

**MINUTES FOR
ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 MARCH 2013**

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.00pm
Closure: 8.57pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 April 2013.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm

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

2.1 Attendance

The following members were in attendance:

Cr Alex Douglas	President
Cr Robert Hawes	Deputy President
Cr Don Gibson	
Cr Barni Norton	
Cr Sandra Clarke	
Cr Doreen Mackie	

The following staff were in attendance:

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

There were 12 members of the general public in attendance

2.2 Apologies

Nil

2.3 Approved leave of absence

Council has previously approved leave of absence for:

- Cr Michelle Rossouw for the period inclusive of 7 March until 21 March 2013.

3. DISCLOSURE OF INTEREST

Cr Norton declared an impartiality interest in item 9.1.9 as she is a friend of the Environmental Consultant.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Item 9.1.3 - Withdrawal of Caveat – Lot 650 McGlew Road, Lower Chittering*

Clint O'Neil, 2837 Chittering Road, Chittering

Could Council explain why it would entertain the unconditional lifting of the caveat, to the commercial advantage of the developer applicant – Stamford Forest Pty Ltd, when;

1. the developer applicant has indicated it has entered an agreement to sell the land area to a third party;

Response: *The land is for the purpose of the Optus mobile phone tower, currently a lease arrangement. It is considered the proposal will not impact on the requirements of the Deed as the initial agreement for contribution was subject to the development of Stage 11.*

2. the developer applicant and related parties, has since 1998, refused to transfer the title to the then agreed 20 hectare Maryville sport and recreation public open space. Of note, item 3.3 of the Shire of Chittering sport and recreation plan 2012 – 2022 identifies that due to the developer applicant not honouring previous agreements in a timely manner, it has and will continue to, significantly compromise any community infrastructure development on the site;

Response: *The Deed between the Shire and owner agreed to contributions of Stage 11 to the Shire to 'fund' the development of POS. The lifting and relodgement of the caveat does not remove the requirement for the developer to fulfil the requirements of the Deed.*

3. On the completion of phase 1, phase 2 and indicated transfer of Lot 650 (stage 11) of the Maryville Estate, the questioner is unaware of any cash contribution by the developer applicant to support the created community's needs and expectations, with those costs apparently being transferred to all ratepayers in the Shire;

Response: *The Deed entered between the Shire and the owner was for a contribution on sale of each lot of Stage 11 in lieu of POS. The contributions are to be used to offset the cost of developing the Public Open Space.*

4. the developer applicant and related parties refusal to contribute to a Water Corporation proposal, when offered, to provide water supplies to all lots in the Maryville Estate, in the full knowledge that groundwater supplies, if any, were of marginal quality at best, unreliable and sporadic, and climate change would impact on the reliability and collection of rain water.

Response: *This comment/statement does not have relevance to the item being presented to Council, being the lifting and re-lodgement of the caveat relating to a Deed for POS.*

Given the above, is Council prepared to consider a conditional withdrawal, with the conditions being;

“That prior to consideration of the caveat withdrawal”

1. the Shire of Chittering has in its possession an appropriate Landgate issued title to the 20 hectare sport and recreation public open space.

Response: *The POS land is released on the subdivision of the land of Stage 12 in accordance with the Development Plan. The Deed protected by the subject caveat relates to the 46ha POS in Stage 11.*

2. the Shire of Chittering is in receipt of the agreed 10% in globo cash contribution of the ‘market’ value of the Lot 650, on sold to the third party.

Response: *Legal advice supports the Shire’s approach that the contribution cannot be requested at this time as the trigger, being the subdivision and sale of land, has not occurred as per the Deed agreement.*

4.2.2 Item 9.3.1 - Financial statements for the period ending 28 February 2013*

Clint O’Neil, 2837 Chittering Road, Chittering

It is noted that financial account item EFT 7737 identifies that the Shire has constructed a groundwater bore (\$5400) on the Sussex Bend reserve for irrigation purposes.

As the constructed bore and usage is clearly not for domestic purposes (that are exempt from DoW licensing) has the Shire:

1. obtained a RIWI Act s26D licence to construct the bore?
2. did the bore penetrate confining layers?
3. in the event that the bore penetrated confining layers, did the Shire engage the services of a registered class 3 driller and has the Shire submitted a bore completion report to the DoW?.
4. in the event that the bore penetrated confining layers and is screened into a confined aquifer has the Shire obtained a RIWI Act s 5C licence to use the groundwater resource for irrigation purposes?

In the event that the Shire has not complied with its own policies, previous determinations and the requirements of the RIWI Act, can all land holders in the regional locality now seek to access groundwater supplies on the assumption that there are no compliance requirements to satisfy, prior to undertaking the activity?

Response: *There is no constructed bore on Sussex Bend, two test holes bored to 30 metres indicated no water present. A licence was applied for in March 2012 for reticulation of public open space. Water Corporation advised that no water bore licence was required for this area but a form 2 is desired for information purposes.*

In short, no water, no bore required.

5. APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Application for Leave of Absence - Councillor Gibson

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010313

Moved Cr Clarke / Seconded Cr Mackie

That Councillor Gibson be GRANTED a leave of absence for the period 22 March 2013 to 10 May 2013 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary meeting of Council – Wednesday, 20 February 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020313

Moved Cr Gibson / Seconded Cr Clarke

That the minutes of the Ordinary meeting of Council held on Wednesday, 20 February 2013 be CONFIRMED as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

8.1 Item 9.1.7 - Proposed dam – Lot 521 (RN 131) Wisteria Way, Lower Chittering

Mr Ray Hammond addressed the meeting in regards to his proposed dam.

8.2 Item 9.1.6 - Proposed parking of two (2) trucks and trailers – Lot 889 Rosewood Drive, Chittering*

Mrs Tracey Papich addressed the meeting in regards to their proposed parking of two trucks.

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Public Event "Bindoon Dirt Drags 2013" – Lot 325 Cook Road, Mooliabeenee*

Applicant	Bindi Bindi Investments
File ref	18/06/0025; A1090; P040/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Site Plan3. Crisis and Emergency Management Plan4. Risk Management Plan5. Fire Safety Plan6. Evacuation Plan

Background

Council has received a planning application from Bindi Bindi Investments to conduct a dirt drags event at Lot 325 Cook Road, Mooliabeenee. The event is proposed to be held on Saturday, 20 April 2013 from 8am until 12am (midnight). This is an annual event and has been held at this site for more than ten (10) years.

Consultation

The property has an additional use right under Schedule 3 of the *Shire of Chittering Town Planning Scheme No 6* for 'short term entertainment events'. It is not considered further consultation is required.

As a courtesy, in the past Council has sent letters to neighbouring properties to advise the date which the event is to be held. This allows the neighbours to be aware of the upcoming event. It is intended that similar letters will be sent again this year advising of the date of the event.

The Shire's Principal Environmental Health Officer and Community Emergency Services Manager were also consulted on this application.

In the week prior to the event a meeting will be held involving all relevant agencies; including St John Ambulance, WA Police and the local Voluntary Bush Fire Brigades.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

Lot 325 Cook Road, Mooliabeenee is an "Agricultural Resource" zone with an additional use attached to the land. Under Schedule 3 of *Town Planning Scheme No 6* the additional uses for Lot 325 Cook Road (A10) is for 'short term entertainment events' and the condition for this use is subject to planning approval being granted for each event.

Policy Implications

As of 16 May 2012 Council endorsed the use of the Department of Health Policy *Guidelines for Concerts, Events and Organised Gatherings*. This Policy is more up to date and relevant than the Shire's Policy relating to Concerts and Events which has been used in the past.

Any health requirements to be met for the event date, i.e. sufficient potable water supply, adequate toilet facilities etc. will be addressed by the Shire's Principal Environmental Health Officer in the weeks leading up to the event.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: No – site inspections are carried out prior to the event being held.

Triple Bottom Line Assessment

Economic implications

It is perceived that events can have 'flow-on' effects for local business through additional people entering the region and having the opportunity to purchase goods and/or services.

Social implications

There are no known significant social implications associated with this proposal. Neighbouring property owners will be advised of the proposed date of the event.

Environmental implications

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

Comment

No formal complaints have been received by Council from the previous events conducted on-site. Within the week prior to the date of the event, a closed meeting will be held at the Shire offices between the relevant bodies including the WA Police, St John Ambulance, local Voluntary Bush Fire Brigades, Progress Association and the organisers.

Based on the success of previous dirt drag events at this property, and the sound compliance of the organisers with regards to Council approvals, it is recommended that the event be approved subject to conditions.

OFFICER RECOMMENDATION / COIUNCIL RESOLUTION - 030313

Moved Cr Mackie / Seconded Cr Clarke

That Council **APPROVE** the Bindoon Dirt Drags 2013 public event at Lot 325 Cook Road, Mooliabeenee subject to the following conditions:

1. That this approval shall only apply for Saturday, 20 April 2013.
2. That the following adequate fire prevention measures include:
 - (a) No fires being lit on site;
 - (b) All boundaries of the subject property shall be cleared at a minimum 3 metre firebreak; and
 - (c) The event shall be in accordance with the *Fire Safety Plan*.
3. That all motor racing events shall be supervised by the event organisers and all safety measures shall be the responsibility of the proponent.
4. The Proponent making satisfactory arrangements for the suppression of dust on Cook Road and neighbouring properties.
5. That satisfactory arrangement being made for:
 - (a) Ingress and egress of emergency vehicles; and
 - (b) Emergency escape routes (in the event of fire) available for attendees.
6. That no additional clearing of land takes place and that the drainage lines are maintained in their current condition.
7. Provide evidence of adequate public liability insurance being presented to the satisfaction of the Chief Executive Officer.
8. That all temporary signage to be placed so as to cause no traffic hazard.
9. That the site clean-up shall be completed within one (1) week of the event and appropriate recycling undertaken.
10. The Proponent shall comply with Risk Management Plan.
11. The provision of a *Traffic Management Plan* to the satisfaction of the Chief Executive Officer and the Shire's Executive Manager Technical Services. Specific provision to be made for the proponent to supply Cook Road landowners/residents with passes to go through any temporary road closures.
12. The Proponent shall comply with the *Caravan Parks and Camping Grounds Act 1995* and associated Regulations.

Advice Notes

1. The Proponent to be advised that compliance will be expected with the *Environmental Protection (Noise) Regulations 1997*.
2. All structures should be in accordance with the Building Code of Australia or otherwise as determined by Council, and all ablution facilities should be provided in accordance with Health Department Guidelines and constructed in accordance with Council requirements.
3. The Proponent to be advised that compliance will be expected with the Department of Health Policy

Guidelines for Concerts, Events and Organised Gatherings.

4. Vehicular barriers should be provided around the plastic leach drains to both septic systems prior to the commencement of the event.
5. All potable water outlets should be marked 'drinking water'.
6. All non-potable water supplies i.e. ablution blocks should be marked 'water unfit for drinking'.
7. All portable ablutions should be serviced regularly throughout the weekend.
8. Electrician to provide electrical certification forms.
9. The stage lighting providers to apply on a 'Form 2'.
10. With regards to condition 9, all waste should be delivered to the Bindoon Landfill and Recycling Centre.
11. Advise the Applicant that this approval does not constitute a building licence nor a health approval.
12. Adequate crowd control measures should be undertaken in accordance with and to the satisfaction of the Western Australian Police.
13. Penalties for breach of planning approval are described under Section 233 of the *Planning and Development Act 2005 (as amended)*.
14. The Applicant has the right of review to the State Administrative Tribunal should they be aggrieved by Council's decision. Such a review should be lodged within twenty-eight (28) days of Council's decision.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Section 70A Notification and Restrictive Covenant WAPC 142969 – Lot 9000 Cockatoo Drive, Bindoon*

Applicant	Williams and Hughes Pty Ltd
File ref	18/03/40
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Section 70A Notification documents 2. Restrictive Covenant documents 3. Deposited Plan 75915

Background

On 25 November 2010 the Western Australian Planning Commission granted a subdivision approval for Lot 9000 Cockatoo Drive, Bindoon subject to a number of conditions. The subdivision currently being undertaken is for four (4) lots being Lots 831 to 834.

Conditions 7 and 8 of the subdivision approval requires a notification in the form of a Section 70A notification, pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notifications is to advise the landowner there is no reticulated water supply and that the land is subject to Development and Fire Management Plans.

Condition 10 of the subdivision approval requires a Restrictive Covenant, pursuant to section 129BA of the *Transfer of Land Acts 1893 (as amended)*, to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. The notice of this restriction is to be included on the Deposited Plan and states "No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."

