

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY, 21 JUNE 2017

**Council Chambers
6177 Great Northern Highway
Bindoon**

Commencement: 7.01pm

Closure: 8.32pm



Preface

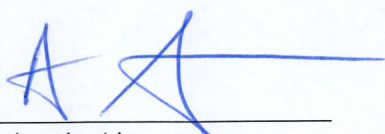
When the Chief Executive Officer approves these Minutes for distribution they are in essence "*Unconfirmed*" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 4 July 2017.



Alan Sheridan
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 19 July 2017.

Signed

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

Disclaimer

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

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

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

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

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* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.01pm.

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

2.1 Attendance

Councillors	Cr Gordon Houston	President (Presiding Member)
	Cr Peter Osborn	Deputy President
	Cr Mary Angus	
	Cr Don Gibson	
	Cr Aaron King	
	Cr Michelle Rossouw	
	Cr George Tilbury	
Staff	Alan Sheridan	Chief Executive Officer
	Rhona Hawkins	Executive Manager Corporate Services
	Bronwyn Southee	Executive Manager Development Services
	Jim Garrett	Executive Manager Technical Services
	Peter Stuart	Senior Planning Officer
	Nathalee Petersen	Planning Officer
	Natasha Mossman	Executive Support Officer (Minute Secretary)
Members of the public	22	
Media	0	

left the meeting at 8.09pm

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 John Curtis, Bindoon

Question 1: How many tonnes of recyclables were collected during 2015/2016?

Answer 1: The Shire wrote to Mr Curtis on 6 June 2017 and advised the following:

“These matters have been addressed in a detailed report to Council on 16 November 2016, of which a copy is attached for your information.”

Question 2: How much does Council provide on cars compared to public transport?

Answer 2: The Shire wrote to Mr Curtis on 6 June 2017 and advised the following:

“This question is too general in nature and as a result it is not possible to provide a response. For the Shire to be able to provide a definitive response you are asked to provide additional information so that your question can be properly addressed.”

4.1.2 Robert Pizzino, Bindoon

Question 1: Is there fluoride in the Bindoon water supply?

Answer 1: Following the meeting the Chief Executive Officer contacted Water Corporation who advised that there is no fluoride in the Bindoon water supply.

4.2 Public question time

4.2.1 Norbert Merrifield, Bindoon

Question 1: Spoke to his question asked at the May Ordinary Council Meeting and in particular what are the outcomes regarding his questions about vehicles being supplied for private/work use.

Answer 1: The Presiding Member advised that Council is still going through the process and will be workshopping the Policy 3.18 Vehicle Use, which will then be tabled at the August Ordinary Council Meeting.

Question 2: Why has it taken a month?

Answer 2: The Presiding Member advised that Council is currently in the process of finalising the budget for the coming financial year; and that the Policy will be workshopped once the budget has been adopted.

Question 3: At the May Ordinary Council Meeting we were told to leave at about 9pm; why as ratepayers were we not allowed to remain in the meeting?

Answer 3: *The Presiding Member advised that the last two items on the May Ordinary Council Meeting agenda were confidential items; and as Council is governed by the Local Government Act 1995 and relevant subsidiary Regulations, the meeting was closed to the general public to allow for open discussion. Ratepayers have elected their representatives to make decisions at Council meetings and sometimes these decisions are confidential in nature as they may relate to financial information, personal information, legal advice obtained, contractual information, commercial information (refer to Local Government Act 1995, S5.23).*

4.2.2 Graeme Donaldson, Bindoon

Question 1: With regard to the Chief Executive Officer what is his experience with being a Chief Executive Officer and what experience does he have with accounting matters?

Answer 1: *Through the Chair, the Chief Executive Officer advised that prior to his appointment as the Chittering Chief Executive Officer he held the position of Director in one of the largest Councils in Australia, with a population of over 400,000 people. The Chief Executive Officer also advised that his qualifications include a Masters Degree, Graduate Diplomas in Strategic Studies and Management Studies; and that he has over 17 years of local government experience.*

Question 2: Ratepayers are more important than staff; does Council intend to go on offering bonuses to staff?

Answer 2: *The Presiding Member advised that Council is currently in the middle of the forthcoming financial year's budget, where Council will be asked to consider increases in staff salaries.*

4.2.3 John Winterbourne, Bindoon

Question 1: The clay pit at the end of Toy Road was presented to Council in July 2016 and Council rejected the application. Mediation was attended in April 2017, where Brikmakers were asked to provide further information. A SAT Directions Hearing was scheduled for 28 July, but was changed to 18 August; what information is Brikmakers required to supply to the Shire and when?

Answer 1: *Through the Chair, the Executive Manager Development Services advised that the information to be provided is based on Council's refusal, i.e. acoustic report, conditions of the road, acid sulphate soils, etc. This information is to be provided to the Shire by 31 July and the matter will be reported back to Council in November 2017.*

Question 2: Did the Shire receive notification of the change of date for the Directions Hearing?

Answer 2: *Through the Chair, the Executive Manager Development Services advised that the Shire has not yet received notification from SAT. When the Shire receives this information it will be shared with Mr Winterbourne.*

POST MEETING: The SAT Directions Notification was received by Council on 23 June 2017 and a copy of the notice forwarded to Mr Winterbourne.

Question 3: What basis does the Shire keep extending the time?

Answer 3: The Presiding Member advised that if Council disallowed a four week extension it would most likely be deemed unreasonable by SAT.

Through the Chair, the Executive Manager Development Services advised that the issue was not about time, it was with regard to ensuring that the information was provided to the Shire.

4.2.4 Mal Taylor, Wannamal

Question 1: Spoke to the realignment of Great Northern Highway. Did Council approve Option A Western Alignment when there is so much opposition from the northern section of the Shire and the impact that the chosen corridor will have on Bindoon?

Answer 1: The Presiding Member advised that the approval process was wholly in the hands of the State Government. The participation that Council had with regard to the options was to set-up a community working group (i.e. Bindoon Heavy Haulage Reference Group), and to seek feedback from that group. Council did not make any decisions regarding the preferred route. The State Government was responsible for that decision.

4.2.5 John Nagel, Bindoon

Question 1: The Chittering Health Centre's lease, is the doctor fulfilling the contract?

Answer 1: Through the Chair, the Chief Executive Officer advised that the original obligation was to provide a weekend service to patients, however there has not been the demand for patients on weekends. As an alternative, the provider has trialed extended hours on two evenings per week, however only one patient has used the service over the past month.

Question 2: Are all the payments up to date?

Answer 2: Through the Chair, the Chief Executive Officer advised that the lease payments are all up-to-date.

4.2.6 Patricia Taylor, Wannamal

Question 1: Expressed concern that peoples new homes will be bulldozed and dams will be filled in when works for the new corridor commence; surely someone can do something about this?

Answer 1: The Presiding Member advised that the amount of input that the Shire has with regard to these matters was limited.

Through the Chair, the Chief Executive Officer advised that the Shire would get in touch with the Project Team and ask them to contact Mrs Taylor directly.

4.2.7 John Curtis, Bindoon

Question 1: Why did Council vote for the STED program knowing that electors are being scammed; and can Council increase the compensation to residents affected?

Answer 1: The Presiding Member took the question on notice.

POST MEETING: Mr Curtis has asked a number of questions regarding the STED program at previous Council meetings. In regard to the voting process, the method of voting was made public and the results reported at the Ordinary Council Meeting on 18 May 2016. In relating to the subsidy for connection to the STED Scheme, Mr Curtis is referred to the response which was provided to this question at the Ordinary Council Meeting on 17 August 2016. In essence, Council is setting aside \$50,000 per year over four years to assist residents with the cost of connecting to the Scheme.

Question 2: Why is the Post Office getting free rent from Council; and is it fair that they charge for rent on PO Boxes?

Answer 2: The Presiding Member took the question on notice.

POST MEETING: The Post Office is a not-for-profit (NFP) organisation and in accordance with the Australian Taxation Office website "an NFP organisation is not an organisation that hasn't made a profit. An NFP organisation can still make a profit, but this profit must be used to carry out its purposes".

Overall the Bindoon Post Office operates within the NFP rules, reports on their KPIs (which continue to be reviewed) and their books of accounts are provided to Council on an annual basis for review.

4.2.8 Carl Petersen, Bindoon

Question 1: Concerned with the lack of NDIS health facilities for the aging population in the Shire. Has Council considered any other particular circumstances to assist local residents?

Answer 1: Through the Chair, the Executive Manager Corporate Services advised this issue had been identified as a high priority and as such, during the 2017/18 financial year, the Community/Club Development Officer will be working with community groups to identify service gaps, for example home care, and looking at ways of addressing these in our community.

POST MEETING: It should be noted that the provision of Health Services is a State Government function and while the Shire is sympathetic to the needs of people in stress, we are not resourced to take over the provision of services which are the responsibility of the State.

4.2.9 Clint O'Neil, Chittering

(as supplied)

Question 1: With reference to Item 9.1.2 of the Ordinary Council meeting of 17 May 2017, could Council provide clarity on the entity that is the applicant, as a number of entities have been cited in the supporting documentation and whether that applicant entity is the registered land owner in particular 9.1.2.

Answer 1: *No. The landowner is separate as is cited in the report headings. The application form has been signed by the landowner, however as is common, is not the applicant or the intended proponent. The details of the proposal have been undertaken by a subcontractor who is an environmental consulting firm.*

Question 2a: The consultant submitted a water management plan for the Muchea site that makes reference to a number of generic published documents, proposing to install two piezometers to determine the currently undefined peak water table over the projected 20 year mine life. The Shire planning officers are proposing a condition that requires the installation of constantly monitored piezometers, however, do not specify how the gained information will be used to manage sand extraction above the undefined water table. The site falls within the Ellen Brook palusplain catchment area that has a high water table and is subject to flood inundation from time to time.

Answer 2: *This is addressed in the body of the report, is further subject to condition 20, and relies upon advice received from State/other agencies. The information can be used to identify if the proponent is extracting below the water table, and, if in the event this does occur, the proponent will be in breach of the planning approval as:*

- 1. Condition 20 will be breached; and*
- 2. The applicant's own certifications (i.e. "excavation will not occur below the water table") will be breached.*

Both of which can be used against the proponent in such instances.

Question 2b: Given the uncertainty of the peak water table over 20 years, is it appropriate that Council amend proposed condition 22 to read 'Prior to Council considering the issuing of an extractive industry licence to the applicant entity, the applicant submits a detailed hydrogeological assessment report by a practicing groundwater professional with at least two years of experience in the discipline, that clearly identifies the applicant entity understands and addresses the risks of the extractive industry proposal, discussed in the context of the groundwater resource, which would allow a suitable risk management strategy to be developed for protection of an undisturbed peak water table, as approved by the Department of Water'.

Answer 2b: Similar to Q2a, this needs to be read in conjunction with condition 20, and the applicant's report. The recommended condition 22 is applied with wording surmised from advice received from State/other agencies. The applicant otherwise submitted as part of the application a water management plan and a risk matrix which addresses the protection of the water table. Council, upon discussing the item, may no less wish to include wording such as that suggested.

Question 3: As a water licence holder, the Shire would be aware that abstraction of groundwater for domestic and irrigation usage does not permit the waters to be utilized for dust suppression that requires a specific licence or an amendment to an existing licence that endorses dust suppression usage. The applicant entity claims that offsite water supplies will be utilized for dust suppression, however has not identified the source location and if sourced from an existing licence holder whether that issued licence has been endorsed for dust suppression. Could Council confirm that offsite water supplies for dust suppression will be sourced from a licensed resource endorsed for dust suppression usage.

Answer 3: If the applicant's prerogative is to use externally sourced water, the necessary approvals would be required by the relevant authority at its source. The inference of knowing its source is not a matter used to determine a development application, rather that it serves its purpose, hence condition 5.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Jenny Hall (representing the South Midlands Polocrosse Club)

Jenny Hall addressed Council with regard to funding approval for a new ablutions facility at Sandown Park, Muchea.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 17 May 2017

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010617

Moved Cr Osborn / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 17 May 2017 be confirmed as a true and correct record of proceedings to the exclusion of Resolution 120517, which is amended to read as follows:

"That Council:

- 1. Lay this item on the table so that Councillors who have not had the opportunity to digest the efforts of Cr King, are afforded additional time to consider the Alternative Motion moved by Cr King.*
- 2. Request that the consultant responsible for reviewing our fleet be invited to attend a Council workshop to address this matter.*
- 3. Acknowledges the points raised in Cr King's Alternative Motion and for them to be workshopped by Council prior to the matter being presented back to Council at the August 2017 Ordinary Council Meeting."*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:52PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Endorsement: Local Planning Policy No.5 - Signage*

Report date	21 June 2017
Applicant	Shire of Chittering
File ref	18/06/3
Prepared by	Peter Stuart, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Local Planning Policy No 5 - Signage 2. Changes to the policy made following advertising

Executive Summary

Council's consideration is requested to endorse the draft Local Planning Policy No 5 - Signage following a period of advertisement under the *Shire of Chittering Local Planning Scheme No 6*.

The Shire's development services staff have prepared the Local Planning Policy (LPP) giving guidance for the development of signage and advertising devices within the Shire's boundaries. The LPP is intended to ultimately replace the *By-laws relating to Signs, Hoardings and Bill Posting* (gazetted on 20 August 1993), which is intended to be revoked following Council's adoption of the LPP relating to Signs, Hoardings and Bill Posting. This is in accordance with section 3.16.4 of the *Local Government Act 1995*.

Currently any proposals for signage are assessed against Council's *By-laws relating to Signs, Hoardings and Bill Posting 1993*, which is out of date and not in line with current planning and development requirements.

The Shire's *By-laws relating to Signs, Hoardings and Bill Posting 1993* is in need of review. In accordance with the *Local Government Act 1995*, every Local Law is required to be reviewed after eight years. Specifically, the *Local Government Act 1995* states:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

In June 2015 Council resolved to initiate a review of the Shire of Chittering Signs, Hoardings and Bill Posting Local Law; accordingly advertised and made the document available for public comment. Following the consultation period an Officer report was presented to the Ordinary Council Meeting on 28 October 2015 to adopt and gazette the Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015. Council preferred to workshop the document further and therefore laid the item on the table. In November 2016 Council were informed that Development Services would be developing a new Local Planning Policy with regard to Signage, and this policy is now presented to Council for adoption following public comment.

Regardless, the Local Law remains current, and is statutorily applicable until such time as it is revoked by Council.

In recent years a noticeably increasing number of signs throughout the Shire, including in residential areas, has proliferated the Shire's road reserves. In addition, unregulated A-frame (portable) type signage has caused obstruction on pathways.

The Shire of Chittering has a wide range of businesses, including shops home businesses, industrial premises and rural businesses. It is generally accepted that business operators will erect signage to identify and advertise their business to the public in order to attract customers. While acknowledged and accepted, this practice must be balanced against protecting the streetscape and amenity of the local area and a proliferation of signage should not be encouraged.

