approved to the satisfaction of the local government, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - i. roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly.
- l. Gray Road being widened in accordance with the subdivision plan dated 07 January 2013 (attached) by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening.
- m. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision, in accordance with Council's specification.
- n. Arrangements being made with the Water Corporation or the Licensed Service Provider so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision (Water Corporation).
- o. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *'A reticulated sewerage service is not available to the lot/s.'*
- p. Rural numbering shall be required to be supplied and installed for all lots at the Applicant's cost, in accordance with the national standard.

2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal for clearance of conditions, where required.

Advice Notes

1. In regard to Condition a, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
2. Conditions e and f have been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'* (Department of Water 2008).
3. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
4. In regard to Condition k, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be consistent with the approved plan of subdivision.
5. In regard to condition m, should a reticulated water supply not be made/available, the following condition shall be required:
A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A mains potable water supply is not available to the lot/s.'

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.5 Blueberry Bliss Noise Complaint Update*

Applicant	Troy and Tracy Easter
File ref	A10277; A10289
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Department of Environment Noise Report2. Updated Blueberry Bliss Noise Management Plan3. Letter to Neighbours from Troy Easter4. Noise Measurement t Locations around Blueberry Bliss Orchard

Background

Reports were submitted to Council in August 2013 and November 2013 relating to complaints about the operation of a gas gun bird scaring device in use at Blueberry Bliss orchard, Lot 505 Great Northern Highway, Bindoon. The orchard is owned and operated by Troy and Tracy Easter.

The use of gas guns by orchardist to scare away birds is controlled by the 'Best Practice Guidelines for Bird Scaring in Orchards' (the guidelines) which were developed by a Technical Advisory Committee consisting of the Department of Environment Regulation (DER), Department of Agriculture and Food, WA Fruit Growers Association, WA Local Government Association, Department of Planning and Infrastructure and the City of Armadale.

In the first report to Council in August 2013 the owner of the orchard, Mr Troy Easter, submitted a Noise Management Plan which indicated he would be conducting his operations in accordance with the above guidelines. In the second report to Council dated November 2013 Mr Easter was granted an extension to continue using the gas gun until January 2014 under certain conditions. In the report Mr Easter's performance over the previous harvesting season was examined and recommendations made for improvement in the ensuing year. One of the key recommendations was for a noise survey to be undertaken to ascertain the noise levels in the community as a result of the gas gun operation. This was completed on 4 June 2014 by the Principal Environmental Health Officer with assistance from the Department of Environment Regulation (Noise Section) by the provision of their noise equipment, analysis and reporting.

Consultation

Department of Environment and Regulation Noise Section

Statutory Environment

Community noise complaints are controlled by the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* (the regulations). By the agreement of the Technical Advisory Committee mentioned above, excessive noise from bird scaring devices used in orchards is exempted from the normal provisions of the regulations providing the guidelines are complied with. The thrust of the guidelines is for orchardists to develop a Noise Management Plan which utilises a range of different methods to control bird damage and not just rely on the use of gas guns. The intention is to minimise the nuisance to neighbours as much as possible.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

An onsite noise survey was conducted on 4 June 2014.

Triple Bottom Line AssessmentEconomic Implications

Orchardists will incur costs implementing bird control measures. This has to be balanced against the costs of operating and making a profit as a business.

Social Implications

The use of bird scaring devices such as gas guns could cause a nuisance and loss of comfort and amenity if operated excessively.

Environmental Implications

Harming protected bird species is prohibited.

Comment

The noise report conducted by the Principal Environmental Health Officer in collaboration with the Department of Environment Regulation (Noise Section) indicates that the noise emitted by the bird scaring devices used at the Blueberry Bliss Orchard do not exceed the assigned levels in the regulations. The readings were taken in six locations surrounding the orchard over a three-hour period. An attachment shows the locations of where the noise measurements were taken in relation to the gas gun.