Consultation

Nil

Statutory Environment

Transfer of Land Act 1893 (as amended)
Local Government Act 1995, section 9.49(a)

Policy Implications

Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The consultant for the landowner has submitted a subdivision clearance for proposed Lots 831 to 834 as shown on the attached Deposited Plan 75915. In order to satisfy conditions 7, 8 and 10 of the subdivision approval, the Applicant is to provide a Section 70A Notification and Restrictive Covenant of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

As this is a formality, it is recommended that Council supports the authorisation of the Chief Executive Officer and the Shire President to affix the Common Seal as a requirement of the subdivision clearance.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040313

Moved Cr Gibson / Seconded Cr Mackie

That Council in regard to Lots 831 to 834 Cockatoo Drive, Bindoon **AUTHORISES** the Shire President and Chief Executive Officer to sign and affix the Common Seal on the following:

1. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to no reticulated water supply on Deposited Plan 75915.
2. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to the lot being subject to Development and Fire Management Plans on Deposited Plan 75915.
3. Restrictive Covenant under Section 129BA of the *Transfer of Land Act 1893 (as amended)* stating:
"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.3 Withdrawal of Caveat – Lot 650 McGlew Road, Lower Chittering*

Applicant	Stamford Forrest Pty Ltd
File ref	A11438; 04/10/0003
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Caveat documents

Background

Council received correspondence from Stamford Forrest Pty Ltd on 1 February 2013 requesting the removal and re-lodging of Caveat K763043 for the purpose of the transfer of Lot 650 McGlew Road, Lower Chittering.

Lot 650 McGlew Road, Lower Chittering is to be transferred from Stamford Forrest Pty Ltd to Bernville Pty Ltd (a related company). Stamford Forrest Pty Ltd granted a lease in 2009 to Optus Mobile Pty Ltd enabling the erection of a telephone tower. The request for the removal of the caveat has been triggered due to Optus Mobile Pty Ltd requesting registration of the lease on Lot 650 McGlew Road, Lower Chittering between Optus Mobile Pty Ltd and Stamford Forrest Pty Ltd prior to the transfer of the land. The caveat is in place to protect the Deed dated 2008 between Stamford Forrest Pty Ltd and the Shire of Chittering for the ceding of Public Open Space.

Shire Officers have engaged solicitors to prepare and arrange for the withdrawal and re-lodgement of the caveat documents to protect the purpose of the Deed and allow for the request to be met.

Consultation

Nil

Statutory Environment

Transfer of Land Act 1893 (as amended)
Local Government Act 1995, section 9.49a

Policy Implications

Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Deed

The Deed dated 27 October 2008 outlines the requirement for the ceding of 46 hectares of land for Public Open Space to the Shire of Chittering. This Public Open Space is for Stage 11 of the Maryville Downs Estate.

Caveat

The Caveat on the Title is in place to protect the purpose of the Deed. As mentioned in the report, the requirements of the Deed must be fulfilled by the owner to the satisfaction of the Shire for the withdrawal of the caveat on the Title to occur, which in this case relates to the ceding of the Public Open Space. As the land is being transferred to a related company under the same ownership it is being proposed to remove the caveat to enable the lease being registered on the title and re-lodge the caveat on the Title.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 050313

Moved Cr Clarke / Seconded Cr Gibson

That Council in regard to Lot 650 McGlew Road, Lower Chittering AUTHORISES the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Withdrawal of Caveat form, pursuant to the *Transfer of Land Act 1893 (as amended)*, for Caveat Number K763043 on Lot 650 on Diagram 66292.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.4 Proposed Scheme Amendment No. 50 for Additional Uses – Lot 5D67144 (RN 3571) Great Northern Highway, Muchea*

Applicant	Planning Solutions on behalf of Karratha Enterprises Pty Ltd
File ref	18/02/18; SA50
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Scheme Amendment documents 3. Consultation Plan and Schedule of Submissions

Background

At the Ordinary meeting of Council held on 21 November 2012 Council resolved the following:

“That Council:

1. *In pursuance of Section 75 of the Planning and Development Act 2005, supports the initiation of amending the Shire of Chittering Town Planning Scheme No 6 subject to the following modifications:*
 - a) *modify ‘Two (2) Grouped Dwellings’ in Additional Use column to ‘Two (2) Single Dwellings’;*
 - b) *insert new text into the Conditions column to read:*
 1. *Industry-General use shall consist of:*
 - *The manufacture of transportable buildings;*
 - *The assembly of transportable buildings;*
 - *The storage of transportable buildings; and*
 - *The transportation of transportable buildings.*
 2. *Single Dwelling subject to planning approval.*
2. *upon completion of condition 1 above:*
 - a) *modifies Schedule Three (3) – Additional Uses by inserting:*

No.	Description of Land	Additional Use	Conditions
A17	Lot 5D67144 (RN 3571) Great Northern Highway, Muchea	Industry – General Builders Storage Yard Two (2) Single Dwellings	<ol style="list-style-type: none"> 1. <i>Industry – General use shall consist of:</i> <ul style="list-style-type: none"> • <i>The manufacture of transportable buildings;</i> • <i>The assembly of transportable buildings;</i> • <i>The storage of transportable buildings; and</i> • <i>The transportation of transportable buildings.</i> 2. <i>Single Dwelling subject to planning approval.</i>

b) amends the Scheme Map accordingly.

3. numbers the proposed amendment as 'Amendment No 50' of the Shire of Chittering Town Planning Scheme No 6 and forward to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005, prior to advertising in accordance with the Town Planning Regulations 1967."

Consultation

The scheme amendment was forwarded to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA advised the scheme amendment is not to be assessed.

Following EPA's formal response, advertising was undertaken in accordance with the *Town Planning Regulations 1967*. The advertising process included letters to nearby landowners and relevant agencies, an advertising sign located at the property and an advertisement in the local newspaper *The Advocate* (15 January 2013, page 25) for a total of forty-two (42) days.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967

Shire of Chittering Town Planning Scheme No 6

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

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

The property is shown on the Scheme Map to be situated within the 'Water Prone' and partially within the 'Military Considerations' Special Control Areas.

Policy Implications

Nil

Financial Implications

The proposal is not considered to create any financial implications for Council.

Strategic Implications

Muchea Employment Node Structure Plan 2011

The front portion of the subject property is located within Precinct 3 of the *Muchea Employment Node Structure Plan* (MENSP). It is considered that the requirements of the MESNP relate to the subdivision and rezoning of the land for Future Industry.

The MENSP shows the Perth to Darwin Highway dissecting the property. The proponent is aware of this and use of the site allows for future use without being impacted by the development of the highway.

Shire of Chittering Local Planning Strategy 2001-2015

The property is located within the 'Ellen Brook Palusplain' Geographical Unit, identified in the Strategy.

The property is zoned 'Agricultural Resource' and therefore Section 8.8 of the Strategy applies to this application.

The property is located within the Muchea Employment Node area identified in the Strategy.

As mentioned earlier, the property is situated within the 'Water Prone' and 'Military Considerations' Special Control Areas of the Town Planning Scheme. This is reflected in the Strategy. The requirements of the 'Water Prone' Special Control Area have been addressed in the Officer's Recommendation, with the requirement for a Catchment Management Plan.

As mentioned earlier, the 'Military Considerations' Special Control Area relates to Residential Development, i.e. non-reflective roof material, building standards, etc., and does not relate to the adoption of this Scheme Amendment.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

It is considered the proposal will likely increase economic activity for the property and provide opportunity for local employment.

Social implications

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

Environmental implications

It has been raised by the Ellen Brockman Integrated Catchment Group and Department of Water that a Catchment/Stormwater Management Plan should be implemented given the risk of nutrient export and significance of managing the water catchment of the Ellen Brook. The Officer's Recommendation addresses this with the provision of a Catchment Management Plan.

Comment

Consultation

As required by the *Town Planning Regulations 1967* the scheme amendment was advertised for a period of forty-two (42) days following referral to the EPA. The main concerns raised in the submissions period relate to water management of the site. It is considered appropriate that a Stormwater Management Plan be prepared and submitted to facilitate the current and future development of the entire site. As noted by the Applicant in response to the submissions, the previous Development Approval on the property for the 'Rural-Industry' required a Stormwater Management Plan to be prepared and submitted. Council have not yet received this. Given the majority of the site is well developed and already used for the proposed purpose and the requirements of the Town Planning Scheme and *Muchea Employment Node Structure Plan* for water management, it is considered a Catchment Management Plan should be prepared as a condition of the Scheme.

Town Planning Scheme No 6

As mentioned above, the comments made from the advertising period mostly mentioned water management and protection of the site. The property is contained within the 'Water Prone Area-Ellen Brook Palusplain' Special Control Area. The Scheme requires consideration of the development to impact on wetlands, risk of nutrient export and the provision of a Catchment Management Plan. The Officer's Recommendation is to require a Catchment Management Plan as a condition of the Scheme Amendment.

Local Planning Strategy

The relevant sections of the Strategy make reference to the ecological values and water management of the Ellen Brook Palusplain and Water Prone Areas. As the property falls within these areas, it is considered the aims and objectives of the Strategy need to be reflected in the development. The Officer's Recommendation addresses this by requiring a Catchment Management Plan.

Muchea Employment Node Structure Plan (MENSP)

Whilst the scheme amendment does not propose rezoning to 'Future Industry', consistent with the MENSP, the property does fall within the MENSP area. It is considered the uses are consistent with industrial land uses. As commented in the submission period, the MENSP makes provisions for the flood prone areas and management of stormwater to protect the waterways. It is considered a Catchment Management Plan will address this.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION -060313

Moved Cr Gibson / Seconded Cr Mackie

That Council:

1. In pursuance of Section 87 of the *Planning and Development Act 2005*, **ADOPTS** Scheme Amendment No 47 by amending the Shire of Chittering's *Town Planning Scheme No 6* by:
(a) **Modifying** Schedule Three (3) – Additional Uses by inserting:

No.	Description of Land	Additional Use	Conditions
A17	Lot 5D67144 (RN 3571) Great Northern Highway, Mucea	Industry – General Builders Storage Yard Two (2) Single Dwellings	<ol style="list-style-type: none"> 1. Industry- General use shall consist of: <ul style="list-style-type: none"> • <i>The manufacture of transportable buildings;</i> • <i>The assembly of transportable buildings;</i> • <i>The storage of transportable buildings;</i> <i>and</i> • <i>The transportation of transportable buildings.</i> 2. Single Dwelling subject to planning approval. 3. Subject to a Catchment Management Plan in accordance with <i>Town Planning Scheme No 6</i> requirements and <i>Mucea Employment Node Structure Plan</i> requirements.

- (b) **Amending** the Scheme Map accordingly.

2. **AUTHORISES** the Shire President and Chief Executive Officer to execute the Scheme Amendment documents and forward them to the Western Australian Planning Commission.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.5 Proposed amendment to Development Plan – Lot 2 Morley Road, Lower Chittering*

Applicant	Statewest Planning
File ref	18/07/3
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Revised Development Plan 3. Existing Development Plan 4. Consultation Plan and Schedule of Submissions

Background

Council's consideration is requested for an amendment to a Development Plan for Lot 2 Morley Road, Lower Chittering.

Council have previously determined amendments to the Development Plan for Lot 2 Morley Road, Lower Chittering.

The most recent amendment to the Development Plan was to create seven (7) additional lots, splitting seven (7) 4ha lots to fourteen (14) 2ha lots. Council adopted the amended Development Plan at the Ordinary Meeting of Council on 15 February 2012.

The Development Plan application proposes to modify Lot 57 Citron Way from a 4ha lot to two (2) 2ha lots. The purpose of amending the Development Plan is for the landowner to later subdivide Lot 57.

Consultation

The application was referred for comment to the surrounding landowners of Lot 57 and landowners subject to the Development Plan for Lot 2 Morley Road, as shown on the Consultation Plan (attachment 4) and relevant agencies. One (1) public submission and three (3) agency submissions during the referral period were received by Council, as shown in the Schedule of Submissions (attachment 4). No submissions objected to the proposal.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned 'Rural Residential'. The objectives of this zone are:

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

Clause 5.8.1 of the Scheme applies to the proposal:

5.8.1. Requirement for a Development Plan

Subdivision shall be generally in accordance with an Outline Development Plan prepared in accordance with Council policy or any subsequent variation approved by the Council and the Western Australian Planning Commission.