While these provisions within the Shire's *Local Planning Scheme No.6 (LPS6)* and the Deemed Provisions of the *Planning and Development (Local Planning Schemes Regulations) 2015* provide general guidance, it would be important for both landowners and Shire officers when addressing signage to have up to date, relevant and specific objectives and standards for signage development. Doing so will give consistency in advice and clear guidelines for both the applicant and Shire Officers, and would serve to make for better planning outcomes.

Rather than reviewing the Local Law, a policy position is preferred for the following reasons:

- Allows flexibility in different signage types and the ability for Council to grant discretion where appropriate;
- Provides a clear direction to the community and Council Officers on how advertising signage is to be erected and managed throughout the Shire of Chittering;
- A Local Planning Policy operates as an extension of the Local Planning Scheme by addressing planning issues such as amenity etc, whilst the Local Law focuses more on the administration and regulation of signage within the Shire;
- A planning policy is covered under the *Planning and Development Act 2005*, and has more severe repercussions for those who do not comply with the signage policy; and
- Introduces strategies – for example a signage strategy for Bindoon Town Centre, and a directive for election signage.

Consultation

Under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* part 2 clause 4(1), the local planning policy was advertised through publishing a notice of the proposed policy within a newspaper that circulates in the Scheme area. Subsequently, submissions then may be made to the Shire regarding the policy for a minimum period of 21 days.

Consultation for *LPP5* was undertaken between the dates of 1 March 2017 and 28 March 2017. Two public submissions were received, which provided feedback on individual and collective clauses.

Statutory Environment

Local

- *Town Planning Scheme No 6 (TPS6)*
Clause 2.4 outlines the procedure for making and adopting of Local Planning Policies.

This policy intends to replace the existing local law relating to signage. The adoption of a local planning policy is more easily accessible, and provides enforcement powers under the *Planning and Development Act 2005*, rather than the *Local Government Act 1995*.

Policy Implications

Local

The introduction of a new Local Planning Policy is required to be initiated and numbered by Council. This policy does not replace any other existing Local Planning Policy.

Financial Implications

There will be advertising costs associated with advertising of the Local Planning Policy relating to signage and the revoking of *By-law relating to Signs, Hoardings and Bill Posting 1993*. This implication is preferred to the full review of the Local Law as the costs associated with that process are greater.

Strategic Implications

The introduction of a Local Planning Policy relating to signage is not likely to impact on the Shire of Chittering's Local Planning Strategy.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The draft policy gives specific objectives and guidance for the development of signage within the Shire of Chittering.

Environmental implications

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

Comment

The policy is being introduced to reflect current legislation and issues associated with the impacts associated with the proliferation of advertising signage.

During the advertising process, two letters of feedback were submitted. These comments have been applied where applicable, per **Attachment 2**. A copy of the updated Local Planning Policy No. 5 (LPP5) following this feedback is attached to this report (see **Attachment 1**).

The Local Planning Policy aims to balance business needs for signage with the planning objectives in relation to amenity, development character and public safety.

The draft LPP5 gives specific objectives and guidance for the development of signage in the local government area. It will assist landowners in preparing signage developments for their land and enable consistency and transparency in decision making. The LPP5 aims to balance business needs for signage with the planning objectives in relation to amenity, development character and public safety.

Accordingly and in light of no objections being received, Council is recommended to resolve to endorse the new LPP5 in accordance with statutory requirements.

Council is also requested to finalise the process to repeal the *By-Laws relating to Signs, Hoardings and Bill Posting 1993*. A separate report has been presented to Council following the 50 days of public consultation to complete the repealing process.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020617

Moved Cr Tilbury / Seconded Cr Rossouw

That Council:

- 1. Pursuant to Part 2 Division 2 Clause 4(3)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations*, resolves to adopt Local Planning Policy No. 5 - Signage with modifications.**
- 2. In accordance with Part 2 Division 2 Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulations*, publish a notice of the proposed Local Planning Policy No.5 - Signage in a newspaper circulating in the Scheme Area.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:53PM

9.1.2 Proposed Extractive Industry for Sand: Lots 2233 and 2238 Byrne Road, Muchea*

Report date	21 June 2017
Applicant	PMR Quarries Pty Ltd on behalf of White Toro Pty Ltd
File ref	A11217; P041/17
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	<ol style="list-style-type: none"> 1. Applicant's Report 2. Schedule of Submissions 3. Department of Planning's matters for Council's consideration

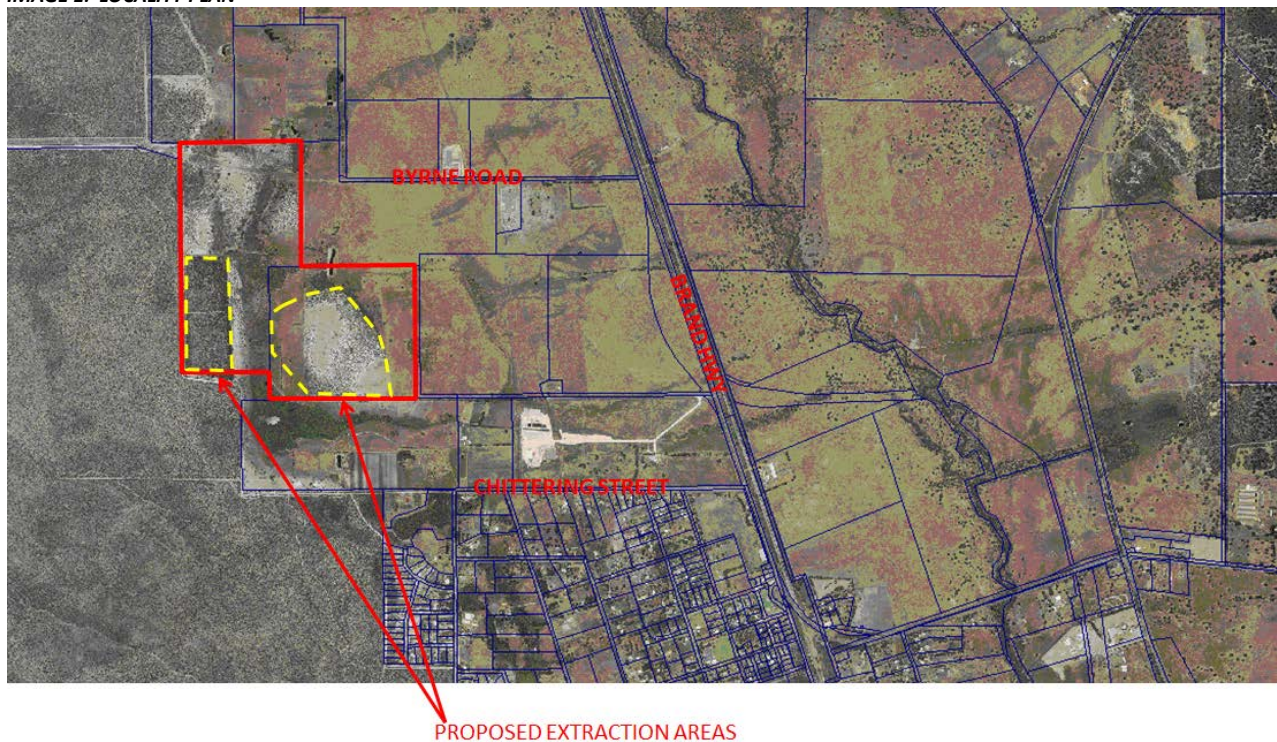
Executive Summary

Council's is requested to consider the application for a proposed extractive industry for Sand on Lots 2233 and 2238 Byrne Road, Muchea.

The application comprises of a two proposed extractive areas. The western resource measures 43 hectares with a depth of 1–3 metres while the eastern resource is proposed at 41 hectares and 1–15 metres deep.

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

IMAGE 1: LOCALITY PLAN



Background

Lots 2233 and 2238 Byrne Road, Muchea form part of 757 Brand Highway and is located approximately 600 metres from the Muchea Townsite. The subject properties, currently partially used for cattle grazing, are 80.96 and 64.73 hectares in area respectively and are designated as a 'Water Prone' Special Control Area under the Shire's *Local Planning Scheme No. 6* (LPS6).

The proposed excavation areas are relatively flat however rising towards the west. Lot 2233 (western dune ridge) is dominated by mature Pinaster Pines planted approximately 20–40 years ago. During planting of the pines, the understory was mostly cleared however some regeneration has occurred since that time. This regeneration is consistent with 33 species of original ecological communities. The applicant has stated that no threatened species were present on the lot however this was debated by some referral authorities.

Lot 2238 (eastern dune ridge) is characterised by grass trees and green pasture. In addition, species such as *Eucalyptus tottiana*, *Corymbia calophylla*, *Jacksonia*, *Melaleuca preissiana* and *Eucalyptus rudis* exist however these are said to be isolated and sparse.

In addition, a wetland lies between the two resources which are not proposed to be excavated. The wetland is trafficable in dry conditions upon existing tracks.

The surrounding land uses can be described as being mostly rural comprising of a dwelling and accompanying pasture directly north and a strawberry operation and market garden directly south. The remaining surrounding land is owned by the 'White Toro' group (also proprietors of the subject properties) and generally consists of cattle grazing and extraction with the exception of the property adjoining to the west, which is owned by the Crown and used for military purposes.

The two proposed extraction areas contain 'Bassendean Sand', which the applicant intends to make available for the construction of the future Great Northern Highway Alignment.

The total life of the project is predicted at 20 years, with 10 years of excavation being put towards the alignment and a further 10 years for the remaining sand. The applicant has not identified an overall expected tonnage yield, rather focussing on hourly rates. Depending on the proximity of the construction site will vary the type of truck carrying the sand to the construction site. Stockpiles are proposed where screening is required. These stockpiles are not expected to exceed 50,000 tonnes.

Approximately four laden trucks will be leaving the site per hour with this figure set to rise to around 10–20 once works commence on the alignment project. Using Byrne Road, vehicles will travel on Brand Highway and then continue onto the new alignment constructions site. The applicant is seeking approval for hours of operation between 6.00am-5.00pm Monday to Saturday inclusive. These are said to be 'anticipated hours'.

Machinery used for excavation of the sand comprise of rubber tyred loaders, off road haul trucks, a 20 tonne water truck for dust suppression and an electric crushing plant for sand quality screening. The number of vehicles may increase with demand from the end user (Main Roads WA). Maintenance and refuelling vehicles are to attend the site as required – no permanent or static facilities are proposed as part of this application. To this end, facilities are limited to portable toilets and possibly a sea container to be used as a site office.

The applicant has proposed a Rehabilitation Plan that states the lots will be returned to improved pasture together with the native vegetation buffers. Rehabilitation to improved pastures are said to occur via lowering the floor pit to 0.5-1.0 metres above the water table which the applicant has suggested enables better soil moisture and growth. Topsoil stripped from the excavation area will then be spread (where possible) directly onto area being rehabilitated.

Consultation

Extractive industries are an 'A' use in "Agricultural Resource" zones and therefore required to be advertised in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Consultation was therefore undertaken in the following methods:

- letter to nearby/affected landowners
- (2) on the 'Have your say' page on the Shire's webpage

The application was advertised at a radius of 2 kilometres from the site for a period of 21 days from 7 April until 28 April.

The application was also advertised to a number of government and referral agencies including:

- Chittering Landcare;
- Department of Planning (DoP);
- Department of Health (DoH);
- Department of Parks and Wildlife (DPaW);
- Department of Aboriginal Affairs (DAA);
- Department of Environment and Regulations (DER);
- Main Roads WA (MRWA);
- Department of Mines and Petroleum (DMP); and
- Environmental Protection Authority (EPA).

During the advertisement period, a total of 97 letters were sent directly to landowners within a two kilometre radius, with a total of four submissions opposed to the project received (i.e. a reply rate of 4.1%).

Of the submissions received, the bases of objections were as follows:

- effect on water table
- noise
- dust
- impact on lifestyle
- traffic
- industrial activities should be contained in Muchea Employment Node
- property devaluation
- increased danger from open pits
- increased snakes

Most objections raised were focused on the potential dust and noise impacts on the Muchea Townsite and surrounding properties. Further analysis of these submissions is referred to in the Comments section in addition to the Schedule of Submissions (**Attachment 2**).

Internal consultation was also undertaken with the Shire's Principal Environmental Health Officer (PEHO) and Executive Manager Technical Services (EMTS) with regards to the possible road upgrade of Byrne Road.

Statutory Environment

State

- *Planning and Development Act (2005)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
Part 10 – Procedure for Dealing with Applications
10.2 Matters to be considered by Local Government
In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application—
 - (c) any approved State planning policy;*
 - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
 - (m) the compatibility of the development with its setting including the relationship of the development 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 development;*
 - (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
 - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
 - (y) any submissions received on the application;*
 - (za) the comments or submissions received from any authority consulted under clause 66.*

The subclauses are considered individually, and in detail in the sections following.

Local

- *Shire of Chittering Local Planning Scheme No. 6 (LPS6)*
Under LPS6, Lots 2233 and 2238 Byrne Road are zoned “Agricultural Resource”. The objectives of this zone are, per Clause 3.2.5, to:
 - preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;*
 - protect the landform and landscape values of the district against despoliation and land degradation;*
 - encourage intensive agriculture and associated tourist facilities, where appropriate;*
 - allow for the extraction of basic raw materials where it is environmentally and socially acceptable*

In this instance the proposal can be considered consistent with point four. This is because the proposed use is consistent with environmental factors relating to the protection and identification of threatened ecological communities, and being located a significant distance from a major road and a minimum distance of approximately 563m from the nearest residential property.

Part 4.15 of LPS6 also specifically references requirements for Basic Raw Material extraction in the Shire, these being:

- a) *Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations;*
- b) *Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;*
- c) *Appropriate buffer areas are to be applied to protect both the extractive operations as well as the living or agricultural environment in nearby areas;*
- d) *Local government will not support development within those buffer areas, which may be detrimental to the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.*

- *Shire of Chittering Extractive Industries Local Law 2014*

The local law provides requirements and guidance for operators to obtain and hold a license to extract basic raw materials. License applications are applied for subsequent to a planning approval for the land use being granted. Notwithstanding, particular clauses such as Part 6 of the law are applicable to the assessment of the proposal.

Part 6.1 (e) of the law states the following “500 metres of any adjoining residence unless approved by Council and adjoining neighbours in writing in accordance with the Department of Environment and Conservation Guidelines, March 2011—”A Guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other activities.”

The applicant has complied with this part due to the closest dwelling being located more than 500 metres from the proposed easternmost resource.