The assigned level in the regulations is 80 dB for non-sensitive locations (greater than 15 metres from a residence). If the measurements were taken within 15 metres of a residence they would also have complied with the assigned level of 65 dB. It should be noted that the excessive noise levels indicated for location 1 (at the south side of the orchard and the closest measuring point from the gas gun) do not apply as there is no house within 15 metres. None of the other locations indicated excessive noise levels including a complainant's property at location 5.

The owners of Blueberry Bliss have also submitted an updated Noise Management Plan (NMP) (attached) and a copy of a letter (attached) provided to surrounding neighbours outlining the noise management program for the coming fruit growing and harvesting season (July 2014 to January 2015). The revised NMP outlines the methods that will be used during the season including a new strategy – the use of electronic bird scaring speakers. The noise emitted from these speakers were tested in the noise survey and found to comply with the allowable levels in the regulations so should not cause any additional issues.

The extension of the period for using the gas guns to January which was approved by Council in November 2013 did not result in any further complaints. The owners of the orchard have indicated in the revised NMP their intention to install poles and netting within the required 3 – year time frame as required by Council's resolution in the August 2013 report. The NMP includes a range of noise management strategies which is in accordance with the objectives of the guidelines.



9.1.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 070714

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. Notes the noise report by the Principal Environmental Health Officer and the Noise Regulation Officer of the Department of Environment Regulation which indicates that the Blueberry Bliss Orchard Noise Management Plan is effectively controlling the noise levels associated with the use of bird scaring devices at the orchard.**
- 2. The updated Blueberry Bliss Noise Management Plan be accepted for the period July 2014 to January 2015.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 30 June 2014*

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 2014
Attachments	1. Statement of Financial Activity for period ending 30 June 2014 2. Bank reconciliation for period ending 30 June 2014 3. List of accounts paid for June 2014

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 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 30 June 2014 are hereby presented for Council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic Implications

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

Social Implications

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

Environmental Implications

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

Comment

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

It is to be noted that these financial statements are not the final statements for the 2013-2014 financial year as further adjustments will be required for yearend accruals.

9.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 080714

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

1. endorse the list of payments:

- PR3317
- PR3322
- EFT 9641 - EFT 9791
- Municipal Fund Cheques 13620 - 13642
- Direct Debits and Transfers as listed
- BPV41 to BPV42
- Trust Fund Cheques 411 - 416

Totalling \$1,134,210.08 for the period ending 30 June 2014.

2. Receive the bank reconciliation for the period ending 30 June 2014.

3. Receive the financial statements for the period ending 30 June 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Proposed Chittering Economic Development Strategy 2014-2024*

Applicant	Shire of Chittering
File ref	08/02/0003
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Gary Tuffin, Chief Executive Officer Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Chittering Economic Development Strategy 2014-2024 (<i>draft, 29 pages</i>) 2. Local Business Survey 2013 – Summary of Results 3. Aged Survey 2013 – Summary of Results 4. Telecommunications Survey 2013 – Summary of Results 5. Proposed Economic Development Policy

Background

Council Consideration is requested to endorse the Chittering Economic Development Strategy 2014-2024.

This report, and the draft Chittering Economic Development Strategy 2014-2024 (attached), are being presented to Council in line with a priority identified in the Shire of Chittering Strategic Community Plan 2012-2022. On page 17 of the Plan, under the heading "*Economic: Prosperity for the Future*", it is stated that to "*develop a Local Economic Development Strategy*" is a key short term priority.

Consultation

Chittering Chamber of Commerce
Local business
RDA Wheatbelt
Shire of Chittering, Councillors
Shire of Chittering, Gary Tuffin, Chief Executive Officer

Statutory Environment

Nil

Policy Implications

Should this Chittering Economic Development Strategy be endorsed by Council it is proposed that a Shire of Chittering Economic Development Policy be introduced.