An application for subdivision of land in these zones is to be accompanied by an Outline Development Plan prepared in accordance with Council policy which indicates and addresses the following but is not limited to:

- (a) *Lot sizes, dimensions and identification of building envelopes or building exclusion areas;*
- (b) *Areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc, as may be considered appropriate;*
- (c) *Strategic firebreaks;*
- (d) *Any Catchment Management Plan recommendations;*
- (e) *Any part of the natural environment which is required to be protected from degradation or required for landscape protection;*
- (f) *An assessment of the presence and impacts of Dieback in consultation with Council and the appropriate State government environmental agency and the ability of the subdivision design and works to mitigate against the spread and effect of Dieback;*
- (g) *Any facilities which the purchasers of the lots will be required to provide (eg. Their own potable water supply, liquid or solid waste disposal, etc);*
- (h) *Areas where conventional septic tanks may not be suitable;*
- (i) *The description of adjoining land(s) and their uses;*
- (j) *Remnant vegetation and any land affected by rare and endangered flora and fauna;*
- (k) *Location of watercourses, drainage lines and areas of inundation and the distance of any infrastructure from these;*
- (l) *Identify the area/s that need to comply with an approved Environmental Management Plan.*

Policy Implications

Shire of Chittering Local Planning Policy No 32 – Development Plans

Section 5.1(b) requires a Development Plan prior to the subdivision of 'Rural Residential' land.

Section 5.6 of the Policy outlines Council's requirements for an amendment to a Development Plan:

5.6 Amendment

- a) *Any amendment to a Development Plan requires endorsement of the Council and WAPC and Council adoption;*
- b) *Where the amendment does not increase the number of proposed lots an application to vary a Development Plan is to be accompanied by a statement of the reason for the change;*
- c) *Where the amendment increases the number of proposed lots an application to vary a Development Plan is to be accompanied by a submission that addresses:*
 - i) *available water supplies and the capacity of other required utility services;*
 - ii) *any landform or vegetation constraints;*
 - iii) *the attitude of existing nearby landowners and residents to the proposed increase in density;*
 - iv) *the additional demand for community amenities arising from the increased population;*
 - v) *the additional motor traffic generated by the increased population;*
- d) *In considering an amendment to a Development Plan that increases the number of proposed lots the Council may:*
 - i) *advertise the amendment in accordance with the requirements of the Scheme;*
 - ii) *request the applicant to remedy any identified deficiency in relation to road, utility or community infrastructure resulting from the needs of the increased population, prior to approval of the amended Development Plan.*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Consultation

As noted earlier in the report, the submissions received during the consultation period did not object to the proposed amendment to the Development Plan.

Local Planning Policy No 32 – Development Plans

The application to amend the Development Plan is guided by Section 5.6(c) and (d) of the Policy. The application has been advertised in accordance with the Policy requirements.

Deed of Covenant

Lots within Lot 2 Morley Road, Lower Chittering that have not been sold and transferred from the original owner are still subject to a Caveat on the Title which relates to a Deed for payment in lieu of Public Open Space. This was put in place to provide sufficient allocation of funding for the provision of Public Open Space in the locality.

As the contribution for Public Open Space has already been applied during the initial rezoning of the land, Council is not able to request further contribution under this new application. Council has the ability to request Development Contributions as per the Town Planning Scheme however a Development Contribution Plan is required to be prepared and implemented in the Scheme.

Shire of Chittering Town Planning Scheme No 6

The proposed amendment to the Development Plan meets the objectives of the zone.

Concluding Comments

It is considered the amendment to the Development Plan meets the objectives of the zone and does not result in any social, environmental or economic implications.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070313

Moved Cr Gibson / Seconded Cr Mackie

That Council:

1. **ENDORSES** the Development Plan for Lot 2 Morley Road, Lower Chittering without modifications.
2. **AUTHORISES** the Chief Executive Officer and Shire President to sign and affix the Common Seal.
3. **FORWARD** the endorsed revised Development Plan to the Western Australian Planning Commission for approval and endorsement by the Commission.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.6 Proposed parking of two (2) trucks and trailers – Lot 889 Rosewood Drive, Chittering*

Applicant	W and T Papich
File ref	A10843; P299/12
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Aerial Plan 4. Consultation Plan and Schedule of Submissions

Background

Council's consideration is requested for the proposed parking of two (2) trucks and three (3) trailers at Lot 889 Rosewood Drive, Chittering.

The Shire had received complaints and enquiries into the parking of trucks and trailers at Lot 889 Rosewood Drive, Chittering. Shire Officers investigated the matter with a formal letter to the owners advising that the parking of more than one truck is considered as a 'Transport Depot' and not permitted on 'Rural Residential' zoned land.

The owners responded to this letter making note they were not fully aware of the requirements and sought the appropriate approvals to permit the parking of their trucks and trailers at their property.

The application proposes the parking of two (2) trucks; one 8-wheel tipper truck and one semi-truck. The owners are also seeking approval for the parking and use of three (3) trailers in total including a 4-axle dog trailer, semi-trailer and a pig trailer.

The 8-wheel tipper truck with the 4-axle dog trailer leaves the property between 5am and 6am and returns between 4pm and 6pm Monday to Friday. The semi-truck with trailer and pig trailer leaves the property between 5am and 6am on Monday and returns to Lot 889 Rosewood Drive, Chittering on Friday between 5pm and 6pm and repeats this schedule.

The owners advise the trucks and trailers are currently parked in a location not easily visible from the road and are not excessively noisy upon leaving and returning.

Consultation

The application was referred to the surrounding landowners (total of 47 properties) for comment, as shown on the Consultation Plan (attachment 4). Seventeen (17) submissions during the referral period were received by Council, as shown in the Schedule of Submissions (attachment 4).

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned 'Rural Residential'. The objectives of this zone are:

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

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

The application proposes the parking of two (2) trucks and trailers. The Scheme defines this as a 'Transport Depot' use:

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

A 'Transport Depot' is an 'X' use in the 'Rural Residential' zone:

'X' means that a use is not permitted by the Scheme.

A truck and/or trailer is defined as a 'Commercial Vehicle', which is defined by the Scheme as:

Commercial Vehicle means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine

The use of the land for 'Commercial Vehicle Parking' is a 'Use not Listed' and is dealt with under Clause 4.4.2 of the Scheme:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may-

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Consultation

Seventeen (17) submissions were received during the advertising period. The contents of the submissions have been tabled in the Schedule of Submissions (attachment 4). Of the seventeen (17) submissions, fifteen (15) objected to the application.

Prior to advertising the Applicant provided a list of eleven (11) signatures of nearby property owners who did not object to the proposed parking of two (2) trucks and trailers at Lot 889 Rosewood Drive, Chittering.

Shire of Chittering Town Planning Scheme No 6

As mentioned earlier in the report the proposal to park two (2) trucks and trailers is considered to be defined as a 'Transport Depot' and is not permitted by *Town Planning Scheme No 6*. The Applicants have advised that they do not wish to operate a truck depot from the property, however the parking of two (2) or more trucks is considered to be defined as a 'Transport Depot'.

Council has previously considered an application for the parking of more than one (1) truck at a different 'Rural Residential' property. Council determined the application to be a 'Transport Depot' use. The unauthorised use of the land as a 'Transport Depot' proceeded to prosecution by the Shire and which resulted in a successful prosecution. It is advised that Council maintain a consistent position in supporting the provisions of *Town Planning Scheme No 6* by not approving a use which is defined as being not permitted within the respective zone.

As mentioned earlier in the report a truck is defined as a 'Commercial Vehicle'. The use of the land for 'Commercial Vehicle Parking' can be considered by Council as a 'Use not Listed' as is subject to Council Approval. However the application currently presented to Council for approval proposes the parking of two (2) trucks and three (3) trailer attachments and is defined as a 'Transport Depot'. The Applicant would be required to submit a new application seeking approval to park a truck.

Concluding Comments

It is the recommendation of the Officer that Council refuse the application to park two (2) trucks and trailers as it is defined in the Town Planning Scheme as a 'Transport Depot', which is not permitted. Should Council approve such application it would be considered 'ultra vires' to the Scheme and set an undesirable precedent.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080313

Moved Cr Clarke / Seconded Cr Gibson

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

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

Advice Notes:

1. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
2. The Applicant may apply for the parking of a 'Commercial Vehicle' and shall be subject to Council approval.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.7 Proposed dam – Lot 521 (RN 131) Wisteria Way, Lower Chittering*

Applicant	R Hammond
File ref	A10933; P017/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Application details 4. Schedule of Submissions

Background

Council's consideration is requested for a proposed dam at Lot 521 (RN 131) Wisteria Way, Lower Chittering.

The Applicant has approached Chittering Landcare Group for advice to lodge their application for the proposed dam at the above mentioned property.

The Applicant is proposing to construct a dam for the purpose of assisting with soil degradation caused by stormwater runoff. The Applicant has provided photographic evidence of the damage to Lot 521 Wisteria Way, Lower Chittering as well as the adjoining nature reserve. The proposed dam is approximately 30m long and 15m wide and up to 3.5m deep.

Consultation

The application was referred to the Ellen Brockman Integrated Catchment Group, the Department of Environment and Conservation and the Department of Agriculture.

Comments were received from the Department of Agriculture and Chittering Landcare Group and have been tabled in the Schedule of Submissions (attachment 4). No comments were provided by the Department of Environment and Conservation.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned 'Rural Residential'. The objectives of this zone are:

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

Clause 5.8.7 is applicable to the application:

5.8.7 Dams and Water Courses

The construction of dams and/or the extraction of surface water are not permitted without the approval of Council and the appropriate State Government water agency.

Local Government is directed by Clause 10.2 of the Scheme to consider Local Planning Policies when assessing Applications for Planning Approval.

Clause 10.2 Matters to be Considered by Local Government

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

- a) The aims and provisions of the Scheme;*
- b) The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought;*
- c) Any approved Statement of Planning Policy of the Commission;*
- d) Any approval environmental protection policy under the Environmental Protection Act 1986;*
- e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- f) Any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*
- g) The aims and objectives of Catchment Management Plans and Principles for the Scheme Area;*
- h) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- i) The conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character and appearance of a heritage area;*
- j) The compatibility of a use or development within its setting taking into consideration any Special Control Area;*
- k) Any social issues that have an effect on the amenity of the locality;*
- l) The cultural significance of any place or area affected by the development;*
- m) The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;*
- n) Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- o) The preservation of the amenity of the locality;*
- p) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- q) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- r) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- s) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*

- t) *Whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area;*
- u) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- v) *Whether adequate provisions have been made for access by disabled persons;*
- w) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- x) *Whether the proposal is likely to cause soil erosion or land degradation;*
- y) *The potential loss of community service or benefit resulting from the Planning Approval;*
- z) *The conservation of water resources;*
- aa) *Any relevant submissions received on the application;*
- bb) *The comments or submission received from any authority consulted under clause 10.1.1; and*
- cc) *Any other planning consideration the Local Government considers relevant.*

Clause 2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for Planning Approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

The property is subject to a Development Plan. Provision 9 and 15 of the Development Plan applies to the proposed dam:

9. Dams and Water Courses

The construction of dams and the extraction of surface water is not permitted without the approval of the Council, Department of Environment and Department of Agriculture.

15. Drainage

Landowners shall maintain natural drainage lines to prevent erosion and soil export to adjoining lots. There shall be no alteration to natural drainage lines.

Policy Implications

Local Planning Policy No 6 – Water Supply and Drainage

4. Objectives

The objectives of this policy are:

- *To ensure safe and healthy water supplies and drainage;*
- *To minimise environmental impact on water resources and associated vegetation;*
- *To avoid visual or aesthetic impact on landscape values from water works/development;*
- *To prevent future land and water use conflicts;*
- *To place minimal restrictions on farmers;*
- *To clearly identify responsibilities for construction and use of water infrastructure.*

Section 5.5 of the Policy makes reference to dams not being permitted on 'Townsite' and 'Rural Zones' with an area of less than 4.5ha:

- a) *Dams*
 - (ii) *in Townsite and Rural Zones*
 - a. *Dams are not permitted to be constructed on privately owned lots with an area of less than 4.5ha;*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

The application proposes to rectify some of the existing environmental issues of soil erosion and salinity by re-directing natural stormwater flows to a dam. The construction of the dam may result in less natural flow to the nature reserve.

Comment

Consultation

Both submissions from the Department of Agriculture and the Chittering Landcare Group did not raise any objections to the proposal, and provided advice on ways to improve the purpose of minimising soil erosion and slowing the rate of water flow across the property to the reserve.

Local Planning Policy No 6 – Water Supply and Drainage

It is considered the proposal meets the objectives of the Policy. The Applicant is aiming to construct a dam for the purpose of minimising any further soil erosion and impact on the adjoining nature reserve. However the Policy makes reference that dams shall not be permitted on Townsite and Rural Zones of less than 4.5ha in area. The Policy does not reference specific zones from *Town Planning Scheme No 6* but it can be recognised that Lot 521 Wisteria Way is 'Rural Residential' and is 2.05ha in area. It is considered the proposed dam is not consistent with the Policy.