In addition to the above, the local law specifies further separation distance requirements for easements, thoroughfares, wetlands and lot boundaries as seen below:

- (a) *50 metres of the boundary of any land on which the excavation site is located including earth bund and haul road, unless the site is located within the Special Control Area—Basic Raw Materials as depicted in the Shire of Chittering Town Planning Scheme No 6 Map, where a lesser distance may be allowed with written consent from adjoining landowners;*
- (b) *20 metres of any land affected by a registered grant of easement;*
- (c) *40 metres of any watercourse and/or wetland;*
- (d) *50 metres of any thoroughfares; or*

Section 4.12 of the applicants report stipulates the proposed quarry complies with all the provisions of Part 6.1 with the exception of 6.1(a) to which the applicant has requested a variation of 25 metres along the southern and western boundary of Lot 2233 and the southern boundary of Lot 2238 (as the proposed vegetation buffer is 25 metres). Furthermore, the site maps provided in the application show proposed excavation areas reaching right up to wetlands, easements and some boundaries, initially suggesting noncompliance with the above 6.1 a–c. However, it is noted that the applicant’s report states excavation will be in accordance with required buffers for the Dampier–Bunbury Gas Pipeline easement. In relation to required buffers from the wetland and lot boundaries (50m from lot boundaries and 50m from wetland/watercourse) Council may require as a condition of approval that these mandatory buffers are met.

Policy Implications

State

- *State Planning Policy 2.0 Environment and Natural Resources Policy*
- *State Planning Policy 2.5 Agricultural and Rural Land Use Planning*
- *State Industrial Buffer Policy*
- *EPA Guidance Statement No 3 Separation Distances between Industrial Uses and Sensitive Land Uses*
The guidance statement outlines the recommended setback of industries from sensitive land uses such as residential dwellings. The below image is taken from the statement and recommends the appropriate buffer. The applicant is proposing to extract Bassendean sand and is not blasting, therefore in this case, the subject of this application is most likely to fit the 'sand and limestone category' by which the buffer distance is 300–500 metres. The applicant has complied with the 500 metre separation distance.

IMAGE 2: BUFFER RECOMMENDATION

Extractive industries – hard rock, Darling Scarp	quarrying (including blasting), crushing and screening	√ (5, 12, 70)	DoIR, WRC	CoP - 1990, revised in 1995	√	√	√	1000
– not hard rock	blasting, grinding and milling works – material processed by grinding, milling or separated by sieving, aeration etc	√ (5, 12, 70)	DoIR, WRC	CoP - 1990, revised in 1995	√	√	√	case by case

Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
– no blasting conducted	grinding and milling works – material processed by grinding, milling or separated by sieving, aeration etc	√ (5, 12, 70)	DoIR, WRC	CoP - 1990, revised in 1995		√	√			case by case
– sand and limestone extraction	no grinding or milling works		WRC, local gov't			√	√			300-500, depending on size

- State Planning Policy 2.5 Agricultural and Rural Land Use Planning (SPP 2.5)
SPP 2.5 supersedes State Planning Policy 2.4 Basic Raw Materials and is relevant to the proposal due to the subject sites location in an agricultural zone and the proposal of extraction of a basic raw material. The Policy provides information of planning considerations by which planning officers are required to take into account when making a recommendation. Additionally, it works as a guide that outlines other policies, statements and acts relevant to proposal in rural and agricultural locations. SPP 2.5 is also accompanied by a Basic Raw Materials Fact sheet. The Policy works in an overarching sense to guide development and planning in rural and agricultural zones while the fact sheet provides a more detailed approach to determining basic raw materials proposals.

In assessing the application, Section 5.9 of the Policy is relevant particularly, 5.9 (h) and (i) which relate to potential environmentally significant vegetation, i.e. Threatened Ecological Communities (TEC). The applicant has suggested the proposed resource does not contain environmentally significant vegetation however, vegetation adjoining the western resource is classified TEC and would therefore require a buffer in order to minimise any possible impact.

The fact sheet outlines in further detail, aspects of the proposal to be taken into account by decision makers, these include:

- water and availability
- conservation values
- buffers
- transport management
- visual impacts
- noise and vibration
- dust
- management plans
- environmental licensing and works approval

As mentioned above, concerns have been raised relating to conservation values with regards to a nearby wetland and TEC. However the application of appropriate buffers both proposed and required through conditions of approval may resolve this concern.

Management plans relating to dust, noise and vibration are all contained within the report. The proposal unlikely to cause a significant amount of noise given the isolated location of the works however the Shire's Principal Environmental Health Officer raised concerns for dust generated and carried by prevailing winds. Vehicle movements produced from the extraction activities will also increase dust; therefore it may be a condition of approval that the Shire requires the upgrade and sealing of Byrne Road.

Further assessment of the above planning considerations is contained within the **Comments** section.

Local

- Local Planning Policy 10 - Basic Raw Materials and Extractive Industries (LPP 10)
LPP10 sits under LPS6 and requires the Shire to have regard to provisions in the Policy.

The LPP10 includes the following notable provisions in relation to basic raw materials extraction:

5.4 Preferred Development

- a) Council prefers extractive industries that:
- i) are located south of the Bindoon Townsite
 - ii) do not involve prime agricultural land
 - iii) cater for basic raw material needs within the Shire of Chittering
 - iv) are situated within areas identified in the WAPC's State Planning Policy No. 10 Basic Raw Materials
 - v) are more than 1000m from the nearest house
 - vi) do not require the management of acid sulphate soils
 - vii) have direct access to Brand or Great Northern Highway
- b) Subject to a) above, Council will not approve extractive industries that:
- i) are situated in a visually significant location, such as on a ridge or along an unscreened section of regional or tourist road
 - ii) involve major disturbance of high value remnant bushland or natural areas, following detailed environmental assessment
 - iii) remove material below the winter groundwater table
 - iv) are located on any lot where dieback is present
 - v) are situated within 500m of the nearest house
 - vi) are located in the Chittering Valley or require access from Chittering, Chittering Valley, Julimar, Blue Plains or Maddern (North) Roads.

In relation to the above preferred developments, the proposed extractive on Byrne Road meets most of 5.4(a) with the exception of 5.4(iv), 5.4(v) and 5.4(vii). In relation to the site not being within an identified Basic Raw Materials area, it is noted that this references a broad strategic policy that cannot fully address all potential resource sites across the State. The subject site has been chosen both for its resource as well as its proximity to the new highway upgrade. It is recognised the site is within 1,000m of a dwelling, however the proposal still complies with both the EPA's *Guidance Statement No.3* and the Shire's *Extractive Industries Local Law 2014*, which both require a minimum 500m distance from any inhabited dwelling. Lots 2233 and 2238 do not have direct access to Brand Highway, however, it should be noted that White Toro (the subject landowner) owns the properties to the north, east and south of the proposal which front Brand Highway.

The proposal is also generally compliant with 5.4(b). The subject site's distance from both Brand Highway and Chittering Street is substantial, as can be viewed from the applicant's site maps. Comment received from the DoP has stated the western resource vegetation is a designated TEC. Notwithstanding, information gathered from the applicant's environmental report and Chittering Landcare suggest the resource is actually an old pine plantation and no longer a dominant TEC as was originally thought. A site visit was subsequently undertaken with the findings referred to DPaW for confirmation. No formal comment was received prior to the report being finalised however correspondence with DPaW suggested the site may be of significance with regard to Carnaby's Cockatoo.

Financial Implications

Nil

Strategic Implications

Local

- *Shire of Chittering Local Planning Strategy (2001 – 2015)*

Lots 2233 and 2238 are not located in an area designated for 'Basic Raw Materials' extraction, rather in the 'Agricultural Resource' area. The aims of the area are as follows:

- *To maintain agricultural lands for primary productive purposes;*
- *To protect and improve the natural environment, including the landscape quality of the land.*
- *To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies;*
- *To prevent the loss of productive land to non-agricultural purposes;*
- *To allow agro-tourism and eco-tourism to develop in the rural areas;*
- *To allow for the subdivision of non-productive land or areas of vegetation worthy of preservation in sustainable lot sizes under conservation covenants in accordance with WAPC policy*
- *To protect and revegetate streamlines to provide for biodiversity corridors.*

Site Inspection

A site inspection was undertaken 1 June 2017. Inspection of both proposed resource areas as well as the wetland was conducted. During the inspection, it was noted that Lot 2233 did contain a pine plantation with some undercarriage regrowth. In addition it was observed that the land slowly rises towards the western resource. Officers observed the Muchea Townsite was not visible from the proposed extractive area and that the location was otherwise isolated from any views of significance.

A final observation was made that Byrne Road would require significant upgrading in order to cope with the weight and frequency of the expected traffic. In addition the road is often used for transporting cattle between paddocks. This is usually undertaken by foot, and not by transport.

Triple Bottom Line Assessment

Economic implications

The proposal is unlikely to benefit the local economy in the short term. The proposal is intended to provide the construction of the new highway alignment with a local, easy access material which will serve to improve the economics of the construction.

Social implications

A number of objections were submitted by local residents who raised concerns in relation to impacts and loss of amenity as a result of the proposed extraction. These objections were mainly focused on the dust and noise from increased traffic along Bryne Road. These concerns have been addressed at length in the schedule of submissions.

Environmental implications

Public consultation raised the concern of possible impacts to the water table as well as increased pollution from machinery.

Further implications on the surrounding environment are related to the onsite wetlands and nearby TEC.

Due to their significance, the onsite wetlands, classed as 'Resource Enhancement Wetlands' by the DoW, running between the two proposed extractive areas have not been included within the proposed extraction area. The applicant's report advises a 50–150m buffer will be placed between the extractive areas and wetlands.

As mentioned earlier, comments received from the DoP advise the proposed western resource is designated as a TEC. While originally found to have TEC species, the applicant's Environmental Report and Chittering Landcare have both stated the area is now dominated by a pine plantation. Nevertheless, concern raised by the DoP during the referral period suggested that any presence of the Banksia Woodland (TEC) may incur the need to be referred to the Commonwealth Department of Environment and Energy, under the EPBC Act. The adjoining lot (the Gngangara Moore River National Park) also contains TEC species as well as the possibility of the Carnaby's Cockatoo. Due to the significant flora and fauna being in close proximity, the applicant has proposed vegetation buffers to curb possible effects associated with the extraction.

The applicant has undertaken studies to identify whether acid sulphate soils exist. To this end no evidence of acid sulphate soils (ASS) was found to be present, nor is the geology attributable to ASS conditions. The applicant, within the water management report, states *"there have been soils auger holes and site examinations which have found no evidence of peat, at risk materials or reducing soils on the resource site with which soil acidity was identified."*

Comment

Local Planning Scheme No. 6 (LPS6)

The application has been advertised in accordance with Clause 64 of the Regulations 2015 in relation to the requirements for an "A" use. Clause 64 of the Regulations 2015 replaced the previous clause within the Local Planning Scheme relating to advertising.

The proposed extractive areas have been demonstrated and observed as being incapable of 'productive land' for agricultural purposes in its current state. This is due to the sandy soil type and its inability to hold water. The applicant's report suggests sand ridges are too dry to hold water in summer and do not support pasture growth. Additionally, Lot 2233 currently contains an old pine plantation, which tends to affect ground water availability. The applicant intends to return the land to productive pasture via lowering the water table from to 0.5-1.0 metres, allowing for better pasture growth and a subsequently, returning the land to that agricultural use.

The subject site is determined as being in compliance with section 4.15 (a) – (d) of LPS6. Buffers proposed are either generally compliant or can be conditioned and the end use of the site is compliant with objectives of the agricultural resource zone.

Flora and Fauna

LPS6 makes provision for the extraction of basic raw materials where it is environmentally and socially acceptable. The applicant's Biodiversity and Management and Closure Plan indicated both proposed resource areas have previously been cleared and subsequently allowed to regrow. The eastern resource was determined to mainly contain *Xanthorrhoea Preissi* (grass tree) with occasional other species such *eucalypt Rudi* (flooded gum), however no more than five species were identified. The western resource contains Pinaster Pines as well as approximately 33 species of Banksia Woodland present. The report suggests this is low regeneration and would probably only represent 10-20% of the original vegetation community. Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999), Banksia Woodland is now listed as a threatened ecological community (TEC) species which can trigger the need for the application to be referred to the EPA for further assessment. This facet was also raised by the DoP during the referral process. The Banksia on the site was determined (by the applicant) to be so degraded and/or cleared that it was not considered to be classified as Banksia any longer, which was debated by the DoP. Chittering Landcare have stated the remaining Banksia Woodland on site was not enough to warrant refusing the proposal. Due to a difference in opinion between agencies

in relation to the significance and condition of the Banksia Woodland, Officers were unclear as to whether referral to the Commonwealth was required under the EPBC Act. To assist in determining whether referral was necessary, a *"Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community"* document was consulted, specifically section 2 *"Guidance For Determining Whether The Banksia Woodlands Ecological Community Protected Under The EPBC Act Is Present"*. Further to this, contact with DPaW was made to assist in determining whether referral was necessary. No formal comment was received from DPaW prior to finalising the report however correspondence was received stating *"It is also recommended that the proponent refer this proposal to the Commonwealth Department of Environment and Energy given the potential Carnaby's Cockatoo habitat within the pine plantation on site"*.

Given the complexity of environmental advice within the document as well as a lack of information received from DPaW together with conflicting opinions from agencies, the Officer did not feel comfortable determining whether referral under the EPBC Act was required. Consequently, a condition on the determination has been recommended for which the applicant must gain confirmation from the DER that no referral is needed.

It should be noted that a clearing permit from DER is required to be obtained for removal of native vegetation from the site. Given the response received from DoP regarding the potential for a TEC species on Lot 2233, DER may not grant approval to clear, however this is not made obvious. The Shire has attempted to contact DER to try and ascertain the likelihood of a clearing permit being granted, however were informed DER does not review planning referral information in the context of whether a future application for a clearing permit might or might not be granted.

The environmental assessment also detailed a lack of suitable roosting, nesting and food resources for Black cockatoos. The adjoining national park along the western resource encompasses banksia woodland which does provide a feeding habitat for Carnaby's Cockatoos. Consequently, a 25m vegetation buffer has been proposed along the west and southern boundary of Lot 2233. This was accepted for the southern and western boundaries however advice was provided by the agencies that native vegetation buffers are far more effective if planted prior to the commencement of excavation rather than following it.

As mentioned previously, the site contains a resource enhancement wetland between the two extractive sites. Due to the significance of the wetland, they have not been included in the proposed resource sites. The applicant's biodiversity management report also stipulates a 50–150 m buffer will be placed between extraction sites and the wetland, despite the fact the site maps show extraction right up to the wetlands. Nonetheless, the proposed 50m–150m buffer would comply with the *Environmental Guidance for Planning and Development – Guidance Statement No. 33 (2008)* and the *Extractive Industry Local Law 2014*.

Land Management

The applicant has provided management plans pertaining to weeds, dieback and acid sulphate soils.

