

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

Wednesday, 15 May 2013

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.02pm
Closure: 8.11pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 19 June 2013.

SIGNED BY

 Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The presiding member declared the meeting open at 7.02pm.

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 Sandra Clarke	
Cr Doreen Mackie	
Cr Michelle Rossouw	

The following staff were in attendance:

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

There were 6 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 Barni Norton for 15 May 2013

3. DISCLOSURE OF INTEREST

Karen Parker, Manager Human Resources declared an impartiality interest in item 9.4.5 as her daughter is a potential recipient of the new house.

Cr Mackie, Cr Gibson and Cr Douglas declared an impartiality interest in item 9.1.3 as they are members of the Bindoon and Districts Historical Society.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Item 9.1.7 - Proposed extractive industry for sand and gravel – Lot 22 Reserve Road, Muchea*

Clint O'Neil, 2837 Chittering Road, Chittering

1. Condition 1 identifies a recommended approval until 30 June 2018; advice note 4 identifies a recommended approval until 30 June 2016. To avoid confusion and inconsistency, could Council explain why both approvals would not be valid to 30 June 2018, given the annual reporting requirements?
2. Condition 3 identifies a buffer area of 500 metres. It is my understanding that the establishment of buffer areas around certain activities has been a contentious issue in the recent past.

Can Council explain the functional use of the buffer at this locality, given that extraction can occur within 50 metres of the property boundary and Council is considering further rural residential development in the locality?

3. What surety can Council provide to the licence holder, that any proposed rural residential developments in the locality will not negatively impact on the business operation of the licence holder?

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

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary meeting of Council – Wednesday, 17 April 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 010513

Moved Cr Mackie / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 17 April 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

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Use of Bird Scaring Devices in Orchards

Applicant	D Boyanich
File ref	A1052
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Best Practice Guidelines for Bird Scaring in Orchards
Attachments	1. Schedule of submissions

Background

Two complaints were received in May and June 2012 regarding the use of a gas gun at the orchard located at 6509 Great Northern Highway, Bindoon (corner Settlement Road). The property is owned by Mr Denis Boyanich. The gas gun consists of a gas bottle and a timing device which causes a loud explosion on a pre-set time and frequency basis. It is operated for approximately 3 months per year between May and July while the fruit is ripening in order to protect it from being eaten by a threatened/protected species of parrot.

The issue of the use of gas guns and similar devices has been a continuing problem in many other local governments particularly those with orchards in rural areas close to residential areas. As a result the "*Best Practice Guidelines for Bird Scaring in Orchards*" (the guidelines) were produced by a Technical Advisory Committee consisting of representatives from the Department of Environment and Conservation (DEC), Department of Agriculture and Food, WA Fruit Growers Association, WA Local Government Association, Department of Planning and Infrastructure and the City of Armadale.

The initial complaint on 1 May 2012 was to the Shire and followed with a complaint to the office of the Hon. Grant Woodhams MLA. The complaint resulted in site visits and discussions with Mr Boyanich after which he agreed to operate the machine within the guidelines. Accordingly it was adjusted so that it only operated during daylight hours and fired approximately every 10 minutes.

On 21 May 2012, there was another complaint about the loud noise of the gas gun to the office of the Hon Grant Woodhams MLA. In response to this complaint the Shire's Executive Manager Development Services (Mr Azhar Awang), and the relief Environmental Health Officer (Mr Ross Keegan), met with Mr Boyanich and the complainant separately. Mr Boyanich agreed that he would only operate the machine when necessary and, as he was now resident at the property, would be able to turn it off when there was no bird activity. Other strategies discussed with Mr Boyanich included:

- Upgrading the gas gun so that the firing interval could be increased to at least 10 minutes.
- Only using the gas gun between two hours after sunrise and two hours before sunset.
- Resting the machine during the day when there was no bird activity.
- Mixing up control measures.
- Changing the location of the gas gun.
- Employing a helper to be present on the property when he was not there.

In an endeavour to curtail future problems, Council's Principal Environmental Health Officer wrote to Mr Boyanich on 21 September 2012 requesting that he draft a Noise Management Strategy in accordance with the guidelines. This was to be received by April 2013 in order for the Strategy to be reported to Council and implemented in time for the 2013 fruit ripening and harvesting season between May and July. Mr Boyanich was advised that the Noise Management Strategy should be workable and realistic and involve a diverse range of methods which prevents birds getting used to single devices and which includes a communication strategy with neighbours. It should clearly outline what alternative measures are to be used and how such measures will minimise the noise nuisance currently occurring.

Mr Boyanich delivered the 'Noise Management Strategy' to the Shire on 5 April 2013 in the form of a hand written letter. The Noise Management Strategy was not of the standard expected however it covered some of the key elements required by the guidelines while ignoring other elements.

In summary:

- Mr Boyanich promised to only operate the gas gun for the periods from 7 am to 11 am and from 2 pm to 6 pm each day.
- On Sundays he will 'try' to start later in the morning.
- He would not employ someone to monitor the gas gun while he was away from the property because of the expense however he would 'where possible do his best to attend to this matter'.
- He had adjusted the timing of the gun to approximately a 10 minute frequency.
- The gas gun is located towards the centre of Mr Boyanich's property.

The deficiencies in Mr Boyanich's Noise Management Strategy relate to the following:

- He has consulted with one neighbour but there was no mention of consultation with other neighbours or a 'communication strategy' with neighbours as requested.
- There was no mention of alternative measures which he would use to reduce the noise nuisance as requested. The DEC advocates that a number of methods be used in rotation rather than a single item such as a gas gun.
- It is not clear that he will 'rest the machine' within the two periods of use that he has specified when there was no bird activity.
- The current location and the noise level of the gas gun may not be optimal in terms of minimising the nuisance to the most affected neighbours and will need to be further assessed.

Consultation

In 2012 Shire officers consulted with Mr Boyanich and various neighbours as well as with representatives from Mr Grant Woodham's office. Consultation involved several site visits, letters, emails and phone calls (e.g. to the DEC noise section and other Council's with similar problems) in order to develop a balanced approach to this issue.

In order to gain the opinion of the surrounding community, the Principal Environmental Health Officer wrote to all affected neighbours on 11 April 2013 and invited them to comment, within 14 days, on Mr Boyanich's proposal to use the gas gun in the 2013 season in the manner that he has outlined. A summary of responses is included in the Schedule of Submissions (attachment 1).

Statutory Environment

Noise is covered under the *Environmental Protection Act 1986* (the Act) and the *Environmental Protection (Noise) Regulations 1997* (the regulations).

Noise is classified as a source of pollution under the Act. The regulations provide a prescribed standard for “unreasonable noise” and a definition. The subjective definition looks at the nature and duration of noise emissions, the frequency of emissions, the time of day the noise is emitted and whether the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person receiving the noise. The noise level of a gas gun is expected to exceed the prescribed standard with regard to peak noise allowable.

However, the DEC has advocated for not using legislative controls in favour of a consultative approach whereby the noise is managed by strategies within the guidelines to mitigate the nuisance. It would probably not be possible to fully meet the demands of both orchardists and neighbours so a compromise between the affected parties is necessary.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The zoning for the area is Agricultural Resource. The manner in which this complaint is resolved could set a precedent for other orchardists in the Shire who may also wish to use gas guns.

Site Inspection

Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

The use of gas guns at any level will upset the natural peaceful ambience in a rural setting and cause loss of comfort and amenity. This has to be balanced against the right of orchardists to protect their crops in an area zoned as Agricultural Resource – which is a legitimate use.

Environmental implications

Protected species of birds cannot be harmed so the softer option of scaring birds away is necessary.

Comment

The results of the community consultation is summarised in the following table. Details of respondents have been kept confidential. Nineteen (19) letters were sent out and seven (7) responses were received.

As expected there has been a mixed response to the use of the gas gun. The following conclusions can be drawn from the consultation:

- Residents closest to the gas gun are most affected. Where possible the noise strategy should therefore focus on measures to reduce the impact upon the most affected neighbours.
- Residents who are engaged in agricultural activities themselves tend to empathise with Mr Boyanich and not complain.
- Residents who are not present during the day tend not to complain.
- The affected area is zoned Agricultural Resource so it is reasonable to expect that noise associated with agricultural practices should be tolerated more than in a residential area.
- Most residents accept that Mr Boyanich has a right to protect his crop but want the use of the gas gun kept to a minimum.