Financial Implications

Should this Chittering Economic Development Strategy be endorsed by Council there are no direct financial implications, however, the proposed actions identified within the Strategy will attract expenditure, which will be included in forthcoming budgets.

Strategic Implications

With reference to page 17 of Chittering Strategic Community Plan 2012-2022, under the heading "*Economic: Prosperity for the Future*", it is stated that to "*develop a Local Economic Development Strategy*" is a key short term priority.

Site Inspection

Not applicable

Triple Bottom Line Assessment**Economic Implications**

The purpose of this Strategy is to provide a ten-year plan that outlines broad actions aimed at creating partnerships between the community, business and industry, Council and Governments in order to promote and enhance growth and development within the Shire / region. The outcome that could be expected from a Strategy such as this is an increase in the value of the local economy.

Social Implications

There are no known Social implications with this proposal.

Environmental Implications

There are no known Environmental implications with this proposal.

Comment

Local Government's role in economic development is understood to be the provision of governance, along with promotion and facilitation at a local level. The undertaking of this role is reflected in the seventeen actions proposed as a result of this Strategy.

It is important for the Shire of Chittering to recognise the importance of such a strategy as it has been identified as one of the fastest growing Shires in the Wheatbelt. As such, the Shire needs to be proactive in its approach to economic development.

9.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 090714

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. Endorse the Draft Shire of Chittering Economic Development Strategy 2014-2024.
2. Advertise locally the Draft Shire of Chittering Economic Development Strategy 2014-24 for public submissions for period of 21 days.

AMMENDMENT

Moved Cr Norton / Seconded Cr Mackie

That recommendation to be amended so that the public submissions be open for 42 days instead of 21 days.

**THE AMENDMENT WAS PUT AND DECLARED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION**

9.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 090714

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. Endorse the Draft Shire of Chittering Economic Development Strategy 2014-2024.
2. Advertise locally the Draft Shire of Chittering Economic Development Strategy 2014-24 for public submissions for period of 42 days.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.3 Adoption of the 2014-2015 Budget*

Applicant	Shire of Chittering
File ref	12/07/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. 2014-2015 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 2014-2015 budget process in March 2014. 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.

Council 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.

The first budget workshop was held on 4 June 2014. The first draft budget was presented to Council on 7 July 2014.

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, service charges and fees and charges for the 2014-2015 financial year.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line AssessmentEconomic Implications

The draft 2014-2015 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 association with this proposal.

Environmental Implications

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

CommentBudget

The 2014-2015 Budget seeks to provide a useful management tool with additional diagnostic reporting tools for the benefit of management and elected members and ensuring compliance with Australian Accounting Standards, the *Local Government Act 1995* and associated regulations.

The budget has been prepared with a 6.0% rate increase. This increase in rates was determined after the growth for the last financial year was captured. It is to be noted that new Gross Rental Valuations (GRV) have been received and are affective from 1 July 2014. New GRV valuations are received every five years and UV valuations are received annually.

Highlights of the budget include:

- Capital
 - Construction of a Multi-Purpose Health Centre - \$2,634,800 (funded by borrowings & grants)
 - Construction of Disability Ramp for Admin Centre - \$11,780
 - Finalisation of the Bindoon Hall Refurbishment - \$330,664 (mainly funded by Lotterywest)
 - CCTV Upgrades for Chinkabee Complex and Tourist Centre - \$50,662 (subject to grant funding)
 - Commencement of the Binda Place Upgrade - \$297,944 (funded by Roads to Recovery)
 - BMX Track at Sussex Bend - \$34,837
 - Roadworks on Muchea South Rd - \$533,980 (partly funded by Regional Road Group)
 - Black Spot Roadworks on Chittering/Lake Rd, Ridgetop Ramble & Muchea East Road - \$428,553 (partly funded by MRWA BlackSpot)
 - Roadworks on Parkside Gardens, Flat Rocks Road, Wandena Road, Health Centre Road and Teatree Road - \$547,029 funded by Council.
 - Footpaths on Binda Place - \$110,000 (subject to Grant funding)
 - Contribution towards the upgrade of McGlew Road - \$80,000
 - Purchase of Portable Generator for Emergencies - \$13,050
 - Contribution to Dept of Housing for a new Community house in Bindoon
 - Transfer to various reserves of \$74,300
- Operating
 - Commencement of Rating Strategy - \$25,000
 - Feasibility Study for Lower Chittering Recreation Needs - \$60,000
 - Implementation of the Waste Collection Service
 - Addition of one employee position - Compliance Officer
 - Preparation of a Workforce Planning Strategy (grant funded)
 - Increased Youth Program (offset by the withdrawal from the Be Active Scheme)
 - Major drainage clearing works in Muchea