The applicant's report states *"It is unclear whether dieback or other pathogens already occur on site. With the level of disturbance, previous activities and the degree of disturbance to vegetation it is likely that pathogens already exist on site"*. Nevertheless, it has been assessed as a minimal risk due and not likely to spread to nearby properties as there is no access to these properties and they are generally cleared. Examinations have also been conducted by the environmental consultant who has in turn stipulated no soil or water acidity on the resource area has been observed that can be attributed to acid sulphate conditions. Nonetheless, management and response measures are summarised within the application to mitigate any future risk.

Dust Management:

A comprehensive dust management plan has been proposed by the applicant focusing primarily on water management via a 20 tonne water truck. Other methods of dust suppression have also been mentioned including sprinklers, water cannon, water sprays and mists or other such mechanism.

Consultation with the Shire's Principal Environmental Health Officer and Executive Manager Technical Services concluded the level of traffic generated by the possibility of 10–20 trucks per hour during operation would require the upgrade and sealing of Byrne Road. Byrne road is currently sealed for approximately half its length with the remaining being gravel. In addition to improved safety, sealing of the road will reduce dust particles spreading to nearby properties, in turn lessening the impact of the proposal.

Noise Management

WA Limestone is required to comply with the *Environmental Protection (Noise) Regulations 1997*. The Noise Management Plan within the applicant's report stipulates hours of operation are to be determined by the requirements of Main Roads however it is anticipated that these be 6.00am-5.00pm Monday to Saturday inclusive. The Management Plan outlines compliance for any proposed screening and future operations will conform with the Regulations. Having said this, the Management Plan later suggests mitigation measures if noise is generated outside of night time Regulations as it is anticipated that construction noise and the sand excavation is to be exempt from the Regulations. The EPA's *Guidance Statement No. 3* provides appropriate separation buffers as a means of reducing any possible impact on residential development nearby. The site maps provided indicate WA Limestone have complied with the suggested separation distance. This, in combination with vegetation buffers, Noise Management Plans and a lack of blasting and crushing appears sufficient to curb excessive noise generated from the excavation.

Rehabilitation

The applicant's intention is for Lots 2233 and 2238 to be returned to pasture via lowering the water table to encourage better pasture growth, following excavation. The applicant made reference to lowering the water table to 0.5m-1m however advice received from Chittering Landcare suggested this be increased to 2m.

Rehabilitation is said to occur via the stripping of topsoil and where possible, spreading directly onto areas to be rehabilitated. If this cannot occur, stored topsoil will be mixed with fresh topsoil to then later be used for rehabilitation. The applicant's procedure for bringing the land back to pasture includes using pasture seed from existing topsoil on pasture areas. Some additional seeds may however be required.

The applicant's report highlights staging of excavation to occur but not staging of rehabilitation. It has been described in one section of the report that '*Topsoil will then be stripped from the area under development and where possible spread directly onto an area to be rehabilitated*' however it is also suggested that this could be done at any time during the year. If spreading of topsoil to rehabilitate the land is to wait for an extended period of time, seeds contained in the soil may no longer be viable. Further to this, the report suggests that buffer planting along the south and western boundaries will not transpire until after excavation is completed, possibly 10 – 20 years. It is recommended that buffer planting should be commenced prior to any excavation rather than following.

Water Management

It should be noted that no excavation is proposed below the water table. Water requirements are said to be proposed to 5000 KL per year for dust suppression and to be brought to site as needed.

Access

The applicant has stated *"transport will be directly to the Brand Highway along Byrne Road and then to the alignment of the Great Northern Highway"*. No access route from the excavation areas to Byrne Road are indicated on the site maps provided. While this may not usually be a requirement, the presence of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) easement throughout the site may limit where vehicles can access Byrne Road. The application was referred to both the DoL as well as DBNGP (WA) Nominees who in turn requested access routes from the proposed excavation area to Byrne road be detailed in the form of a Traffic Management Plan. Both DoL and DBNGP comments and further requests can be viewed in detail in the Attachment 3.

Conclusion

The proposed sand extractive industry is determined to be consistent with statutory provisions contained within Local Planning Scheme 6. Additionally, the application was found to be generally compliant with required buffers listed in the Local Law and local planning policy, with the exception of a variation of a 25m vegetation buffer in lieu of the standard 50m on the southern and western boundaries. Consideration was given to comments received from members of the public and agencies and subsequent conditions recommended below. These relate mostly to required buffers, depth of excavation, access, further assessment to be undertaken to satisfy that no impact will be felt on the DBNGP corridor and required confirmation that Banksia Woodland on lot 2233 does not require referral under the EPBC Act.

The application contains a water management plan, dust management plan, noise management plan, closure management plan and biodiversity management plan to support the proposal. The plans demonstrate the extractive industry the subject of the application can operate within statutory requirements and be effectively managed to minimise or mitigate the impacts of excavation.

Accordingly, the proposal is recommended for approval, subject to appropriate conditions, for a period of 10 years as the use is considered acceptable and compatible with the locality.

9.1.2 OFFICER RECOMMENDATION

Moved Cr Osborn / Seconded Cr Gibson

That Council grant Development Approval for the Extractive Industry (sand) at Lots 2233 and 2238 Byrne Road, Muchea subject to the following conditions and advice notes:

Conditions

1. The terms of this approval shall be for the period from the date of issue until 21 June 2027, at which time all excavation and distribution activities must cease and the site be rehabilitated in accordance with the approved documentation.
2. Prior to the commencement of any works the applicant shall submit to the Shire evidence of currency of public liability insurance for the excavation works. The issue of the approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that the proprietor and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance for any claim against them.
3. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process. No direct sales from the site shall occur as part of this approval.
4. All stormwater generated within the pits and access way shall be directed away from the regrowth thicket and in accordance with the Water Management Plan.
5. Dust suppression measures shall be undertaken at all times where any operation on the site is likely

to generate a dust nuisance to nearby residents in accordance with the Dust Management Plan.

6. Byrne Road

Access and egress to the site via Byrne Road is subject to the following:

- a. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Byrne Road to the satisfaction of the Shire;
- b. A levy of 0.50c per tonne of material extracted is to be paid on an annual basis to Council to assist in the upgrade and maintenance of gazetted roads used for access to the pit;
- c. The two existing crossings on Byrne Road and any new crossings will need to be formally assessed to the satisfaction of DBP with the cost of investigation and any additional protection measures identified being at the cost of the applicant;
- d. Prior to the issuing of an extractive industry license, the applicant is to provide the Shire and the DBP with a Traffic Management Plan displaying the proposed routes that vehicles will be taking to access the extractive pits from Byrne Road, in accordance with Transport Impact Guidelines and including any legal agreements pertaining to access and egress for the lots from Byrne Road;
- e. The applicant is to maintain the crossover to Brand Highway to the satisfaction of the Shire and Main Roads Western Australia;
- f. Prior to the issue of an extractive industry license the applicant shall enter into an agreement with the Shire for payment of fees for the upgrade and maintenance of Byrne Road.

7. In addition to Condition "6.d.", vehicle movements relating to the extractive industry is limited to ten (10) heavy vehicle movements per hour. Additional movements may be permitted provided a traffic management plan is submitted and approved by the Shire identifying how the road network is capable of managing the impacts of additional traffic in accordance with the Transport Impact Assessment (TIA) guidelines prepared by the Department of Planning.
8. Excavation is to be limited to the edge of the required setback to the Dampier to Bunbury Natural Gas Pipeline (DBNGP). Excavation adjacent to the Pipeline is to be conducted to the requirements of the Department of Lands and the *Dampier to Bunbury Pipeline Act 1997*.
9. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
10. All vehicles' loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.
11. Any storage of fuels or refuelling on site is to be located on a designated hardstand area location to the satisfaction of the Shire.
12. The hours of operation shall be in accordance with the approved management plan, limited to:
 - a. Monday to Saturday 0600 to 1700 hours;
 - b. Sunday and Public Holidays not permitted; and
 - c. Any variation of these times requires written approval from Council.
13. Noise suppression measures are to be undertaken at all times where any operation onsite is likely to generate noise nuisance to nearby residents in accordance with the Noise Management Plan.
14. The proposed 25 metre vegetation buffer along the southern and western boundaries on Lot 2233 is to be increased to a minimum 50 metres.
15. Excavation for the extractive industry shall not occur in the following areas:
 - a. within 50 metres of a boundary of any land not owned by the applicant/Landowner or Planning Consent holder;
 - b. within 50 metres of any identified threatened ecological community;

- c. within 20 metres of any land affected by a registered grant of easement;
 - d. within 50 metres of any designated Resource Enhancement Wetland;
 - e. within 500 metres of any house;
 - f. below the level of winter groundwater table;
 - g. within 50 metres of any road or road reserve; and
 - h. outside of the approved excavation areas shown on Figure 5 Proposed Extraction Area in accordance with the submitted and approved plans.
16. The applicant is to obtain a Clearing Permit from the Department of Environment and Regulation prior to an extractive industry licence being granted.
17. Areas of remnant vegetation are to be fenced off to the satisfaction of the Shire and Chittering Landcare.
18. Rehabilitation and Land Management Plan
- a. Prior to the issue of an excavation licence a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire of Chittering in accordance with the amount stipulated in Part 5 of the Extractive Industries Local Law and the Shire's adopted *Schedule of Fees and Charges*.
 - b. Revegetation is to include a ratio of 10,000 plants per hectare.
 - c. Upon decommissioning of each pit stage, rehabilitation shall take place in accordance with the approved plan, or as otherwise stipulated, prior to commencement of the next stage.
 - d. Rehabilitation of each pit shall include surface water and wind control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes should access to any standing water within the pit be required or accidentally occur.
 - e. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases.
 - f. Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Shire within three months of the commencement of operations.
 - g. An annual report shall be submitted to the Shire that includes:
 - i. the progress of excavation;
 - ii. depth to groundwater from each pit floor;
 - iii. monitoring program results and findings;
 - iv. progress of rehabilitation;
 - v. contingency actions and outcomes; and
 - vi. community complaints and responses.
20. The applicant is to maintain two (2) metres of undisturbed profile from the maximum winter water table for the site.
21. The southern boundary of DBNGP corridor within Lot 2233 is to be surveyed a demarcated with substantial fencing at the cost of the applicant to the satisfaction of DBP.
22. Piezometers are to be installed on the eastern side of the excavation area, two for each resource. Metres are to be constantly monitored and results provided to the Shire.
23. Stockpiles are to be limited to eight (8) metres in height.

Advice Notes

1. The applicant is to refer the application and seek advice from the Commonwealth Department of Environment and Energy prior to the removal of any vegetation listed under the EPBC Act.
2. The applicant is to liaise with the Department of Environmental Regulation in relation to compliance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

3. The Department of Lands and DBP advises the following in regards to the natural gas pipeline:
 - a. Prior to the commencement of any on ground development works within the DBNGP corridor, the proponent must seek approval in writing from the DBNGP Land Access Minister. The application will be assessed as at the date of the application and approval, if granted, may be subject to conditions imposed by, or on behalf of, the DBNGP Land Access Minister.
 - b. The DBNGP pipeline located in Lot 2364 is to be positively located via potholing and demarcated with substantial fencing to the satisfaction of DBP. Potholing and fencing will be at the cost of the applicant.
4. In relation to Condition "18.a.", the rehabilitation bond/bank guarantee may be limited to a single stage and rolled over to after each stage is rehabilitated in accordance with this approval.
5. In relation to Condition "18.b.", Chittering Landcare has advised that the intended 1,000 plants per hectare stated in the report is insufficient to create a suitable buffer. The applicant is recommended to liaise with Chittering Landcare regarding a species list and planting regime.
6. At closure, the sump land between the two resources is to be fenced to exclude livestock.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That "Condition 5." be amended to read as follows:

- "5. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents in accordance with the Dust Management Plan. All water used for dust suppression is to be sourced externally to the subject site."

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION

7:59PM

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That the following "Condition 24." be added to read as follows:

- "24. Prior to the issue of an Extractive Industry Licence, a detailed hydrogeological assessment report by a qualified groundwater professional with at least two years' experience in the discipline, that clearly identifies, understands and addresses the risks of the extractive industry proposal, discussed in the context of the groundwater resources, is to submit a suitable risk management strategy to be developed for protection of an undisturbed peak water table."

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

8:02PM

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That the following "Advice Note 7." be added:

- "7. Council has a general presumption against using local roads for heavy vehicle traffic within the Muchea townsite."

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

8:06PM

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030617

Moved Cr Osborn / Seconded Cr Gibson

That Council grant Development Approval for the Extractive Industry (sand) at Lots 2233 and 2238 Byrne Road, Muchea subject to the following conditions and advice notes:

Conditions

1. The terms of this approval shall be for the period from the date of issue until 21 June 2027, at which time all excavation and distribution activities must cease and the site be rehabilitated in accordance with the approved documentation.
2. Prior to the commencement of any works the applicant shall submit to the Shire evidence of currency of public liability insurance for the excavation works. The issue of the approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that the proprietor and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance for any claim against them.
3. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process. No direct sales from the site shall occur as part of this approval.
4. All stormwater generated within the pits and access way shall be directed away from the regrowth thicket and in accordance with the Water Management Plan.
5. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents in accordance with the Dust Management Plan. All water used for dust suppression is to be sourced externally to the subject site.
6. **Byrne Road**
Access and egress to the site via Byrne Road is subject to the following:
 - a. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Byrne Road to the satisfaction of the Shire;
 - b. A levy of 0.50c per tonne of material extracted is to be paid on an annual basis to Council to assist in the upgrade and maintenance of gazetted roads used for access to the pit;
 - c. The two existing crossings on Byrne Road and any new crossings will need to be formally assessed to the satisfaction of DBP with the cost of investigation and any additional protection measures identified being at the cost of the applicant;
 - d. Prior to the issuing of an extractive industry license, the applicant is to provide the Shire and the DBP with a Traffic Management Plan displaying the proposed routes that vehicles will be taking to access the extractive pits from Byrne Road, in accordance with Transport Impact Guidelines and including any legal agreements pertaining to access and egress for the lots from Byrne Road;
 - e. The applicant is to maintain the crossover to Brand Highway to the satisfaction of the Shire

and Main Roads Western Australia;
f. Prior to the issue of an extractive industry license the applicant shall enter into an agreement with the Shire for payment of fees for the upgrade and maintenance of Byrne Road.