While Mr Boyanich has offered some changes to the operation of his gas gun, mainly with regard to the time and frequency of use, it is considered that he has not developed a comprehensive Noise Management Strategy as required by the guidelines. It is recommended that the following changes be implemented in regard to Mr Boyanich's Noise Management Strategy:

1. The gas gun is to be turned off when no one is present on the property.
2. The gas gun is to be turned off at any time when there is no bird activity.
3. The gas gun is to be adjusted so that it does not fire within 10 minutes of each shot during the nominated periods.
4. The gas gun should only be operated from sunrise to 11am and from 2pm to sundown.
5. The gas gun should not be used on Sundays and Public Holidays providing alternative measures can be implemented.
6. A range of other bird scaring devices and strategies (as outlined in the guidelines) should be implemented. The range of measures includes the installation of netting, the use of electronic noisemakers which have recorded bird distress and predator calls, flashing lights or strange sounds.
7. The gas gun is to be located in the optimum position and at the lowest effective noise volume to enable bird scaring while reducing the nuisance to neighbours as much as possible.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 020513

Moved Cr Clarke / Seconded Cr Gibson

1. That the Chief Executive Officer writes to Mr Denis Boyanich advising that Council supports the use of the gas gun bird scaring device at 6509 Great Northern Highway, Bindoon between May and June each year, subject to Mr Boyanich implementing a Noise Management Strategy which incorporates the following requirements:
 - a. The gas gun is to be turned off when no one is present on the property.
 - b. The gas gun is to be turned off at any time when there is no bird activity.
 - c. The gas gun is to be adjusted so that it does not fire within 10 minutes of each shot during the nominated periods.
 - d. The gas gun should only be operated from sunrise to 11 am and from 2 pm to sundown.
 - e. The gas gun should not be used on Sundays and Public Holidays providing alternative measures can be implemented.
 - f. A range of other bird scaring devices and strategies (as outlined in the guidelines) should be implemented. The range of measures includes the installation of netting, the use of electronic noisemakers which have recorded bird distress and predator calls, flashing lights or strange sounds.
 - g. The gas gun is to be located in the optimum position and at the lowest effective noise volume to enable bird scaring while reducing the nuisance to neighbours as much as possible.
2. That any breach of the above condition (1) may result in Shire Officers applying the provision of the *Environmental Protection Act (Noise) Regulations 1997* with regard to excessive noise.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Proposed Extension to Medical Centre – Lot 14 Binda Place, Bindoon*

Applicant	Shire of Chittering
File ref	A9531
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Site Plan Floor Plan and Elevations, and Engineering Drawings

Background

Council's consideration is requested in regards to approving the proposed extension to the Medical Centre at Lot 14 Binda Place, Bindoon.

The proposed extension is to construct two (2) additional consulting rooms to the south of the existing building. The total area of the extension is approximately 55m². The construction is of double brick and sheet metal roofing to match existing building materials with a parapet wall built on the property boundary.

Consultation

Since the building is constructed on the boundary, the adjoining owner's consent was required. Planning Services has contacted the affected land owner and they raised no objection to the proposed building being constructed on the property boundary.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes WA

Shire of Chittering Town Planning Scheme No 6

Policy Implications

Local Planning Policy No 1 – Bindoon Townsite

Aim

The overall aim is to retain the Bindoon townsite, as the Shire's commercial, community and administrative centre allowing for its expansion to accommodate additional residential and other compatible development whilst retaining its rural character.

This report and its recommendations with directions form the Local Planning Policy for the development management of Bindoon, as enabled under Town Planning Scheme No 6.

This development plan includes an extended area to the alignment of the future Perth-Darwin Highway to the west and the hills backdrop of the existing town.

Growth is not expected to be rapid but rather consistent or slightly above the current rate of around 3-5% per annum.

Development is to follow a pattern of staging taking into account the wide range of lot types required to cater for a wider choice of lifestyle.

Objectives

- *To promote the town development in a setting in its containment of natural features;*
- *To provide for additional retail facilities and businesses as the town grows;*
- *To make available land for community facilities in an accessible central location;*
- *To provide a planned structure for the available land to guide development in economically achievable stages in response to demand;*
- *To create a land bank for a range of land uses to cover future contingencies;*
- *To allow for the protection and enhancement of the natural features;*
- *To create as strong definition between the rural and town landscapes at the edges of the town;*
- *To guide development and the streetscape to create a pleasant image of homogeneity of the built form and streetscapes;*
- *To provide for the expansion of the primary school and additional education facilities*
- *To ensure infrastructure cohesive construction for all land uses includes the provision of a reticulated deep sewerage system.*
- *To accommodate an additional 1500 to 2000 people in the Greater Bindoon area.*

Financial Implications

Funding has been secured by the Bindoon Medical Centre (BMC) Group from the Federal Government of \$113,093.00 for the proposed extensions. These funds have been receipted by the BMC Group, and will not be recognised in Council's budget, as they are not Council funds. Council's contribution consisted of earthworks including subsoil and clean fill for the construction.

The BMC Group requested quotations for the proposed extensions, and have accepted a fixed price contract from Robert Parker Homes for \$112,913.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

There is money allocated that has been secured through the Federal funding by the Bindoon Medical Group to the total of \$113,093. A quote has been received and the successful building contractor, Robert Parker Homes has been awarded the contract.

Social implications

The extension to the Medical Centre Building will provide additional room to effectively perform its function.

Environmental implications

Nil

Comment

The proposed extension meets with the standards and objectives of the relevant Acts, Legislation and policies and in keeping with the overall design of the existing building.

One issue that was discussed was the removal of the existing septic which is currently located at the front of the property. This will be required to be removed and relocated as part of the development of Binda Place. It was recommended that since work is being undertaken on this development, it will be beneficial to remove the existing septic system and install a new waste disposal system to the back of the property.

The appropriate approvals (Planning, Building and Health) have been assessed and issued under delegated authority.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 030513

Moved Cr Mackie / Seconded Cr Gibson

That Council approve the proposed extension to the existing Medical Centre at Lot 14 Binda Place, Bindoon in accordance with the approved plans.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Cr Mackie, Cr Gibson and Cr Douglas declared an impartiality interest in item 9.1.3 as they are members of the Bindoon and Districts Historical Society.

9.1.3 Proposed Extension to Museum Shed – Lot 410 Great Northern Highway, Chittering*

Applicant	Bindoon & Districts Historical Society
File ref	05/01/5
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Letter from the Bindoon & Districts Historical Society; Floor Plans and Elevations

Background

Council's consideration is requested in regards to approving the proposed extensions to the existing Museum shed at Lot 410 Great Northern Highway, Chittering.

The proposal is to extend the existing Museum shed at the front to create an additional covered roof area for the work room so as to allow the historical group to carry out ongoing repairs, maintenance and display purposes.

The group has also requested that they be exempted from any building fees.

Consultation

Not applicable

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

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

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

Policy Implications

Nil

Financial Implications

The Applicant is requesting that any building fees be exempted. As this property is owned by the Shire, under the new Building Act, the Shire cannot issue its own Certificate of Design Compliance and must be assessed and issued through an independent registered Building Surveyor. The cost for private certification is approximately \$200.00 and may also require a structural engineering drawing to be prepared by the Applicant.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

There will be costs incurred in the application as the new Building Act does not allow the Shire to certify the design compliance for its own development.

Social implications

The proposal will provide the additional area for the Historical group to undertake the necessary work to maintain the equipment and machinery in the museum.

Environmental implications

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

Comment

The proposal is in keeping with the existing building and meets with the overall objectives of the zone in reference to encouraging associated tourist facilities.

The only issue is in relation to the exemption of the application fees requested by the Historical Group which include the Planning fee (\$139) and the Building fee (\$139.50 + \$200 for independent building certifier).

It is recommended that Council does not support the exemption as this would create a precedent. As a suggestion Council could consider a donation to the Bindoon & Districts Historical Society & Museum equivalent to the application fees.

OFFICER RECOMMENDATION

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. Approve the proposed extension to the existing Bindoon & Districts Historical Society Museum, at Lot 410 Great Northern Highway, Chittering in accordance with the approved plans; and
2. Advise the Applicant to pay the required Planning and Building fees and private certification for design compliance.

Advice note:

1. This approval does not constitute a building permit.

AMENDMENT

Moved Cr Gibson / Seconded Cr Douglas

That an additional recommendation 3 be included as follows:

- “3. Provide a grant of \$500 to the Historical Society to cover the costs of the required Planning and Building fees and private certification for design compliance.”*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 4/2
AND FORMED PART OF THE SUBSTANTIVE MOTION

COUNCIL RESOLUTION – 040513

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. Approve the proposed extension to the existing Bindoon & Districts Historical Society Museum, at Lot 410 Great Northern Highway, Chittering in accordance with the approved plans; and
2. Advise the Applicant to pay the required Planning and Building fees and private certification for design compliance.
3. Provide a grant of \$500 to the Historical Society to cover the costs of the required Planning and Building fees and private certification for design compliance.

