

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday, 17 July 2013

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm

Closure: 8.35pm



Shire of
Chittering

These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 21 August 2013.

SIGNED BY

_____ **Person presiding at meeting which minutes were confirmed**

DATE

Disclaimer

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

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

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TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
	2.1 Attendance.....	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence.....	1
3.	DISCLOSURE OF INTEREST.....	1
4.	PUBLIC QUESTION TIME	2
	4.1 Response to previous public questions taken on notice	2
	4.1.1 Corporate Business Plan 2013-2017.....	2
	4.2 Public question time	3
	4.2.1 Landfill fees and charges	3
8.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	11
	8.1 Deputation – T Papich.....	11
5.	APPLICATIONS FOR LEAVE OF ABSENCE	12
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	12
	6.1 Ordinary meeting of Council – Wednesday, 19 June 2013.....	12
	6.2 Special meeting of Council – Wednesday, 26 June 2013.....	12
7.	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION	12
9.	OFFICER’S REPORT	13
	9.1 DEVELOPMENT SERVICES.....	13
	9.1.1 Proposed Parking of One (1) Truck and Trailer – Lot 889 Rosewood Drive, Chittering*	13
	9.1.2 Proposed Transport Depot – Lot 5929 (RN 6591) Great Northern Highway, Bindoon*	20
	9.1.3 Additional Dog Application – 305 Maine-Anjou Drive, Lower Chittering*	32
	9.2 TECHNICAL SERVICES	36
	9.2.1 Vesting part of Great Northern Highway Road Reserve (Binda Place) Bindoon Townsite to the Shire of Chittering*	36
	9.2.2 Resumption of Portion of Land Located at 2785 Chittering Road, Upper Chittering*	38
	9.3 CORPORATE SERVICES.....	40
	9.3.1 Financial Statements for the Period Ending 30 June 2013*	40
	9.3.2 Tourism Promotion Funding*	42
	9.3.3 Adoption of the 2013-2014 Budget*	44
	9.4 CHIEF EXECUTIVE OFFICER	48
	9.4.1 Affixing of Common Seal – Regional Development Australia Fund, Multi-Purpose Health Centre*	48
	9.4.2 Affixing of Common Seal – Strategic Waste Management Review*	50
10.	REPORTS OF COMMITTEES	53
	10.1 Chittering Bush Fire Advisory Committee*	53
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	56
12.	MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING	56

13.	URGENT BUSINESS	56
	13.1 Ratepayer Landfill Fees and Charges	56
14.	CONFIDENTIAL ITEMS.....	56
15.	CLOSURE.....	56

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were 22 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Cr Douglas declared a financial interest in item 9.3.2 as he is the president/staff of the Chittering Tourist Association.

Cr Norton declared an impartiality interest in item 9.3.2 as she is a member of the Chittering Tourist Association.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Corporate Business Plan 2013-2017

Clint O'Neil, 2837 Chittering Road, Chittering

It is my understanding that complete asset management plans are a critical and fundamental element to sound corporate business plans. It is also my understanding that making provision for asset renewal is one of the most difficult elements to address, more particularly condition score rating of existing assets, in compliance with relevant Australian standards, to derive valuations.

Question: The Shires most significant asset is its 438km road network, servicing the needs of the local and wider community:

- (a) By utilizing current written down asset valuations is Council exposing ratepayers to a future rate shock to adequately provide for whole of life asset replacement?
- (b) Within the Shires asset renewal category, how does the Shire propose to introduce and account for gifted assets, such as road networks in various estates?

Council measures all asset values in accordance with the appropriate Accounting Standard. Furthermore, Council allocates funds for road maintenance each year on a priority basis, within its financial capacity to do so.

Each year Council updates its road asset management program (ROMAN II) with new works, including gifted assets. ROMAN II is an integrated software solution comprising both Road Assessment and Maintenance Management (RAMM))

Question 2 Does Council consider that allocating \$10,000 to the Muchea Employment Node Development Area over the life of the corporate business plan, adequately address "to have the MEN proceed as soon as possible" (Strategic Plan 2010-2015, pg 21)?

The Corporate Business Plan covers a period of four years (2013-2017). The Plan is reviewed annually, and can be amended by Council as required.

The allocation of \$10,000 has been made to deal with the scheme amendment required to introduce a new land use (Future Industry) within the Muchea Employment Node area. The WA Planning Commission in conjunction with Council is currently working towards finalizing the required amendment within the next 12 months.

Question 3 What, if any, financial provisions have been made to fund or contribute to scheme water servicing the Bindoon planning area, and portions of the southern area of the Shire?

None, at the current time.

- Question 4 Given the significant losses of rate payer reserve funds during the GFC (Global Financial Crisis) by other local governments and the expectation that over time the Shire will have significant reserve funds as a component of its asset renewal reserve; does the Shire have an investment policy that provides for a reasonable rate of return with sound security?

Council's policy "Investment of Funds" in part provides:

Objective

To invest the Shire of Chittering's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment of Funds Policy, and not for speculative purposes.

Approved Investments

Investments may only be made with authorised institutions.

Definition of an "authorised institution" is as follows:

An authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or

The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986.

4.2 Public question time

4.2.1 Landfill fees and charges

The following questions and responses were prepared prior to the Council meeting and were read aloud by the Shire President.

Peta Bizzill, 53 Spoonbill Close, Chittering

Ms Bizzill submitted the following questions prior to the Council meeting:

1. With regard to the new tip fees, how will these be paid for?

Cash/ Cheque or invoice, which has always been available.

Council is currently looking into the viability (wireless connection) of an EFTPOS facility.

2. Will the Shire be providing each residence with 240lt bins?

No.

3. Will the Shire now actually recycle what is sorted? I have sorted in the past however it was then disposed of in the main tip, defeats the purpose?

Unfortunately, on occasions recycling has not been undertaken correctly by staff, this matter is currently being addressed by way of new procedures to ensure better practices are maintained at all times.

4. How will the Shire deal with the dumping of rubbish, which will increase significantly, on roads? Will it be cleared within a few days of being dumped?

Council has recently acquired a number of mobile motion-activated cameras that will be placed in strategic locations around the shire. Anyone caught illegally dumping rubbish will be prosecuted and may face fines of up to \$5,000 (Individuals) & up to \$10,000 (Corporations).

5. Will our rates be reduced now as we are paying for the tip?

No, the revenue generated by the fees and charges from residents is likely to be minimal as in previous years. Furthermore, the landfill sites are already heavily subsidised by other Council revenue. Rates revenue represents approximately 48% of Council's total income.

6. The opening hours at the tip have been reduced to allow the staff to attend to recycling however I have never been to the tip to see staff doing anything at all other than sitting on a chair in the shed area (Bindoon Site). How will the Shire supervise this matter?

There has been new policies and procedures put in place to address this issue. Additionally, there has been a change in management and the staff structure to introduce a landfill site coordinator.

7. Could I please be provided with a copy of the proposed budget for 2013/2014?

Copies of the 2013/14 Budget will be available on the Shire website or alternatively a hard copy can be sent out upon receiving such a request, once it has been formally adopted by Council.

8. How can we be advised of important items which will be discussed at any Shire meeting?

Minor adjustments to Residents tipping fees are not considered to be a major agenda item. Council's agenda is placed on its website the immediate Friday prior to the Ordinary Council meeting of each month, or alternatively can be viewed at the Bindoon Library. Any matters that require community consultation are advertised in the local papers, Shire notice boards and website by way of special notice.

9. Is it possible to have an Agenda sent through automatically each month?

The Shire does not currently provide this service. It is the responsibility of individuals that have an interest in Council business to download the agenda from the website or alternatively attend the Bindoon library.

Wendy Dawe, 18 Charolais Trail, Lower Chittering

Ms Dawe submitted the following questions prior to the Council meeting:

10. Why wasn't the rate payers of Chittering Shire made aware of the impending tip fees?

The proposed Fees & Charges were considered by Council at its Ordinary meeting held on 15th May 2013. Furthermore, the majority of the new fees relate to non-residents.

Council reviews all of its fees & charges each year as part of its normal Budget deliberations, which includes landfill charges. The process followed this year has not been any different from previous years.

11. What happens to community members who have more than two bins, use a trailer and have no bins, or go fortnightly with the two or more bins due to work commitments? How will this be managed?

An annual "Tip Pass" entitles residents to two (2) free 240 litre bin loads per visit or equivalent. Granted this point could have been made clearer in the fees and charges schedule. This will be amended accordingly.

Landfill site staff have been instructed to use their discretion when assessing the equivalent to the 240 litre bins as not all users have wheelie bins, some have trailers, 200 litre drums or they have four bins which they bring to the site every fortnight.

12. Shire of Gingin has a similar population they collect bins kerbside weekly as well as give free access to its landfill site to its residents why can't Chittering shire provide the same service?

The Shire of Gingin does provide a weekly kerbside collection (\$200 per service) which entitles the property owner to an annual tip pass. However, it is understood that if you live within a residential or rural residential area you must pay for a kerbside collection, it is not optional. Plus the Shire of Gingin also charges an additional levy of \$98.00 per Rates Assessment, (not per person) for landfill maintenance.

All other fees & charges are very similar to the Shire of Chittering. E.g. Shire of Gingin fees - Trailers larger than 2.4 x 1.8 are charged at \$45.00 per visit

13. Will the fees in our rates now be reduced as we are expected to pay for tipping greens and other wastes?

No, the rate for disposal of greenwaste has dropped from the prior two years \$15.00 (2011/12 & 13) to \$10.00 per cubic metre (2013/14). All other correctly sorted and placed recyclables are free of charge as per the fees & charges schedule 2013/14.

Furthermore, DEC have advised that greenwaste is not to be burnt at the facilities anymore. Therefore, Council must mulch all greenwaste at a cost of approximately \$8.00 per cubic metre. The surplus funds of \$2.00 per cubic metre is used to help fund the landfill site operations which currently operates at a large loss.

14. If the shire expects its residents to recycle are you going to include glass like other shires and will it actually be taken to the recycling facility?

Unfortunately, council has made a number of enquiries and has not been able to find a market for recycled glass. However, this matter will be further investigated in the Shire's current Strategic Waste Review.

Perhaps the loss of the market could be explained by the high levels of contaminated loads statewide, not enough uncontaminated product being delivered to make it economically viable

to recycle. In our own experience many glass bottles that are delivered to Bindoon & Muchea are contaminated inside with bottle wrappers, cigarette butts, and lemons....etc. It only takes one (1) contaminated bottle for the entire truck load to be considered contaminated, meaning it will not be accepted by the recycler.

15. Why isn't Wandena road sealed especially at Muchea east road end where over 1500 lower chittering residents enter from each tip run?