7. In addition to Condition "6.d.", vehicle movements relating to the extractive industry is limited to ten (10) heavy vehicle movements per hour. Additional movements may be permitted provided a traffic management plan is submitted and approved by the Shire identifying how the road network is capable of managing the impacts of additional traffic in accordance with the Transport Impact Assessment (TIA) guidelines prepared by the Department of Planning.
8. Excavation is to be limited to the edge of the required setback to the Dampier to Bunbury Natural Gas Pipeline (DBNGP). Excavation adjacent to the Pipeline is to be conducted to the requirements of the Department of Lands and the *Dampier to Bunbury Pipeline Act 1997*.
9. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
10. All vehicles' loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.
11. Any storage of fuels or refuelling on site is to be located on a designated hardstand area location to the satisfaction of the Shire.
12. The hours of operation shall be in accordance with the approved management plan, limited to:
 - a. Monday to Saturday 0600 to 1700 hours;
 - b. Sunday and Public Holidays not permitted; and
 - c. Any variation of these times requires written approval from Council.
13. Noise suppression measures are to be undertaken at all times where any operation onsite is likely to generate noise nuisance to nearby residents in accordance with the Noise Management Plan.
14. The proposed 25 metre vegetation buffer along the southern and western boundaries on Lot 2233 is to be increased to a minimum 50 metres.
15. Excavation for the extractive industry shall not occur in the following areas:
 - a. within 50 metres of a boundary of any land not owned by the applicant/Landowner or Planning Consent holder;
 - b. within 50 metres of any identified threatened ecological community;
 - c. within 20 metres of any land affected by a registered grant of easement;
 - d. within 50 metres of any designated Resource Enhancement Wetland;
 - e. within 500 metres of any house;
 - f. below the level of winter groundwater table;
 - g. within 50 metres of any road or road reserve; and
 - h. outside of the approved excavation areas shown on Figure 5 Proposed Extraction Area in accordance with the submitted and approved plans.
16. The applicant is to obtain a Clearing Permit from the Department of Environment and Regulation prior to an extractive industry licence being granted.
17. Areas of remnant vegetation are to be fenced off to the satisfaction of the Shire and Chittering Landcare.
18. Rehabilitation and Land Management Plan
 - a. Prior to the issue of an excavation licence a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire of Chittering in accordance with the amount

stipulated in Part 5 of the Extractive Industries Local Law and the Shire's adopted *Schedule of Fees and Charges*.

- b. Revegetation is to include a ratio of 10,000 plants per hectare.
- c. Upon decommissioning of each pit stage, rehabilitation shall take place in accordance with the approved plan, or as otherwise stipulated, prior to commencement of the next stage.
- d. Rehabilitation of each pit shall include surface water and wind control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes should access to any standing water within the pit be required or accidentally occur.
- e. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases.
- f. Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Shire within three months of the commencement of operations.
- g. An annual report shall be submitted to the Shire that includes:
 - i. the progress of excavation;
 - ii. depth to groundwater from each pit floor;
 - iii. monitoring program results and findings;
 - iv. progress of rehabilitation;
 - v. contingency actions and outcomes; and
 - vi. community complaints and responses.

- 20. The applicant is to maintain two (2) metres of undisturbed profile from the maximum winter water table for the site.
- 21. The southern boundary of DBNGP corridor within Lot 2233 is to be surveyed and demarcated with substantial fencing at the cost of the applicant to the satisfaction of DBP.
- 22. Piezometers are to be installed on the eastern side of the excavation area, two for each resource. Metres are to be constantly monitored and results provided to the Shire.
- 23. Stockpiles are to be limited to eight (8) metres in height.
- 24. Prior to the issue of an Extractive Industry Licence, a detailed hydrogeological assessment report by a qualified groundwater professional with at least two years' experience in the discipline, that clearly identifies, understands and addresses the risks of the extractive industry proposal, discussed in the context of the groundwater resources, is to submit a suitable risk management strategy to be developed for protection of an undisturbed peak water table.

Advice Notes

- 1. The applicant is to refer the application and seek advice from the Commonwealth Department of Environment and Energy prior to the removal of any vegetation listed under the EPBC Act.
- 2. The applicant is to liaise with the Department of Environmental Regulation in relation to compliance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- 3. The Department of Lands and DBP advises the following in regards to the natural gas pipeline:
 - a. Prior to the commencement of any on ground development works within the DBNGP corridor, the proponent must seek approval in writing from the DBNGP Land Access Minister. The application will be assessed as at the date of the application and approval, if granted, may be subject to conditions imposed by, or on behalf of, the DBNGP Land Access Minister.
 - b. The DBNGP pipeline located in Lot 2364 is to be positively located via potholing and demarcated with substantial fencing to the satisfaction of DBP. Potholing and fencing will be at the cost of the applicant.
- 4. In relation to Condition "18.a.", the rehabilitation bond/bank guarantee may be limited to a single stage and rolled over to after each stage is rehabilitated in accordance with this approval.

5. In relation to Condition "18.b.", Chittering Landcare has advised that the intended 1,000 plants per hectare stated in the report is insufficient to create a suitable buffer. The applicant is recommended to liaise with Chittering Landcare regarding a species list and planting regime.
6. At closure, the sump land between the two resources is to be fenced to exclude livestock.
7. Council has a general presumption against using local roads for heavy vehicle traffic within the Muchea townsite.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:08PM

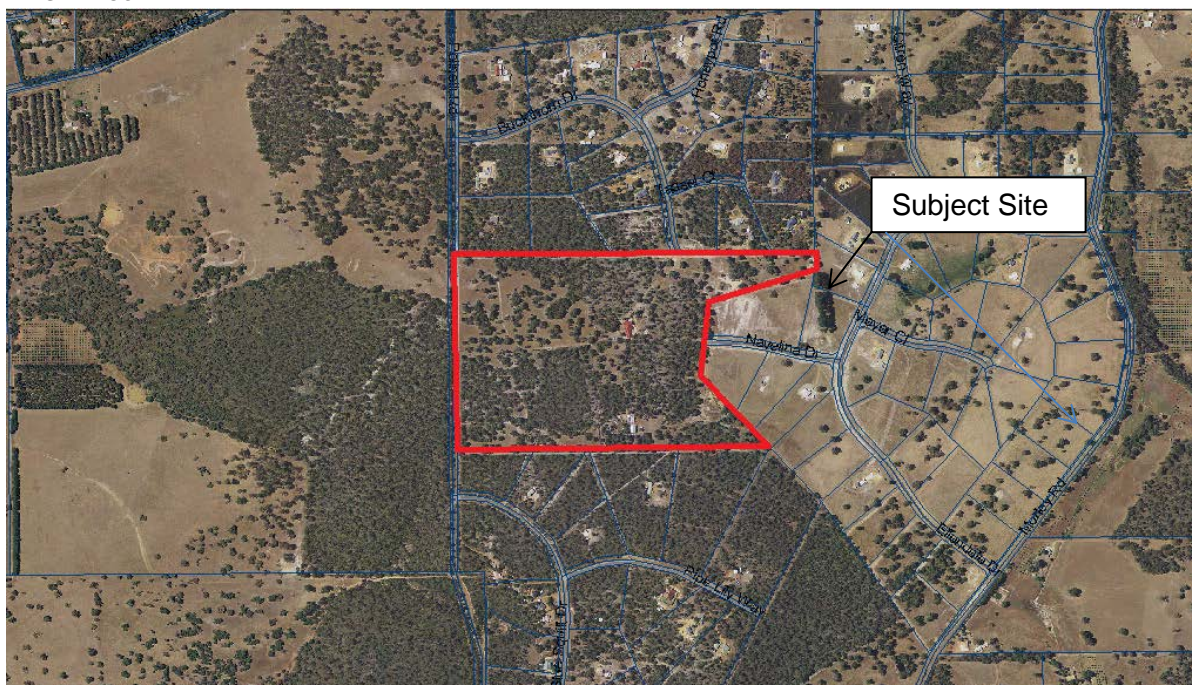
9.1.3 Proposed Scheme Amendment No. 58: Rezone from 'Agricultural Resource' to 'Rural Residential' - Lot 8 Buckthorn Drive, Lower Chittering*

Report date	21 June 2017
Applicant	Rowe Group
File ref	A3038; 18/02/29
Prepared by	Peter Stuart, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment modification document from WAPC

Executive Summary

Council is requested to consider amendments to the previously endorsed Scheme Amendment to rezone Lot 8 Buckthorn Drive, Lower Chittering (the "subject land"), from 'Agricultural Resource' to 'Rural Residential'. The amendments derive from Ministerial consideration and are required to follow due process prior to Ministerial approval. The modifications generally relate to environmental and structure plan guidelines. The endorsement of the Scheme Amendment modifications is required to be undertaken by Council as the Shire Officers do not have delegated authority.

IMAGE 1: LOCALITY PLAN



Background

The proposed Scheme Amendment was initiated by Council for advertising purposes at its Ordinary Meeting of 17 February 2016, and later endorsed by Council at its 20 July 2016 meeting following referral to State and other regulatory authorities, and community consultation. The subject land is located in Lower Chittering, approximately 45km north-east of Perth and 30km from Bindoon town-site. The site has direct frontage to Polinelli Road on its eastern boundary and connection to Buckthorn Drive along its northern boundary. The site is surrounded by existing rural residential development to the north, east and south.

The subject land is 39.9849ha in area and is currently improved with a single dwelling and three associated outbuildings. There is remnant vegetation throughout the site, identified in the Shire's *Local Biodiversity Strategy* as a Local Natural Area ("LNA"). These remnant vegetation's are subject to a clause by the Minister requiring further study prior to finalising the structure plan, and avoiding locating property boundaries within the complexes.

Notwithstanding the modifications subject of this report, the Scheme Amendment [if approved by the Minister] will rezone the subject site from 'Agricultural Resource' to 'Rural Residential', allowing for future subdivision of lots in excess of 1ha in accordance with the provisions of *Local Planning Strategy 2001-2015*. An Indicative Subdivision Plan was originally included in the amendment documents, demonstrating a yield of 12 lots ranging in size from 2.6ha-4.0ha. Note that the Indicative Subdivision Plan is included for informational purposes only and the ultimate pattern of any subdivision may vary. At this stage, Council is required only to resolve whether to proceed with the modifications proposed by the Minister as part of the rezoning of the site. The modifications proposed as part of this report will result in a substantially changed layout, and potentially significantly reduced lot yield.

Consultation

Consultation for the Scheme Amendment was previously carried out in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* ("the Regulations"). As part of the modifications, the Minister has not determined that the modifications are significant enough to warrant readvertising in accordance with section 56 of the Regulations.

Statutory Environment

State

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Scheme) Regulations 2015*

Part 5 of the Regulations sets out the process and requirements for scheme amendments, the Regulations separates scheme amendments into three types: basic, standard and complex. The modified amendment remains a "standard" amendment as it meets the following criteria:

(b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.*

Part 5 Clause 62(2), of the Regulations allows the Minister to refer modified Scheme Amendments back to the Local Authority in order to ensure consistency with Council's previous resolution(s). In this clause, the Local Authority has 42 days to:

- modify the amendment as required; and
- execute the modified amendment; and
- submit to the Minister a copy of the executed documents.

The modified documentation was received by the Shire on 24 May 2017, and as such a determination by Council at its Ordinary Meeting of 21 June 2017 is within this statutory timeframe.

Local

- Shire of Chittering Local Planning Strategy 2001-2015

The *Local Planning Strategy 2001-2015* (the "LPS") places the subject site within the Rural Living/Rural Residential Precincts. The aims for this precinct include providing a safe and pleasant rural living environment and providing a range of lot sizes. Development of the site in accordance with Rural Residential standards is consistent with these objectives.

- Shire of Chittering Local Planning Scheme No. 6

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

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

The objectives of the 'Rural Residential' 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.*

Ultimate development of the site is capable of consistency with these objectives, although the Minister's modifications expand on the first point, which is to limit impact on the environment. The site is otherwise bound on three sides by existing/approved rural residential development and the proposed zone would be harmonious with the rural-residential character of the area. The quality of existing vegetation and other environmental values will be assessed prior to subdivision and subdivision design can respond to protecting these. There is sufficient land available to subdivide a range of lots over 1ha and a suitable road network.

As the applicant is required to consult with national environmental bodies such as the Commonwealth Environmental Protection Agency, this application is not required to be held pending the recommendation of said bodies, rather it can be upheld through the enacting of *Schedule 16* within *Local Planning Scheme No 6*, for which subheadings can be created.

Policy Implications

State

- State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)

The subject site is a designated bushfire prone area on the Map of Bushfire Prone Areas. A Fire Statement submitted with the amendment documentation provides an initial assessment of likely bushfire issues for the site, and notes that "*The vegetation located on and adjacent to the site is expected to be a moderate or extreme bushfire hazard and following detailed site investigation is likely to be confirmed as bushfire prone (p 3).*"

SPP3.7 provides a range of requirements for planning processes where a moderate BHL applies, as follows:

- 6.3 Any strategic planning proposal to which policy measure 6.2 applies is to be accompanied by the following information prepared in accordance with the Guidelines:
- a) (i) the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines. BHL assessments should be prepared by an accredited Bushfire Planning Practitioner; or
 - (ii) where the lot layout of the proposal is known, a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. The BAL Contour Map should be prepared by an accredited Bushfire Planning Practitioner; and
 - b) the identification of any bushfire hazard issues arising from the relevant assessment; and
 - c) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

This information can be provided in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

The submitted Bushfire Management Plan highlights the dangers in developing the lot in relation to the existing native vegetation. The initially proposed lot layout could result in the removal of the vegetation, which would be at the detriment of the Scheme objectives, and the Shire's *Local Biodiversity Strategy 2010*. Accordingly the Minister has requested modifications which relate to the lot layout and attempting to achieve minimal impacts on the natural environment, while also achieving acceptable bushfire mitigation measures. This is often a fine balance, and will likely require further investigation prior to the submission of a structure plan.

- State Planning Policy 2.5: Land Use Planning in Rural Areas (SPP2.5)

The objectives of SPP2.5 are to protect priority agricultural land, invest in economic growth in rural areas, security of basic raw materials, minimise land use conflict, improve environmental and landscape assets and promote sustainable settlement.

Policy measures 5.6(b)(i) through to (x) are to be regarded for rural living proposals. The proposed scheme amendment to rezone is not considered to conflict with these measures, and can be upheld through the recommended Schedule 16 Structure Plan.

Financial Implications

Nil

Strategic Implications

Local

- Shire of Chittering Local Planning Strategy 2001-2015

The subject land is identified for 'Rural Residential' development on the Local Planning Strategy map. It is also marked as a "Priority Development Area". The site is located within a corridor of existing/approved rural residential development and rezoning would be a logical consolidation of the prevailing development pattern. Subdivision – facilitated through rezoning – would also create an opportunity to improve local road connections, particularly in regard to bushfire planning requirements. These are both key considerations in the "Strategies for Progressive Development" outlined in the *Local Planning Strategy*. In view of these considerations and the surrounding land uses, rezoning of the subject site at this stage is not likely to prejudice the current review of the *Local Planning Strategy*, or be inconsistent with future settlement goals.

While the draft Local Planning Strategy is set to be initiated, it cannot be used or referred to as part of this resolution.