Advice note:

2. This approval does not constitute a building permit.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/2

9.1.4 Proposed Subdivision – Lot 650 McGlew Road, Lower Chittering*

Applicant	Roberts Day Town Planning and Design
File ref	18/03/75
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. Subdivision Plan 3. Development Plan

Background

Council's is requested to consider a proposed subdivision of Lot 650 McGlew Road, Lower Chittering.

Council has been sent a subdivision application by the Western Australian Planning Commission (WAPC) for comments. The subdivision application, lodged by Roberts Day Town Planning and Design, is for Lot 650 McGlew Road, Lower Chittering, which forms Stage 11 of the Maryville Downs Estate.

Council endorsed a Development Plan for Maryville Downs at its 19 November 2008 Ordinary meeting of Council, which included Stage 11. A subdivision (WAPC 136786) was approved for the subject land (previously Lot 9003) by the WAPC on 19 May 2009. This subdivision approval expires 19 May 2013, hence the subdivision application to WAPC to renew the approval.

The subdivision application for Lot 650 proposes fifty (50) Rural Residential lots, one (1) Infrastructure lot for the purpose of telecommunications towers, two (2) Public Open Space lots and one (1) balance of title lot. Rural Residential lot sizes range from 2 hectares to 4.36 hectares. The Public Open Space for Conservation is 46 hectares and is proposed to be for conservation purposes due to the area containing good quality vegetation. The Public Open Space for Recreation is 10 hectares and is located at the entrance of Maryville Downs Estate; adjoining the school site and is relatively flat to gently sloping. The proposed subdivision is consistent with the endorsed Development Plan and previous subdivision application (WAPC 136786).

Lot 650 McGlew Road is subject to a Deed of Agreement between the landowners and the Shire of Chittering. The Deed relates to requirements of the subdivision approval (WAPC 136786) granted for Stage 11 of Maryville Downs.

Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

The land is zoned 'Rural Residential' by the *Shire of Chittering Town Planning Scheme No 6*. The objectives of the 'Rural Residential' zone in the Scheme 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.*

Policy Implications

Local Planning Policy No 16 – Roads and Drainage

The Policy requires rural road reserve widths to be 30m and constructed to the standards prescribed in the Guidelines for Subdivisional Development. The proposed road reserves are consistent with *Local Planning Policy No 16 – Roads and Drainage*.

Local Planning Policy No 32 - Development Plans

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

Financial Implications

The proposed subdivision would create financial obligations to Council as acquiring the 46 hectare portion of land will require maintenance to ensure fire hazards are reduced and the management of weeds.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

The proposed subdivision of Stage 11 will create an additional fifty (50) rateable Rural Residential lots to the benefit of the Shire. The required construction of McGlew Road and provision of Public Open Space would expand on Council’s infrastructure and assets.

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. The proposed subdivision identifies a 46 hectare area of conservation value remnant vegetation to be ceded to the Shire and protects the Marbling Brook as a reserve and with setback buffer requirements for future development of the proposed lots.

Comment

Town Planning Scheme No 6

It is considered the proposed subdivision meets the objectives of the Rural Residential zone. The proposed lots are well in excess of one (1) hectare and the proposed subdivision maintains the rural character of the locality by proposing larger lots complementary to the land and allocating Public Open Space and Reserve land to enhance the landscape values.

Furthermore the proposed subdivision is a resubmission of the current subdivision approval (WAPC 136786) and the conditions of the subdivision approval reflect the requirements of Council. As the subdivision application does not propose any modifications, it is considered Council’s recommendation to the WAPC be generally consistent with the previous determination of the subdivision.

Development Plan

Lot 650 is subject to a Development Plan endorsed by Council and the WAPC. The proposed subdivision is in accordance with the Development Plan. This complies with the Scheme and Policy requirements.

Deed

As mentioned earlier the land is subject to a Deed of Agreement between the landowner and the Shire of Chittering relating to requirements of the subdivision approval (WAPC 136786) due to expire 19 May 2013. The Deed does make provisions being applicable to the current and future subdivision of the subject land.

It is considered the requirements agreed to in the Deed relating to the subdivision of Stage 11 should be protected in the new conditions of subdivision approval recommended below.

Public Open Space

The Applicant has proposed to cede 46 hectare portion of land of Public Open Space for conservation purposes to the Shire of Chittering as required by the subdivision approval (WAPC 136786). The 46 hectare portion of land is heavily vegetated and is designated for the purpose of conservation. It may be considered that this portion of land be vested to the Department of Environment and Conservation as a Reserve for 'Conservation'.

It is of interest to Council that this subdivision incorporates the 10.1271 hectare portion of land on Lot 651 reserved by the Scheme for 'Parks and Recreation'. This Reserve provides much needed Public Open Space with the opportunity for active recreation development for residents in the Maryville Downs Estate and Lower Chittering locality. The current subdivision approval of Stage 11, due to expire 19 May 2013, requires the 10 hectare portion of land to be reserved for recreation. It is recommended that Council request this portion of land to be released within six (6) months of the subdivision approval.

Roads and Access

Lot 650 is accessed by McGlew Road which is currently gravel construction. The Applicant has requested the road reserve of McGlew Road to be 20m as a result of discussion with the Shire as opposed to the 30m required by Council's Local Planning Policy and condition 3 of subdivision approval WAPC 136786. The Shire has commonly applied a 30m road reserve width for Rural Residential developments. McGlew Road is the only access for this subdivision, which creates fifty (50) Rural Residential lots. To maintain a consistent approach and in keeping with Council's *Local Planning Policy No 16*, it is recommended a 30m road reserve apply to McGlew Road. Further to this, it is recommended to maintain the current condition of subdivision approval for the sealing of McGlew Road.

The proposed road reserve widths of the subdivision roads are 30m. In reference to the above, it is considered the subdivision roads meet Council's requirements.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION- 050513

Moved Cr Gibson / Seconded Cr Rossouw

That Council advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 147632) of Lot 650 McGlew Road, Lower Chittering subject to the following conditions:

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the Applicant/Owner's cost. As an alternative the WAPC is prepared to accept the Applicant/Owner paying to the local government the cost of such road works as estimated by the Local Government subject to the Local Government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.
2. McGlew Road being widened by ten (10) metres along the full frontage of the land the subject of this application by the Applicant/Owner transferring the land required to the Crown free of cost for the purpose of widening McGlew Road.
3. Arrangements being made with the Local Government for the construction of McGlew Road to connect to Muchea East Road.
4. The internal loop road depicted on the plan being 30 metres wide.
5. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.
6. The easement(s) required by this approval being shown on the Deposited Plan in accordance with the *Town Planning and Development (Easement) Regulations 1983*.
7. Suitable arrangements being made with the Local Government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
8. Notification in the form of a Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that no reticulated water supply can be provided to the land by a licensed water service supplier; and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.
9. The subdivider making suitable arrangements with the Local Government to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's town planning scheme that relate to the use and management of the land.
10. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:

"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."

11. Notification in the form of a Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:
“This lot is subject to a Development Plan and a Fire Management Plan approved by the Shire of Chittering”.
12. The proposed reserve(s) of 46.15ha shown on the approved plan of subdivision being shown on the Deposited Plan as a “Reserve for Conservation” and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
13. The proposed reserve(s) of 10.1271ha shown on the approved plan of subdivision being shown on the Deposited Plan as a “Reserve for Recreation” as Fee Simple to the Shire of Chittering, to be ceded free of cost within six (6) months of this subdivision approval and without any payment of compensation by the Crown.
14. The area marked “Reserve for Foreshore/Water Management and Recreation” on the plan submitted by the Applicant being shown on the Deposited Plan as such and transferred free of cost to the Local Government for water management and drainage purposes.
15. A fence restricting stock access to the area marked “Reserve for Foreshore/Water Management and Recreation” on the plan submitted by the Applicant is to be constructed:
(a) On the boundaries shown on the plan dated 13 March 2013;
to protect the waterway and native vegetation.
16. A Fire Management Plan being prepared and implemented to the specifications of the Local Government and Department of Fire and Emergency Services, to the satisfaction of the Chief Executive Officer, in accordance with *Local Planning Policy 21*.
17. Rural numbering being installed to the satisfaction of the Chief Executive Officer.

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	<ol style="list-style-type: none">1. Locality Plan2. Proposed Development Plan3. Existing endorsed Development Plan4. Consultation Plan and Schedule of Submissions

Background

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

Council has previously determined amendments to the Development Plan for Lot 2 Morley Road, Lower Chittering. The amendments have resulted in reducing the lot sizes from 4ha to 2ha in several applications to Council as a response to the market demand.