Development Plan

The property is subject to a Development Plan which outlines Development Provisions and identifies building envelopes within the Chittering Springs Estate.

Provision 9 of the Development Plan states dams are not permitted without the approval of Council, Department of Environment and Department of Agriculture. This application is a result of this provision.

Provision 16 stipulates no alteration shall be made to natural drainage lines. The application proposes contour banks/drains to collect stormwater runoff and direct into the proposed dam. The proposal conflicts with this provision. It is considered in light of the comments made by the Chittering Landcare Group that grade banks altering the natural drainage lines may provide a better outcome to the subject property and the nature reserve managed by the Shire.

Shire of Chittering Town Planning Scheme No 6

Any dam, unless exempt in *Local Planning Policy No 6*, is not permitted without Council approval and is clearly stated in Clause 5.8.7 of the Scheme and the Development Plan. Clause 10.2 of the Scheme stipulates matters to be considered by Council, which includes Local Planning Policies. As mentioned above, *Local Planning Policy No 6* states dams are not permitted on lots less than 4.5ha. Council has previously considered an application for a dam on a 'Rural Residential' property less than 4.5ha and resolved to refuse the application for the reasons stipulated in the Officer's Recommendation. The purpose of the works by the Applicant is commended, however it is considered the purposes can still be achieved without the need for a dam, which will provide a better outcome and maintain the provisions of the Scheme.

Concluding Comments

It is the Officer's Recommendation that Council does not support the proposed dam for the reasons set out below. It is recommended that Council in liaison with the Ellen Brockman Integrated Catchment Group investigate the issues raised by the Applicant in relation to the nature reserve managed by the Shire.

OFFICER RECOMMENDATION

Moved Cr Clarke / Seconded Cr Gibson

That Council:

1. **REFUSE** the proposed dam at Lot 521 (RN 131) Wisteria Way, Lower Chittering for the following reasons:
 - a. The proposal does not comply with Development Plan Provision 16 as it involves re-diverting natural overland drainage flows, which alters the natural drainage lines; and
 - b. The subject property does not comply with Section 5.5a.(ii) of the Shire of *Chittering Local Planning Policy No 6 – Water Supply and Drainage*, as it is less than 4.5 hectares and approving such would set an undesirable precedent.

2. **SUPPORT** the works, other than the dam construction, outlined by the Chittering Landcare Group and Department of Agriculture and Food WA for the purposes of slowing the rate of water flow and minimising soil erosion.

Advice Note:

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

THE MOTION WAS PUT AND DECLARED LOST 0/6

Reason:

Special consideration is given to this application due to the benefit to the environment in the immediate area. This application is subject to a policy which will be under review in the near future.

COUNCIL MOTION / COUNCIL RESOLUTION - 090313

Moved Cr Douglas / Seconded Cr Gibson

That Council APPROVE the proposed dam at Lot 521 (RN 131) Wisteria Way, Lower Chittering subject to the following conditions:

- 1. The Applicant to provide details demonstrating that the spillway/overflow pipe is constructed to engineering specification of industry standards within twenty eight (28) days.**
- 2. Planting of native species and/or equivalent means to be undertaken to stabilise the dam and spillway/overflow pipe to the satisfaction of the Chief Executive Officer.**
- 3. The spillway / overflow pipe must at all times:
(a) remain open to allow the flow of water to continue downstream; and
(b) be maintained free of debris and any other obstruction.**
- 4. The spillway /overflow pipe structure and erosion control measures are to be maintained by the Applicant to the satisfaction of the Chief Executive Officer.**
- 5. The dam is to be constructed in accordance with the plans submitted by the applicant.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.8 Expression of Interest – Cleaning Contract for Council’s Buildings and Amenities*

Applicant	Shire of Chittering
File ref	04/19/11
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Summary of Costing 2. Scope of Works

Background

The current cleaning contract for the Shire of Chittering, which is currently contracted to Country Cleaning expired on 7 March 2013. Requests for Expressions of Interest (EOI) for the cleaning contract were advertised and the submission period closed on 1 March 2013.

The EOI was advertised in the Advocate on 13 February 2013 and in the West Australian Newspaper on 9 February 2013 for the cleaning of the following Council facilities:

- Shire Offices/Library/ Council Chamber
- Engineering Offices
- Works Depot
- Public Amenities

Consultation

The EOI was advertised in the Advocate on 13 February 2013 and in the West Australian Newspaper on 9 February 2013; and the submission period closed at 4pm on 1 March 2013. The documents were opened on Friday 1 March 2013 at 4:07pm in the presence of Jean Sutherland (Executive Manager Corporate Services) and Azhar Awang (Executive Manager Development Services).

A total of four (4) submissions were received and a summary of the submissions including costing and company details are attached (attachment 1).

Statutory Environment

Local Government Act 1995, Section 3.57

Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provisions about tenders.*

Local Government (Function and General) Regulations 1996, Part 4 – Tenders for providing goods or services (s3.57) Regulation 11-24.

Policy Implications

Nil

Financial Implications

Council has allocated an amount of \$67,880 in the current budget for the cleaning of the following:

- Works Depot
- Administration Centre
- Council Chambers
- Bindoon Library

- Technical Services
- Clune Park Toilets
- Bindoon Toilet block
- Bindoon Cemetery Toilets
- Bindoon Hills Toilet Block

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

An amount is allocated for this financial year.

Social implications

There are no known social implications associated with this proposal.

Environmental implications

There are no known environmental implications associated with this proposal.

Comment

Selection Panel

The Selection Panel for assessing the cleaning contract was comprised of Karen Parker (Manager Human Resources), Rick Choules (Building Coordinator) and Azhar Awang (Executive Manager Development Services).

On 6 March 2013 (five days after the closing date for the EOI), Plus 8 Group sent an email advising that they wish to withdraw their submission.

Selection Criteria

The selection criteria was based on the following:

(1) Costs

Following is the total cost supplied by the contractors for undertaking the cleaning contract (cost ex GST):

Company	Total Cost	Additional information
Plus 8 Group (since withdrawn)	\$42,626	
Country Cleaning Services	\$95,142	This company also provided a number of options in regards to the works proposed to be undertaken. However in accordance with the scope of works, option 1 provided by this contractor will be the nominated cost of the works required consistent with other submissions as per the scope of works.
JCT'S Creative Solutions	\$57,560	

Company	Total Cost	Additional information
Chris Cleaning Services	\$114,314	

(2) Scope of work

All submissions adequately addressed the scope of works.

(3) Delivery of Services

All submissions provided details of the necessary equipment to undertake the work.

Chris Cleaning Services submission is well above the budget allocation and the business is located in Maddington, which could be an issue in terms of requiring an emergency call out for additional cleaning for special events.

The two contractors short listed were JCT'S Creative Solutions and Country Cleaning Services, which are locally based. Country Cleaning Services have been the cleaning contractor for the Shire of Chittering for a number of years and has performed adequately. Country Cleaning Services submission is also well above the allocated budget.

JCT'S Creative Solutions is currently based in Bindoon and will be relocating to Gingin in the future.

Based on the costing, capacity to undertake work and experience, it is recommended that JCT'S Creative Solution be accepted as the preferred contractor for undertaking the cleaning services for a three (3) year contract to the amount of \$57,560 excluding GST (CPI annual increases) with the expiry date of the contract to be extended to 30 June 2016 to bring it in line with the budget process and end of the financial year period.

Reference checks were conducted with St Stephens School, Carramar:

- Very good at managing work
- Good with staff
- Very meticulous
- Would employ her again
- Good record keeping
- Knowledgeable
- Helpful
- Flexible
- Accommodating to undertake additional work
- Shows initiative

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100313

Moved Cr Gibson / Seconded Cr Mackie

That Council AWARDS the cleaning contract to JCT'S Creative Solutions for the cleaning of the Shire's Building and amenities in accordance with the scope of work to the amount of \$57,560 per annum excluding GST and CPI annual increase for a three (3) year contract expiring on 30 June 2016.

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

Cr Norton declared an impartiality interest in item 9.1.9 as she is a friend of the Environmental Consultant.

9.1.9 Proposed change of use – Lot 713/2929 (RN 299) Brand Highway, Muchea*

Applicant	Whitestone Quarries Pty Ltd
File ref	A5006; P171/12
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Application Report3. Applicant's preamble to submissions4. Consultation Plan and Schedule of Submissions5. Applicants amended planning application6. Traffic Impact Statement (TIS)

Background

Council's consideration is required for a proposed change of use for 'Transport Depot', 'Office' and 'Industry-rural' at Lot 713/2929 (RN 299) Brand Highway, Muchea.

Lot L713/2929 Brand Highway is 64.8hectares and adjoins to the north of the Muchea Townsite, bound by Chittering Street, Energy Place and Brand Highway. The property currently contains a dwelling and outbuildings and has been generally used for extensive agricultural purposes i.e. grazing.

The owner of the property, trading as Whitestone Quarries WA Pty Ltd, operates extractive industries within the Shires of Mukinbudin and Mt Marshall, Western Australia. The initial planning application outlined that the owner was to transport the processed material, referred to as Whitestone, from the owner's quarry sites to Lot 713/2929 Brand Highway, Muchea. The Whitestone product is utilised as concrete aggregate, landscape supplies and decorative stone supplies. Amendments mentioned below remove this proposed use.

The application proposes more than one use on Lot 713/2929 Brand Highway, Muchea. The application report and correspondence from the proponent provides differing information however it is understood that the initial proposed developments on the property subject to this application include:

- (a) Industry-Rural
- (b) Warehouse
- (c) Landscape Supplies
- (d) Transport Depot

The application report mentions a number of developments which shall occur should approval be granted for the uses i.e. haulage road, hardstand area. The physical developments on site, which would require planning approval and building permits, such as the sheds, office etc. would require to be assessed as a separate application with all the relevant information provided and is subject to Council's support of this application.

Following the consultation period, the Applicant proposed amendments to the application in an attempt to address the concerns raised in the submissions. The amendments include:

- (a) Remove the use of Chittering Street for any access and egress.
- (b) Clarify the use of the transport depot on the property to be for Whitestone Quarries WA Pty Ltd only in conjunction with the on-site operations.

On 6 February 2013 the Applicant proposed more significant amendments to the planning application (attachment 5). The proposed amendments include removing 'Landscape Supplies', removing heavy haulage vehicles and altering access to the existing driveway to Brand Highway. This amendment was made to enable the application to proceed.

To clarify the planning application, with final amendments, proposes the following:

- To use Lot 2929 for the storage and maintenance of commercial vehicles and equipment associated with transport and excavation operations by the owner;
- To use the existing driveway access of Lot 2929 to Brand Highway for 'As of Right' vehicles only;
- To construct a hardstand area for the parking and storage of commercial vehicles and equipment;
- To construct a workshop and storage shed for the purpose of the maintenance and storage of equipment and vehicles;
- To construct an office for administration purposes of operations on the property

Consultation

The application was advertised in accordance with Clause 9.4 of the Shire of Chittering *Town Planning Scheme No 6*. Advertising commenced 5 September 2012 for a period of twenty-one (21) days.

The Schedule of Submissions has been attached to this report.

Council should note the Applicant responded to the submissions in the Schedule on 24 October 2012. Since this the following has occurred:

- Applicant obtained relevant permit for access over Dampier to Bunbury Natural Gas Pipeline (DBNGP);
- Main Roads advised 'acceptance in principle' for Traffic Impact Statement (TIS) for proposed new access;
- Applicant amended the planning application (as attached) which removes the proposed uses of 'Warehouse' and 'Landscape Supplies' and proposes to use existing driveway for access for 'As of Right' vehicles.

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

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

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

The subject property is located within the 'Water Prone Area – Ellen Brook Palusplain' Special Control Area outlined in Clause 6.3 of the Scheme.

6.3 WATER PRONE AREA – ELLEN BROOK PALUSPLAIN

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

6.3.2 Purpose

- (a) To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.
- (b) To preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems.
- (c) To ensure that wetland environmental values and ecological integrity are preserved and mentioned.

6.3.3 Planning Requirements

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

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

6.3.4 Relevant Considerations

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

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

6.3.5 Referral of Applications for Planning Approval

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

The application including the final amendments, proposes the following uses, defined in Schedule 1 and listed in Schedule 2 of the Scheme:

Industry-Rural *Means-*

1. *An industry handling, treating, processing or packing rural products; or*
2. *A workshop servicing plant or equipment used for rural purposes.*

An 'Industry-Rural' use is an 'A' use on 'Agricultural Resource' zoned land in the Zoning Table.