Council operates with a limited Budget to maintain over 429kms of road, both gravel and bitumen. Based on current construction costs to seal the entire road would cost approximately \$1.9 million dollars.

A funding application is currently being prepared for consideration by Main Roads WA for 2014/15. If successful the road would be sealed in stages over a number of years.

16. Could residents be informed of major agenda items such as the tip fees that will affect the majority of our community and be dot pointed on social media sites such as Facebook so we can submit questions at the relevant meetings?

Minor adjustments to Residents tipping fees are not considered to be a major agenda item. Any matters that require community consultation are advertised in the local papers, placed on the notice boards and the shire website by way of special notice.

Furthermore, it is the responsibility of individuals that have an interest in Council business to download the agenda from the website or alternatively attend the Bindoon library. As mentioned above the proposed Fees & Charges were presented to Council for their consideration at their May meeting.

17. Muchea consists of approximately 600 residents Lower Chittering over 1500 and this is projected to double by 2020 yet we have only one park and no other accessible facilities such as skate parks, bike/rollerblading paths, open space used for pony clubs and horse riders in general or even a pool which Gingin also has with the same population as Chittering Shire, When will Chittering start building these facilities in the Lower chittering area?

The Shire has a total estimated population of 4,600, the last ABS (2011) stated 4,427.

The town of Muchea has a Community Hall, Skate Park, BMX track, Football Oval, Netball, Basket Ball, Cricket facilities & club house, 6 x Polocrosse fields, and 2 playgrounds, there is also a number of bridle trails in Muchea.

Council has just spent over \$254,000 in developing new Public Open Space at Sussex Bend in Lower Chittering, which consists of playground equipment & a shade cover, BBQs x 2, shelters & seating, & a basketball half-court. Other facilities located in Lower Chittering are tennis courts x 3, playground equipment, and town Hall and Cricket facilities.

Cassie Kane, Lower Chittering

Ms Kane submitted the following questions prior to the Council meeting:

18. Why has the new tip fees been brought in?

Many of the tip fees and charges are existing, however, not previously enforced. The majority of the new fees relate to non-residents. The Landfill site currently operates at a very substantial loss, and is heavily subsidised by other council funds. Any charges that have been introduced to residents are only for those items that cannot be accepted at the respective landfill sites for environmental reasons i.e. car tyres or degassing refrigerators, and must be transferred off-site.

19. Will the road to the Muchea tip be sealed with the monies you will be getting from us now?

The additional revenue is expected to be minimal and any additional funds generated will be used to close the current operating loss.

20. Will there be proper facilities for when money is taken? i.e. receipts and EFTPOS machines

Yes, receipt books are already in place, and as mentioned above in response to question 1, an EFTPOS facility is being looked into.

21. Will each property get wheelie bins from the council

No.

22. Will we get a weekly bin pick up now like every other shire?

No – this matter is currently being investigated and will be determined over the next 12 months.

23. Will we be getting bulk rubbish pick up yearly now?

No – this matter is currently being investigated and will be determined over the next 12 months.

24. How is the amount of rubbish people are bringing going to be policed (if we can only now bring two wheelie bins a week, what if we can't make it weekly and have a build-up of 4 weeks?)

An annual "Tip Pass" entitles residents to two (2) free 240 litre bin loads per visit or equivalent. Granted this point needs to be made clearer in the fees and charges schedule. Landfill site staff have been instructed to use their discretion when assessing the equivalent to the 240 litre bins as not all users have wheelie bins, some have trailers, 200 litre drums or they have four bins which they bring to the site every fortnight.

25. Are our yearly shire rates going to change now?

No, not as a result of any landfill site activities.

26. What do we actually get for our shire rates regarding removal of rubbish, street lighting, safer roads, verge mowing etc.?

Council's expenditure on each of its services is provided in its monthly financial statements which are presented to Council each month.

For further information on Council's priorities and major projects, I recommend downloading a copy of its Community Strategic Plan and Corporate Plan.

Caroline Boxhall, Lower Chittering

Ms Boxhall submitted the following questions prior to the Council meeting:

27. What procedures are in place to effectively communicate with Rate Payers in relation to changes in charges? Beside social media sites like Facebook as not all rate payers especially the elderly would access such sites and in some cases may not even have a computer?

Council has adopted a communication plan 19/12/12 that deals with the level of communication. As reviewing of fees & charges is a yearly practice this matter alone was not considered to be significant enough to activate any formal communications.

New signs have been ordered which provide details of all fees & charges, also copies of the schedule of fees will be available in the Council's library or a hard copy can be sent out upon receiving such a request.

28. Why were rate payers not advised of the impending charges for rubbish disposal considering this was discussed and resolved to proceed with new charges at the May 2013 Council Meeting, some two months ago and considering disposal charges are to have commenced 1 July 2013? Would it not have been in the interests of all parties to formally write to rate payers to advise them of this change?

Again it was not considered that the decision of Council in relation to this matter would have a major impact on anyone, other than those non-residents using the landfill sites in Muchea & Bindoon.

29. Are both the Muchea tip and Bindoon tip currently being run in accordance with Occupational Health & Safety regulations?

Yes, there are policies and procedures in place, furthermore, both facilities were recently inspected by Worksafe, which resulted in minor improvements being required.

30. If NO-Why

N/A

31. Reducing the opening times for both Muchea tip and Bindoon tip has reduced costs by approximately \$45,000 as noted in the minutes of the June 2013 Council Meeting, how will the saved monies of approximately \$45,000 be utilised?

To offset the large operating loss incurred by both landfill sites.

32. It is noted that Bindoon refuse facility is to be closed to the public and all rate payers are to utilise Muchea Tip. -What costs will be incurred to transport rubbish from Muchea to Bindoon and would that cost of transporting rubbish from one facility to another actually outweigh keeping the tip at Bindoon open?

Council is about to commence investigations into the feasibility of such a proposal, therefore, no decision has been made as to the future of the Bindoon landfill at the current time.

33. Currently the road into the Muchea Tip is not sealed and allegedly considered dangerous by others, (please note I have not driven down this road) what action is to be taken if any to make this road user friendly and safe for vehicular traffic, considering if Bindoon is closed the Muchea tip will be handling all rubbish disposal vehicles attending this site and what are the estimated costs to upkeep this road due to double the traffic that will be using this gravel road?

This road receives regular maintenance every year within Council's financial capacity. This calendar year it has already been graded 4 times. In addition, Council is in the process of applying for external funding to seal the road – refer to response 15 for further information.

34. What procedures will be in place to accurately determine that 480lts of waste is being disposed of? This being equivalent to two 240lt wheelie bins. Especially if wheelie bins are not utilised.

It will not be possible to accurately determine 480 litres; it will be at the discretion of the attendant. The reference to two 240lt bins has been done to provide some perimeters to "as of right" tipping/dumping.

Landfill site staff have been instructed to use their discretion when assessing the equivalent to the 240 litre bins as not all users have wheelie bins, some have trailers, 200 litre drums or they have four bins which they bring to the site every fortnight.

35. Will a weighbridge be installed to ensure accurate measure and/or weigh rubbish that is being disposed of to ensure that residents are not charged incorrectly? As a trailer 6x4 could easily be filled with 480lts of waste, however it is noted that a trailer is to be charged for attending to dispose of rubbish.

The cost to install and maintain a weighbridge at the current time would not be viable given the amount of rubbish currently accepted by both landfill sites. The Shire is currently only licenced to receive up to 5000 tonnes per year.

36. What procedures will be in place to accurately and safely deal with money handling, will extra costs be associated with having to install a safe on site, and have the tip attendants been given training in the safe handling of money?

Yes, these operational matters have been considered and actioned.

37. Will the shire be providing an EFTPOS facility at the rubbish disposal site and if yes what costs would be incurred to implement an EFTPOS machine?

Refer to response 1.

38. What method has the shire developed in order to provide receipts to persons paying to use the tip, many 'farms' in the area are working farms and receipts would be required for tax purposes?

Receipts have always been available.

39. As the measurement of disposal is being based on 2 x 240lt silo bins will the shire of Chittering be supplying all rate payers with 2 x 240lt silo bins for their use?

Refer to response 2.

40. If no- will the Shire of Chittering consider providing at least one bin in one financial year and the second bin in the following financial year or even providing rebate to rate payers that purchase their own bins privately?

No, not at the current time.

Other than quantifying an "as of right" amount of rubbish per visit, no other significant changes have been made that would affect those rate payer who currently deliver their own domestic rubbish to the landfill sites.

41. If charges for rubbish disposal are being made for over and above 2 x 240lt silo bins why is the shire implementing a \$75.00 rubbish fee on top of our rates?

Your Rates do not currently incorporate a rubbish collection charge.

42. What cost implications have been budgeted for in relation to the removal of dumped rubbish on side roads, within bush land and upon un-owned vacant land by persons that possibly do not wish to pay for tip charges and as result dump their unwanted goods?

Refer to response 4

43. What has been implemented for those persons that cannot attend the tip on a regular basis to dispose of their rubbish (for example FIFO persons and leaving home family that have no facility to dispose of their rubbish until the return of their FIFO partner/family member etc.), how is it fair that these families could be charged for rubbish disposal if they do not have the means to dispose of rubbish for an extend period of time?

They can take their bins or equivalent receptacle to the landfill sites during opening hours like anyone else that currently does not receive a kerbside collection.

44. Have the shire Council considered alternatives other than to charge rate payers for the use of the tip?

Council, over the coming 12 months is undertaking a complete review of its waste services.

45. If yes what other alternatives were considered and if there were alternatives should community consultation have occurred?

N/A

The following questions were asked and responded to at the Council meeting.

Ian Dicky, Santa Gertrudis Drive, Lower Chittering

Mr Dicky asked the following question at the Council meeting:

1. I would like to understand the situation further, can I take a trailer load to the tip today, tomorrow and the next day for free?

The Shire President advised that the landfill fees and charges are not preventing household rubbish, they are there to reduce neighbouring shire residents from using our landfill for free. He further advised that the fees and charges are on items that we cannot keep at the landfills and need to pay to get them removed.

The Chief Executive Officer further advised that the landfill fees and charges are existing and set up to encourage recycling. The Shire is currently looking at the waste services across the shire and different options that may be available.

Peta Bizzill, 53 Spoonbill Close, Chittering

Ms Bizzill asked the following question at the Council meeting:

2. As per the fees and charges on the shire website, I take my rubbish to the Bindoon landfill via horse float and will have to pay \$55 per load un sorted or \$18 per load sorted. I no longer sort my rubbish as the attendant has never moved from his seat or asked for a tip pass.