This application proposes to modify the second stage of the Development Plan from 4ha lots to 2ha lots as shown on the proposed Development Plan. The second stage of the Development Plan contains five (5) lots (Lots 59, 61, 63, 65 and 67). The application proposes to increase the number of lots to nine (9) ranging from 2ha to 4ha.

Consultation

The application was referred for comment to the adjoining landowners 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 two (2) agency submissions during the referral period were received by Council, as shown in the Schedule of Submissions (attachment 4).

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

The land subject to the Development Plan is zoned 'Rural Residential' by the Scheme. The objectives of this zone:

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

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.*

Shire of Chittering Register of Policies – Battleaxe Access

Objective

This policy is to provide guidelines for battleaxe accessways.

Policy

The Shire of Chittering is not in favour of battleaxe access in any subdivision, particularly in “Rural Residential” and “Townsite” areas.

If battleaxe access is required for a subdivision there shall be a maximum length and a minimum width of 10 metres to facilitate the construction of trafficable surfaces and associated drainage and the developer shall be required to construct crossovers to each battleaxe access prior to the clearance of conditions.

Crossover standards shall be:

- *Minimum diameter RCP = 375 mm*
- *Headwalls to be precast units to suit pipe sizes*
- *Minimum length of Crossover = 7.32 metres.*

Road construction shall be of a minimum thickness of 300mm if gravel or additional sufficient thickness to allow adequate swale drainage.

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

The Shire received a submission objecting to the proposed revision due to the increase in the number of lots created and several issues associated with this increase, impacting on the rural lifestyle.

Environmental implications

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

Comment

Consultation

As tabled in the Schedule of Submissions, objections were received by Council for the proposed modifications to the Development Plan. The Ellen Brockman Integrated Catchment Group stated its objection to proposed Lots 121 and 122 due to the impact on the waterways and remnant vegetation.

The one public submission objected to the proposed increase in lots, outlining a number of potential and likely impacts as a result of the additional lots to be depicted on the Development Plan.

The proposed modification to reduce the lot sizes and increase the number of lots is considered to meet the Scheme requirements. It is acknowledged that some potential impacts may occur, in particular the impact on the waterways and vegetated areas as a result of development and clearing (i.e. firebreaks).

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. It is recommended that the Applicant revise the Development Plan to contain the required 'Development Provisions' table and 'Endorsement Panel', consistent with the current endorsed Development Plan.

Shire of Chittering Town Planning Scheme No 6

It is considered the proposed modification to the Development Plan generally meet the objectives of the zone.

Shire of Chittering Register of Policies – Battleaxe Access

Proposed Lots 121 to 124 on the Development Plan do not comply with the Shire's Policy of 'Battleaxe Access' and should not be supported by Council on the Development Plan.

Concluding comments

In light of above it is considered the proposed Development Plan can be supported subject to removing proposed Lots 121 to 124. Proposed Lots 121 to 124 create battle axe access, not supported by Council's Policy. Further to this Lots 121 to 124 are considered to likely cause greater impact on the waterway and vegetated areas depicted on the endorsed Development Plan, substantiated by comments from Ellen Brockman Integrated Catchment Group.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 060513

Moved Cr Gibson / Seconded Cr Clarke

That Council:

- 1. endorse the proposed Development Plan subject to the following modifications:**
 - a. Proposed Lots 121 to 124 be removed;**
 - b. Insert 'Development Provisions' consistent with the original Development Plan to the satisfaction of the Chief Executive Officer; and**
 - c. Insert the appropriate adoption panel in accordance with *Local Planning Policy 32 – Development Plans*.**
- 2. authorise 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.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.6 Reconsideration of 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. Applicant's request for reconsideration3. Ordinary Council meeting Minutes – Item 9.1.9 of 20 March 20134. Letter from Ellen Brockman Integrated Catchment Group dated 29 April 2013

Background

Council is requested to reconsider the proposed change of use for the transport depot and industry-rural at Lot 713/2929 (RN 299) Brand Highway, Muchea that was supported by Council at its 20 March 2013 Ordinary meeting of Council.

Following Council's decision at the 20 March 2013 Ordinary meeting of Council, Shire officers and the Applicants met onsite to discuss the requirements of the planning approval and other concerns associated with the proposal. It was made clear that the consultants and landowners had concerns with two of the conditions of the planning approval:

- 2j. *Transport Depot, access roads and hardstand areas shall be bitumen sealed and drained to catch hydrocarbons to the satisfaction of the Chief Executive Officer.*
- 2l. *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.*

Shire officers advised the Applicants to submit a request to Council for reconsideration of these conditions justifying with reason as to why these conditions are not reasonable or appropriate for their proposed development. The following reiterates the points raised by the Applicant in regards to the two (2) conditions considered unreasonable (attachment 2):

Condition 2j

1. All access roads will be bitumen sealed to the east side of the Bunbury to Perth Natural Gas Pipeline Easement in accordance with 2j.
2. All hardstand and parking areas will be constructed with 300mm crushed limestone to form the base and then surfaced with 50-100mm stone.
3. The construction method requires water binding to achieve suitable compaction to both the base and surface layers.
4. The act of water binding will stabilise both the base and surface layer of the hardstand and parking area, (the area) together with washing any residual dust particles (stone is processed off site and delivered to site relatively dust free) from the stone surface layer, thereby eliminating potential dust.
5. A water truck is and will be on site for dust management as required.
6. The process described in 4 above results in minimal dust generation as the surface layer is washed during construction.
7. The construction results in a solid base between the area and the natural soils.

8. A bitumen seal is made up of hydrocarbons, sealing the parking and hardstand area increases the potential for hydrocarbons to leach into the soils and groundwater on the site.
9. Vehicle movements on the parking and hardstand area may dislodge the bitumen seal.

In regards to the above points 1-9, the Applicant proposes to undertake:

- i. To manage and prevent all hydrocarbon spills from machinery parked in the areas.
- ii. To dispose of any hydrocarbons by a licenced Waste Disposal Company.
- iii. To develop and submit a "Site Catchment Management Plan" which mitigates the risk of hydrocarbons causing or contributing to environmental harm.

Condition 2l

1. All buildings are proposed to be set back in accordance with Condition 2l above.
2. The Applicant has undertaken environmental plantings (three rows) to the first 30m adjacent to the southern boundary and the rear boundary to an area west of the Bunbury to Perth Natural Gas Pipeline Easement. The site will be screened from residents to the southern side of Chittering Street by the plantings.
3. The parking area will be constructed in the same manner as item 1 above.
4. The proposed workshop is drive through north/south and requires access for vehicle movements within the 200m setback.
5. The operations on site will generate minimum noise.
6. Minimal dust will be generated by vehicle movements within the proposed parking area.
7. A setback of 200m unduly disadvantages the Applicant. The condition renders and prevents freehold land, zoned Agricultural Resource, being used for commercial purposes.
8. The residents to the south of Chittering Street and to the west of the site will not be adversely affected by operations within the site.
9. The concept of the 200m setback is a recommendation by the "EPA Guidance Statement No 3", and relates to the recommended separation distances between sensitive and Industrial Land. Whilst the site has industrial application, it is at the lower end of the scale of "Industrial Use". The site does not pose any abnormal impact on surrounding landowners.

In regards to the above points 1-9, the Applicant seeks permission to:

- i. Extend the parking area to within 50m of the southern boundary of the site.
- ii. Construct the parking area as detailed in item 1 above.
- iii. Construct the parking area to within 50m of the southern boundary of the site.
- iv. Park vehicles in the area detailed within points (i) to (iv) and as set out in the revised site plan (attachment 2).

The revised site plan includes:

- The area marked 'Parking and Traffic Area' is to be used for vehicles and machinery entering and exiting the workshop and the parking of vehicles for a period no longer than 7 days; and
- The area defined 'Hardstanding' is for parking and hardstand activities for a period greater than 7 days.

Consultation

Public consultation is not required for the request for reconsideration of Council's decision. As mentioned above, Shire officers have met with the Applicants to discuss the matters for reconsideration. The Shire forwarded the request for reconsideration to the Ellen Brockman Integrated Catchment Group for comment and advice in relation to the environmental factors. This advice is included as attachment 4.

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 request for reconsideration of conditions 2j and 2l do not propose any additional or different land uses.

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'.

Part 2 of EPA Guidance Statement No 3 states:

"A sound site-specific technical analysis is generally found to provide the most appropriate guide to the separation distance that should be maintained between an industry or industrial estate and sensitive land use.

However, in recognition that a site-specific study may not be necessary in all situations, generic separation distances have been developed."

Furthermore in Part 4.4.1 of the document:

"4.4.1 A new industrial land use is proposed near existing or proposed sensitive development, OR sensitive development is proposed near an existing/proposed industry

Where the separation distance is less than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts."