- *Shire of Chittering Local Biodiversity Strategy 2010*
There is some existing vegetation on site. The *Local Biodiversity Strategy* identifies the site as a “Local Natural Area” but not a “High Conservation Value Area”. The Strategy identifies “Mogumber” vegetation complex within the subject site, which is marked for retention targets. Accordingly, further environmental studies will be required to fully assess the environmental assets of the site and make provision for protection and conservation where appropriate. Additional measures to respond to the significant environmental features of the site have been applied by the Minister and are listed in the modification document attached to this report.

Site Inspection

The property is largely cleared sandy soils and is extensively grazed in parts. There are a number of pockets of remnant vegetation on the throughout the site, and a small soak in the north east portion of the site.

There is some indication of Indigenous heritage on the site. The western portion of the site is identified as being an “Other Heritage Places” site. The Aboriginal Heritage Inquiry System indicates that the name of the site is “Ellen Brook: Upper Swan” and has an ID number 3525.

However, as the portion of lot is noted as only an “Other Heritage Places” site, this means that information has been received in relation to the place, but an assessment has not yet been completed to determine if it meets Section 5 of the *Aboriginal Heritage Act 1972*.

After such assessment, the site then may or may not be included as a “Registered Site”.

Given the above, the applicant will be required to undertake further investigation during the preparation of a Structure Plan to determine the significance of any Indigenous heritage at the site.

Triple Bottom Line Assessment

Economic implications

The creation of additional lots in the Lower Chittering area will consolidate the existing rural residential pattern of development, creating potential small business opportunities, increasing infrastructure efficiencies, and creating additional rateable properties to the Shire.

Due to the natural gradient, the location of surrounding properties and the existing roadside drainage services available, stormwater drainage requires addressing. While the conclusions made in the applicant’s report does not sufficiently justify how stormwater runoff into adjoining properties is able to be addressed, methods and actions to be undertaken are best reviewed at the structure plan stage.

Additionally, there are question regarding how the water tanks proposed be filled. The applicant’s report appears to assume by harvesting rainwater only. Additional research will be required to be undertaken to ascertain whether there will be sufficient rainfall to consistently maintain a 120,000 litre tank, and whether bore water is available.

Social implications

Rural residential development of the site will consolidate the local settlement pattern and community.

Environmental implications

The applicant has made preliminary desktop investigations of environmental considerations, summarised within their Scheme Amendment Report. It will be necessary for environmental assets to be assessed prior to any development, and for subdivision pattern to conserve these assets. These matters will be addressed through the structure planning process.

Comment

Local Planning Strategy 2001-2015

The *Local Planning Strategy* identifies the site for Rural Residential development and as a Priority Development Area. Rezoning of the site to be more consistent with surrounding areas will consolidate the existing pattern of development and align with the objectives of the *Local Planning Strategy*.

The proposed rezoning is not considered likely to prejudice future planning goals being developed through the review of the *Local Planning Strategy*. The site is located within an established area of rural residential development and will lend to this character.

Local Planning Scheme

The site is capable of being developed in accordance with the Scheme objectives and provisions for the Rural Residential zone.

Structure Plan

A Structure Plan will be required prior to subdivision/development of the site. The Structure Plan will provide the foundation for flora and fauna protection, bushfire management, local road network, servicing requirements, and acceptable building envelopes and character. This structure plan forms the basis for the modifications proposed by the Minister.

These modifications will require the applicant to undertake (additional) studies to identify any remnant vegetation classed as being in "excellent" condition. Where such vegetation exists, no lot boundary may dissect it. While this may fundamentally change the subdivision outlay and lot yield, the clause requires the applicant to undertake the necessary studies at the structure plan stage to confirm. To this end, the rezoning proposal remains consistent with the objectives of the zone despite a probable average area of well over two hectares.

Access

Future development of the site will provide opportunity to connect Buckthorn Drive and Navelina Drive, improving the local road network within this rural residential area. The site also has frontage to Polinelli Road, creating opportunity for further connectivity and safe vehicle access during bushfires.

Bushfire Management

The applicant has submitted a Bushfire Management Plan (BMP) in accordance with the *Planning for Bushfire Guidelines* (Guidelines). The BMP indicates the overall hazard to be moderate due to woodland vegetation on site and adjacent to the site. The BMP requires construction of dwellings in accordance with the Australian Standards in bushfire prone areas. The draft Structure Plan provides more than two access/egress points which comply with these Guidelines. The Shire's Community Emergency Services Manager (CESM) supports the mitigated hazard level of the development and its compliance with the Guidelines. The Shire's CESM would undertake a more detailed assessment of the BMP at subdivision stage.

The modifications remain consistent, albeit through a more conservative approach, with the provisions in which Council previously endorsed the Scheme Amendment. Regardless, the modifications are not put forward for Council's consideration. Rather this resolution pertains to the use of the Common Seal for responding to the Minister of Planning with the updated Scheme Amendment documentation.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040617

Moved Cr Gibson / Seconded Cr Tilbury

That Council:

- 1. Pursuant to *Section 75 of the Planning and Development Act 2005*, and Regulation 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* acknowledges the list of modifications to Amendment No 58 to *Local Planning Scheme No 6*.**
- 2. Replaces the resolution of 20 July 2016 for the subject property with the schedule of modifications dated 18 May 2017 as attached.**
- 3. Authorises affixing the Common Seal to Local Planning Scheme No. 6 Amendment No 58 documents, and that the revised Amendment documents be referred to the Western Australian Planning Commission and Minister for Planning for final approval.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:08PM

9.1.4 Adoption of the Repeal Local Law 2017*

Report date	17 May 2017
Applicant	Shire of Chittering
File ref	19/04/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Shire of Chittering Repeal Local Law 2017

Executive Summary

Council's consideration is requested to repeal the *By-laws relating to Signs, Hoardings and Bill Posting* (gazetted on 20 August 1993), as the By-law will be superseded by alternative local legislation (i.e. Local Planning Policy 'Signage').

Background

Shire Officers have noted that the Local Law relating to *Signs, Hoardings and Bill Posting 1993* was in need of review. In accordance with the *Local Government Act 1995*, every Local Law is required to be reviewed after eight years. Specifically, the *Local Government Act 1995* states:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

In June 2015 Council resolved to adopt the proposed Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015, which was advertised and made available for public comment. Following the consultation period an Officer report was presented to the Ordinary Council Meeting on 28 October 2015 to adopt and gazette the Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015. Council wanted to workshop the document further and therefore laid the item on the table. In November 2016 Council was informed that Development Services would be developing a new Local Planning Policy with regard to Signage, and this policy is now presented to Council to be advertised for public comment.

Regardless, the Local Law remains current, and is a statutory instrument until such time as it is revoked by Council.

At the Ordinary Council Meeting held on 15 February 2017 Council resolved the following:

That Council:

1. *resolves to commence the review process of the Shire of Chittering By-Law relating to Signs, Hoardings and Bill Posting (gazetted 20 August 1993) in accordance with the Local Government Act 1995, Section 3.16.*

Consultation

When a local government considers reviewing a local law with the intent to revoke the following procedure is to be followed:

- (i) *Statewide and local public notice:*

The local government is to give statewide public notice stating that the local government proposes to review the local law; and that a copy of the local law may be inspected or obtained at any place specified in the notice; and that any submissions about the local law may be made to the local

government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given. The Shire published statewide and local public notices on 1 March 2017 in *The West Australian* and *The Advocate*, and persons were advised that submissions were due by 4pm on Friday, 21 April 2017.

Notification was sent to the following State Departments:

1. Minister for Local Government (as at 2 March 2017);
2. Department of Local Government and Communities;
3. Commissioner, Road Safety Commission

The Shire's website was updated in the following areas:

1. Have your say
2. Public Notices
3. Local Laws

- (ii) Review submission received and a report submitted to Council.
- (iii) Council to revoke the local law by absolute majority.

Statutory Environment

State

- *Local Government Act 1995, s3.16. Periodic review of local laws*
(4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*
* Absolute majority required

Policy Implications

Shire Officers will be presenting Local Planning Policy No 5 'Signage' to the May 2017 Ordinary Council Meeting for adoption; which will be the local legislation for monitoring signage in the Shire of Chittering.

Financial Implications

There will be costs for publishing the public notice in *The West Australian* and *The Advocate*, and also costs for the gazettal notice in the *Government Gazette*. These costs will be charged to GL 1040820.

Strategic Implications

Local

- Strategic Community Plan 2012-2022
Governance: Strong leadership
Outcome: good governance
Strategy: continue to provide transparent leadership

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

During the public comment period there were no submissions received, it is therefore recommended that Council adopts the proposed Repeal Local Law 2017 and approves progression of the remaining actions to finalise the local law.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050617

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1. in accordance with Section 3.12 of the *Local Government Act 1995* adopts the attached Repeal Local Law 2017.**
- 2. approves progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the *Local Government Act 1995*.**

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

8:09PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

Nathalee Petersen left the Chambers at 8.09pm

9.3.1 Financial statements for the period ending 31 May 2017*

Report Date	21 June 2017
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Rowena Coshan, Finance Assistant
Supervised by	Rhona Hawkins, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Statement of Financial Activity for period ending 31 May 2017 Bank Reconciliation as at 31 May 2017 List of Accounts Paid as at 31 May 2017

Executive Summary

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

Background

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

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

Consultation

Executive Manager Corporate Services
Executive Manager Technical Services

Statutory Environment

State

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060617

Moved Cr Osborn / Seconded Cr King

That Council:

- 1. Endorses the Accounts Paid:**
 - a. PR3918 PR3922**
 - b. EFT 14034 – EFT14177**
 - c. Municipal Fund Cheques 14251 - 14260**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund payments as listed**

Totalling \$902,912.37 for the period ending 31 May 2017.
- 2. Receives the Bank Reconciliation as at 31 May 2017.**
- 3. Receives the Monthly Statement of Financial Activity for the period ending 31 May 2017.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:10PM

9.3.2 Schedule of Fees and Charges 2017-2018*

Report date	21 June 2017
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Rhona Hawkins, Executive Management Corporate Services
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. "DRAFT" Schedule of Fees and Charges 2017-2018

Executive Summary

Council is requested to review the draft Schedule of Fees and Charges 2017-2018.

Background

Each year every local government in Western Australia is required to impose a Schedule of Fees and Charges as part of the annual budget process. Reviewing the schedule prior to budget adoption allows Council the time to consider the proposed fees and charges, separate to assessing the forthcoming budget. As the 2017-2018 budget will not be adopted prior to 30 June 2017, adopting the 2017-2018 Schedule of Fees and Charges in June will allow for them to come into effect on the 1 July 2017.

Consultation

Internal

Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services
Executive Support Officer
Councillors (workshop held on 30 May 2017)

Statutory Environment

State

- Local Government Act 1995

6.16 Imposition of Fees and Charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*

- (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) *supplying a service or carrying out work at the request of a person;*
- (c) *subject to section 5.94, providing information from local government records;*
- (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) *supplying goods;*
- (f) *such other service as may be prescribed.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) *imposed* during a financial year; and*
- (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

- Local Government (Financial Management) Regulations 1996

22. Form and content of annual budget (Act s. 6.2(1))

- (1) *The annual budget of a local government is to be in a form that includes the following —*
- (f) *in relation to the service charges proposed to be imposed by the local government, the information set forth in regulation 24;*
 - (g) *in relation to the fees and charges proposed to be imposed by the local government, whether under the Act or under any other written law, the information set forth in regulation 25;*

24. Service charges information required

In relation to each service charge, the annual budget is to include —

- (a) *details of the nature of the service for which the service charge is imposed; and*
- (b) *the objects of, and reasons for, the service charge; and*
- (c) *the amount of the service charge; and*
- (d) *an estimate of the total amount to be imposed by way of the service charge; and*
- (e) *if the service charge is to be imposed on land in a defined part of the district, a brief description identifying the area within which the service charge is to be imposed; and*
- (f) *details of how the proceeds of the service charge are to be applied, including an estimate of —*
 - (i) *the amount to be applied; and*
 - (ii) *the amount to be set aside in a reserve account; and*
 - (iii) *the amount to be applied from the reserve account.*

25. Revenue from fees and charges, estimate of required

In relation to fees and charges imposed under the Act or any other written law, the annual budget is to include an estimate of the total revenue from the fees or charges from each program.

Policy Implications

Nil

Financial Implications

The Schedule of Fees and Charges 2017-2018 [when adopted] will set the level of revenue of the items contained within the budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line AssessmentEconomic 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 draft Schedule of Fees and Charges 2017-2018 is submitted to Council for adoption and inclusion in the budget for the 2017-2018 financial year.

The majority of the fees and charges have remained the same as previous years; however the proposed amendments have been made to same and these are listed below:

Schedule	Description	Details
3 – General Purpose Funding	<u>Rates – Legal Fees Recoverable</u> <ul style="list-style-type: none"> Legal Fees for Rates Recovery 	New charge is “At Cost”
4 – Governance	<u>Council Chambers Hire</u> <ul style="list-style-type: none"> Hire cost half day (min 4hrs) Hire cost full day (min 8hrs) Hire cost per hour (if less than 4 hours) Bond - day hire Bond - per hour Digital projector and screen (day hire) Digital projector and screen (hour hire) 	All new charges as per policy <ul style="list-style-type: none"> 175.00 300.00 50.00 150.00 20.00 35.00 5.00
5 – Law and Order	<u>Euthanasia Fee (performed by Vet) (fee charged where owner can be traced or if requested by owner)</u> <ul style="list-style-type: none"> Dog <u>Dog Registration</u> <ul style="list-style-type: none"> More Than 2 Less Than 7 Dogs - Dog Act S.26 (3) <u>Dogs Local Law 2011 - Offences (Schedule 3)</u> <ul style="list-style-type: none"> Attempting to or causing the unauthorised release of a dog from a pound (cl 2.4(a)) Attempting to or causing the unauthorised release of a dog from a pound (cl 2.4(a)) - Dangerous dog Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs (cl 2.4(b) & (c)) Failing to provide means for effectively confining a dog (cl 3.1) Failing to provide means for effectively confining a dog (cl 3.1) - Dangerous dog Dog in place from which prohibited absolutely (cl 5.1(2)) Dog in place from which prohibited absolutely (cl 5.1(2)) - Dangerous dog Dog excreting in prohibited place (cl 6.1(2)) <u>Cats Local Law 2015 - Modified Penalties (Schedule 4)</u> <ul style="list-style-type: none"> Cat in any prohibited place (cl 2.2(1)) Keeping of 3 or more cats/cattery on premises without permit (cl 3.2(1)) Failure to comply with a condition of a permit (cl 3.7(3)) 	2016/17 listed “at cost”; new Council charge of “\$145” 2016/17 fee “165”; new Council charge “100” Statutory charges as per <i>Dogs Local Law 2011</i> now incorporated into the Fees and Charges Statutory charges as per <i>Cats Local Law 2015</i> now incorporated into the Fees and Charges