The Chief Executive Officer advised that procedures have been put in place to require residents to provide a tip pass at each visit at both landfills. This enforcement has not been received well by some residents, however we are doing our best to implement changes.

Ian Wheeler, Brahman Dale, Lower Chittering

Mr Wheeler asked the following questions at the Council meeting:

3. When the Muchea Stock Yards was first being built, I had concerns with the amount of long vehicles using the Lower Chittering roads. When I spoke to the engineer of the time, I was advised that Wandena Road will be sealed.

The Chief Executive Officer advised that funding is being applied for through MRWA to upgrade Wandena Road. Muchea East Road has been upgraded up to the sale yards site and no trucks should be using the road past that point.

4. Is the Muchea Landfill filling an old Midland Brick site hole, if so should they be made to pay for this as we are helping them. Do Midland Brick have to fill their own holes?

The Chief Executive Officer advised that landfill sites are high in demand and the current situation is beneficial to us as the site has a clay base and works in our advantage due to the price we can buy the land for.

The Executive Manager Development Services further advised that Midland Brick are required to rehabilitate their site, however this does not mean the holes are to be filled, just reshaped and vegetated so that they are no longer a danger.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

8.1 Deputation – T Papich

Ms Tracey Papich made a deputation to Council in relation to item 9.1.1 of the agenda.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary meeting of Council – Wednesday, 19 June 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010713

Moved Cr Norton / Seconded Cr Gibson

That the minutes of the Ordinary meeting of Council held on Wednesday, 19 June 2013 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

6.2 Special meeting of Council – Wednesday, 26 June 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020713

Moved Cr Gibson / Seconded Cr Mackie

That the minutes of the Special meeting of Council held on Wednesday, 26 June 2013 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Parking of One (1) Truck and Trailer – Lot 889 Rosewood Drive, Chittering*

Applicant	W & T Papich
File ref	A10843; P130/13
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Site Plan3. Aerial Plan4. Consultation Plan and Schedule of Submissions5. Proposed Commercial Vehicle

Background

Council's consideration is requested for the proposed parking of one (1) truck and one (1) trailer at Lot 889 Rosewood Drive, Chittering.

The application proposes the parking of one (1) tri-axle semi tipper truck and one (1) tri-axle pig trailer. The total length of the combination is 21.95m. The truck and trailer would leave the property between 5-6am and return between 4-6pm Monday to Friday.

The application is just for the purpose of parking the single truck and trailer and would not involve loading the truck on the subject property or hauling any loads to and from the property. The applicant has stated that in order to comply with Main Roads standards he would be required to undertake a small amount of maintenance. However, he has stated that this would be on a limited basis for the purpose of maintaining his single truck and trailer and not on a commercial basis whereby the applicant could undertake the maintenance of multiple trucks in a situation of financial gain.

Previously the Shire has had the following dealings with this property with regard to trucks and trailers:

- The Shire had received complaints and enquiries into the parking of trucks and trailers at Lot 889 Rosewood Drive, Chittering;
- Shire Officers investigated the matter with a formal letter to the owners advising the parking of more than one truck is considered as a 'Transport Depot' and not permitted on 'Rural Residential' zoned land;
- The owners responded to this letter making note they were not fully aware of the requirements and sought the appropriate approvals to permit the parking of their trucks and trailers at their property;
- An application was made proposing the parking of the following:
 - two (2) trucks; one 8 wheel tipper truck and one semi-truck;
 - three (3) trailers in total including a 4-axle dog trailer, semi-trailer and a pig trailer;
- Given the amount of proposed trucks and trailers to be parked the application was treated as a 'Transport Depot' use and referred as such to almost the entire estate (47 properties).
- Seventeen (17) submissions were received and scheduled.
- Council resolved the following at its Ordinary Meeting of Council held 20 March 2013:

That Council REFUSES the parking of two trucks and three trailers at Lot 889 Rosewood Drive, Chittering for the following reasons:

- (a) The Proposed use constitutes a transport depot which is an 'X' use in Town Planning Scheme No 6; and
- (b) Does not meet the objectives of the zone "to maintain and enhance the rural character and amenity of the locality".

- The Applicants were aggrieved by the Council's decision and lodged a right of review at the State Administrative Tribunal.
- Following the initial 'Directions Hearing' the applicants elected to withdraw their review. Given that a 'Transport Depot' is an 'X' use in *Town Planning Scheme No 6* and the applicants did not have a right of review.

Consultation

The application was referred to seven (7) surrounding and adjoining land owners for comment. A total of eleven (11) submissions were received regarding the application. To view the consultation plan and submissions see Attachment 4.

Internal Consultation

(i) *Executive Manager Technical Services*

The application was referred to the Shire's Executive Manager Technical Services (EMTS) regarding permission to use the local roads of the locality, as required by Main Roads. In addition, the capacity of the local roads (refer to Attachment 1) and subject crossover to handle the commercial vehicle movements was questioned.

As the vehicle is longer than 19.5m it is not an "as of right" vehicle and requires a Restricted Access Vehicle (RAV) Permit to use local roads. The Applicant would need to use the following roads to access their property:

- (i) Rosewood Drive
- (ii) Ghost Gum Ridge
- (iii) Sugar Gum Drive

These roads are not RAV Routes, therefore the applicant is not able to gain a RAV Permit.

The Shire's EMTS advised that the roads are of sufficient capacity to handle the extra movements of the commercial vehicle, given that the vehicle would be empty. Further advice was given that the crossover at Lot 889 Rosewood Drive, Lower Chittering would incur degradation over a long period from the trucks movements. Therefore, recommendation was made that the crossover be bituminised to an asphalt surface.

(ii) *Principal Environmental Health Officer*

The application was referred to the Shire's Principal Environmental Health Officer who recommended that the operating hours of the truck be limited to 7am to 7pm Monday to Saturday and no operation on Sundays or Public holidays. Advice was also given that the 'Parking of Commercial Vehicle' is required to comply with the *Environmental Protection (Noise) Regulations 1997*. Compliance with these regulations gives a basis to the recommended operating hours above as these are the times when the most noise is allowed to be made.

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.*

The property is located within the 'Military Considerations' Special Control Area. The requirements and considerations of this Special Control Area relate to building standards for residential development.

The application proposes the parking of a truck and trailer. The Scheme defines a truck and Trailer as a 'Commercial Vehicle':

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

A 'Commercial Vehicle' is a 'Use not Listed' and is dealt with under Clause 4.4.2 of the Scheme:

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

The following parts of Clause 10.2 of the Scheme are applicable to this application:

10.2 *Matters to be Considered by Local Government*

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

- The aims and provisions of the Scheme;*
- The preservation of the amenity of the locality;*
- The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

aa) *Any relevant submissions received on the application;*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

Concerns have been expressed by local residents which have been summarised in the schedule of submissions.

Environmental implications

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

Comment

Consultation

Eleven (11) submissions were received during the advertising period. The contents of the submissions have been tabled in the Schedule of Submissions (Attachment 4). Of the eleven (11) submissions; ten (10) objected to the application and one (1) supported the application.

Road Permit

As the truck and trailer exceed 19.5m it is not an as of right vehicle. Therefore it will require a permit to use the local roads outline in Attachment 1. The aforementioned local roads are not RAV routes, thereby the Shire is not able issue permits for non as of right vehicles to use them.

The tri-axle semi tipper truck by itself does not require an RAV Permit to use the abovementioned roads as it is less than 19.5m when the tri-axle pig trailer is not connected.

Operating Hours

The Applicant proposes to leave the property at around 5am every morning Monday to Saturday and return any time from 4-6pm (usually 12pm on a Saturday – operation may not occur on Sunday). Any maintenance done on the truck is conducted on weekends after 9am.

The Shire's Principal Environmental Health Officer recommended that the operating hours of the commercial vehicle be limited to the following:

- Monday to Saturday 7am – 7pm; and
- No operation on Sundays and Public Holidays.

The above operating times are based on the times permitted by the *Environmental Protection (Noise) Regulations 1997*. These regulations prevail over the conditions of approval determined by Local Government; therefore it is recommended that compliance with the Regulations be a condition of approval. Furthermore, given that other applications within the Shire regarding the presence of trucks on properties with nearby dwelling have been given similar operation restrictions, the above operating times are recommended.

Shire of Chittering Town Planning Scheme No 6

Objectives of the Zone:

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

The property is well vegetated with works already having been done to allow effective internal and external access for the truck and trailer to egress to and from the property. Therefore, the natural environment and rural character has been maintained while accommodating the movement of the truck and trailer. The only degradation has been a small amount to the crossover of the property in an attempt to better accommodate the turning of the truck and trailer.

The truck is barely visible from the road, thereby having minimal visual impact on the rural character and amenity of the locality.

The proposed starting operation time does somewhat undermine the amenity of the 'Rural Residential' zone given that it has a strong residential aspect.

'Use Not Listed'

Council has the ability to determine a use not listed based upon the provisions of the Scheme listed previously.

'Military Considerations Special Control Area'

As no building is to occur from this application the requirements for this special control area are not applicable.

Matters to be Considered by Local Government:

a) *The aims and provisions of the Scheme;*

The aims and provisions of the Scheme have been addressed above.

o) *The preservation of the amenity of the locality;*

As the truck and trailer are barely visible from the road they will have little effect on the amenity of the locality. The proposed starting operation time does affect the amenity as outlined above.

- p) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

The truck and trailer are 21.95m long and would be parked in accordance with Attachment 2. As mentioned previously the truck is barely visible from the road. The truck and trailer is visible from the northern and southern adjoining landowners, one of which is in support of the application and the other did not make a submission.

As the truck and trailer are not a permanent structure and would predominantly be parked at night time, the scale and appearance of the truck and trailer cannot be seen to have a likely effect on adjoining properties.

- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

The internal access within in the site has been upgraded to allow efficient manoeuvring and parking without degrading the environment. There is slight damage to the crossover, as evident on the site visit. Advice from the Shire's Executive Manager Technical Services recommends that the crossover be of an asphalt surface.

The application does not entail the loading and unloading of any materials and is only for the parking of the commercial vehicle.

- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

The application proposes two extra traffic movements a day, with the truck and trailer leaving the property in the morning and returning in the late afternoon.