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 that this proposal will have no significant 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

A meeting was held on site on 15 April 2013 between the Shire Officers and the Applicants. The purpose of the meeting was to discuss the conditions of planning approval to be reviewed and the processes involved. After discussion it was agreed for the Applicant to make a submission to Council to reconsider the conditions considered by the Applicant as unreasonable.

Triple Bottom Line Assessment

Economic implications

The result in amending the condition of the 200m buffer to 50m would allow the landowner to use a greater area of land for the proposed development, giving better value of the land. The amendment to the condition would also likely impact on the neighbouring townsite property values due to the closer proximity of industrial uses and the impacts generated as a result of this.

Social implications

The requested amendment to the condition of reducing the generic 200m buffer to 50m would likely result in:

- Greater impact of noise associated with industrial uses onto the neighbouring townsite properties;
- Greater likelihood of dust emissions impacting the neighbouring townsite properties;
- Adversely affecting the visual amenity of neighbouring townsite properties due to closer proximity of industrial uses associated with proposal; and
- Adversely affect the living of the townsite properties due to the above points.

Environmental implications

The requested amendment to condition 2j proposing not to bitumen seal has raised concerns with the Ellen Brockman Integrated Catchment Group. The advice (attachment 4) states how the requested amendment to the condition does not address the issues the condition was intended for.

Comment

Condition 2j

2j. Transport Depot, access roads and hardstand areas shall be bitumen sealed and drained to catch hydrocarbons to the satisfaction of the Chief Executive Officer.

The Applicant has requested Council to reconsider this condition to remove the requirement to bitumen seal. The Applicant seeks to construct the areas with a crushed limestone base and stone surface. The Applicant also argues the bitumen seal is a hydrocarbon pollutant.

The Scheme provisions for the 'Water Prone' Special Control Area and Strategic aims for the Ellen Brook Palusplain require and recommend a Catchment Management Plan. The property is also subject to a Multiple Use Wetland classification which further strengthens the significance of ensuring the protection of the landscape values.

As mentioned earlier in the 'Environmental Implications' section of this report, the Ellen Brockman Integrated Catchment Group has advised the Shire the proposed amendment to alter the construction standard does not address the issue of contamination and is not justified with evidence.

Condition 2l

2l. 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.

The Applicant has requested for Council to reconsider this condition to reduce the buffer from 200m to 50m. The requirement for the 200m buffer as a condition of the planning approval is guided by *EPA Guidance Statement No 3*. As mentioned earlier in this report, this document states that the separation distances (buffers) listed for each industrial land use have been developed in the absence of a scientific site study. Should an Applicant seek to propose a reduced separation distance (buffer), as stipulated in the *EPA Guidance Statement No 3*, a detailed site/industry-specific study should be undertaken by the Applicant and provided to Council to make an informed determination. The Applicant's request to Council does not provide this and it is therefore considered the buffer requirement of 200m to be reasonable.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 070513

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. defer reconsideration of condition 2j of Planning Approval P171/12 until such time as the Applicant provides Council with a Catchment Management Plan undertaken by a qualified environmental consultant as required by Clause 6.3.3(f) of *Town Planning Scheme No 6*.
2. does not support the reconsideration of condition 2l of Planning Approval P171/12 for the following reasons:
 - a. The amendment to establish a 50m buffer is not consistent with *Environmental Protection Guidance Statement No 3*;
 - b. The amendment to establish a 50m buffer is not justified with a site-specific technical analysis as per *Environmental Protection Guidance Statement No 3*;
 - c. The reduction in the buffer would likely result in adverse impacts on neighbouring properties.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.7 Proposed extractive industry for sand and gravel – Lot 22 Reserve Road, Muchea*

Applicant	W Wright
File ref	A3394; P052/13
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. Excavation Management Plan4. Consultation Plan5. Schedule of Submissions

Background

Council is in receipt of a planning application for a proposed extractive industry at Lot 22 Reserve Road, Muchea.

The property is subject to a current approval for the excavation of sand on the property which expires 30 June 2013. The Applicant seeks to apply for approval to excavate sand and gravel at the property for a period of five (5) years.

Lot 22 is a 46.5 hectare property mostly cleared of remnant vegetation. The proposed excavation area for sand occurs on the south-westward slope of the property and the proposed excavation area for gravel is located slightly on the southwest side of the ridge on the property. Current excavation of sand occurs in proposed Stage 1 (Figure 9 of attachment 3). The existing and proposed excavation areas can be seen in Figure 7 of attachment 3. The first stage of sand excavation is to be 7.6 hectares and the second stage 7.8 hectares. The first stage of gravel excavation is 2.3 hectares and second stage 4.3 hectares. The Applicant has advised a depth of excavation of no greater than 6m.

The Applicant proposes an average of eight (8) truck movements per day, which is equivalent to approximately 100,000 tonnes per year. Currently the driveway access on Lot 22 is gravel and the section of Reserve Road to Great Northern Highway is bitumen seal. The Applicant has stipulated the driveway will be constructed to a bitumen seal in due course. The Applicant obtained a clearing permit from the Department of Environment and Conservation for the current excavation area of sand for the removal of 45 trees.

Consultation

Consultation was undertaken in accordance with Clause 9.4 of the *Shire of Chittering Town Planning Scheme No 6*. The Schedule of Submissions has been attached to this report (attachment 5).

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

The property is an 'Agricultural Resource' zone. 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 proposed use is an 'Industry – Extractive', which is defined by the Scheme as:

Industry-Extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining.

'Extractive- Industry' is an 'A' use in the Zoning Table:

'A' means that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval after giving special notice in accordance with clause 9.4.

Lot 22 is located in the 'Landscape Protection' and 'Military Considerations' Special Control Areas and partially located in the 'Water Prone' Special Control Area. It is considered the 'Military Considerations' Special Control Area relates to residential development and is not applicable to this application.

6.2 LANDSCAPE PROTECTION AREAS

6.2.1 *The Landscape Protection Areas are delineated on the Scheme Map. Planning Approval is required for any development within the Special Control Area.*

6.2.2 Purpose

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

6.2.3 Landscape Areas

The Landscape Protection Areas are:

- the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;*
- the Gingin Scarp: for the protection of the landform against denudation, water quality (nutrient export) and erosion;*
- the northern uplands: for the agricultural quality of the undulating landforms and rural production.*

6.2.4 Planning Requirements

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

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

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

6.2.5 Relevant Considerations

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

- (a) the statement and the nature of the key elements of the landscape and its character;*
- (b) the conservation and enhancement of the landscape values;*
- (c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*
- (d) the requirement for all roofing of any building to be a of a non-reflective nature;*
- (e) a change of land use where in the opinion of the Local Government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

6.2.6 Referrals for Planning Approval

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

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.

By-law relating to Extractive Industries

An Excavation Licence is required for the excavation of a basic raw material. The Applicant has submitted an Excavation Licence form with the Planning Application. An Excavation Licence can only be issued once Planning Approval for an 'Industry-Extractive' is granted for the property.

Policy Implications

Shire of Chittering Local Planning Policy No 10 – Basic Raw Materials and Extractive Industries

4. OBJECTIVES

The objectives of this policy are:

- To facilitate extraction of the Shire's basic raw materials using best available practice
- To provide guidance for the preparation of applications for extractive industry proposals and an indication of conditions likely to be applied to approved proposals
- To ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction
- To maintain the rural character of the Shire and minimize the loss of prime agricultural land.

5. POLICY STATEMENT

5.1 General

- a) For the commencement and continuance of an extractive industry, both a current planning approval and excavation licence are required.
- b) For the purpose of the Applicant's long term planning Council is prepared to consider the granting of a planning approval for a period of up to ten (10) years.
- c) For the purpose of managing day to day operations Council is prepared to consider the granting of an excavation licence for a period of up to five (5) years.
- d) For ease of administration, the term of the planning approval will generally be a multiple of the term of the excavation licence, provided that Council may specify any term for the planning approval in accordance with the Scheme or for the excavation licence in accordance with the By-law.
- e) Generally the planning approval will be issued to the land owner and runs with the land; the excavation licence will be issued to the operator and is not transferable, except with the written approval of the Council.

5.2 Application Requirements

Applications for an extractive industry shall:

- a) be in accordance with:
 - i) Part 9 of the Scheme
 - ii) By-law clause nos. 4 and 5
 - iii) Any licence or approval required by any statutory agency
- b) comprise:
 - i) Form of Application for Planning Approval as specified in Schedule 7 of the Scheme, plus the appropriate application fee
 - ii) Form of Application for Excavation Licence as specified in the First Schedule of the By-law, plus the appropriate application fee
 - iii) Certification by an accredited dieback interpreter that the land concerned is free from dieback
 - iv) Excavation Management Plan, presented in the format specified in Appendix 4.