Schedule	Description	Details
	<u>Vermin Traps</u> <ul style="list-style-type: none"> Vermin Trap Replacement Fee 	2016/17 listed "at cost"; new Council charge of "\$150"
	<ul style="list-style-type: none"> Sale of Vermin Trap 	2016/17 listed "at cost; now "N/A"
10 – Community Amenities	<u>Cemetery Fees</u> Grant of Right of Burial <ul style="list-style-type: none"> Right of Burial - 25 years Right of Burial – Renewal Right of Burial - Pre Need Purchase of Grave Right of Burial – Copy Right of Burial - Transfer <u>Sinking Fees (Interment)</u> <ul style="list-style-type: none"> Adult (2.4 x 2.4m) Child (Under 13) <u>Interment of Ashes</u> <ul style="list-style-type: none"> Double Niche - Pre Need Purchase Double Niche - Re Open Ground Niche - Ground Niche Placement of Ashes in Family Grave (300mm Depth) Single Niche Single Niche - Pre Need Purchase <u>Cemeteries Local Law 2003 - Modified Penalties (First Schedule)</u> <ul style="list-style-type: none"> Excessive speed (cl 5.4) Unauthorised use - driving vehicles (cl 5.4) Placing and removing of rubbish and surplus materials (cl 7.3) Leaving uncompleted works in an untidy or unsafe condition (cl 7.7) Animal at large (cl 8.1) Dumping of rubbish (cl 8.5) Unauthorised advertising, and/or trading (cl 8.6) Disobeying sign or lawful direction (cl 8.7) All other offences not specified All other offences not specified - thereafter a daily penalty 	<ul style="list-style-type: none"> 16/17 fee "\$55"; increase to "\$250" 16/17 fee "\$55"; decrease to "\$50" 16/17 fee "\$27.50"; increase to "\$150" 16/17 fee "\$12"; increase to "\$50" 16/17 fee "\$12"; increase to "\$50" 16/17 fee "\$550"; increase to "\$2,000" 16/17 fee "\$110"; increase to "\$2,000" 16/17 fee "\$170"; decrease to "\$150" 16/17 fee "\$114"; increase to "\$150" 16/17 fee "\$114"; increase to "\$150" 16/17 fee "\$136"; increase to "\$150" 16/17 fee "\$227"; increase to "\$250" 16/17 fee "\$114"; increase to "\$150" Statutory charges as per <i>Cemeteries Local Law 2003</i> now incorporated into the Fees and Charges

Schedule	Description	Details
	<p><u><i>Health Local Law 2017 - Offences and Penalties (cl 10.1)</i></u></p> <ul style="list-style-type: none"> • Contravening Health Local Law - first offence • Contravening Health Local Law - second offence • Contravening Health Local Law - third or subsequent offence • Contravening Health Local Law - continuing offence daily penalty <p><u><i>Waste Local Law 2017 - Prescribed Offences (Schedule 2)</i></u></p> <ul style="list-style-type: none"> • Failing to pay fee or charge (cl 2.1.2(a)) • Failing to ensure lawful use of receptacle (cl 2.1.2(b)) • Depositing non-collectable waste in a receptacle (cl 2.2(1)) • Depositing waste in another receptacle without consent (cl 2.2(2)) • Exceeding waste capacity of a general waste receptacle (cl 2.3(1)) • Depositing unauthorised waste in a general waste receptacle (cl 2.3(2) & (3)) • Depositing unauthorised waste in a recycling waste receptacle (cl 2.4(a)) • Exceeding weight capacity of a recycling waste receptacle (cl 2.4(b) & (c)) • Depositing unauthorised waste in an organic waste receptacle (cl 2.5(a)) • Exceeding weight capacity of an organic waste receptacle (cl 2.5(b) & (c)) • Failing to comply with a direction concerning placement or removal of a receptacle (cl 2.6(3)) • Failing to keep a receptacle in the required location (cl 2.7(a)) • Failing to place a receptacle for collection in a lawful position (cl 2.7(b)) • Failing to provide a sufficient number of receptacles (cl 2.7(c)) • Failing to notify of a lost, stolen, damaged or defective receptacle (cl 2.7(d)) • Damaging, destroying or interfering with a receptacle (cl 2.9(a)) • Removing a receptacle from premises (cl 2.9(b)) • Failing to comply with a term or condition of verge waste collection (cl 2.10(1)) • Removing waste for commercial purposes (cl 2.10(2)) • Disassembling or tampering with waste deposited for collection (cl 2.10(3)) • Failing to provide a sufficient number of receptacles (cl 3.1(a)) • Failing to keep a receptacle in good condition and repair (cl 3.1(b)) • Failing to prevent fly breeding and vectors of disease in a receptacle (cl 3.1(c)(i)) • Failing to prevent the emission of offensive odours from a receptacle (cl 3.1(c)(ii)) • Allowing a receptacle to cause a nuisance (cl 3.1(c)(iii)) 	<p>Statutory charges as per <i>Health Local Law 2017</i> now incorporated into the Fees and Charges</p> <p>Statutory charges as per <i>Waste Local Law 2017</i> now incorporated into the Fees and Charges</p>

Schedule	Description	Details
	<ul style="list-style-type: none"> Failing to comply with a direction to clean, disinfect or deodorise receptacle (cl 3.1(d)) Unauthorised removal of waste from premises (cl 3.2(1)) Removing waste from a receptacle without approval (cl 3.2(2)) Depositing household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place (cl 3.3(a)) Removing any waste from a receptacle provided for the use of the general public in a public place (cl 3.3(b)) Failing to comply with a sign or direction (cl 4.3(2)) Failing to comply with a direction to leave (cl 4.3(4)) Disposing waste without payment of fee or charge (cl 4.4(1)) Depositing waste contrary to sign or direction (cl 4.5(1)(a) & (b)) Removing waste without authority (cl 4.6(1)(a)) Depositing toxic, poisonous or hazardous waste (cl 4.6(1)(b)) Lighting a fire in a waste facility (cl 4.6(1)(c)) Removing or interfering with any fauna (cl 4.6(1)(d)) Interfering with any fauna without approval (cl 4.6(1)(e)) Damaging, defacing or destroying any building, equipment, plant or property within a waste facility (cl 4.6(1)(f)) Acting in an abusive or threatening manner (cl 4.6(2)) 	
	<p><u>Extractive Industries Local Law 2014 - Modified Penalties (Schedule 1)</u></p> <ul style="list-style-type: none"> Excavate without a valid and current licence (cl 2.1(a)) Carry on extractive industry without licence or in breach of terms and conditions (cl 2.1(b)) Excavate near boundary (cl 6.1) Removal of trees or shrubs near within 40 metres of the boundary without approval (cl 6.2(a)) Store without required approval explosives or explosive devices (cl 6.2(b)) Fill or excavate, contrary to the term and conditions of the licence (cl 6.2(c)) Carry out or permit to be carried out blasting outside hours approved by the local government (cl 6.3(1)(b)) Failure to comply with conditions imposed by the local government in relating to blasting activities (cl 6.3(1)(d)) Carry out or permit to be carried out any blasting on Saturday, Sunday, or public holiday without approval (cl 6.3(2)) Failure to securely fence and/or keep gateways locked where required (cl 6.4(a)) 	<p>Statutory charges as per <i>Extractive Industries Local Law 2014</i> now incorporated into the Fees and Charges</p>

Schedule	Description	Details
	<ul style="list-style-type: none"> • Failure to erect and maintain warning signs as required (cl 6.4(b)) • Failure to drain and keep drained any excavation to which the licence applies (cl 6.4(c)) • Failure to comply with the conditions of licence imposed by the local government (cl 6.4(f)) • All other offences not specified 	

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070617

Moved Cr Rossouw / Seconded Cr King

That Council adopt the Schedule of Fees and Charges 2017-2018 as presented for the financial year 2017-2018, with all Fees and Charges to come into effect on 1 July 2017.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/1
BY AN ABSOLUTE MAJORITY**

8:13PM

9.3.3 Sundry Debtor Write Off

Report Date	21 June 2017
Applicant	Shire of Chittering
File ref	12/05/0001
Prepared by	Veronica Robinson, Rates Officer
Supervised by	Rhona Hawkins, Executive Manager Corporate Services
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to consider the write off of four (4) Sundry Debtor Accounts totalling \$683.39.

Background

During the monthly review of Sundry Debtors it was noted that the four (4) debtors have been outstanding for an excessive period of time and the expense of recovering the money through a Debt Collection Agency would not be economical.

Comment

A Council resolution authorising the write off of any bad debt does not prevent Council from reinstating the debt if future circumstances change and the debt becomes collectable.

Consultation

State

Not applicable

Local

Executive Manager Corporate Services
Principle Environmental Health Officer
Community Emergency Services Manager

Statutory Environment

State

- *Local Government Act 1995, Section 6.12(1)(c)*

Policy Implications

Nil

Financial Implications

This proposal would result in a loss of revenue of \$683.39 however would reflect a more accurate position of Council's receivables.

Council has a provision for doubtful debts of \$3,685.31 in the 2016/2017 Annual Financial Statements.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The following table is a list of the outstanding Sundry Debtors and the action taken to recover each debt.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
75	11570	3 June 2016	\$11.39	This invoice relate to an unpaid water charge.	The Debtor became deceased during the billing period. Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
394	8659	12 January 2010	\$132.00	This invoice relates to unpaid fire break installation. 20 May 2010 – Overdue Notice 8 September 2015 – balance included in Overdue Notice 14 October 2015 – balance included in Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
776	10724	10 December 2014	\$400.00	This invoice relates to an unpaid hazard reduction burn conducted by the Bindoon Volunteer Bush Fire Brigade. 12 May 2015 – Overdue Notice 8 June 2015 – Final Notice	The Debtor is not a land owner. The Debt Collection process has been followed with continued recovery being uneconomical and unlikely to result in payment of the debt.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
952	11566	27 May 2016	\$140.00	This invoice relates to unpaid Food Business Registration. 29 June.2016 – Overdue Notice 1 August 2016 – Final Notice	The business has since closed its doors. Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
TOTAL BALANCE FOR WRITE OFF			\$683.39		

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080617

Moved Cr Tilbury / Seconded Cr Gibson

That Council write off the following Sundry Debtor invoices totalling \$683.39 (inc GST):

Debtor Number	Invoice Number(s)	Amount
75	11570	\$11.39
394	8659	\$132.00
776	10724	\$400.00
952	11566	\$140.00

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

8:14PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Delegated Authority Register Review*

Report date	21 June 2017
Applicant	Shire of Chittering
File ref	13/05/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Delegated Authority Register

Executive Summary

Council is requested to endorse the revised Delegated Authority Register.

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The 2015 review was presented to Council on 16 June 2017.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register and the 2017 Register is now presented for Council to review.

Consultation

State

Not applicable

Local

Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services
Executive Manager Corporate Services

Statutory Environment

State

- Local Government Act 1995
 - 5.46. Register of, and records relevant to, delegations to CEO and employees**
 - (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
 - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
 - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

A list of amendments made to the Delegated Authority Register is listed below:

DELEGATION No	DELEGATION TITLE	SUGGESTED CHANGE(S)
Page 1	Under "Associated Legislation" added the following:-	<i>Health Act 1911</i> replaced with <i>Health (Miscellaneous Provisions) Act 1911</i> Added <i>Public Health Act 2016; Land Act 1933</i>
DA1	Acting Chief Executive Officer	Under "Heads of Power" amended the Policy reference " <i>Shire of Chittering Policy 3.14- Appointment of an Acting Chief Executive Officer</i> "
DA2	Code of Conduct Enforcement	Under "Heads of Power" amended the Policy reference " <i>Shire of Chittering Policy 3.1- Code of Conduct – Staff, Volunteers and Contractors</i> "
DA9	Engaging Consultants	Under "Heads of Power" added <i>Shire of Chittering Policy 2.12 – Purchasing</i>
DA12	Facility Hire Fees	Under "Heads of Power" added <i>Shire of Chittering Policy 1.2 Use of Civic Centre – Council Chambers</i>
DA15	Legal Advice	Under "Heads of Power" added <i>Shire of Chittering Policy 2.12 – Purchasing</i>
DA27	Burning on Roadsides	Under "Heads of Power" added <i>Shire of Chittering Policy 10.2 Bush Fire Control</i>
DA28	Bush Fires, Prohibited Burning Times, Restricted Burning Times and Prosecution of Offences	Under "Heads of Power" added: <ul style="list-style-type: none"> <i>Shire of Chittering Policy 1.9 Prosecutions by Council Against Offenders</i> <i>Shire of Chittering Policy 10.2 Bush Fire Control</i>
DA30	Insurance	Under "Heads of Power" added <i>Shire of Chittering Policy 2.12 – Purchasing</i>

DELEGATION No	DELEGATION TITLE	SUGGESTED CHANGE(S)
DA34	Appointment of Authorised Officers	Under "Extent of Delegation" amended " <i>Health Act 1911</i> " to read " <i>Health (Miscellaneous Provisions) Act 1911</i> "
DA38	Demolition Permits	Deleted "Allan Ramsay" and replaced with "Nathan Gough".
DA39	Building Permits	Deleted "Allan Ramsay" and replaced with "Nathan Gough".
DA40	Building Orders	Deleted "Allan Ramsay" and replaced with "Nathan Gough".
DA41	Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate	Deleted "Allan Ramsay" and replaced with "Nathan Gough".
DA53	Occupancy Permits or Building Approval Certificates	Deleted "Allan Ramsay" and replaced with "Nathan Gough".
DA62	Cat Act 2011 – Powers and Duties of Local Government	Under "Heads of Power" added: <ul style="list-style-type: none"> • <i>Cats Local Law 2015</i> • <i>Cats Amendment Local Law 2016</i>

The Council, as delegator, is required to review its delegations annually.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090617

Moved Cr Rossouw / Seconded Cr Gibson

That Council endorses the Delegated Authority Register 2017 as attached.

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

8:14PM

9.4.2 Adoption of Strategic Community Plan 2017-2027*

Report date	21 June 2017
Applicant	Shire of Chittering
File ref	04/01/1
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Strategic Community Plan 2017-2027

Executive Summary

Council's is requested to endorse the attached Strategic Community Plan 2017-2027.

Background

Council at its Ordinary Council Meeting held on 19 April 2017 resolved the following:

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130417

Moved Cr Rossouw / Seconded Cr Angus

That Council:

- 1. Resolves to adopt the Draft Strategic Community Plan 2017-2027; and*
- 2. Advertise the draft plan for public comment and then return the draft plan to Council for final consideration following the public comment period.*

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY**

8.51pm

The Integrated Strategic Planning Framework provides the basis for strategic planning in local government. Its purpose is to ensure integration of community priorities into strategic planning for Councils, in addition to delivering the objectives that have been set from these priorities. The Community Strategic Plan is the long term (10 year) plan for the future which reflects both the Community and Council's aspirations for the future of the Shire. A raft of other plans and documents sit under the Community Strategic Plan including the Corporate Business Plan (a more detailed five year plan), Long Term Financial Plan, Asset Management Plans and Workforce Plan.