- aa) *Any relevant submissions received on the application;*

The submissions have been summarised in the attached schedule. Refer to Attachment 4.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 030713

Moved Cr Gibson / Seconded Cr Rossouw

That Council grants Planning Approval for the proposed 'Parking of Commercial Vehicle' on Lot 889 (RN 140) Rosewood Drive, Chittering subject to the following conditions:

- 1. Approval shall include the parking of one (1) tri-axle semi tipper truck and one (1) tri-axle pig trailer the subject of this application, as shown in Attachment 5 'Proposed Commercial Vehicle';**
- 2. The total length of the vehicle shall not exceed 19.5m;**
- 3. The hours of operation shall be restricted to:**
 - (a) Monday to Saturday 7am – 7pm**
 - (b) No operation on Sundays and Public Holidays;**
- 4. Truck movements outside of the prescribed hours as detailed in Condition 3 above, shall be in accordance with the assigned noise level of the *Environmental Protection (Noise) Regulations 1997*. No other operations/activity (maintenance) shall be undertaken outside of the prescribed hours;**
- 5. Compliance with the *Environmental Protection (Noise) Regulations 1997*;**
- 6. Minor maintenance shall be limited to the Applicants vehicle on site including:**
 - (a) The change of oil;**
 - (b) The change of tyres; and**
 - (c) Shall only be carried out during the times outlined in Condition 3 and after 9am on Sunday;**
- 7. The crossover at Lot 889 (RN 140) Rosewood Drive, Chittering shall be of an asphalt surface in accordance with the Shire of Chittering specifications to the satisfaction of the Chief Executive Officer; and**
- 8. The parking location of the Commercial Vehicle on the property shall be in accordance with Attachment 2 'Site Plan'.**

Advice Notes:

The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.1.2 Proposed Transport Depot – Lot 5929 (RN 6591) Great Northern Highway, Bindoon*

Applicant	Wicklow Securities Pty Ltd
File ref	A1293; P259/12
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Application 3. Site Photographs 4. Cadastral Boundaries 5. Consultation Plan and Schedule of Submissions 6. Traffic Impact Assessment

Background

Council has received an application for planning approval for a proposed transport depot at Lot 5929 Great Northern Highway from Wicklow Securities Pty Ltd. The property is currently used for hay production and bailing, prior to bales being transported off the property.

The details of the proposal are as follows:

- An area of approximately 3ha being constructed to a hardstand for the purpose of parking trucks and trailers;
- The Applicant is applying for the parking of up to six (6) prime movers and ten (10) commercial vehicles and/or attachments;
- A vegetated swale drain is to be constructed on the low point of the proposed hardstand area to capture and contain run-off from the proposed transport depot;
- No wash down facilities or refuelling has been proposed for the transport depot; this will require a separate approval to be issued by the Shire;
- Access to the proposed transport depot is to be from Bindoon – Moora Road. The location of the crossover and driveway has been chosen to maintain a safe separation distance from the intersection of Bindoon-Moora Road and Great Northern Highway. Access to Great Northern Highway is not preferred in this instance, given it will result in additional heavy haulage vehicles accessing this road on a tight bend with poor sight lines; and
- The crossover/driveway is to be sealed (bitumen) within twenty (20) metres of Bindoon-Moora Road. The remainder of the hardstand is to be constructed of gravel and either sealed with a chemical sealant or water (from on-site bores) to ensure dust suppression.

The proposal is of a relatively small scale. A site inspection was undertaken on the 12 November 2012. The proposed crossover and driveway are to be located at an existing crossover to Bindoon-Moora Road, as depicted on the Site Plan.

Bindoon-Moora Road is one of the main arterials serving the Northern Agricultural Region, including towns such as Moora, Carnamah, Three Springs and Mingenew. The proposed vehicle volume accessing the site and using Bindoon-Moora Road will be minimal to the overall traffic volumes currently using the road. Bindoon Moora Road is identified as a Network 3 of the Restricted Access Vehicle (RAV) Network. It is permitted to accommodate prime movers with trailers up to 27.5m in length and with a gross weight not greater than 84 tonnes.

Previous correspondence has occurred with the applicant explaining that the land is severed by a Shire of Chittering unmade road reserve. Access across this road reserve will be subject to the approval of the Shire of Chittering.

Consultation

The application was advertised in accordance with the requirements of the Shire of Chittering *Town Planning Scheme No 6*. This included notifying surrounding landowners, placing a Notice Board on the proposed access to the property and referring to government agencies. A Schedule of Submissions is included in Attachment 5.

The application was referred to Main Roads Western Australia for its comment and they requested that a Traffic Impact Assessment be provided for their assessment.

On 16 May 2013, a Traffic Impact Statement was provided to Main Roads WA by DVC Donald Veal Consultants. Main Roads WA considered the report and was prepared to endorse the Traffic Impact Statement and further advised that a separate approval will be required to be submitted to Main Roads for the proposed driveway incorporating the following:

- A completed Application for Low Complexity Works;
- Engineering; and
- A Traffic Management Plan.

The Shires Technical Services Department has no concerns with the Traffic Impact Statement and provided the following comments:

- The crossover should maintain safe separation distances from the nearby bend of Bindoon-Moora Road and the intersection of Bindoon-Moora Road and Great Northern Highway. Access should not be from Great Northern Highway.
- The crossover is required to be constructed to Shire specifications for heavy haulage vehicles; and
- Internal driveways and hardstand areas are required to be constructed to the satisfaction of the Shire of Chittering.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The zoning of the land is "Agricultural Resource". The objectives of the zone are:

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

The proposed land use definition under the Scheme is listed as 'Transport Depot', which has the following definition in the Scheme:

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

This particular use is an 'A' use under the Scheme which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

With regards to the definition of vehicle to be applied to the site, it will be for the parking of 'Commercial Vehicles', which has the following definition in the Scheme:

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

The property is identified within the Landscape Protection Area of the Scheme. The relevant clauses of the Scheme are listed below.

6.2.2 Purpose

- a) *To secure the areas delineated on the Scheme Map from the undue subdivision and development that would detract from the landscape value of the rural environment;*
- b) *To conserve and enhance the character of the significant landscape area; and*
- c) *To ensure land use and development are compatible with the landscape values.*

6.2.3 Landscape Areas

The Landscape Protection Areas are:

- a) *the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;*

6.2.4 Planning Requirements

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

- a) *a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- b) *land uses which are not related to the general objectives of the zone;*
- c) *the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- d) *the removal of any natural vegetation from any ridgeline;*
- e) *the removal or lopping of trees other than for-*
 - i. *fire fighting of fire protection purposes;*
 - ii. *the removal of dead or dying trees;*
 - iii. *clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
 - iv. *if the vegetation is posing a risk to public safety;*
 - v. *the vegetation is part of an area planted for fodder, timber plantation or any other crop;*
 - vi. *in association with the establishment of a Building Envelope.*

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

6.2.5 Relevant Considerations

In considering an Application for Planning Approval, the Local Government shall have regard to:

- a) *The statement and the nature of the key elements of the landscape and its character;*
- b) *The conservation and enhancement of the landscape values;*
- c) *The impact of any buildings or associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*

- d) *The requirement for all roofing of any building to be of a non-reflective nature;*
- e) *A change of land use where in the opinion of the Local Government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

6.2.6 Referrals for Planning Approval

The Local Government may refer any Application for Planning Approval or amendment to vary a Special Control Area boundary to any relevant authority or community organisation."

Policy Implications

Shire of Chittering Local Planning Policy No 18 – Setbacks

In regard to *Local Planning Policy No 18*, the following is applicable:

- Section 5.6 of the Policy stipulates that:
"In the special control area for Landscape Protection, dams, buildings and other structures are to be setback from ridgelines."
- Section 5.7 of the Policy stipulates that:
"The following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:
 - a) **Agricultural Resource Zone**
*Highway – 100m
Major Road – 50m
Other Road – 30m
Rear – 30m
Side – 30m"*
- Section 5.11 of the Policy stipulates that:
"Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No.6 in the following circumstances:
 - a) *Additions to an existing building*
 - b) *Reduced size or irregularly shaped lot*
 - c) *Commercial or industrial use*
 - d) *Temporary or minor structures*
 - e) *Heritage buildings*
 - f) *Other cases where it is reasonable to do so, as determined by Council."*

Environmental Protection Authority Guidance Statement No 3 – Separation Distance between Industrial and Sensitive Land Uses

The above document outlines the minimum separation distances required for industrial type land uses and other land uses considered sensitive, an example being residences.

The document stipulates a minimum separation distance of 200 metres for a Transport Vehicles Depot.

Financial Implications

Nil

Strategic Implications

The proposal is identified for 'Small Rural Holdings' in the Shire of Chittering *Local Planning Strategy*. Section 8.6 of the *Local Planning Strategy* outlines the relevant aims for the Small Rural Holdings Precincts identified:

8.6.1 Description/Location

The main areas are located around Bindoon townsite and adjacent to Maryville where there are appropriate soil types for productive hobby farms and opportunities for conservation, along important streamlines and wetlands. Much of the land in these areas has already been subdivided in the past and little additional subdivision is anticipated.

8.6.2 Aims

- *To maximise the productive capacity of good soils;*
- *To allow for rural environment around nominated service centres;*
- *To include stringent conditions for protection and reparation of watercourses and wetlands;*
- *To provide a working rural living presentation around the centres;*
- *To allow for eco tourism and agro tourism and special developments appropriate to rural production;*
- *To allow for a range of lot sizes befitting the landform constraints with an average minimum lot size of 10 hectares and an absolute minimum lot area of 5 hectares;*
- *All subdivision and development shall complement land capability analysis, protection of natural streamlines and remnant vegetation and clearly demonstrate the availability of water;*
- *To minimise vehicular access to highways or regional roads;*

Prior to rezoning of land for Small Rural Holdings the following matters shall be addressed;-

- *Access to Great Northern Highway and the management of increased traffic*
- *The potential conflict between agricultural production and Rural Smallholdings;*
- *The 'Linear Valley Greenway' in the Avon Arc Sub-Regional strategy, the general presumption against closer rural subdivision in this vicinity and the need to consider protection of land along the river if subdivision is supported;*
- *Land capability and water availability to sustain intensive agriculture on Rural Smallholdings."*

Site Inspection

Site inspection undertaken: Yes (12 November 2012)

Triple Bottom Line Assessment

Economic implications

If approved, the proposal has the ability to generate employment for local residents and promote business.

Social implications

Given the type of proposal, there may be on-going complaints about noise and dust from surrounding residents. It is suggested that this be monitored and any complaints received as a result of the approval of the application be acted upon directly by the Applicant.

Environmental implications

The proposal is located adjacent to the Brockman River. Submissions from the public have detailed that the proposal may have an impact on the health of the river. The Department of Water has indicated that the proposed transport depot should be setback 30 metres from the edge of water dependent vegetation and that adequate drainage measures should be incorporated.

Comment

The proposed "Transport Depot" is located on the corner of the Bindoon-Moora Road and Great Northern Highway. The property is identified as being within a Landscape Protection Area of the Scheme and also identified for Small Rural Holdings by the *Local Planning Strategy*.