5.3 Advertising of Application

- a) *All applications for extractive industry are to be advertised for a minimum period of twenty-one (21) days in accordance with Section 9.4 of the Scheme and clause 6 of the By-law*
- b) *Council is to seek the views of relevant Government agencies, as appropriate*
- c) *Any application for a proposal abutting a highway reserve is to be referred to Main Roads Western Australia.*

5.4 Preferred Development

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

5.5 General Requirements

In granting a planning approval and an excavation licence, Council may in accordance with the Scheme and By-law attach conditions relating to any or all of the following:

- a) *the term of the approval/licence*
- b) *the period during which substantial commencement is to be undertaken*
- c) *the required buffer area, which may be the subject of a Scheme amendment*
- d) *maximum area and depth/height of excavations and stockpiles*
- e) *the location and minimum height of protective bunds*
- f) *the location and density of screen plantings*
- g) *minimum distances of works from public and private roads, lot boundaries, fences, buildings, waterways*
- h) *retaining walls, batters and wall slopes*
- i) *access, parking and layout of works, including financial contributions to the up-grading and/or maintenance of roads*
- j) *maximum number of truck movements in a specified period*
- k) *hours of operation*
- l) *staging of work*
- m) *acid sulphate soils*
- n) *dieback control*
- o) *fire management*
- p) *rehabilitation and maintenance*

- q) *methods by which mining and rehabilitation shall take place*
- r) *drainage and disposal of waters*
- s) *treatment of wastes*
- t) *measures to protect existing vegetation, water quality*
- u) *additional landscape planting to be undertaken*
- v) *dust and noise suppression*
- w) *workplace and public safety*
- x) *public liability insurance*
- y) *soil and water monitoring and reporting*
- z) *any other matter permitted by the Scheme or By-laws ancillary to the above.*

5.6 Form of Approvals

- a) *A typical planning approval under the Scheme is illustrated in Appendix 5*
- b) *A typical excavation licence under the By-law is illustrated in Appendix 6*

Note: Conditions of planning approval and excavation licence may increase minimum requirements specified in the By-law, e.g. Setbacks from boundaries.

Financial Implications

Nil

Strategic Implications

Shire of Chittering Local Planning Strategy 2001-2015

A number of sections in the Strategy are relevant to the proposed extractive industry.

Lot 22 Reserve Road is located within the 'Ellen Brook Palusplain' Geographic Unit:

6.4 Ellen Brook Palusplain

6.4.1 Description/Location

The Ellen Brook Palusplain, located west of the Gingin Fault, is one of the most environmentally sensitive areas in the Shire.

Ellen Brook is part of the Swan Canning Catchment well documented as a source of nutrient export and contributes heavily to the eutrophication of streamlines and wetlands, as well as to algal blooms in the Swan River.

Land uses n grazing and some horticulture are suspected to be the main contributors to heavy loadings of phosphates and nitrates and these problems are being addressed by the Swan River Trust, Waters and Rivers Commission, Ellen Brook Integrated Catchment Group.

Muchea Townsite is located on the south-western corner of the area.

6.4.2 Aims

- *To retain the productive land for broad acre farming but accommodate conversion to intensive horticulture where the landform, soils and water supplies permit;*
- *To retain existing natural vegetation and connecting areas to provide for biodiversity corridors;*
- *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 retain the productive land for broad acre farming but support limited horticulture where the soils and water supplies permit;*
- *To encourage the change in agricultural practices to reduce phosphates and nitrate fertiliser applications;*
- *To include the recommendations of the Ellen Brook Integrated Catchment Plan as to land uses and nutrient control by encouraging improved land management practices;*
- *To protect and enhance the Chandalla wetlands from further degradation;*
- *To encourage and support change of land uses to agro forestry and alley farming;*
- *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;*
- *To limit subdivision and development in the Muchea Townsite to retain low occupation density;*
- *To ensure the System 6 – Darling Range lands are protected from inappropriate development and land uses unless specific approval is obtained from the Department of Environment.*

Lot 22 is located in the 'Landscape Protection' Special Control Area. The Broad Issues of the Strategy outline aims for Landscape Protection:

7.3 Landscape Protection

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

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

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

7.4 Aims

- *To retain the high landscape values of the Shire by prohibiting inappropriate development and land uses in prominent locations;*
- *To enhance the landform by the application of rehabilitation measures where land degradation is evident;*
- *To prohibit the development or placement of structures along prominent ridgelines;*
- *To apply appropriate setbacks from major and local distributor roads for all structures;*
- *To restrict roadside advertisements in the form of billboards and permanent and temporary advertising signs;*

- *To designate and protect local roads for roadside conservation;*
- *To ensure all extractive industries apply “end use” plans for rehabilitation upon decommission;*
- *To apply additional planting for screening purposes for any structure or land use which may detract from landscape values.*

Section 10.1 of the Strategy is applicable to Lot 22:

10.1 Landscape Protection Areas

This category applies to the Chittering Valley from the southern part of the Shire to the northern extremity and to the Gingin Scarp viewed from Ellen Brook.

The intent is to preserve the rural character of the visual aspects of the landscape from undue subdivision and development that may depreciate the scenic value of the Chittering natural environment.

In addition, the protection of remnant vegetation is the first phase in establishing biodiversity corridors.

Section 10.4 of the Strategy outlines the strategic requirements of the ‘Military Considerations’ Special Control Area for which Lot 22 is located in:

10.4 Military Considerations

The location of RAAF Base at Pearce means that parts of the Shire are exposed to noise from low flying aircraft. The Control Area alerts land owners within it of the prospect of some noise emissions.

Height restrictions accompany the noise exposure areas, however, they are so extreme that only an exceptional structure is likely to be affected.

Residential buildings are permitted with the Control Area but homeowners are advised that it would be prudent to install insulations to mitigate the impact of noise.

Council will also apply a condition on developments requiring roofing materials on any structure to have a non-reflecting character. This is for the benefit of the pilots avoiding solar ‘flash’ from highly reflective surfaces.

Shire of Chittering Local Biodiversity Strategy 2010

The property is dissected by a Local Ecological Linkage. The Local Ecological Linkage connects with Local Natural Areas identified on Lot 23 (north) and the Baracca Springs Reserve (south). One of the ways to improve a Local Ecological Linkage is to form continuous vegetated links (corridors) at least 100m wide.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

The proposal will result in a product and service to the benefit of the local community.

Social implications

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

Environmental implications

There are no known significant environmental implications associated with this proposal. The proposed excavation does not impact on the Resource Enhancement Wetland in the southwest portion of the property.

Comment

Town Planning Scheme No 6

- Water Prone Special Control Area

The property is only partially located in the Water Prone Special Control Area. The south western end of the property is identified as a Resource Enhancement Wetland. As no excavation is occurring in this area, it is considered the proposed development will not impact on the wetland area. The Applicant has previously undertaken, and if supported will be required to continue, water quality testing to ensure the excavation operations do not impact on ground water quality. As the proposed excavation for sand is located in the Water Prone area, it is the Officer's Recommendation that the applicant provide a Catchment Management Plan prior to an excavation licence being issued.

- Landscape Protection Special Control Area

Lot 22 is located in the Landscape Protection Special Control Area. As outlined in the Town Planning Scheme, it is likely due to the property being located along the Gingin Scarp, which can be further established by the Local Planning Strategy. The requirements of this Special Control Area aim to conserve the landscape values and support development compatible with the landscape values.

It is considered that staging of the proposed excavation may assist in conserving the landscape values set out in the Scheme and reduce the visual impact. The Officer's Recommendation addresses this by recommending the Excavation Licence be for the first stages of gravel and sand only.

- Military Considerations Special Control Area

The Scheme Map shows Lot 22 to be within the Military Considerations Special Control Area. It is considered the proposed extractive industry use will not impact on the aims and requirements of the Military Considerations Special Control Area.

Local Planning Policy No 10 – Basic Raw Materials and Extractive Industries

The Applicant has provided a report which aims to outline all the points relevant as per the Policy. The proposed extractive industry meets some of the preferred criteria for extractive industry applications. It has been acknowledged in previous applications that if the Applicant can demonstrate ways of mitigating issues associated with not meeting the preferred criteria set out in Section 5.4, Council may provide support. The current excavation on Lot 22 has been supported by Council.