- Commencement of rehab works on Gravel Pit
- Inclusion of costs for Lot 62 subdivision – provision of services - \$180,000

9.3.3 OFFICER RECOMMENDATION /COUNCIL RESOLUTION - 100714

Moved Cr Rossouw / Seconded Cr Mackie

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 2014-2015 financial year which includes the following:
 - a. Statement of Comprehensive Income by Nature & 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
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 11.4878 cents in the dollar, with a minimum rate of \$500 be imposed.
 - b. Where the General Rate is to apply, for all rateable properties with Unimproved valuations a rate of 0.6753 cents in the dollar, with a minimum rate of \$750 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 4 September 2014, 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) 4 September 2014
 - (ii) 8 January 2015

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) 4 September 2014
- (ii) 6 November 2014
- (iii) 8 January 2015
- (iv) 12 March 2015

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 6.16 of the *Local Government Act 1995*, impose a rate of \$60.00 per annum for the Landfill Maintenance Fee.
9. That Council accepts as part of the budgetary process the Fees & Charges Schedule as adopted in Item 8.3.2 at the Ordinary Meeting of Council held on 26 June 2014.
10. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 19 June 2013*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - President \$23,800
 - Councillors \$12,600
11. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 19 June 2013*, adopts the following annual allowances for elected members:
 - Reimbursement of Expenses Allowance \$3,500
12. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 19 June 2013*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$15,000
13. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 19 June 2013*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - Deputy President \$3,000

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 AND ABSOLUTE MAJORITY VOTE

Cr Norton and Cr Gibson Requested their vote against the motion be recorded

COUNCILLOR MOTION

Moved Cr Gibson / Seconded Cr Norton

That Council:

1. lay the item on the table and amend the 2014/15 draft budget to apply a maximum rate increase of CPI in recognition that the substantial increase in rubbish rates imposes a significant burden on ratepayers; and
2. hold a Special Council meeting on Thursday 24 July 2014 at 5pm.

THE MOTION WAS PUT AND DECLARED LOST 3/4

Reasons for motion

- *There is no reason to impose a further 6% increase in rates.*
- *An increase of CPI is easily accommodated in the budget by reversing a few very large increases in estimates for 2014/15.*
- *Savings were identified at the recent budget workshop but not applied to this budget.*
- *Identified savings amounted to much more than the \$157,000 required to amend the rate increase to CPI.*

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Appointment of Authorised Officers

Applicant	Shire of Chittering
File ref	13/05/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

With the resignation of Kelly Ford and the appointment of Sam Neale (Principal Building Surveyor) and the resignation of Lisa Templer and the appointment of Sophie Lee (Records Officer), Council is requested to approve the changes detailed in attachment 1 to the "Register of Authorised Officers" to ensure Mr Neale and Ms Lee have the necessary approvals to carry out their duties as the Shire's Principal Building Surveyor and Records Officer.

Ms Lee commenced on Monday, 19 May 2014 and Mr Neale is due to commence on Monday, 28 July 2014. Council's approval is required for Mr Neale and Ms Lee to be appointed Authorised Officer for them to undertake the roles of Principal Building Surveyor and Records Officer.