"Transport Depot" is identified as a use which requires notification to the surrounding landowners and the consideration of the Council. The proposal is of a relatively small scale, including only a turn around and parking area for six (6) prime movers and ten (10) trailers and/or attachments.

Statutory Requirements

Shire of Chittering Town Planning Scheme No 6

The proposal is subject to the discretion of Council. This land use has been approved on other 'Agricultural Resource' zoned properties within the Shire of Chittering. The proposal will be consistent with the requirements of the Scheme.

As the property is located in the Landscape Protection Area of the Scheme, development must be in accordance with the requirements of this Special Control Area. It is considered that the proposal is consistent with the requirements of the Landscape Protection Area, as evidenced by the following:

- The proposal is not located on a ridgeline, although it is visible from Great Northern Highway. The proponent has outlined in the application that screening vegetation will be planted around the perimeter of the proposed transport depot to provide for screening and reduce the visual impact of the development;
- The establishment of the proposed transport depot does not propose clearing;
- There will be a net increase of vegetation on the property should the transport depot be established;

Although the proposed transport depot is located on a visually prominent corner and is visible from both Great Northern Highway and Bindoon-Moora Road, it is considered that suitable screening and measures can be incorporated within the proposal to ensure that visual impact is minimised.

Policy Requirements

Local Planning Policy No 18 - Setbacks

The proposal does not involve the construction of buildings. The purpose of the transport depot is purely for the parking of trucks and trailers and/or attachments. The setbacks stipulated in the policy specifically relate to buildings on the property.

In the most recent applications for Planning Approval considered by Council, setbacks have been imposed based on merit. The following most recent examples have been applied:

- (a) Brand Highway, Muechea (P067/12):
Council imposed a setback of 100 metres from Brand Highway and 30 metres from all other lot boundaries. The increased setback from Brand Highway was justified by the need to ensure sufficient separation from the Muechea townsite;
- (b) Muechea East Road, Muechea (P047/12):
Council imposed a setback of 20 metres from Great Northern Highway and 10 metres from all other lot boundaries. The reduced setback was required due to the size limitations of the property, being approximately 1.9 hectares in area, and was deemed sufficient by Council to ensure the planting of screening vegetation.

Lot 5929 (RN 6591) Great Northern Highway, Bindoon is divided by an unconstructed road reserve and a small remnant portion of a lot, being Lot 99 Great Northern Highway, Bindoon (as depicted in Attachment 4). During the preparation of the item, the Shires Rates Officer, advised that this was a deceased estate and is not owned by the Applicant.

Based upon the above, it is requested Council consider the following setbacks for the proposed transport depot:

- (a) 200m from the Scottalian Hotel buildings and other nearby sensitive land uses, based upon the requirements of the *EPA Guidance Statement No 3*;
- (b) 30m from Bindoon-Moora Road;
- (c) 30m from the edge of water dependent vegetation of the Brockman River;
- (d) 5m from the unconstructed road reserve; and
- (e) 30m from all other lot boundaries.

The above setbacks will ensure a sufficient separation is maintained to surrounding roads and the public view and enable appropriate screening to be planted to the satisfaction of the Shire of Chittering to reduce the visual impact of the proposal.

General Requirements

Number of Trucks and Trailers and/or Attachments and Hours of Operation

As per the application submitted, it is recommended that Council support the proposed transport depot to accommodate six (6) prime movers and ten (10) trailers and/or attachments. The number of trucks is small in the scale of transport depots and any proposal to expand the number of commercial vehicles on the property will require another Application for Planning Approval to be lodged with the Shire of Chittering.

No mention of the hours of operation has been made within the application for planning approval. It is recommended that Council require the development to comply with the requirements of the *Noise Regulations 1997*.

Setbacks

As recommended above, the setbacks of the proposed transport depot have been included in the Officer Recommendation.

Access and Hardstand Area

The proposed access is located on Bindoon-Moora Road. During the assessment of the application, it was referred to the Shire of Chittering Technical Services Department for comment. It is deemed that the proposed crossover is in a suitable location ensuring safe sight distances. Also, given the small number of trucks to be parked at the depot and low number of likely vehicle movements, the impact on the intersection of Bindoon-Moora Road and Great Northern Highway is considered minimal.

As Bindoon-Moora Road and Great Northern Highway are controlled by MRWA, it is recommended that all crossovers and access be subject to their requirements.

The Applicant proposes to seal a 20m internal road to be constructed to an asphalt standard connecting the internal driveway to Bindoon-Moora Road. This internal road will be required to be constructed to the engineering specifications of the Shire.

During the submissions period, it was raised that a private pipeline runs within the Bindoon-Moora Road reserve, which supplies water from a windmill adjacent to the Brockman River to a property located on Great Northern Highway. It is recommended that Council ensure the protection of this water source by imposing a condition outlining that any damage to the pipeline is suitably repaired if this occurs during the construction phase.

The internal driveway and hardstand area is proposed to be constructed of gravel. The Applicant suggests either a dust suppressant chemical seal be applied or the area be watered to minimise dust. It is recommended that the construction of the hardstand area is to be to the satisfaction of the Shire of Chittering Technical Services Department.

Screening and Clearing

Given the visual sensitivity of the property, it is recommended that Council require the Applicant to plant and maintain vegetative screening to the satisfaction of the Chief Executive Officer along the south-western boundary and adjacent to Bindoon-Moora Road and Great Northern Highway.

The Applicant has proposed screening to a width of 10 metres. Although this has been consistently applied on other similar applications, it is recommended that Council increase the proposed screening width to 20 metres. This takes account of the need to ensure the property is well screened and the visual amenity of the locality is not compromised by the proposed development. Furthermore, this allows for the staggered planting of various species to be more effective for screening.

No clearing is proposed to facilitate the development of the transport depot. It is recommended that Council impose a condition on the proposed development requiring that remnant trees are retained.

Drainage Management

During the assessment of the application, a number of concerns were raised in the submissions relating to the proposal being adjacent to the Brockman River and having an impact on both surface and ground water quality. The application proposes the construction of a drainage swale on the lowest portion of the site to capture and contain stormwater.

It was recommended by the Chittering Landcare Group that the drainage swale be constructed so as not to be subject to flooding. The Department of Water also recommended that any development be setback a minimum of 30 metres from the edge of water-dependent vegetation adjacent to the Brockman River to ensure that water quality in the river was not impacted by the proposed development.

In previous consideration of similar applications, Council has required the Applicant to install suitable drainage measures and also the incorporation of a Hydrocarbon Separator and Nutrient Stripping Pond. It is recommended that this is included as a condition of approval to ensure that the proposed transport depot minimises any impact on the quality of surface and ground water.

Storage

In consideration of similar applications, Council has required that the Applicant does not store any products being transported on the site. This is included in the Officer's Recommendation.

Permits

The Applicant will be required to obtain suitable permits for the operation of vehicles on Main Roads Western Australia RAV Network. Furthermore, if the Applicant proposes to use heavy haulage vehicles on Shire of Chittering controlled roads, suitable permits will need to be obtained from the Shire prior to this occurring. This is included in the Officer's Recommendation.

On-site Servicing and Wash Down

The application does not propose on-site servicing or wash down. If this does occur in the future, a separate Application for Planning Approval will be required to be lodged with the Shire. It is recommended that Council require a condition prohibiting on-site servicing, tyre rotation and wash down facility.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Rossouw

That Council grants Planning Approval for a 'Transport Depot' (laydown and assembly area) at Lot 5929 (RN 6591) Great Northern Highway, Bindoon subject to the following conditions:

1. There is to be no more than sixteen (16) commercial vehicles located on the site at any one time, to be comprised of a maximum of six (6) prime movers and ten (10) trailers and/or attachments.
2. The development hours of operation shall comply with the *Environmental Protection (Noise) Regulations 1997*. Truck movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.
3. The following setbacks shall apply:
 - (i) 200 metres from nearby sensitive land uses;
 - (ii) 50 metres from Great Northern Highway;
 - (iii) 30 metres from Bindoon-Moora Road;
 - (iv) 5 metres from unconstructed road reserve;
 - (v) 30 metres from all other lot boundaries; and
 - (vi) 30 metres from the edge of water dependant vegetation adjacent to the Brockman River.
4. The Applicant is to install a sealed asphalt standard internal road of 20 metres in length to the satisfaction of the Chief Executive Officer;
5. The Applicant is to install a sealed asphalt crossover to the satisfaction of Main Roads WA;
6. The driveway and hard-stand area is to be filled, constructed and sealed (gravel) to the satisfaction of the Chief Executive Officer;
7. The minimum internal driveway width is to be 6 metres;
8. To minimise dust, the maximum speed on internal driveways is to be limited to 20km/hr and sign-posted onsite;
9. A 20 metre vegetated screening buffer to be installed on the boundaries of Bindoon-Moora Road and Great Northern Highway and as otherwise indicated on the Site Plan;
10. The vegetated screening buffer is to be established within six (6) months, and maintained at all times to the satisfaction of the Chief Executive Officer;
11. Remnant trees being retained on the site to the satisfaction of the Chief Executive Officer;
12. All stormwater run-off and drainage to be directed to a drainage basin to be constructed and vegetated to the satisfaction of the Chief Executive Officer;
13. The drainage basin to incorporate a Hydrocarbon Separator and Nutrient Stripping Pond.
14. The drainage basin be located such that:
 - (i) It is not subject to flooding;
 - (ii) It is located at least 30 metres from water-dependent vegetation adjacent to the Brockman River;
15. Storage of any products being transported is not permitted anywhere on-site;
16. On-site servicing, tyre rotation and wash down facilities are not permitted and will be subject to separate approval by the Shire of Chittering;

17. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect;
18. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained; and
19. The Applicant is not to use the portion of unconstructed road reserve contained within Lot 5929 Great Northern Highway, Bindoon without first obtaining approval from Landgate.

Advice Notes:

1. With regard to Conditions 4, 6, 7, 8, 12, 13 and 14 the Applicant should contact the Shires Technical Services Department to obtain specifications and standards required for this site.
2. With regard to Conditions 9, 10 and 11, the Applicant is advised to contact Chittering Landcare Centre for information regarding species and planting rates in the proposed screening and drainage basin areas.
3. The Applicant is advised that the Main Roads Western Australia require permits for the use of heavy haulage vehicles on its roads and these will be required for vehicles using the Transport Depot.
4. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire local roads on the Restricted Access Vehicle network;
5. With regard to Condition 5, the Applicant is advised to submit a separate approval to Main Roads WA for the proposed access driveway incorporating the following:
 - (i) A completed application for Low Complexity Works;
 - (ii) Engineering Drawings; and
 - (iii) A Traffic Management Plan
6. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.
7. Any further developments on site shall be the subject of subsequent planning applications/approvals.