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

A 'Transport Depot' use is an 'A' use on 'Agricultural Resource' zoned land in the Zoning Table.

Policy Implications

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

EPA Guidance Statement No 3 outlines the generic buffers between Industrial Land Uses and Sensitive Land Uses. The document stipulates a 200m buffer for 'Transport vehicles depot'. It is considered the proposed hardstand area constructed for the transport depot use meets this buffer requirement.

Local Planning Policy No 2 – Muchea Village

Lot 2929 Brand Highway is one of the properties nominated in the System 6 Conservation Reserve for future protection. As Section 3.5 of the Policy states, the property has been 'nominated' for conservation in the future for its importance as mound springs and associated flora including sundew, bog clubmoss and an unusual liverwort.

Financial Implications

It is considered the proposal will not have financial implications on Council.

Strategic Implications

Shire of Chittering Local Planning Strategy 2001-2015

Lot 2929 Brand Highway is located within the 'Ellen Brook Palusplain', which is further identified and addressed in the Strategy:

6.4.2 Aims

- *To protect and enhance the rivers, lesser flow lines and wetlands as a measure to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria;*
- *To include the recommendation of the Ellen Brook Integrated Catchment Plan as to land uses and nutrient control by encouraging improved land management practices;*
- *To prohibit any non-agricultural development which may contribute to pollution of the surface water or sub-surface water regimes;*
- *To apply the recommendations for the Ellen Brook Catchment Management Plan to achieve the objectives and liaise with relevant agencies for any applications for development or change of land use.*

It is considered the broad issues outlined in Section 7.0 of the Strategy are relevant to the proposal.

Due to the subject property being zoned 'Agricultural Resource'; Section 8.8 of the Strategy outlines the aims of the zone and applies to this application.

Section 10.0 of the Strategy makes reference to the Special Control Areas identified on the Scheme Maps, with the subject property being situated within the Water Prone Area – Ellen Brook Palusplain Special Control Area.

Site Inspection

Site inspection undertaken: Yes

On 9 November 2012 a site meeting was held at Lot 2929 Brand Highway. The following people were present:

- Bill McSharer (Landowner's advisor/Applicant)
- Terry Chisolm (Landowner)
- Leonie Noble (Landowner)
- Phil Bellamy (Environmental Consultant)
- Gary Tuffin
- Azhar Awang
- Brendan Jeans
- Cr Douglas
- Cr Hawes
- Cr Norton
- Cr Clarke

The purpose of the meeting was for the applicant to discuss the proposal to Councillors and discuss any concerns raised by the public and from the Councillors.

On 10 December 2012 another site meeting was held with Main Roads present to discuss the proposed access. At this meeting it was understood that the Applicant was required to submit a TIS to Main Roads for assessment of the proposed access and that Council would not make a determination until formal Main Roads approval for the access was obtained.

Triple Bottom Line Assessment

Economic implications

The proposal may provide for local employment. Submissions from the consultation period indicate property values may devalue as a result of the proposal.

Social implications

A number of public submissions were made during the consultation period, with particular concerns made by landowners fronting Chittering Street adjoining the subject property. The concerns raised included likely decrease in property values, unsightliness, dust, noise pollution, traffic safety and water contamination.

Environmental implications

The submissions received from the relevant agencies and current Council documentation indicates the property contains an important watercourse to the Ellen Brook Catchment and Gingin Brook. Council documentation identifies the property to contain wetlands with System 6 classification however the Chittering Landcare Group have confirmed the property contains significant wetlands and watercourse but is not classified as System 6.

Comment

Town Planning Scheme No 6

The amendment to the planning application on 6 Feb 2013 removed two (2) of the uses initially proposed. The amendment removed the use of the property to transport, store and distribute crushed rock material.

It is considered the objective of the zone 'to protect the landform and landscape values of the district against despoliation and land degradation' is met by the requirement of a Revegetation Management Plan and the requirement to construct hardstand materials of adequate standard for both dust and runoff. It is considered the amendments to the planning application have greatly reduced any impacts on the landscape values.

- Clause 6.3.2 being the purpose of the Water Prone Area of the Ellen Brook Palusplain 'to preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems' (b). And 'to ensure that wetland environmental values and ecological integrity are preserved and mentioned' (c).

The proposed use of the land will likely increase nutrient export from what would occur now with agricultural operations. The requirements set out in the Officer's Recommendation, including a Catchment Management Plan, are considered to address the purpose of this clause.

- Clause 6.3.3, relating to conditions Council may impose, (d) 'any land use that may contribute to the degradation of the surface or sub-surface water quality'. (f) 'damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan'.

The Officer's Recommendation requires a Catchment Management Plan to address how the proposed uses and development will not impact on the degradation of the surface or sub-surface water quality.

- Clause 6.3.4, relating to relevant considerations by Council, (b) 'the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes'. (c) 'any provision or recommendation from any Catchment Management Plan'. (d) 'the likely impact on any wetland'.

As mentioned above, it is considered the application does not address the risk of nutrient export, the implementation of a Catchment Management Plan and the likely impact on any wetland.

The Office depicted on the site plan shall be determined in a separate application. An 'Office' use in the Scheme is an 'X' use. It is considered the office is ancillary to the predominant land use, being used in conjunction with the operations on the property, and may be supported subject to further assessment. When the applicant provides more detailed plans of the building, the Office can be assessed.

Local Planning Strategy

The relevant sections of the Strategy to this application mostly relate to the surface and sub-surface water catchment of the area due to flooding. As mentioned earlier the property is located within the Ellen Brook Palusplain Geographic Unit. The aims of the Ellen Brook Palusplain, listed below, require to be addressed in the application:

- *To protect and enhance the rivers, lesser flow lines and wetlands as a measure to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria;*
- *To include the recommendation of the Ellen Brook Integrated Catchment Plan as to land uses and nutrient control by encouraging improved land management practices;*
- *To prohibit any non-agricultural development which may contribute to pollution of the surface water or sub-surface water regimes;*
- *To apply the recommendations for the Ellen Brook Catchment Management Plan to achieve the objectives and liaise with relevant agencies for any applications for development or change of land use.*

It is considered the proposed land uses may contribute to pollution of the surface water or sub-surface water catchments. Conditions of approval to construct hydrocarbon separation ponds and similar has been consistently applied to approvals for Transport Depots. It is considered the same could be applied to this development.

Submissions

As mentioned above, the submissions received during the consultation period raised a number of concerns from adjoining and nearby residents in Muchea. To summarise, the main concerns include:

- Likely constant noise associated with operations impacting on quiet lifestyle;
- Unsightly view of the industrial operations;
- 7 day week operation;
- Safety of Chittering Street due to the increase in traffic; and
- Impact of proposal on System 6 land.

A late submission was received from Main Roads. The submission stated that Main Roads did not support the proposed access to Brand Highway and the applicant may obtain access from Energy Place or Chittering Street. It is recommended that Council support the proposal once an approved design for access from Main Roads is provided.

The Applicant proposed some minor amendments to the original proposal (attachment 2) as a result of the submissions. The proposed amendments include clarifying the proposed Transport Depot use by limiting operations only associated with the owner's business. A further amendment was to remove the use of Chittering Street. The Applicant also wishes to establish a 'surface water' bore and tank for the use of dust suppression and fire fighting purposes.

As mentioned in the 'Consultation' section of the report, the Applicant proposed significant amendments to the initial application advertised to the public and agencies. It is considered the amendment of the planning application reduces the intensity of development on the site and must be considered in addition to the Schedule of Submissions attachment.

Noise

The impact of noise on local residents is considered to be a major concern. This is evident from:

- The submissions received from adjoining landowners;
- The proposed operation time for the heavy haulage operations being 7am to 7pm, 7 days a week;
- Lot 2929 is relatively 'open' and not shielded from adjoining Townsite landowners;
- The proposal involves noisy operations i.e. dumping of rock materials and machinery

The Applicant has advised that all noise emitted from operations will not leave the property and that the tree planting proposed will aid in minimising noise. Further to this the amendments made to the planning application to remove the transport, storage and handling of rock material will likely reduce noise issues significantly.

Dust

It has been noted that the applicant proposes to use water from a bore as a dust suppressant to minimise dust emissions. The potential for dust has been reduced with the removal of the 'Landscape Supplies' and 'Warehouse' involving the transport and handling of crushed rock material. Comments from Department of Water suggest it is unlikely a licence to take groundwater will be issued as the aquifers have reached their sustainable limits.

It is recommended the Applicant use materials for the access roads and hardstand areas which will minimise dust and that any activity which causes a dust nuisance, be ceased or suppressed.

Environmental Impact

As a result of the amended planning application to remove the transport and storage of rock material the intensity of the use of the land is likely to be reduced. The application presented for Council approval proposes a transport depot and a rural industry use on the land. It is considered the main environmental concern to be possible contamination and interference of the waterways and wetlands. The Officer's Recommendation addresses these issues by requiring a Catchment Management Plan and hardstand areas to be appropriately constructed to catch hydrocarbons.

Dampier to Bunbury Natural Gas Pipeline (DBNGP)

It is evident that the DBNGP dissects the property. As advised by DBNGP Pty Ltd in their submission, the *Dampier to Bunbury Pipeline Act 1997* requires a Section 41 approval for access to/over the DBNGP corridor.

On 8 February 2013 a Permit was issued by the Department of Regional Development and Lands, due to expire 13 March 2013. The Department have advised the expiry date can be extended at request by the applicant.

Buffer requirements

As mentioned earlier in the report and advice from the Department of Environment and Conservation, *EPA Guidance Statement No 3* stipulates a generic separation distance of 200m for a transport depot. This 200m distance applies to the location of the transport depot use from a sensitive land use, which includes residences. The application does not designate a specific site for the transport depot use but does make note on the proposed site plan of hard stand and parking area. It is recommended the 200m buffer be established and maintained.

Access

The initial planning application submitted to the Shire proposed a new access to Brand Highway, located in the centre of the property. Main Roads advised the requirement of a Traffic Impact Statement (TIS) to be made by the applicant for the access to be assessed. The Applicant amended the planning application to use the existing driveway access to Brand Highway and removed the use of heavy haulage vehicles; proposing 'As of Right' vehicles only. This amended proposal has been forwarded to Main Roads. Main Roads responded advising until an assessment and determination is made on the TIS for the initial access proposal, no comment will be made in respect to the amended access proposal.

On 5 March 2013 Main Roads emailed the Shire advising the TIS submitted by the Applicant has been 'accepted in principle' subject to:

1. *The traffic generation in reality not deviating from that proposed by type, configuration, frequency and/or nominated time periods.*
2. *No alteration or change of land use such as sub-division.*
3. *Sighting and approving the widening details on Brand Highway.*
4. *Any works on the highway subject to a formal application.*
5. *All associated works is the cost and responsibility of the development proponent.*

Concluding comments

The planning application initially proposed a transport depot, landscape supplies, warehouse and rural industry. Following advertising and further consultation the application has been amended. It is believed the amendments address a number of the concerns raised in the submission period and provide a less intense proposed development of the land.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110313

Moved Cr Clarke / Seconded Cr Norton

That Council:

1. **SUPPORT** the proposed Industry-Rural and Transport Depot at Lot L713/2929 (RN 299) Brand Highway, Muchea subject to the following condition:
 - (a) Applicant submit a scale survey site plan depicting proposed access, earthworks, hardstand areas, building structures, buffer areas and any development associated with the application to the satisfaction of the Chief Executive Officer.

2. Upon completion of 1(a) above, delegates authority to the Chief Executive Officer to **GRANT** Planning Approval for the proposed Industry-Rural and Transport Depot at Lot L713/2929 (RN 299) Brand Highway, Muchea subject to the following conditions:
 - (a) The approval is limited to the storage, parking and maintenance of vehicles and equipment used for rural purposes associated with Whitestone Quarries Pty Ltd;
 - (b) Applicant shall comply with Permit S41_825 issued by DBNGP.
 - (c) Applicant shall comply with Main Roads requirements for access to Brand Highway.
 - (d) Traffic generation shall be in accordance with Traffic Impact Statement dated 1 March 2013.
 - (e) No access from Chittering Street and Energy Place.
 - (f) All building structures require a separate application for planning approval.
 - (g) Applicant shall submit a Catchment Management Plan to the satisfaction of the Chief Executive Officer.
 - (h) Applicant shall establish and maintain vegetation screening within six (6) months of the date of this approval.
 - (i) Applicant shall submit a Revegetation Management Plan to the satisfaction of the Chief Executive Officer which includes the revegetation of waterways and maintenance of vegetation screening.
 - (j) Transport Depot, access roads and hardstand areas shall be bitumen sealed and drained to catch hydrocarbons to the satisfaction of the Chief Executive Officer.
 - (k) Transport Depot and hardstand areas shall be setback 30m from lot boundaries and 100m from Brand Highway.
 - (l) Evidence is provided to Council to the satisfaction of the Chief Executive Officer that the Transport Depot and any parking of vehicles and equipment is located a minimum distance of 200m from the southern Townsite lot boundaries.
 - (m) The development shall comply with the *Environmental Protection (Noise) Regulations 1997*.
 - (n) Any servicing of plant and equipment shall be carried out within a confined concrete floor such as a shed, and such area shall have sufficient bunding and spill trays to minimise the impact from any spills as a result of onsite servicing.
 - (o) Any further developments and/or amendments shall be the subject of subsequent planning applications/approvals.
 - (p) If the development (the subject of this approval) is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
 - (q) Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Advice Notes:

1. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
2. Should the Applicant wish to undertake Landscape Supplies and Warehouse, prior Council approval

shall be required.