Access

The property is accessed by Reserve Road, being approximately 250m from Great Northern Highway and is bitumen seal. The Applicant has proposed an average of eight (8) truck loads per day. Council previously imposed a requirement for annual contributions for the purpose of road maintenance to be made to Council by the operator. More recent extractive industry approvals determined by Council have imposed a condition of approval which requires the operator to enter into an agreement with Council outlining what is required of the operator for road construction and maintenance. It is considered the more recent approach to be a suitable outcome as it allows for scope of flexibility between the Shire and operator. As the section of Reserve Road used is bitumen seal and relatively short distance to the highway, an annual contribution would calculate to a small sum and not be of practical use for the Shire. An agreement allows for the Shire and operator to negotiate a beneficial outcome whereby the result can be viewed as being far more practical than small annual monetary contributions. The Officer's Recommendation requires an agreement for road construction/maintenance to be in place prior to an excavation licence being issued. To further assist with road management a condition limiting truck movements has been recommended.

Dust management

The Applicant has transferred a water licence from Lot 23 to include Lot 22 for the purpose of dust suppression and operations on the site. The licence allocation is 15,000kL. The Applicant has also proposed to bitumen seal the driveway which will reduce the requirement of dust suppression. The dust management measures outlined in the application and capacity of water from the water licence gives Council some assurance that dust emissions can be minimal. Further to this it is the Officer's Recommendation of planning approval that dust emissions be minimised through dust suppression.

Rehabilitation

In liaison with the Chittering Landcare Group, the Applicant has agreed to revise the proposed rehabilitation work to establish the 100m corridor and minimise replanting requirements of the proposed excavation areas. Further to this the Chittering Landcare Group has advised tree planting in rows along the paddocks to provide wind breaks and stabilisation once excavation has ceased as part of the rehabilitation. The Applicant and landowner have agreed to the rehabilitation required. The Officer's Recommendation requires a Rehabilitation Plan prior to an excavation licence being issued which shall result in the modifications being made.

Local Biodiversity Strategy

As outlined earlier in the report, Lot 22 contains a Local Ecological Linkage located approximately midway through the property delineated north-south. The Chittering Landcare Group has requested a 100m wide corridor be implemented to improve the Local Ecological Linkage. The Applicant and landowner have agreed to establish this corridor over the course of excavation. The Applicant obtained a clearing permit from the Department of Environment and Conservation prior to the removal of trees in the excavation area. This permit did not impact on the proposed corridor.

Submissions

The Shire received seven (7) submissions from relevant agencies and one (1) submission from the public. None of the submissions objected to the proposed extractive industry. Two (2) of the submissions did not support the proposed excavation within 500m of the neighbouring dwelling. The comments from agencies and other submissions have been tabled and responded to in the Schedule of Submissions (attachment 5).

OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Mackie

That Council grant Planning Approval for the extractive industry for sand and gravel at Lot 22 Reserve Road, Muchea subject to the following conditions:

1. The terms of this approval shall be for the period from the date of issue until 30 June 2018. The proponent may apply for an extension of the approval for a further period of up to five (5) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;

Conditions to be satisfied prior to commencement

2. 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 By-law Relating to Extractive Industries;
3. Prior to the issue of an excavation licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, stockpile and loading areas on the site plan;
4. 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;
5. Prior to the issue of an excavation licence the applicant shall provide a feature survey of the proposed excavation areas, providing contours and all dimensions for the area, by a licensed surveyor and submitted for approval by the Chief Executive Officer;
6. Prior to the issue of an excavation licence a Refuelling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer incorporating:
 - (i) All on-site fuel storage and refuelling to take place within a lined and bunded area;
 - (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;
7. 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;
8. Prior to the issue of an excavation licence:
 - (i) An assessment shall be conducted and submitted to the satisfaction of the Chief Executive Officer, to determine whether acid sulphate soils and dieback are present on the land and, if present, their extent and severity;
 - (ii) that the samples be taken from the site by independent qualified persons;
 - (iii) If the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSDMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation; and
 - (iv) Operations shall be carried out in accordance with the provisions of the approved Management Plan;
9. Prior to the issue of an excavation licence the Applicant shall enter into an agreement with the Council relating to the construction and maintenance of Reserve Road to the satisfaction of the Chief Executive Officer;

10. Prior to the issue of an excavation licence the applicant is to undertake an assessment study of the flora and fauna, to the satisfaction of the Department of Environment and Conservation, and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas;
11. Prior to the issue of an excavation licence the applicant is to prepare a *Dust Management Plan* which is to be submitted to the Shire for approval. 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)*'.
12. Prior to the issue of an excavation licence 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 and Department of Water, 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;
 - (iii) Identify the highest known groundwater level in the proposed excavation area within the Water Prone Special Control Area;
 - (iv) A Catchment Management Plan for proposed excavation area within the Water Prone Special Control Area ;
13. Prior to the issue of an excavation licence a Rehabilitation or Land Management Plan shall be submitted and approved by the Chief Executive Officer incorporating:
 - (i) Statement of end use;
 - (ii) Final contouring plan, rehabilitation and land management;
 - (iii) Demarcation of surface water catchments; excavation pit hydrology and water balance;
 - (iv) Revegetation and landscaping; and
 - (v) Ongoing monitoring requirements.

Limits of Approval

14. The hours of operation shall be limited to:
Monday to Friday 0700hrs to 1800hrs
Saturday 0730 to 1700hrs
Sunday and Public Holidays not permitted
Any variation to these times requires written approval from Council;
15. Excavation for the extractive industry shall not occur in the following areas:
 - (i) Within 50 metres of a boundary of any land not owned by the proponent or Planning Consent holder;
 - (ii) Within 20 metres of any land affected by a registered grant of easement;
 - (iii) Within 40 metres of any designated water course;
 - (iv) Within 500 metres of any house;
 - (v) Within 2 metres of the highest known groundwater table; and
 - (vi) Within 40 metres of any road or road reserve.
 - (vii) Below 6m from the natural ground level.
16. The maximum area of pit being worked at any one time shall be one (1) hectare;
17. No more than 100,000 tonnes shall be extracted per annum, a record of each year's output must be kept on the site and must be provided to Council at any time upon request;

Other Approvals

18. Additional screening trees of local native species to be planted along the perimeter of the pit, to be maintained for the duration of two summer periods, to the satisfaction of the Chief Executive Officer;
19. Development shall occur in accordance with the Excavation Rehabilitation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;

Dust

20. Dust must be managed and monitored in accordance with the Dust Management Plan approved by the Shire:
 - a. The applicant is to maintain and update as required:
 - (i) On the site in a prominent location visible from Reserve Road a sign which states the name and telephone number of the person from the applicant company that should be contacted for the purpose of making a complaint relating to dust or the operation of the site.
 - (ii) A record of complaints received and of the action taken by the applicant in response.
 - b. If a dust related complaint is received by the applicant it must, within 4 hours of receiving the complaint, notify the Shire of the complaint and the action taken by the applicant in response;
 - c. The record kept by the applicant pursuant to this clause must be provided to the Shire upon request.
21. Internal access road shall be constructed to a standard that minimises dust emission from machinery and traffic, to the satisfaction of the Chief Executive Officer;
22. All vehicle loads leaving the site shall be fully covered and secured prior to leaving the site to prevent the spread of material;

Equipment

23. A maximum of twenty (20) single truck loads are permitted on a daily basis;
24. All static and other equipment will be located on the floor of the quarry to provide visual and acoustic screening;
25. No trucks are to be parked on any public road after hours;

Noise

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

Water

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

Biodiversity – Land Restoration

28. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;
29. Upon decommissioning of each pit, rehabilitation shall take place in accordance with the approved plan using the stockpiled topsoil and replanting of appropriate local native species as recommended by the Chief Executive Officer;
30. 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 should access to any standing water within the pit be required or accidentally occur;

31. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;

Reporting

32. An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:
- (i) The progress of excavation;
 - (ii) Depth to groundwater from each pit floor;
 - (iii) The amount of materials extracted;
 - (iv) Monitoring program results and findings;
 - (v) Progress of rehabilitation;
 - (vi) Contingency actions and outcomes; and
 - (vii) Community complaints and responses.

Failure to submit the annual report prior to the close of business 30 June each year will result in the immediate suspension of the excavation licence.