AMENDMENT

Moved Cr Norton / seconded Cr Mackie

That an additional condition 20 be included as follows:

20. Total hardstand area shall be in accordance with the approved plan.

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

9.1.2 SUBSTANTIVE MOTION / COUNCIL RESOLUTION -040713

Moved Cr Gibson / Seconded Cr Rossouw

That Council grants Planning Approval for a 'Transport Depot' (laydown and assembly area) at Lot 5929 (RN 6591) Great Northern Highway, Bindoon subject to the following conditions:

1. **There is to be no more than sixteen (16) commercial vehicles located on the site at any one time, to be comprised of a maximum of six (6) prime movers and ten (10) trailers and/or attachments.**
2. **The development hours of operation shall comply with the *Environmental Protection (Noise) Regulations 1997*. Truck movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.**
3. **The following setbacks shall apply:**
 - (i) **200 metres from nearby sensitive land uses;**

- (ii) 50 metres from Great Northern Highway;
 - (iii) 30 metres from Bindoon-Moora Road;
 - (iv) 5 metres from unconstructed road reserve;
 - (v) 30 metres from all other lot boundaries; and
 - (vi) 30 metres from the edge of water dependant vegetation adjacent to the Brockman River.
4. The Applicant is to install a sealed asphalt standard internal road of 20 metres in length to the satisfaction of the Chief Executive Officer;
 5. The Applicant is to install a sealed asphalt crossover to the satisfaction of Main Roads WA;
 6. The driveway and hard-stand area is to be filled, constructed and sealed (gravel) to the satisfaction of the Chief Executive Officer;
 7. The minimum internal driveway width is to be 6 metres;
 8. To minimise dust, the maximum speed on internal driveways is to be limited to 20km/hr and sign-posted onsite;
 9. A 20 metre vegetated screening buffer to be installed on the boundaries of Bindoon-Moora Road and Great Northern Highway and as otherwise indicated on the Site Plan;
 10. The vegetated screening buffer is to be established within six (6) months, and maintained at all times to the satisfaction of the Chief Executive Officer;
 11. Remnant trees being retained on the site to the satisfaction of the Chief Executive Officer;
 12. All stormwater run-off and drainage to be directed to a drainage basin to be constructed and vegetated to the satisfaction of the Chief Executive Officer;
 13. The drainage basin to incorporate a Hydrocarbon Separator and Nutrient Stripping Pond.
 14. The drainage basin be located such that:
 - (i) It is not subject to flooding;
 - (ii) It is located at least 30 metres from water-dependent vegetation adjacent to the Brockman River;
 15. Storage of any products being transported is not permitted anywhere on-site;
 16. On-site servicing, tyre rotation and wash down facilities are not permitted and will be subject to separate approval by the Shire of Chittering;
 17. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect;
 18. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained; and
 19. The Applicant is not to use the portion of unconstructed road reserve contained within Lot 5929 Great Northern Highway, Bindoon without first obtaining approval from Landgate.
 20. Total hardstand area shall be in accordance with the approved plan.

Advice Notes:

1. With regard to Conditions 4, 6, 7, 8, 12, 13 and 14 the Applicant should contact the Shires Technical Services Department to obtain specifications and standards required for this site.
2. With regard to Conditions 9, 10 and 11, the Applicant is advised to contact Chittering Landcare Centre for information regarding species and planting rates in the proposed screening and drainage basin areas.
3. The Applicant is advised that the Main Roads Western Australia require permits for the use of heavy haulage vehicles on its roads and these will be required for vehicles using the Transport Depot.
4. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire local roads on the Restricted Access Vehicle network;

5. With regard to Condition 5, the Applicant is advised to submit a separate approval to Main Roads WA for the proposed access driveway incorporating the following:
 - (i) A completed application for Low Complexity Works;
 - (ii) Engineering Drawings; and
 - (iii) A Traffic Management Plan
6. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.
7. Any further developments on site shall be the subject of subsequent planning applications/approvals.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.3 Additional Dog Application – 305 Maine-Anjou Drive, Lower Chittering*

Applicant	Claire Bingham
File ref	A10597
Prepared by	Robert Butler, Acting Senior Ranger
Supervised by	Jamie O'Neill, Community Emergency Services Manager
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Two letters of support and one letter of objection from neighbours

Background

The Applicant currently owns two dogs registered within the Shire of Chittering, which are a sterilised Heeler and a sterilised Heeler X Greyhound. Whilst conducting dog registration checks in the area the Rangers were advised that the Applicant had re-homed a sterilised Huntaway which needed to be registered. The Applicant has made a Section 26 application for the Huntaway as per Ranger request.

The Applicant is a member of “*Desperate for Love Pound Rescue, HART Rescue*” which is a not for profit organisation that assists to find homes for abandoned dogs. The property is on 2.35 hectares zoned “Rural Residential” with the internal enclosure being 0.5 of a hectare. The fencing is 1.2 metre high ringlock on star pickets on the boundary and 1.2 metre high wire and sighter wire around the internal perimeter.

There is no adverse history recorded for this property regarding any of these dogs.

Consultation

The Shire Ranger has sent letters to eight adjacent and adjoining land owners giving them the opportunity to comment on the additional dog application. Three submissions were received, where one objected to the application and two supported the application (see attachments).

The objecting neighbour owns a vacant block of land opposite the Applicant’s property and objects on the grounds that the dogs barked one day when he visited his block. Rangers have been unable to contact the objecting owner. Whilst conducting interviews at the property the Ranger witnessed the dogs bark at people walking by, the dogs did this for a few minutes and then stopped. This is normal behaviour for a dog to bark at someone or something that is different entering their line of sight. Consultation with existing neighbours is that the barking is not excessive. The dog owner when asked about barking said that they can move the existing containment lines closer to the house on the north-side which will keep the dogs further from the road. The dog owner has a training collar which can also be used.

Statutory Environment

Dog Act 1976, Part V – KEEPING OF DOGS – Limitation as to numbers, Section 26

- 1) *The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- 2) *Subject to subsection (1), a Local Government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situated in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*

- 3) Where by local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in the respect of those premises but any such exemption –
- May be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - Shall not operate to authorize the keeping of more than 6 dogs on those premises; and
 - May be revoked or varied at any time.
- 4) Subject to the provisions of subsection (3), a person who keeps any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1,000 and a daily penalty of \$100

- 5) Any person who is aggrieved-
- By the conditions imposed in relation to any exemption from the provision of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - By the refusal of the local government to grant such an exemption, or by the revocation of an exemption.
- may appeal in writing to the Minister who may, after such inquiry as he thinks fit, give directions to the local government concerned and effect shall be given to any such direction.
- 6) An appeal under subsection (5) shall be lodged with the Minister not after that 28 days after the day on which a notice of the decision that it is appealable is served on the person affected by that decision.

Shire of Chittering Dogs Local Law 2011

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
- licensed under Part 4 as an approved kennel establishment; or
 - granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
- 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or
 - 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.

Policy Implications

Multiple Dog Policy

Policy: The Multiple Dog Policy ensures alignment with the Shire of Chittering Dog Local Law 2011 section 3.2(2) which allows for:

- 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or

- (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.

Residents wishing to register additional dogs are to submit to the Shire of Chittering an "Application for Exemptions of limitations of Number of Dogs" form and enclose the additional dog application fee, which is non-refundable and is prescribed in the Shire of Chittering's Fees and Charges.

Financial Implications

The registration of the additional dog will increase the income to Council.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

The increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation.

Environmental implications

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

Comment

The Applicants have forwarded an application for the additional dog and a fee of \$165 (including GST) to the Council, including the breed of the dog/s and fencing or confinement details.

In determining the application the following process was undertaken:

- (1) All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
- (2) The Shire Ranger attended the property and undertook a complete dog welfare check, a fencing check and a report by the investigating officer of his findings.
- (3) The Shire Ranger attempted to contact and interview the landowner who had made an objection.

The Applicant has shown to be a responsible dog owner and has complied with all requests made. There is adequate fencing and means to control the dogs other than verbal commands. Ranger Services request that consideration be given to approve this application.

The Chief Executive Officer has delegation (DA60) to deal with applications where no objection has been received. However, in this case one (1) objection has been received and therefore Council is now requested to consider the application.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 050713

Moved Cr Rossouw / Seconded Cr Mackie

That Council approve the Application by Claire Bingham for the Additional Dog at 305 Maine-Anjou Drive, Lower Chittering subject to the following conditions:

1. The Shire Ranger Services may at any reasonable time inspect the property;
2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property;

Breed	Name
Heeler	Drover
Heeler X Greyhound	Rusty
Huntaway	Jessica

3. Should one of the current registered dogs under this applicant become deceased, the applicant(s) cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering for a third dog;
4. The Applicant(s) must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above;
5. The three (3) dogs must be registered at all times; and
6. If at any time these requirements have been breached, Ranger Services may terminate the application, and the dog (Huntaway, Jessica) is to be removed from the premises within seven (7) days.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

9.2.1 Vesting part of Great Northern Highway Road Reserve (Binda Place) Bindoon Townsite to the Shire of Chittering*

Applicant	Shire of Chittering
File ref	28/05/0069; 28/05/0002
Prepared by	Tresa White, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Map

Background

In the design stages of the proposed Binda Place upgrade, a cadastral plan has shown that Binda Place is part of the Great Northern Highway Road Reserve.

Advice received from Main Roads Western Australia was that if the Shire wishes to formalise the vesting of the section of the Great Northern Highway Road Reserve known as Binda Place, the Shire would need to discuss the vesting with the Department of Land (State Land Services).

Consultation

Executive Manager Technical Services
Engineering Technical Officer
Main Roads Western Australia (Gren Putland and Ed Cooper)

Statutory Environment

Land Administration Act 1997
Main Roads Act 1930

Policy Implications

Nil

Financial Implications

Council has allocated funds towards the upgrade of Binda Place in the 2013/2014 budget.

The formal vesting of Binda Place into Councils control will mean that Council will be responsible for its ongoing maintenance and any future liabilities.

Strategic Implications

Formalising Binda Place into a road reserve vested to the Shire will assist with its future development; in particular as a recognised road it will be eligible for external funding.

Site Inspection

Yes

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

To change the vesting of the section of the Great Northern Highway known as Binda Place to the Shire of Chittering, the Shire needs to write a letter to Main Roads Western Australia requesting that they agree to change the vesting so that the process can be started with State Land Services to vest the road reserve to the Shire.