3. A 11/17/21A permit from Department of Water will be required to interfere or obstruct the bed and banks of a watercourse, including the proposed road crossings.
4. In regards to condition 2(b), the Applicant shall maintain a current Permit approval at all times as required by the Department for Regional Development and Lands.
5. In regards to 2(f) and 2(o), all of the conditions of this approval must be complied with and evidence of this provided to Council prior to the determination of any further development and/or planning application for the site, i.e. shed construction.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 28 February 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 28 February 2013
Attachments	1. Statement of Financial Activity for period ending 28 February 2013 Bank reconciliation for period ending 28 February 2013 List of accounts paid for February 2013

Background

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

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

The statement of financial activity for the period ending 28 February 2013, financial statements, bank reconciliation and list of accounts paid for the period ending 28 February 2013 are hereby presented for council's information.

Consultation

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

Statutory Environment

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

Policy Implications

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120313

Moved Cr Hawes / Seconded Cr Clarke

That Council:

1. **ENDORSE** the list of payments:

- PR3002
- PR3004
- EFT 7736 - EFT 7838
- Municipal Fund Vouchers 13277 - 13294
- Direct Debits as listed
- BPV25 to BPV25
- Trust Fund Vouchers 321-322

Totalling \$605,981.57 for the period ending 28 February 2013.

2. **RECEIVE** the bank reconciliation for the period ending 28 February 2013 as presented.

3. **RECEIVE** the financial statements for the period ending 28 February 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Shire of Chittering Sports and Recreation Plan 2012 – 2022*

Applicant	Shire of Chittering
File ref	03/01/6
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Draft Sport and Recreation Plan 2012 - 2022

Background

Funding for sport and recreation facilities, programs etc has become linked with the development of District and Regional Sport and Recreation Plans and funding through organisations such as Department of Sport and Recreation is not generally available to clubs and groups that are not clearly part of their Shire's Sport and Recreation Plan or other Plans such as the *Strategic Community Plan*.

Put simply, in an environment of limited financial resources, funding bodies want to be sure of value for money and that investments are made in areas of highest priority and the inclusion of projects in Council's relevant Plans support the need for the district.

Failure to plan adequately for sport and recreation may see the Shire of Chittering struggle to meet the demands of its residents as public expectation of sport and recreation programs, services and facilities continues to rise.

The Shire's preceding Sport and Recreation Plan expired in 2008.

The 2012-2022 Sport and Recreation Plan has been developed through:

- Consultation and input by the community groups and users of Council's facilities;
- Results of the Strategic Community Planning process;
- Consultation with staff; and
- Workshopped with Council.

Consultation

Community groups and users of Council's facilities

The community through the Strategic Community Planning Community Consultation process

Councillors

Chief Executive Officer

Building Coordinator

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Once the Plan is endorsed by Council, the budget for the projects included will be included in the Ten Year Financial Plan for Council's consideration in the annual budget process.

Strategic Implications

The creation of the Shire of Chittering Sport and Recreation Plan 2012 – 2022 is a significant step forward for Council establishing a clear long-term vision for sport and recreation in the Shire.

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

Social: Build a sense of community:-

*Active communities; Support local community groups by developing a Sports & Recreation Plan and employing a Club & Community Development Officer fulltime;
Develop recreational areas for future generations by exploring options to build a multi-purpose recreational centre (s).*

Natural Environment: Preserving and enhancing our natural environment:-

Provide community access; to trails, lakes, wetlands & wildflowers by developing a SOC Trails Master Plan.

Site Inspection

Council's facilities have been inspected by the Building Coordinator.

Triple Bottom Line Assessment

Economic implications

As the Shire alone cannot provide all facilities, services and programs, there is a need to build partnerships and foster innovation and self-management to meet desired outcomes.

The Plan provides opportunity to build stronger links between sport and recreation and other aspects of community such as youth, seniors, tourism, education and economic, social and environmental development.

Social implications

Sport and recreation opportunities contribute to the health and wellbeing of individuals and communities.

The Sport and Recreation Plan provides a coordinated and strategic approach to sport and recreation facility development and planning based on identified community need and ensures that a range of sport and recreation development, training and funding programs and services are provided to the community

Environmental implications

There are no significant environmental implications associated with this report.

Comment

As stated in the report above, the Shire of Chittering Sport and Recreation Plan will provide a coordinated and strategic approach to sport and recreation facility and program development.

A large number of projects have been identified and it is unfeasible for Council to be expected to fund them all. When submitting the projects to Council for consideration during the budget process proposed timeframes and funding opportunities / responsibilities will be included.

The endorsement of this Plan will also assist with seeking alternative funding sources.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130313

Moved Cr Norton / Seconded Cr Mackie

That Council ADOPT the Shire of Chittering Sport and Recreation Plan 2012 - 2022.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.2 Staff Training and Development Policies*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Employee Training and Development Policy Employee Study Assistance Policy Study Assistance Application Form Study Assistance Claim Form

Background

During the Workforce Planning process it became evident that Policies providing direction on employees' training are required to:

- Ensure training and development of Council's employees is of mutual benefit for both the Shire and the employee and should relate to their individual function and responsibilities as detailed in their position description.
- Support employees who wish to further their education in relation to their position or career path within the organisation.
- Clear direction on what Council will pay for in relation to training and development.
- Ensures all training and development is planned for and included in the budget process for Council's consideration.

Consultation

Chief Executive Officer
Executive Managers

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

All costs associated with staff training and development will be included in the budget process for Council's consideration.

Strategic Implications

Nil

Site Inspection

Nil

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this report.

Social implications

There are no significant social implications associated with this report.

Environmental implications

There are no significant environmental implications associated with this report.

Comment

Two policies have been developed for Council's consideration.

1. **Employee Training and Development Policy** ensures Council's support for employees' training and development is within areas that are of mutual benefit for the Shire and the employee as well as relating to their role or future role within the organisation.

The Policy provides clear direction on what expenses will be met by Council and procedures that are to be followed.

2. **Employee Study Assistance Policy** provides the opportunity for Council to support staff who wish to further their education through a financial subsidy and / or time off for study to a maximum of \$2,500 per annum.

Financial assistance will only be provided on receipt of payment and evidence of successful results.

A Study Assistance Application Form will need to be completed by the employee and authorised by their Executive Manager and the Chief Executive Officer and a Study Assistance Claim Form submitted for reimbursement.

Assistance will only be provided for study that is applicable to the employee's role or future role within the organisation.

Council is requested to adopt the Employee Training and Development Policy and the Employee Study Assistance Policy.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140313

Moved Cr Mackie / Seconded Cr Gibson

That Council:

1. **ADOPT the Shire of Chittering Employee Training and Development Policy.**
2. **ADOPT the Shire of Chittering Employee Study Assistance Policy.**
3. **UPDATES the Register of Policies accordingly.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.3 Compliance Audit Return 2012*

Applicant	Shire of Chittering
File ref	04/02/0002
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Completed Compliance Audit Return 2012

Background

Each Local Government is to carry out a Compliance Audit for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government.

The CAR, once completed, is to be presented to the Audit Committee and then a report is to be presented to Council for adoption of the return.

The Audit Committee met on 13 March 2013 prior to the March Ordinary Meeting of Council and resolved as follows:

Moved Cr Hawes / Seconded Cr Mackie

That the Audit Committee endorses the Local Government Compliance Audit Return for the period 1 January 2012 to 31 December 2012 and recommends its adoption by Council.

A copy of the completed CAR is attached (attachment 1).

Consultation

Chief Executive Officer
Manager Human Services
Executive Support Officer

Statutory Environment

Local Government Act 1995 Section 7.13

Local Government (Audit) Regulations 1996

Regulation 14 Compliance audit return to be prepared

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3) *A compliance audit return is to be—*
 - (a) *presented to council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted*

Regulation 15 Completion of compliance audit

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with -*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General by 31 March next following the period to which the return relates.*

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Strategic Plan 2010/11 - 2014/15

This item is consistent with "Outcome: Governance" of the Shire of Chittering's *Strategic Plan 2010/11 - 2014/15* and Objective G9(i): "meet compliance deadlines and ensure all information is gathered in time".

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The CAR for the 2012 calendar year was completed by the Executive Manager Corporate Services in consultation and co-operation with other members of staff.

The 2012 CAR continues in the reduced format introduced in 2011, with the areas of compliance restricted to those considered high risk.

The areas of compliance for 2012 were:

Commercial Enterprise by Local Governments	No noted areas of non-compliance.
Delegation of Power/Duty	No noted areas of non-compliance.
Disclosures of Interest	No noted areas of non-compliance.
Disposal of Property	No noted areas of non-compliance.
Elections	No noted areas of non-compliance.
Finance	No noted areas of non-compliance.
Local Government Employees	It was noted that the advertisement for the Executive Manager Technical Services did not detail the place where applications for the position were to be submitted, however this was stated in the application package. Council staff will ensure in the future that these requirements are met in full.
Official Conduct	No noted areas of non-compliance.
Tendering for Providing Goods and Services	No noted areas of non-compliance.

It is recommended by the Audit Committee that Council adopt the Local Government Compliance Audit Return from 1 January 2012 to 31 December 2012.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 150313

Moved Cr Mackie / Seconded Cr Clarke

That Council ADOPT the Local Government Compliance Audit Return for the period 1 January 2012 to 31 December 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Cr Hawes, on behalf of the Council, expressed his appreciation for the effort by all staff involved in the Audit.

9.4.4 Request for Quotations – Appointment of Auditors*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Scope of Audit

Background

At the Ordinary Meeting of Council held on 18 August 2010, Council (on recommendation from the Audit Committee) appointed UHY Haines Norton as its Auditors for a three year period from 1 July 2010 to 30 June 2013.

As per *Local Government (Audit) Regulations 1996 Section 16 (b)* the Audit Committee:

“May provide guidance and assistance to the local government as to –

- (i) Matters to be audited; and*
- (ii) The scope of audits; and*
- (iii) Its functions under Part 6 of the Act; and*
- (iv) The carrying out of its functions relating to other audits and other matters related to financial management”*

As the end of financial year will soon be upon us, the Audit Committee is requested to examine the current audit scope of works and authorise the Chief Executive Officer to seek quotations from companies who wish to provide audit services to the Shire of Chittering for a three (3) year period.

The Audit Committee met on 13 March 2013 prior to the March Ordinary Meeting of Council and resolved as follows:

Moved Cr Hawes / Seconded Cr Gibson

That the Audit Committee recommends Council:

- 1. Adopt the audit scope of works and selection criteria as attached; and*
- 2. Authorise the Chief Executive Officer to seek quotations for the provision of Audit Services to the Shire of Chittering for the period commencing 1 July 2013 for a three (3) year period.*

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 Section 7.3

Local Government (Audit) Regulations 1996

Policy Implications

Nil

Financial Implications

Advertising costs of approximately \$100 which has been included in the current budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The Audit Scope of Works and selection criteria have been attached to this report. This document will be provided to all companies who express an interest in the provision of audit services.

An advertisement for the provision of audit services to the Shire of Chittering will be placed in the West Australian.

Once the expressions of interest have closed a report will be presented to the Audit Committee for a recommendation to Council.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 160313

Moved Cr Norton / Seconded Cr Gibson

That Council:

1. **ADOPT** the audit scope of works and selection criteria as attached.
2. **AUTHORISE** the Chief Executive Officer to seek quotations for the provision of Audit Services to the Shire of Chittering for the period commencing 1 July 2013 for a three (3) year period.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.5 2012-2013 Budget Review to 31 January 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Programme Schedules
Attachments	1. Statement of Financial Activity and Variance Report

Background

The *Local Government (Financial Management) Regulations 1996, Regulation 33A* requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year. Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council. The Council is to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendation made in the review. Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

A Statement of Financial Activity incorporating year to date budget variations and 30 June 2013 forecasts for the period ending 31 January 2013 is presented to the Audit Committee for their review.