The Shire of Chittering released its first Strategic Community Plan (SCP) in 2012 recently commenced a review of the current plan. An important part of developing this SCP is consultation with the community to understand what it is that they want to see in the Shire of Chittering. The community engagement process, which occurred between September and December 2016, involved two open invitation workshops in October, a Chittering Community Planning and Action Group (CPPAG) workshop in November and a Youth Focus Group workshop also in November. The aim of the workshops was to hear from a wide variety of residents and businesses. Community members were also encouraged to provide feedback through direct communication with the Shire.

Consultation

State

Not applicable

Local

Consultation was undertaken in accordance with the Shire's *Community Engagement Plan 2012* and details advised via:

- (1) Chatter – Northern Valleys News (May 2017)
- (2) eChatter (email to subscribers)
- (3) eChatter (uploaded to the Shire's website)
- (4) Keep me posted (posted to subscribers)
- (5) Facebook
- (6) Noticeboard
- (7) Administration screen
- (8) Email lists:
 - a. Councillors
 - b. Staff
 - c. Media contacts
 - d. Business contacts
 - e. Community groups
- (9) Shire's website on the following pages:
 - a. Public notices
 - b. Have your say
- (10) Local Public notice
 - a. Bullsbrook/Gingin Advocate (10 May 2017)
 - b. Northern Valleys News (May 2017)

The consultation period ended on Friday, 2 June 2017. Following consultation only one public comment was received (see comments below):

TABLE 1: PUBLIC COMMENTS

No.	Comments	Officer comments
1	<p><u>Outcome 1.1</u></p> <p>Muchea Recreation area and recent proposal to resurface the netball courts to the \$costing of just over \$38,000 ~ this is a 'band-aid job', which will only do the job for another five years. The plan indicates enhancement of existing facilities to 2026, this would entail a much bigger contribution to funding that could also attract CSRFF funding IF requested in the correct format. To simply state that "the netball courts need to be ripped up and redone" is a little lacking in vision. To offer ONLY netball in Muchea for another 10 years does not acknowledge the need for other 'dual use activities' at this facility, whether that be basketball and tennis(already applied for in the past). There may also be the opportunity to encourage, say, Volleyball +++ During the initial surveying process, was there any requests to young people to see what 'other sport(s)' they might like to partake of?</p>	<p>At the March 2017 Ordinary Council Meeting an Officer report was tabled that with regard to the Muchea Community Hall Pavilion Project.</p> <p>Grant funding for this Project has been problematic as outlined below with no funding secured to date. Grants have been applied for as below:</p> <ul style="list-style-type: none"> • A Community Sporting and Recreation Facility (CSRFF) Small Grant application was submitted to the Department of Sport and Recreation in 2013/2014, however this grant application was unsuccessful with the Department deeming the Project a low priority. Since this time the Community and Club Development Officer (CCDO) has sought other grant avenues to no avail. • A discussion with Lotterywest regarding the possibility of a Community and Workplace Buildings Grant highlighted that the Project would meet the needs of a predominantly sports focused facility with little demonstrated

No.	Comments	Officer comments
		<p>community use. Lotterywest require a strong public benevolent aspect to their funded projects.</p> <ul style="list-style-type: none"> In August 2016 the CCDO was advised that the Project would be considered a low priority for the Wheatbelt Development Commission–Community Chest Funding as the Project could not demonstrate regional benefit and economic benefit to the Shire. Discussions held with Regional Development Australia-Wheatbelt in February 2017 regarding funding under the Building Better Regions Fund-Infrastructure Projects Stream highlighted that the Project did not adequately meet the funding criterion of demonstrating economic benefit to the region during and beyond the construction phase. <p>Discussions have occurred with the Muchea Hall User Group since the 2013/2014 financial year with the Pavilion considered a priority item for the Muchea Hall User Group.</p> <p>The proposed Project, based on quotes obtained in 2016 and allowing a 10% contingency for cost increases and project variances, is estimated to cost \$60,500.</p> <p>The allocation of municipal funds in the 2016/2017 year was \$30,000 requiring an additional \$35,000 to meet the Project costs without grant funding. These costs will need to be funded from the Public Buildings and Amenities Reserve.</p>
	<p><u>Outcome 5.1</u></p> <p>The lack of responsibility amongst staff at the Shire. I acknowledge proficient staff members at the Shire, with excellent qualifications, it is very important that good leadership of a Public Servant also requires a little humility and plain old fashioned courtesy. I had a local resident drop in on me today to lament his visit to the Shire, waiting around for a response to a query for over ¾hour without being offered a chair (he and his wife are over 70years of age), and when he suggested that perhaps he should go and have a cuppa and they may be able to answer questions by the time he got back, he was told that was a good idea! Part of good governance in Private enterprise as well as in the public sector is to be hospitable to others; if you are an employee of the government you are a public servant. Please offer those that are waiting for service 'a chair' or even a cuppa whilst they wait. That simple gesture of kindness will not only calm the ratepayer awaiting a service,</p>	<p>The problem of the small waiting area is currently under review. The area only allows for one sitting visitor at a time.</p> <p>There are security building modifications that staff have highlighted and will all be addressed if the project is adopted by Council in the 2017/18 budget.</p>

No.	Comments	Officer comments
	but will help them to realise that those at the Shire ARE genuinely concerned for their wellbeing. It is amazing how much a little act of kindness can contribute to the overall wellbeing of those you deal with. Leadership starts with those at the front desk, along with those in leading positions of Local Government. A simple/basic outline of processes within Planning, Health and Building that can be forwarded to individuals would also help alleviate anxiety amongst Ratepayers.	

Statutory Environment

Local Government is required to have an Integrated Planning Framework in place and to review the plans which make up the Planning Framework on a regular basis. The Strategic Community Plan is scheduled for review in financial year 2016/17.

State

- Local Government Act 1995, Section 5.56

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Section 19C & 19D of the Local Government Administration Regulations states;

19C. Strategic community plans, requirements for (Act's. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to—
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
- (a) notification that —*
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - (ii) details of where and when the plan may be inspected; or*
 - (b) where a strategic community plan for the district has been modified—*
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - (ii) details of where and when the modified plan may be inspected.*

Policy Implications

There are no direct policy implications. The effect of a Strategic Community Plan is the set the direction for the organisation and to determine long term priorities for the future.

Financial Implications

There is no direct financial implication from the adoption of a Strategic Community Plan, however the purpose of such a plan is to guide the allocation of resources and funding are allocated towards the priorities as articulated within the Plan.

Strategic Implications

This Community Strategic Plan sets the longer term strategic direction for Council and provides direction for the allocation or priorities and resources. Activation of the Strategic Community Plan is via a number of subordinate plans including the Corporate Business Plan, Long Term Financial Plan, Asset Management Plans and Workforce Plan.

A number of other supporting plans have been developed over the past five years including a Community Development Plan, Sports and Recreation Plan, Trails Network Master Plan, Safety and Crime Prevention Plan, Disability Access and Inclusion Plan, Communication Plan and Aged Care Plan.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Economic Development and job creation is a strong focus in the revised plan.

Social implications

An inclusive, safe and healthy community is a strategic priority within the plan.

Environmental implications

Protection of the environment and biodiversity continues to be a strong focus.

Comment

The Strategic Community Plan is critical for the development of the other Plans, such as the Corporate Business Plan, Long Term Financial Plan and Workforce Plan.

Council is requested to endorse the Strategic Community Plan 2017-2022 and advertise that it is available for public inspection.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100617

Moved Cr Rossouw / Seconded Cr Osborn

That Council:

- 1. Adopts the *Strategic Community Plan 2017-2022*.**
- 2. Advertises the adoption and availability of the *Strategic Community Plan 2017-2022* in accordance with Regulation 19D.**

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

8:17PM

10. REPORTS OF COMMITTEES

10.1 Chittering Local Emergency Management Committee: 24 May 2017*

Report date	21 June 2017
Applicant	Shire of Chittering
File ref	09/02/1
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" Chittering Local Emergency Management Committee meeting minutes from 24 May 2017

Executive Summary

Council is requested to receive the minutes from the Chittering Local Emergency Management Committee meeting held on 24 May 2017.

Background

The Chittering Local Emergency Management Committee meeting met on 24 May 2017 where the following formal recommendation was resolved:

5.4 COMMITTEE RECOMMENDATION

Moved Rick Choules/Seconded David Wilson

That Council approves the inclusion of a representative from the Bullsbrook St John Ambulance Sub Centre to the Chittering Local Emergency Management Committee.

CARRIED 6/0

Consultation

State

Not applicable

Local

Chittering Local Emergency Management Committee

Statutory Environment

State

- Local Government Act 1995, Section 5.8

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

Local

Not applicable

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The minutes of the Chittering Local Emergency Management Committee meeting held on 24 May 2017 are presented to Council to be received.

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110617

Moved Cr Tilbury / Seconded Cr Gibson

The Council:

1. Receives the unconfirmed minutes of the Chittering Local Emergency Management Committee meeting held on Wednesday, 24 May 2017.
2. Approves the inclusion of a representative from the Bullsbrook St John Ambulance Sub Centre to the Chittering Local Emergency Management Committee.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:18PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**MOTION / COUNCIL RESOLUTION 120617****Moved Cr Gibson / Seconded Cr King****That Item 11.1 'Policy Register: Amendment to Policy 3.18 Vehicle Use' be raised from the table.****THE MOTION WAS PUT AND DECLARED LOST 3/4****8:21PM****11.1 Policy Register: Amendment to Policy 3.18 Vehicle Use (Cr Don Gibson)****11.1 MOTION**

That Council workshop and finalise the Light Vehicle Policy before the July Council meeting so that the Policy can be applied to all new and renewed employment contracts.

Cr Gibson provided the following comments

The supply and use of Council owned vehicles has been of concern to ratepayers for many years, and a policy acknowledging community concerns is long overdue. There is no longer a need for incentives to attract staff to work in the Shire, and the current economic climate is not conducive to continue previous generous policies. At a time when local residents are wearing pay cuts of 10%, reduced hours and redundancy, Council needs to demonstrate we are not completely disconnected from reality.

The community can no longer afford to pay for vehicles that are not at least productive as those of private contractors. Ratepayers have repeatedly voiced their concerns on the cost and type of vehicles supplied, when a basic standard 2ltr car would do the same job at an affordable cost.

Officer comments

Please be advised Council resolved the following at its May 2017 OCM;

9.4.5 ALTERNATIVE MOTION/COUNCIL RESOLUTION 120517**Moved Cr Houston / Seconded Cr Rossouw****That Council:**

1. *Lay this item on the table so that Councillors who have not had the opportunity to digest the efforts of Cr King, are afforded additional time to consider the Alternative Motion moved by Cr King.*
2. *Request that the consultant responsible for reviewing our fleet be invited to attend a Council workshop to address this matter.*
3. *Acknowledges the points raised in Cr King's Alternative Motion and for them to be workshopped by Council prior to the matter being presented back to Council.*

**THE ALTERNATIVE MOTION WAS PUT AND DECLARED CARRIED 4/3
ON THE CASTING VOTE OF THE PRESIDENT
VOTED AGAINST CRS KING, GIBSON AND ANGUS**

8:37PM

During the discussion relating to this item, the Chief Executive Officer advised that staff would be unable to allocate sufficient resources to this work until after the Budget process had been completed. As the work will require a workshop with Council's Fleet consultant in the first instance and the drafting of a subsequent policy document that will itself need to be considered in some detail, it is simply not practical to have this completed and to have a Policy document before Council at its meeting in July.

On this basis it is considered impracticable for Shire Officers to complete the Fleet review prior to the July OCM. It is requested that should Council consider this motion be actioned that Council provide Officers with Guidance as to its expectations in accordance with Council's Strategic Planning framework.

11.2 Review Council Meetings Local Law (Cr Don Gibson)**11.1 MOTION / COUNCIL RESOLUTION 130617****Moved Cr Gibson / Seconded Cr King****That Council review the meetings local law at the next forum, to provide more opportunity for Councillors to fully inform Council and ratepayers at meetings on important community concerns.****THE MOTION WAS PUT AND DECLARED LOST 2/5****8:32PM**Cr Gibson provided the following comments

The current local law is too restrictive and does not fulfil community expectations of open and accountable local government. Every opportunity to fully explain and inform Council and the public is essential to democratic principles and the meetings local law must provide the means to achieve this. The meetings local law is outdated and long overdue for review.

The restricted time for ratepayers to voice their concerns at meetings is unnecessary, due to the generally very small number of speakers present, barely effecting the duration of the meeting, but causing resentment.

Attempting to restrict Councillors from sharing information which they have been very diligent in their efforts to analyse is counter-productive to good governance and informed decisions.

Officer comments

The current Meetings Local Law is dated 2014 and in accordance with the *Local Government Act 1995* is not due for review until 2022 so is not outdated and overdue for review as has been suggested. Below I have set out some guidance for Councillors.

The *Local Government Act 1995* sets out specific actions for the review of a Local Law. The *Local Government Act 1995* stipulates the following process for a review:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- 2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

- (4) *When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

Should Council determine to amend its Meeting Procedures Local Law, Section 3.12 of the Act applies and a different process is commenced. In addition, Local Laws are not formally reviewed exclusively by Council but in accordance with Section 3.16 of the Act.

With regard to the Notice of Motion it is my view it possibly contravenes the Local Government Act so I would suggest Council err on the side of caution and seek further advice on the matter.

The following comments are also made for Council perusal.

- (1) The Notice of Motion does not identify what the issue is and no proof or evidence has been provided that the Meetings Local Law does not work in its current format or define what aspects of the Meeting Local Law are considered "too restrictive".
- (2) The Shire of Chittering Meetings Local Law is based on a model / template local law. It is very similar to most other Local Government Meeting Local Laws. Other Local Governments seem to operate effectively with very similar Local Laws in place and there is no reason why the Shire of Chittering should be any different.
- (3) The Local Government Act provides for accountability within Local Government, not the Meetings Local Law. The openness and accountability measures that permit communities to observe, participate in and query the actions of Local Government are mandated in the Local Government Act and associated Regulations, not a single Local Law i.e. access to information (S. 5.94), meetings of Council generally open to the public (S. 5.23) public question time (S. 5.24) etc.

For all of the reasons listed above there does not appear to be any justification for amending the current Local Laws.

Should Council consider this motion be warranted Council is requested to give officers guidance and direction on priority of items in accordance with Councils Strategic Planning Framework, in particular preparation of the Budget 2017/18 and Local Planning Strategy.

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.32pm.



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