Binda Place is Bindoon's Central Business District and with the growing population is in great need of an upgrade to make it more appealing to the residents and visitors of the Shire of Chittering. The proposed works to Binda Place will enhance pedestrian safety, vehicle movements and address the current parking issues by increasing the number of parking bays.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 060713

Moved Cr Gibson / Seconded Cr Mackie

That Council authorise the Chief Executive Officer to write to Main Roads WA requesting their consideration to formally transferring that portion of Great Northern Highway known as Binda Place to the Shire of Chittering, for the purpose of vehicle parking and access.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2.2 Resumption of Portion of Land Located at 2785 Chittering Road, Upper Chittering*

Applicant	Shire of Chittering
File ref	28/05/0088; 15/01/0002
Prepared by	Tresa White, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Letter of agreement signed by property owner, Mr Bruce Lefroy 2. Chittering Road Realignment Plan

Background

A Blackspot application was applied for in the 2012/2013 Financial Year to upgrade the intersection of Lake Road and Chittering Road and to realign the curve on the bend of Chittering Road. Funding of \$248,000 was approved for the realignment of Chittering Road to improve driver safety.

As a part of the realignment project the Shire is required to resume 640m² of land from 2785 Chittering Road. The Land holder has been contacted and is willing to sign the land to the Shire to be dedicated as road reserve.

Plans for the realignment of Chittering Road have been drawn and are attached (Attachment 2).

Consultation

Executive Manager Technical Services
Engineering Technical Officer
Bruce Lefroy, property owner of 2785 Chittering Road, Upper Chittering

The property owner has been contacted and several site meetings have occurred and now the Landowner has signed a formal letter of agreement for the Shire of Chittering to resume approximately 640m² of land for the road realignment. At a cost of \$2,000, the landowner has also requested that all fencing affected by the road construction be replaced at Council's expense.

Statutory Environment

Land Administration Act 1997 – section 56(1)(a)

In accordance with Section 56 of the *Land Administration Act 1997*, local governments may request the dedication of land to become a public road reserve.

Policy Implications

Nil

Financial Implications

The Shire has offered to pay Mr Lefroy \$2,000 for the resumption of land in addition to any costs associated with the resumption. New gates, fencing and reconstruction of the existing driveway will be approximately \$25,000.00.

Survey costs for the preparation of the survey plan have been estimated at \$2,500.

Strategic Implications

Nil

Site Inspection

Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

The proposal works will result in an improved alignment, thereby enhancing road user safety.

Environmental implications

Five (5) trees will be removed from the roadside to accommodate the road realignment. However the realignment will improve road safety reducing the incidence of accidents and near misses on this section of Chittering Road.

Comment

This road is a main arterial road connecting Great Northern Highway from Bindoon to Toodyay. This section of road carries a risk of loss of directional control, side swipe, head on impact and roll over type crashes. There is very little room for recovery, once a vehicle has strayed from their respective travel lane. It is recommended that Council support the resumption of approximately 640m² of land located at 2785 Chittering Road.

9.2.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070713

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

- 1. endorse the resumption of approximately 640m² of land located at 2785 Chittering Road, Upper Chittering for the cost of \$2,000 and cover all costs associated with the relocation of gates and fencing;**
- 2. endorse the dedication of the resumed land from 2785 Chittering Road into the road reserve; and**
- 3. Indemnify the Minister against any claims in accordance with Section 56 of the *Land Administration Act 1997* (as amended) for the dedication of the resumed land from 2785 Chittering Road, Upper Chittering.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3 CORPORATE SERVICES

9.3.1 Financial Statements for the Period Ending 30 June 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 30 June 2013
Attachments	<ol style="list-style-type: none">1. Statement of Financial Activity for period ending 30 June 20132. Bank reconciliation for period ending 30 June 20133. List of accounts paid for June 2013

Background

In accordance with *Local Government (Financial Management) Regulation 34(1)*, local governments are required to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 30 June 2013, financial statements, bank reconciliation and list of accounts paid for the period ending 30 June 2013 are hereby presented for council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

It is to be noted that these financial statements are not the final statements for the 2012-2013 financial year as further adjustments will be required for yearend accruals.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080713

Moved Cr Hawes / Seconded Cr Norton

That Council:

1. endorse the list of payments:

- PR3059
- PR3062
- PR3066
- EFT 8189 - EFT 8359
- Municipal Fund Vouchers 13350 - 13365
- Direct Debits as listed
- BPV29 to BPV29
- Trust Vouchers 340-342

Totalling \$946,735.01 for the period ending 30 June 2013.

2. receive the bank reconciliation for the period ending 30 June 2013.

3. receive the financial statements for the period ending 30 June 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Cr Douglas declared a financial interest in item 9.3.2 as he is the president/staff of the tourist centre and left the meeting at 8.10pm. Cr Hawes assumed the role of chairperson for this item.

Cr Norton declared an impartiality interest in item 9.3.2 as she is a member of the tourist association.

9.3.2 Tourism Promotion Funding*

Applicant	Chittering Tourist Association (Inc)
File ref	08/02/0003
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Proposed Tourism Promotion Funding Guidelines

Background

The Shire has been approached by the Chittering Tourist Association (Inc) (CTA) with regards to the provision of funding for the existing paid employment position of Tourism Promotion Officer. The CTA fund the position for an average of fifteen hours per week at an approximate cost of \$20,000 per annum.

Consultation

Consultation has been undertaken with the incumbent Tourism Promotion Officer (TPO), Mrs Colleen Osborn; the Chairperson of the CTA, Mr Alex Douglas; and, Chief Executive Officer, Mr Gary Tuffin.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

It is proposed that an agreement to provide funding of \$20,000 be offered to the CTA. These funds would be allocated in the 2013-2014 Budget. It is envisaged that there would be reporting requirements attached to the funding (proposed guidelines attached).

Currently the Shire of Chittering support the CTA, and tourism promotion, through provision of the Visitor Centre building on a peppercorn lease plus funding for printing / promotions. Including the \$7,500 upgrade to the CTA's Visitor Information Boards support given in 2012-2013 would be an amount in the vicinity of \$15,000.

The \$20,000 funding referred to in this report would be in addition to the existing financial support.

Strategic Implications

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

<i>Economic:</i>	<i>Prosperity for the Future</i>
<i>Outcome:</i>	<i>Chittering "A Place to Visit"</i>
<i>Strategy:</i>	<i>Promote and improve Chittering's profile as a tourism destination</i>
<i>Key Priority:</i>	<i>Promote the Visitor Centre</i>

With reference to the Shire of Chittering Workforce Plan 2013-2023

Continual support for tourism is also one of the objectives/outcomes in the Strategic Community Plan 2012-2022. Currently Council supports the [Chittering] Tourist Association with the provision of a building (peppercorn lease) and budgeted funds for festivals and events. The Association employs a part-time Tourism Officer (3 days per week) with all other duties undertaken by volunteers. Staff and community members envisage that the Shire's Tourism Officer, working two (2) days per week, in conjunction with the Tourist Association, would develop tourism in the Shire and region. The estimated additional cost for this position to Council in the 2013/2014 Budget is \$20,702 (includes superannuation, annual leave loading and uniform allowance).

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

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

Consideration was given to the employment of a Tourism Officer by the Shire of Chittering in line with the *Workforce Plan 2013-2023*, however this would cost in excess of \$20,000 for a three day position. It was also foreseen that management issues may be encountered prior to the adoption of a Tourism Action Plan (currently being prepared as part of the Chittering Economic Development Strategy).

The proposed guidelines relating to the funding are included as Attachment 1.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090713

Moved Cr Rossouw / Seconded Cr Mackie

That Council:

1. support the proposed Tourism Promotion Funding and provide funding of \$20,000 in the Annual Budget 2013-2014; and
2. advise the Chittering Tourist Association (Inc) of the proposed funding guidelines.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Cr Douglas returned to the meeting at 8.20pm and resumed the chair prior to item 9.3.3.

9.3.3 Adoption of the 2013-2014 Budget*

Applicant	Shire of Chittering
File ref	12/07/3
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. 2013-2014 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 2013-2014 budget process in March 2013. 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 12 June 2013. The first draft budget was presented to Council on 4 July 2013.

Consultation

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

Statutory Environment

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 2013-2014 financial year.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The draft 2013-2014 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.

Comment

Budget

The 2013-2014 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 7.5% rate increase. This increase in rates was determined after the growth for the last financial year was captured. It is to be noted that Unimproved Valuations (UV) for the Shire were down 2.9% therefore the rate in the dollar has been increased to compensate for this adjustment.

Highlights of the budget include:

(i) Capital

- Construction of a Multi-Purpose Health Centre - \$2,400,000 (funded by borrowings and grants)
- Commencement of the Binda Place Upgrade - \$466,115 (funded by CLGF 13-14)
- Upgrade to Bindoon Town Hall (subject to grant funding)
- Roadworks on Chittering Road & Chittering Valley Road - \$560,874 (funded by Regional Road Group \$373,916)
- Roads to Recovery of \$170,000 for Archibald Street
- Black Spot Roadworks on Chittering Road - \$342,623 (funded by MRWA Black Spot \$152,000)
- Roadworks on Parkside Gardens, Flat Rocks Road, Stephens Road and Teatree Road - \$307,874 funded by Council
- Purchase of Second Grader - \$385,000
- Purchase of Skid Steer Loader - \$75,000
- Purchase of Light Fleet - \$224,000
- Transfer to various reserves of \$194,300
- Contribution towards the upgrade of McGlew Road

(ii) Operating

- Commencement of Rating Strategy (property inspections by VGO) - \$75,000
- Strategic Landfill Study - \$65,000
- Kerbside Rubbish Collection Study - \$10,000
- Lot 62 – Independent Living Units Study – \$10,000
- Study on Mooliabeenee Landfill Site (as required by DEC) - \$32,700
- Preparation of Community Infrastructure Plan – \$80,000 (this expenses is recoupable from the Scheme once the plan is developed)

- Preparation of Developers Contribution Plan - \$55,000 (this expense is recoupable from the Scheme once the plan is developed)
- Implementation of a Youth Program - \$8,000
- Increased Tourism Projects (including but not limited to Taste of Chittering and Roadwise Campaign - \$33,500 (these projects have grant funding attached)
- Increased Economic Projects (including Heritage Walk, Carty Reserve Trail and Needoonga Stonehouse Trail) - \$87,180 (with funding of \$55,545 attached to these projects)

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100713

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

1. 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 2013-2014 financial year which includes the following:
 - (a) Statement of Comprehensive Income by Nature and Type on Page 1
 - (b) Statement of Comprehensive Income by Program on Page 2
 - (c) Statement of Cash Flows on Page 3
 - (d) Rate Setting Statement on Page 4
 - (e) Notes to and forming part of the Budget on Pages 5 - 34
 - (f) Budget Programme Schedules on Pages 43 - 98
 - (g) Other Supporting Documents and Schedules on Page 135
 - (h) Transfers to/from Reserve accounts on Page 25
2. 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 12.2254 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 0.5979 cents in the dollar, with a minimum rate of \$750 be imposed.
3. 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. 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. 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 27 August 2013, 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) 27 August 2013
- (ii) 7 January 2014

(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) 27 August 2013
- (ii) 29 October 2013
- (iii) 7 January 2014
- (iv) 11 March 2014

6. 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. impose a Landfill fee for the 2013-2104 year of \$75.00 per assessment.
8. accepts as part of the budgetary process the Fees & Charges Schedule as adopted in Item 9.3.2 at the Ordinary Meeting of Council held on 15 May 2013.
9. 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:
 - (i) President \$19,000
 - (ii) Councillors \$9,500
10. pursuant to the *Salaries and Allowances Tribunal determination dated 19 June 2013*, adopts the following annual allowances for elected members:
 - (i) Reimbursement of Expenses Allowance \$3,500
11. 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:
 - (i) President \$8,000
12. 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:
 - (i) Deputy President \$2,000
13. 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 7/0
BY AN ABSOLUTE MAJORITY

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Affixing of Common Seal – Regional Development Australia Fund, Multi-Purpose Health Centre*

Applicant	Shire of Chittering
File ref	04/18/59; 15/01/14
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Regional Development Australia Fund Agreement

Background

An application for funding was lodged for Round 3 of the Regional Development Australia Fund.