The Audit Committee met on 13 March 2013 prior to the March Ordinary Meeting of Council and resolved as follows:

Moved Cr Mackie / Seconded Cr Clarke

That the Audit Committee accept the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2012 to 31 January 2013 and present it to the Ordinary Meeting of Council on 20 March 2013 for adoption.

Consultation

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

The budget review document was presented to Council at a workshop held on Wednesday 6 March 2013. Questions and clarifications were sought by members.

Statutory Environment

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

The original budget review was undertaken by senior staff and Council were consulted with regarding the budget amendments at the Council workshop held on Wednesday 6 March 2013.

Major Operating Revenue variances highlighted in the review are:

- Miscellaneous reimbursements have been increased \$29,562
- Grants Commission decreased to reflect final allocation - \$37,827
- Interest earnings increased as CLGF funding has been invested - \$15,000
- ESL reimbursement for 11/12 overspend - \$23,703
- Profit from sale of land has been adjusted as this is unlikely to occur in this financial year - \$100,000
- Revenue for Grant for Men's Shed increased

Major Operating Expense variances highlighted in the review are:

- Additional Consultant expenses to prepare Long Term Financial Plan - \$20,000
- Additional Audit Fees to conduct Financial Management Review as required which was not budgeted for - \$8,000
- Additional IT expenses for more support hours and new CCTV lap top - \$10,000
- Additional rates legal expenses (offset by revenue) - \$30,000
- Removal of Loan repayments for Health Centre as payments commence in next budget - \$27,050
- Additional Staff housing expenses to paint Unit 3 whilst it is empty - \$5,000
- Reduction in Consultant expenses for town planning as the Community Infrastructure Plan will be a 2 year process at least - \$43,000
- Additional Town Planning legal expenses - \$25,000
- Additional expenses for Clune Park to repair Rotunda - \$10,000
- Inclusion of contribution to Discovering Golden Horizons which was omitted from original budget - \$3,350
- Additional expenditure included for office equipment for new admin area and waiting area - \$10,000
- Additional expenses for Tourism signage to be upgraded - \$7,500
- Additional expenses for Muchea Oval for fencing - \$5,000

Major Capital Expense variances highlighted in the review are:

- Additional expenses to complete the Admin Building upgrade including but not limited to Signage, Painting, kerb repairs, furniture, painting of admin area, repairs to cornices and painting of chambers/kitchen/toilet - \$38,500
- Removal of the Bus Shelters as these are not required - \$10,400
- Inclusion of transfer to reserve for contributions from developer not included in the original budget - \$20,000
- Additional expenses for Men's Shed (offset by grant revenue)

- Additional bridge work expenditure as not all of grant funding received in 11/12 has been expensed and approval has been authorised to use this money on other bridgework - \$50,000
- Additional expenses to complete Hay Flat Rd - \$46,000

In the budget review document presented, Council will achieve a balanced budget.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 170313

Moved Cr Mackie / Seconded Cr Clarke

That Council ADOPT the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2012 to 31 January 2013 and AMEND the Budget accordingly.

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

10. REPORTS OF COMMITTEES

10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 12 February 2013*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Chittering Bush Fire Advisory Committee meeting held on 12 February 2013

Background

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 12 February 2013. There were no formal recommendations moved at the meeting.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 180313

Moved Cr Mackie / Seconded Cr Hawes

That Council RECEIVES the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 12 February 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.2 Minutes of the Australia Day Advisory Committee meeting held on Wednesday, 13 February 2013*

Applicant	Shire of Chittering
File ref	02/01/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Australia Day Advisory Committee meeting held on 13 February 2013

Background

A meeting of the Australia Day Advisory Committee (ADAC) was held on 13 February 2013. There were no formal recommendations moved at the meeting.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Citizen of the Year Award

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 ADAC meeting are now presented to Council to be received.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 190313

Moved Cr Norton / Seconded Cr Clarke

That Council RECEIVES the unconfirmed minutes of the Australia Day Advisory Committee meeting held on 13 February 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.3 Minutes of the Chittering Health Advisory Committee meeting held on Wednesday, 13 February 2013*

Applicant	Shire of Chittering
File ref	03/01/3
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Chittering Health Advisory Committee meeting held on 13 February 2013

Background

A meeting of the Chittering Health Advisory Committee (CHAC) was held on 13 February 2013. There were no formal recommendations moved at the meeting.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 200313

Moved Cr Clarke / Seconded Cr Gibson

That Council **RECEIVES** the unconfirmed minutes of the Chittering Health Advisory Committee meeting held on 13 February 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.4 Minutes of the Australia Day Advisory Committee meeting held on 12 December 2012*

Applicant	Shire of Chittering
File ref	02/01/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Australia Day Advisory Committee meeting held on 12 December 2012

Background

At the meeting of the Australia Day Advisory Committee was held on 12 December 2012. There were several recommendations moved at the meeting in relation to the winners of the awards presented on 24 January 2013 for which the Committee has a delegated authority:

DA55 To determine the winners of the Shire of Chittering Premiers Australia Day Active Citizenship Awards.

The minutes were first present at the Ordinary Meeting of Council held on 20 February 2013 where Council resolved the following:

Moved Cr Hawes/ Seconded Cr Mackie

That item '10.1 Minutes of the Australia Day Advisory Committee meeting held on 12 December 2012' lay on the table to enable the minutes to be corrected.

The minutes have been amended and will go back to the Australia Day Advisory Committee meeting scheduled for 14 August 2013 to be received.

Consultation

Manager of Human Services

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The minutes of the Australia Day Advisory Committee meeting will be presented to the meeting of the Committee for confirmation on 14 August 2013.

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 210313

Moved Cr Mackie / Seconded Cr Clarke

That Council RECEIVES the unconfirmed minutes of the Australia Day Advisory Committee meeting held on Wednesday, 12 December 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.5 Minutes of the Chittering Community Planning Advisory Committee meeting held on 8 November 2012*

Applicant	Shire of Chittering
File ref	02/08/2
Prepared by	Arlene Carter, Club and Community Development Officer
Supervised by	Karen Dore, Economic Development Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Confirmed" minutes of the Chittering Community Planning Advisory Committee meeting held on the 8 November 2012.

Background

A meeting of the Chittering Community Planning Advisory Committee (CCPAC) was held on 8 November 2012, the minutes of which were confirmed at the following CCPAC meeting held on 14 February 2013.

The following recommendation was put forward at the 8 November 2012 CCPAC meeting in relation to an application received from the Brockman Centre for Sculpture Trail Funding. Due to not having a further CCPAC meeting until February 2013, this recommendation has already been presented to Council in the Economic Development Officer's Community Sculpture Trail Funding Scheme report at the Council meeting held on the 20 February 2013.

That the CCPAC supports the application received from the Brockman Centre for funding of \$140.00 for materials for the sculpture titled "Wheels of Time," and recommends Council endorse for payment the grant application.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not Applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 220313

Moved Cr Norton / Seconded Cr Mackie

That Council RECEIVES the confirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on Thursday, 8 November 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.6 Minutes of the Audit Committee meeting held on 13 March 2013*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Audit Committee meeting held on the 13 March 2013

Background

A meeting of the Audit Committee was held on 13 March 2013, there were three formal recommendations which have been presented to Council for consideration under item 9.4.3, 9.4.4 and 9.4.5 of this Council Agenda.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not Applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 230313

Moved Cr Gibson / Seconded Cr Clarke

That Council RECEIVES the unconfirmed Minutes of the Audit Committee meeting held on Wednesday, 13 March 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

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

11.1 Elected Members Motion – Cr Gibson – Speed limit on Great Northern Highway, Bindoon

Reason for motion

There have been several near misses resulting in trucks mounting the kerb to avoid vehicles entering the highway from the shops.

This puts pedestrians at risk due to the speed at which evasive action is taken.

A lower speed limit would assist trucks to avoid collisions without endangering the public

Officers Comment

As there is no turning slip lanes from the Great Northern Highway into Binda Place and other business in Bindoon reducing the speed limit by 10Kph would be a cheaper measure to improve road safety for roads users. There is the potential for rear end and front on collisions for vehicles when turning off the Great Northern Highway.

A recent safety audit was carried out on the Great Northern Highway in the vicinity of Binda Place and the recommendations were to have slip lanes installed or reduce the speed limit.

ELECTED MEMBER MOTION / COUNCIL RESOLUTION - 240313

Moved Cr Gibson / Seconded Cr Norton

That Council REQUEST Main Roads WA to change the speed limit on Great Northern Highway within Bindoon Townsite to 50kph, to help mitigate the serious safety issues with heavy transport vehicles in town.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

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

Nil

13. URGENT BUSINESS

PROCEDURAL MOTION

Moved Cr Mackie / seconded Cr Clarke

That Council **CONSIDERS** items of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

13.1 Elected Members Motion – Cr Douglas – Shire of Chittering Committees

Reason for Motion:

To increase the groups adaptability and flexibility by reducing the legislative restrictions on their day to day operations.

Officers Comment:

The current committees of Council are:

1. Chittering Bush Fire Advisory Committee
2. Chittering Community Support Funding Committee
3. Australia Day Advisory Committee
4. Chittering Education Scholarship Committee
5. Audit Committee
6. Chittering Community Planning Advisory Committee
7. Chittering Mining Advisory Committee
8. Chittering Health Advisory Committee

The Chittering Education Scholarship Committee and the Australia Day Advisory Committee currently have delegations provided to them which will no longer apply; the Working Groups will now be required to assess the various applications and then submit a report to Council for approval prior to the event being held.

It is recommended that a disbandment date of 31 March 2013 be set to allow time for the changes to be implemented including: the guidelines being developed, new agenda and minutes templates being created, and the committee members being advised of the changes.

OFFICERS RECOMMENDATION

That Council:

1. RETAIN the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Committees be disbanded as of the 31 March 2013;
2. FORMS Working Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all working groups; and
3. ADVISE all committee members of the above.

ELECTED MEMBER MOTION

Moved Cr Douglas / Seconded Cr Gibson

That Council RETAIN the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Advisory Committees be converted to Council Working Groups.

AMENDMENT

Moved Cr Mackie / Seconded Cr Gibson

1. That the Elected Members motion be reworded as follows:

That Council:

1. ***RETAIN the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Committees be DISBANDED as of the 31 March 2013;***
2. And that the following be included:
 2. ***FORMS Advisory Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all Advisory Groups; and***
 3. ***ADVISE all committee members of the above.***

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

COUNCIL RESOLUTION - 250313

Moved Cr Mackie / Seconded Cr Gibson

That Council:

1. **RETAIN the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Committees be DISBANDED as of the 31 March 2013;**
2. **FORMS Working Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all working groups; and**
3. **ADVISE all committee members of the above.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

13.2 Apprentice Carpenter/ Joiner

Officers Comment:

A position description has been developed and relevant investigations have been undertaken by the Executive Manager Technical Services with the appropriate apprenticeship organisations.

This role was identified as a priority position during the workforce planning process. Given the amount of building work that is currently being undertaken in-house, the Building Coordinator has requested Councils consideration to make this position available to assist him in undertaking his work.

OFFICERS RECOMMENDATION / COUNCIL RESOLUTION - 260313

Moved Cr Douglas / Seconded Cr Mackie

That Council ENDORSE the creation of the new position and employment of an Apprentice Carpenter/Joiner.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

14. CONFIDENTIAL ITEMS

PROCEDURAL MOTION

Moved Cr Hawes / Seconded Cr Mackie

That Council **MOVES** into a confidential session to discuss this item under the terms of the *Local Government Act 1995, Section 5.23(2)*.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.23pm the meeting was closed to the public and all members of the gallery left the meeting.

14.1 Proposed Extractive Industry for Sand – Lots 1 and 2 Tea Tree Road, Bindoon*

Applicant	Whelans Pty Ltd
File ref	A1056; P095/12
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Statement of issues 2. Changes to existing conditions

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 270313

Moved Cr Clarke / Seconded Cr Douglas

That Council **GRANTS** planning approval for the extractive industry for sand at Lots 1 and 2 Tea Tree Road, Bindoon subject to the following conditions:

1. Subject to Condition 2, this approval shall be for the period from the date of issue until 30 June 2022.
2. The Excavation – Rehabilitation Management Plan dated May 2012 shall be reviewed by the Applicant and lodged for approval by the Shire no later than 31 June 2017. If the reviewed Excavation – Rehabilitation Management Plan:
 - (a) is approved by the Shire, the development shall thereafter be carried out in accordance with the approved plan;
 - (b) is not approved by the Shire because of the perceived inability of the Applicant to adequately manage any matter the subject of the plan, the use shall cease upon the Shire giving notice to the Applicant that the reviewed plan is not approved.