Following the 25 June 2014 Ordinary Council Meeting where Council accepted the minutes from the Chittering Bush Fire Advisory Committee Meeting held on 3 June 2014, the list of Fire Control Officers has been updated to reflect new and ceased appointments.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Manager Human Resources
Community Emergency Services Manager

Statutory Environment

Dog Act 1976 & Regulations
Control of Vehicles (Off-road Areas) Act 1978 & Regulations
Litter Act 1979 & Regulations
Local Government Laws
Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15)
Dog Act 1976 – Registration Officers Only
Bush Fires Act 1954, Section 38 – Fire Control Officers
Local Government Act 1995, Section 3.28 & 3.29 – Powers of Entry, Part 3, Division 3
Cat Act 2011, Sections 9, 9(5), 10, 11, 12, 13, 26 & 48 – Registration Officers Only

Policy Implications

Nil

Financial Implications

There will be a charge for publishing in the *Government Gazette*.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic Implications

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

Social Implications

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

Environmental Implications

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

Comment

Endorsement of the changes requested will ensure that compliance of the associated Acts, Regulations and Local Laws can be fulfilled at all times.

Kelly Ford will remain listed on our authorised officers list in case relief is needed in the future.

9.4.1 OFFICER RECOMMENDATION /COUNCIL RESOLUTION - 110714

Moved Cr Gibson / Seconded Cr Mackie

That Council:

- 1. endorse the appointment of Sam Neale (Principal Building Surveyor) to represent the Shire of Chittering in the capacity nominated under the:**
 - (a) Local Government Act 1995, Section 3.28 & 3.29 – Powers of Entry, Part 3, Division 3**
 - (b) Dog Act 1976 & Regulations**
 - (c) Control of Vehicles (Off-road Areas) Act 1978 & Regulations**
 - (d) Litter Act 1979 & Regulations**
 - (e) Local Government Laws**
 - (f) Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15)**
- 2. endorse the appointment of Sophie Lee (Records Officer) to represent the Shire of Chittering in the capacity nominated under the:**
 - (a) Dog Act 1976 – Registration Officers Only**
- 3. endorse the appointment Martin Lee and Fred Hoogland to represent the Shire of Chittering in the capacity nominated under the:**
 - (a) Bush Fires Act 1954, Section 38 – Fire Control Officers**
- 4. approve the removal of Lisa Templer, Janice Billen, Dennis Harvey and Max Brown from the Register of Authorised Officer.**

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

9.1.2 Chief Executive Officer – Annual Leave

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

Background

The Chief Executive Officer requires Annual Leave between 18 August 2014 to 27 August 2014 (inclusive).

Consultation

Shire President

Statutory Environment

Local Government Act 1995

Policy Implications

"Appointment of an Acting Chief Executive Officer"

Financial Implications

It is general practice that the Acting CEO'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.

9.4.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 120714

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. approve the annual leave of the Chief Executive Officer for the period commencing Monday, 18 August 2014 and ending on Wednesday 27 August 2014.**
- 2. appoint the Executive Manager Technical Services as the Acting Chief Executive Officer for the period commencing Monday, 18 August 2014 and ending on Thursday 28 August 2014.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

Nil

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

Nil

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

Nil

13. URGENT BUSINESS

PROCEDURAL MOTION

Moved Cr Gibson / Seconded Cr Clarke

That Council accept items of Urgent Business

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

13.1 Cr Norton - Targa West Risk Plan

COUNCILLOR MOTION/COUNCIL RESOLUTION - 120714

Moved Cr Norton / Seconded Cr Clarke

A copy of the Public Liability insurance cover and any supporting documentation to be provided to all Councillors.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCILLOR MOTION/COUNCIL RESOLUTION

Moved Cr Norton / Seconded Cr Clarke

That Councillors be provided a copy of the updated Risk Management Plan as provided by Targa West before the event taking place.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Reason for motion

Councillor Norton has been advised that the risk plan has been downgraded and is concerned.

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.59pm



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