Council has been advised that its application was successful for an amount of up to \$450,000 for the Multi-purpose Health Centre.

Attached is a copy of the funding agreement relating to the provision of this funding which is required to be signed and affixed with the Shires Common Seal.

Consultation

Shire President
Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995

Policy Implications

Execution of documents

Financial Implications

Additional funding of \$450,000

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 this proposal.

Social implications

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

Environmental implications

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

Comment

The financial agreement was received on Thursday, 11 July 2013. In order to process the agreement, it is required to be signed with the Common Seal applied and returned to the Department of Regional Australia, Local Government, Art and Sport by Thursday, 25 July 2013.

Council is now requested to authorise this action.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110713

Moved Cr Mackie / Seconded Cr Clarke

That Council authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Regional Development Australia Fund Funding Agreement between the Commonwealth of Australia and the Shire of Chittering in relation to the Multi-purpose Health Centre.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Affixing of Common Seal – Strategic Waste Management Review*

Applicant	Shire of Chittering
File ref	04/19/13
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Talis submission Formal Instrument of Agreement

Background

A Waste Review Working group was formed to develop a consultant's brief for a review to be undertaken of Council's waste operations by industry professionals.

An advertisement was placed in the West Australian newspaper on the 8 June 2013.

By the closing date and time, six submissions were received:

- GHD Pty Ltd
- Geo Environmental
- Talis
- Morrison Low
- Brian Jones
- Bowman & Associates Pty Ltd

On the 9th July 2013 the Working Group reviewed the submissions received, and all those present agreed that the submission by Talis represented the best value for money.

Talis has significant experience in the development of Strategic Waste Management Plans - refer to their submission/quotation for further details.

Consultation

Not applicable

Statutory Environment

Delegation DA 9 (Engagement of consultants) states:

Objective of Delegation: *To appoint consultants to the Shire of Chittering*

Extent of Delegation: *The power to appoint consultants, such as architects, valuers, planning consultants etc. for projects and tasks where specific external skills or knowledge are required.*

Conditions imposed:

- *Any applicable Council Policy must be implemented.*
- *The consideration for the consultancy is less than \$50,000.*
- *Specific budget provision exists.*

Policy Implications

Purchasing

Financial Implications

Talis fee proposal \$48,500

Strategic Implications

Council's Community Strategic Plan provides:

Natural Environment: Preserving and Enhancing Our Natural Environment

Outcome: Sustainable Resources

Strategies: Reduce waste through recycling and re-use.

Measurable result: Develop and implement the Shire of Chittering **Waste Management Strategy** -

- Reduction of the quantity of wastes going to the landfill.

Economic: Prosperity for the Future

Outcome: Economic Growth

Strategies: Create (facilitate) waste management centre, with a focus on sustainable waste management.

Measurable result: Develop and implement of the Shire of Chittering **Waste Management Plan**:

- Increase in revenue.
- Decrease in operating costs.

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

The study will review and assess the options for a commercial aspect to the Muchea Landfill.

Social implications

The study will look at how recycling can be maximized in a sustainable way to reduce the amount of rubbish going to landfill.

Environmental implications

The study will review and provide guidance to ensure the waste facilities continue to be operated in an environmentally responsible and sustainable manner.

Comment

Under the contract, Talis will prepare a Strategic Waste Management Plan (SWMP) which will outline the works undertaken as part of the project, the data gathered, key findings and recommendations. Talis anticipates that the content of the Report may be as follows:

Introduction

- Scope and Objective of the Study
- Methodology

Review of current waste management practices

- Waste streams arising
- Waste management activities and performance

Waste Stream Projections

Waste Service Provision Options

- Services to be provided
- Governance model

Waste infrastructural requirements

- Recycling and Recovery initiatives
- Landfill

Long term strategy for Muchea site

- Operational improvements
- Future Land Planning
 - Feasibility
 - Designs
 - Cost estimates
 - Resource Recovery options

Long term strategy for Bindoon site

- Operational improvements
- Future Land Planning
 - Feasibility
 - Designs
 - Cost estimates
 - Resource Recovery options

Waste management opportunities

- Regionalisation
- Resource Recovery
- Revenue

Funding opportunities

Conclusions and Recommendations

- Figure

Mapping of waste facilities

Appendix

- Waste Stream Projections Modelling
- Schematic Design Drawings

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120713

Moved Cr Mackie / Seconded Cr Rossouw

That Council authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Form of Agreement for the Strategic Waste Management Plan by Talis.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

10.1 Chittering Bush Fire Advisory Committee*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. DFES letter dated 23 May 2013 2. Shire of Chittering letter dated 10 June 2013 3. CBFAC Minutes 18 June 2013

Background

CBFAC Committee Recommendation One

The Chief Bushfire Control Officer's position with the Shire of Chittering expired on 30 June 2013.

Nominations for the position were called at the Chittering Bushfire Advisory Committee (CBFAC) meeting held 18 June 2013. Mr Dennis Badcock was elected unopposed.

Fire Control Officers are selected annually by their respective Brigade, at the Brigade's AGM, for recommendation for appointment by Council through the Bushfire Advisory Committee June meeting.

The Brigade's provided the following nominations:

Brigade	Name
Lower Chittering Volunteer Bush Fire Brigade	Steve Browne Max Brown
Upper Chittering Volunteer Bush Fire Brigade	Bob Wainwright
Bindoon Volunteer Bush Fire Brigade	Nicholas Walter
Muchea Volunteer Bush Fire Brigade	Peter Hall Paul Martin

When Members considered these nominations it was brought to the Committee's attention that Paul Martin had been nominated for a period of two years last year and so was not up for re-nomination this year.

The Muchea Brigade representative was unable to provide clarification on the matter and Members determined to endorse the nominations as presented. Karen Parker, Minute Taker, was asked to follow-up and should a mistake have been made, advise Council of the correction and the CBFAC would correct the minutes at their August 2013 meeting.

The Muchea Volunteer Bushfire Brigade Secretary confirmed that the incorrect information had been provided and nominees from Muchea are Peter Hall and Dennis Harvey.

The following Committee Recommendation resulted from the Bushfire Advisory Committee held on 18 June 2013 CBFAC meeting:

COMMITTEE RECOMMENDATION

Moved Phil Humphrey / Seconded Max Brown

That the Chittering Bushfire Advisory Committee recommends to Council to appoint:

- (1) Dennis Badcock as the Chief Bushfire Control Officer for a period of two (2) years, from 1 July 2013 to 30 June 2015.*
- (2) the following as Bushfire Control Officers for a period of two (2) years, from 1 July 2013 to 30 June 2015:*
 - (a) Nicholas Walter representing Bindoon VFBF;*
 - (b) Steve Browne representing Lower Chittering VFBF;*
 - (c) Max Brown representing Lower Chittering VFBF;*
 - (d) Peter Hall and Paul Martin representing Muchea VFBF; and*
 - (e) Bob Wainwright representing Upper Chittering VFBF.*

CARRIED 12/0

The Officer Recommendation will include the correction for (d) being Peter Hall and Dennis Harvey representing Muchea VFBF.

CBFAC Committee Recommendation Two

The CBFAC considered the letter from DFES pertaining to the Option to Transfer Local Bush Fire Brigades Impact Assessment and the CEO's letter of response.

Following considerable discussion the CBFAC moved the motion below:

COMMITTEE RECOMMENDATION

Moved Max Brown / seconded Dennis Badcock

Request that Council take no further action on this matter until a response has been received from DFES addressing Council's list of concerns.

CARRIED 12/0

Consultation

Chief Executive Officer
Community Emergency Services Manager
Chittering Bush Fire Advisory Committee

Statutory Environment

Bushfires Act 1954

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Nil

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Council is requested to endorse the following recommendations resulting from the Chittering Bush Fire Advisory Committee meeting held 18 June 2013.

The 'unconfirmed' minutes of the Chittering Bush Fire Advisory Committee meeting are now presented to Council to be received.

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130713

Moved Cr Mackie / Seconded Cr Norton

That Council:

- 1. appoints:**
 - (a) Dennis Badcock as the Chief Bushfire Control Officer for a period of two (2) years, from 1 July 2013 to 30 June 2015; and**
 - (b) the following as Bushfire Control Officers for a period of two (2) years, from 1 July 2013 to 30 June 2015:**
 - (i) Nicholas Walter representing Bindoon VBFB;**
 - (ii) Steve Browne and Max Brown representing Lower Chittering VBFB;**
 - (iii) Peter Hall and Dennis Harvey representing Muchea VBFB; and**
 - (iv) Bob Wainwright representing Upper Chittering VBFB.**
- 2. takes no further action on the letter from the Department Fire and Emergency Services regarding the Option to Transfer Local Bush Fire Brigades Impact Assessment until a response has been received from the Department addressing the Chief Executive Officer's list of concerns.**
- 3. receives the "unconfirmed" minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 18 June 2013.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

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

13.1 Ratepayer Landfill Fees and Charges

PROCEDURAL MOTION

Moved Cr Mackie / seconded Cr Gibson
That Council considers items of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCILLOR MOTION / COUNCIL RESOLUTION - 140713

Moved Cr Gibson / seconded Cr Mackie
That Council review all ratepayer landfill fees and charges prior to the next Ordinary Meeting of Council.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.35pm



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