A decision by the Shire to approve the reviewed Excavation - Rehabilitation Management Plan subject to conditions, or to refuse to approve the reviewed plan, shall be a determination in respect of the exercise of a discretionary power under the Scheme of which the Applicant may seek review pursuant to clause 10.10 of the Scheme.

Conditions to be satisfied prior to commencement

3. 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 Schedule 3 of the *Shire's By-law Relating to Extractive Industries 1994*.
4. Prior to the issue of an Excavation Licence the Applicant shall provide a feature survey of the proposed excavation area, providing contours and all dimensions for the area shown on Figure 1 of

the application, by a licensed surveyor and submitted for approval by the Chief Executive Officer.

5. Prior to the commencement of operations, the Applicant shall mark out the boundaries of the approved extraction area by way of readily identifiable posts and or markers, and shall thereafter maintain those markers for the duration of the operations.
6. Prior to the issue of an Excavation Licence the Applicant is to lodge with the Shire a plan showing a buffer area of 500m between all proposed pits, stockpile and loading areas associated with the operations, and any existing residence.
7. Prior to the issue of an Excavation Licence the applicant shall provide a staged plan of the excavation area;
8. Prior to the issue of an Excavation Licence a Fire Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, in accordance with *Local Planning Policy No 21- Fire Management Plan*;
9. Prior to the issue of an Excavation Licence a Refueling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, incorporating:
 - (i) All on site refueling to take place within a lined and bunded area in accordance with the Department of Mines and Petroleum requirements and any other relevant regulations;
 - (ii) Any fuel leakages or spills to be cleaned up within 24 hours;
 - (iii) As part of the close –out plan, contaminated soil to be disposed of to the satisfaction of the Chief Executive Officer;
10. Prior to the issue of an Excavation Licence the Applicant shall submit to the Chief Executive Officer 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 he/she and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance cover for any claim against them;
11. Prior to the issue of an Excavation Licence:
 - (i) An assessment shall be conducted to determine whether acid sulphate and dieback are present on the land and, if present, their extent and severity;
 - (ii) If the site is found to contain acid sulphate soils or dieback, an *Acid Sulphate Soils Management Plan (ASSMP)* or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer;
 - (iii) That the samples be taken from the site by an independent qualified person; and
 - (iv) Operations shall be carried out in accordance with the provisions of the approved Management Plan;
12. Prior to the issue of an Excavation Licence the Applicant shall upgrade or treat the internal access roads, so as to minimise dust risk, such as by applying a chemical stabilising sealant to the road surface or relocating access roads. The Applicant shall liaise with the Shire to determine the work required to be done to satisfy this condition;
13. Prior to the issue of an Excavation Licence the Applicant shall undertake a visual impact assessment as per *Visual Landscape Planning in Western Australia 2007* to the satisfaction of the Chief Executive Officer;

14. Prior to the issue of an Excavation Licence the Applicant shall obtain approval and construct the crossover to Tea Tree Road to the satisfaction of the Chief Executive Officer;
15. Prior to the issue of an Excavation Licence the Applicant shall enter into an agreement with the Council for the payment of fees for road construction and road maintenance of Tea Tree Road;
16. Prior to the issue of an Excavation Licence the Applicant shall submit a *Traffic Management Plan* for the upgrade, use and maintenance of Tea Tree Road;
17. Prior to the issue of an Excavation Licence the Applicant shall create a complaints and contingency register for records of any complaints and contingency actions. The Applicant must keep the register up to date and keep it on-site at all times. The Shire may view the register on request.
18. Prior to commencement of work on each pit a Soil and Water Monitoring Program (including methodology, periodic sampling and analysis by an independent laboratory) shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation, incorporating:
 - (i) Monitoring of removed material, irrespective of whether the excavation area is within a location identified as 'high risk' of containing acid sulphate soil material or there is an approved ASSMP; and
 - (ii) Monitoring of water quality retained within on-site excavations;

Limits of Approval

19. The maximum area of pit being worked (excavated) at any one time shall be one (1) hectare;
20. Where practicable all static and other equipments are to be located on the floor of the pit to provide visual and acoustic screening.
21. Materials extracted from the site must not exceed 100,000 tonnes per annum. A record of each year's output must be kept on site and must be provided to Council at any time upon request;
22. The hours of operation shall be limited to:
 - Monday to Friday 0700hrs to 1800hrs except that there shall be no truck movement using Tea Tree Road between the hours of 0800 hrs – 0900hrs and 1500hrs -1600hrs on any school day.
 - Saturday 0730hrs to 1700hrs
 - Sunday and Public Holidays not permittedAny variation to these times requires written approval from Council;
23. Excavation shall not occur in the following areas:
 - Within 100 metres of a boundary of any land not owned by the proponent or Planning Consent holder;
 - Within 20 metres of any land affected by a registered grant of easement;
 - Within 40 metres of any designated water course;
 - Within 500 metres of any house;
 - Below the level of winter groundwater table;
 - Within 40 metres of any road or road reserve; and
 - Below 6 metres from natural ground level;

Other Approvals

24. The Applicant is to maintain a DEC Licence as required for the volumes and methods of operation.
25. The Applicant is to obtain a Clearing Permit as required by the Department of Environment and Conservation (DEC) for the clearing of native vegetation if such a permit is required.

Dust

26. The Applicant is to prepare and undertake an ongoing dust monitoring program which is to be incorporated as part of an amended Dust Management Plan to be submitted to the Shire for approval prior to the issue of an Excavation Licence. The plan is to be in accordance with the Department of Environment and Conservation guideline *'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (January 2011)'*.
27. Dust must be managed and monitored in accordance with the Dust Management Plan approved by the Shire.
28. A water tanker of adequate capacity to dampen dust producing areas must be maintained on-site during the term of the approval.
29. No visible dust shall be discharged beyond the property boundary;
30. When winds or other site conditions are sufficient to negate the effects of effective dust management, the quarry operations must cease until conditions improve and compliance can be achieved.
31. If in the opinion of the Shire the operation is generating an unreasonable amount of dust, or that the operations are not compliant with the approved Dust Management Plan, the Shire may in writing direct the Applicant to:
- Amend the Dust Management Plan, and submit it to the Shire for approval; and/or
 - Bring the operations into compliance
- In this condition an "unreasonable amount of dust" means visible dust crossing the lot boundary or visibly excessive dust on site.
32. No truck is permitted to enter the property for carting purposes unless fitted with an appropriate cover to prevent dust or loss of material and none shall exit without the cover in use.

Equipment

33. The equipment and machinery used for excavation purposes shall be limited to:
- 3 – 4 Dump Trucks;
 - 1x Water Tanker as required for dust suppression; and
 - 1 x Dozer;
- and the numbers or capacity shall not be increased without approval of the Chief Executive Officer;
34. No trucks are to be parked on any public road after hours;
35. A maximum of twenty (20) single truck movements are permitted on a daily basis;

Noise

36. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise and the operations are to have due regard to the health and amenity of any person in the vicinity;

Water

37. All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from the Chief Executive Officer;

Biodiversity – Land Restoration

38. The operations shall be carried out in accordance with the provisions of the approved Dieback Management Plan;
39. The Rehabilitation Management Plan contained in the Excavation - Rehabilitation Management Plan dated May 2012 shall be adhered to.
40. Upon decommissioning of each portion of pit, rehabilitation shall take place in accordance with the approved Rehabilitation Management Plan using the stockpiled topsoil and replanting of appropriate parkland pasture with clumps of local native species and is to take place during the first winter months following restoration and be monitored for a further two years;
41. Rehabilitation of each pit shall include surface water control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes;
42. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;

Reporting

43. An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:
- The progress of excavation, including survey drawing(s) that provide the dimensions and depth of excavations undertaken during the year of reporting;
 - The depth of each pit;
 - The amount of materials extracted;
 - Monitoring program results and findings;
 - Progress of rehabilitation;
 - Contingency actions and outcomes; and
 - Community complaints and responses.
44. Failure to submit the annual report prior to close of business on 30 June each year will result in the suspension of the excavation licence until such time as the report has been submitted;

Compliance

45. If the development, the subject of this approval is not substantially commenced within a period of twenty four (24) months from the date of the approval, the approval shall lapse and be of no further effect;
46. Development shall occur in accordance with the Excavation-Rehabilitation Management Plan dated May 2012 submitted with the application for planning approval, unless specified otherwise in this approval. The Excavation – Rehabilitation Management Plan (and the other management plans within it which together comprise the Excavation – Rehabilitation Management Plan) may be

amended from time to time if approved by the Chief Executive Officer. The development must thereafter be carried out in accordance with the approved amended plan.

47. The development shall comply with the provisions of the Shire of Chittering's *Town Planning Scheme No 6* and *By-law Relating to Extractive Industries 1994; Health Act 1911, Building code of Australia* and any other relevant Acts, Regulations, Local Laws except where varied by this approval.
48. Any amendments or variations to the Rehabilitation or Excavation Management Plan associated with the excavation shall be approved in writing by the Chief Executive Officer.
49. A breach of any of the above conditions, which is not rectified within a timeframe considered reasonable to the Chief Executive Officer, will result in suspension of this approval. A recurrence of any breach will result in cancellation of this approval;

Delegation

50. Delegate authority to the Chief Executive Officer to issue an excavation licence for sand at Lots 1& 2 Tea Tree Road, Bindoon in accordance with the Planning Approval granted above, and on satisfaction of conditions 3 to 18 and 26.
51. Prior to the issue of an Excavation Licence the Applicant shall undertake underground water sampling as outlined below to determine the depth and directional flow of the underground water to demonstrate to the satisfaction of Council that the proposal does not pose an environmental threat to the conservation wetlands or underground water;
 - (a) Drill test bore holes every 500m or as necessary.
 - (b) The drilling is to be undertaken in a straight-line, in the direction of the conservation wetlands from the proposed sand pit site.
 - (c) The drilling shall be undertaken to such depths as necessary to identify the peneplain.
 - (d) The testing is to be provided by an appropriately qualified person, and is to be certified by that person as being a true and correct representation of the drilling program.
52. Prior to the issue of an Excavation Licence the Applicant shall obtain the approval for the design and construction of the wetland crossing on Tea Tree Road to ensure that the integrity of the wetland is maintained to the satisfaction of the Chief Executive Officer and that all costs associated shall be borne by the applicant.

ADVICE NOTES

Extractive Industry Licence

1. Subject to the assessment of the results from the on-site dust monitoring program being to Council's satisfaction (See Condition 26) the Applicant may apply for an extension of the Extractive Industries Licence for a further period of five (5) years until 30 June 2017 and thereafter for five years to match the planning consent.
2. The application for an Extractive Industries Licence is to be made no later than three (3) months prior to the expiry of the current licence. Failure to submit the application within the time frame may result in the issue of the Licence being delayed;
3. The Excavation Licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of sand.

Appeal

4. Should the Applicant be aggrieved by a decision of Council, the State Administrative Tribunal can be requested to review the decision. Such a request should be lodged within twenty-eight (28) days of Council's decision.

THE MOTION WAS PUT AND DECLARED CARRIED 3/3 casting vote

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That the hours of operation in recommendation 22 be amended to delete Saturday operations:

22. *The hours of operation shall be limited to:*

- *Monday to Friday 0700hrs to 1800hrs except that there shall be no truck movement using Tea Tree Road between the hours of 0800 hrs – 0900hrs and 1500hrs -1600hrs on any school day.*
- ~~*Saturday 0730hrs to 1700hrs*~~
- *Sunday and Public Holidays not permitted*

Any variation to these times requires written approval from Council;

**THE AMENDMENT WAS PUT AND DECLARED LOST 3/3
WITH THE CASTING VOTE OF THE SHIRE PRESIDENT**

Crs Gibson, Norton and Clarke voted for the amendment.

Cr Gibson, Norton, Clarke and Mackie expressed concerns received from ratepayers in relation to the Saturday operations due to the use of the roads by multiple users and requested that it be recorded in the minutes.

PROCEDURAL MOTION

Moved Cr Mackie / Seconded Cr Hawes

That the meeting come out from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.57pm the meeting was re-opened to the public and no members of the gallery returned to the meeting.

15. CLOSURE

The Presiding Member declared the meeting closed at 8.57pm



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8.30am - 4.30pm