Compliance

33. The development shall comply with the provisions of Council's Town Planning Scheme No 6, By-law Relating to Extractive Industries, Health Act 1911, Building Code of Australia and any other relevant Acts, Regulations, Local Laws and Council Policies, except where varied by this approval;
34. Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Chief Executive Officer;
35. If the development, the subject of this approval, is not substantially commenced within a period of twelve months from the date of the approval, the approval shall lapse and be of no further effect;
36. Development and operation shall occur in accordance with the Excavation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
37. Breach of any conditions may result in cancellation of this approval;
38. Stockpiles will be located on the floor of the pit to reduce visual impact;
39. There will be no processing of materials on site. Materials shall be stockpiled or directly transported for use;

Delegation

40. Delegate Authority to the Chief Executive Officer to issue an excavation licence for the first stage of sand and gravel at Lot 22 Reserve Road, Muchea in accordance with the planning consent specified in 1. above, on satisfaction of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Advice Notes:

1. 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.
2. The Department of Environment and Conservation (DEC) may require a permit for the clearing of native vegetation.
3. Applicant shall be aware of the compliance of any Works Approval and/or DEC Licence applicable to this approval.
4. The excavation licence shall be for a period from the date of issue until the 30 June 2016 as the year of expiration. The proponent may apply for an extension of the licence for a further period of up to two (2) years. Each of these applications is to be made no later than three (3) months prior to the expiry of the current licence;

5. The excavation licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Mackie

That the words '*Where practicable,*' be included at the beginning of recommendation 24.

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

COUNCIL RESOLUTION – 080513

Moved Cr Rossouw / Seconded Cr Mackie

That Council grant Planning Approval for the extractive industry for sand and gravel at Lot 22 Reserve Road, Muchea subject to the following conditions:

1. The terms of this approval shall be for the period from the date of issue until 30 June 2018. The proponent may apply for an extension of the approval for a further period of up to five (5) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;

Conditions to be satisfied prior to commencement

2. 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 By-law Relating to Extractive Industries;
3. Prior to the issue of an excavation licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, stockpile and loading areas on the site plan;
4. 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;
5. Prior to the issue of an excavation licence the applicant shall provide a feature survey of the proposed excavation areas, providing contours and all dimensions for the area, by a licensed surveyor and submitted for approval by the Chief Executive Officer;
6. Prior to the issue of an excavation licence a Refuelling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer incorporating:
 - (i) All on-site fuel storage and refuelling to take place within a lined and bunded area;
 - (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;
7. 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;
8. Prior to the issue of an excavation licence:
 - (i) An assessment shall be conducted and submitted to the satisfaction of the Chief Executive Officer, to determine whether acid sulphate soils and dieback are present on the land and, if

- present, their extent and severity;
- (ii) that the samples be taken from the site by independent qualified persons;
 - (iii) If the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSDMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation; and
 - (iv) Operations shall be carried out in accordance with the provisions of the approved Management Plan;
9. Prior to the issue of an excavation licence the Applicant shall enter into an agreement with the Council relating to the construction and maintenance of Reserve Road to the satisfaction of the Chief Executive Officer;
10. Prior to the issue of an excavation licence the applicant is to undertake an assessment study of the flora and fauna, to the satisfaction of the Department of Environment and Conservation, and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas;
11. Prior to the issue of an excavation licence the applicant is to prepare a *Dust Management Plan* which is to be submitted to the Shire for approval. 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)*'.
12. Prior to the issue of an excavation licence 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 and Department of Water, 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;
 - (iii) Identify the highest known groundwater level in the proposed excavation area within the Water Prone Special Control Area;
 - (iv) A Catchment Management Plan for proposed excavation area within the Water Prone Special Control Area ;
13. Prior to the issue of an excavation licence a Rehabilitation or Land Management Plan shall be submitted and approved by the Chief Executive Officer incorporating:
- (i) Statement of end use;
 - (ii) Final contouring plan, rehabilitation and land management;
 - (iii) Demarcation of surface water catchments; excavation pit hydrology and water balance;
 - (iv) Revegetation and landscaping; and
 - (v) Ongoing monitoring requirements.
- Limits of Approval**
14. The hours of operation shall be limited to:
- Monday to Friday 0700hrs to 1800hrs
 - Saturday 0730 to 1700hrs
 - Sunday and Public Holidays not permitted
 - Any variation to these times requires written approval from Council;
15. Excavation for the extractive industry shall not occur in the following areas:
- (i) Within 50 metres of a boundary of any land not owned by the proponent or Planning

Consent holder;

- (ii) Within 20 metres of any land affected by a registered grant of easement;
- (iii) Within 40 metres of any designated water course;
- (iv) Within 500 metres of any house;
- (v) Within 2 metres of the highest known groundwater table; and
- (vi) Within 40 metres of any road or road reserve.
- (vii) Below 6m from the natural ground level.

16. The maximum area of pit being worked at any one time shall be one (1) hectare;

17. No more than 100,000 tonnes shall be extracted per annum, a record of each year's output must be kept on the site and must be provided to Council at any time upon request;

Other Approvals

18. Additional screening trees of local native species to be planted along the perimeter of the pit, to be maintained for the duration of two summer periods, to the satisfaction of the Chief Executive Officer;

19. Development shall occur in accordance with the Excavation Rehabilitation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;

Dust

20. Dust must be managed and monitored in accordance with the Dust Management Plan approved by the Shire:

a. The applicant is to maintain and update as required:

- (i) On the site in a prominent location visible from Reserve Road a sign which states the name and telephone number of the person from the applicant company that should be contacted for the purpose of making a complaint relating to dust or the operation of the site.
- (ii) A record of complaints received and of the action taken by the applicant in response.

b. If a dust related complaint is received by the applicant it must, within 4 hours of receiving the complaint, notify the Shire of the complaint and the action taken by the applicant in response;

c. The record kept by the applicant pursuant to this clause must be provided to the Shire upon request.

21. Internal access road shall be constructed to a standard that minimises dust emission from machinery and traffic, to the satisfaction of the Chief Executive Officer;

22. All vehicle loads leaving the site shall be fully covered⁸²

23. and secured prior to leaving the site to prevent the spread of material;

Equipment

24. A maximum of twenty (20) single truck loads are permitted on a daily basis;

25. Where practicable, all static and other equipment will be located on the floor of the quarry to provide visual and acoustic screening;

26. No trucks are to be parked on any public road after hours;

Noise

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

Water

28. All stormwater shall be retained on site and no discharge of pit-water shall occur without prior

approval from Chief Executive Officer;

Biodiversity – Land Restoration

29. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;
30. Upon decommissioning of each pit, rehabilitation shall take place in accordance with the approved plan using the stockpiled topsoil and replanting of appropriate local native species as recommended by the Chief Executive Officer;
31. 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 should access to any standing water within the pit be required or accidentally occur;
32. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;

Reporting

33. An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:
 - (i) The progress of excavation;
 - (ii) Depth to groundwater from each pit floor;
 - (iii) The amount of materials extracted;
 - (iv) Monitoring program results and findings;
 - (v) Progress of rehabilitation;
 - (vi) Contingency actions and outcomes; and
 - (vii) Community complaints and responses.

Failure to submit the annual report prior to the close of business 30 June each year will result in the immediate suspension of the excavation licence.

Compliance

34. The development shall comply with the provisions of Council's Town Planning Scheme No 6, By-law Relating to Extractive Industries, Health Act 1911, Building Code of Australia and any other relevant Acts, Regulations, Local Laws and Council Policies, except where varied by this approval;
35. Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Chief Executive Officer;
36. If the development, the subject of this approval, is not substantially commenced within a period of twelve months from the date of the approval, the approval shall lapse and be of no further effect;
37. Development and operation shall occur in accordance with the Excavation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
38. Breach of any conditions may result in cancellation of this approval;
39. Stockpiles will be located on the floor of the pit to reduce visual impact;
40. There will be no processing of materials on site. Materials shall be stockpiled or directly transported for use;

Delegation

41. Delegate Authority to the Chief Executive Officer to issue an excavation licence for the first stage of sand and gravel at Lot 22 Reserve Road, Muchea in accordance with the planning consent specified in 1. above, on satisfaction of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Advice Notes:

1. 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.
2. The Department of Environment and Conservation (DEC) may require a permit for the clearing of native vegetation.
3. Applicant shall be aware of the compliance of any Works Approval and/or DEC Licence applicable to this approval.
4. The excavation licence shall be for a period from the date of issue until the 30 June 2016 as the year of expiration. The proponent may apply for an extension of the licence for a further period of up to two (2) years. Each of these applications is to be made no later than three (3) months prior to the expiry of the current licence;
5. The excavation licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.8 Proposed Subdivision – Lot 9001 Reserve Road, Chittering*

Applicant	Taylor Burrell Barnett
File ref	18/03/76
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. Subdivision Plan 3. Development Plan

Background

Council is requested to consider a proposed subdivision of Lot 9001 Reserve Road, Chittering.

A Development Plan for Lot 7 Reserve Road was endorsed at the Ordinary meeting of Council held on 18 March 2009, and granted final approval by the Western Australian Planning Commission (WAPC) on 20 August 2009. In 2008, Lot 7 Reserve Road was subdivided into two (2) lots - Lot 9000 and 9001.

A subdivision approval (WAPC 138256) currently applies to Lot 9001 and is due to expire in July 2013. The Applicant has lodged this subdivision application, consistent with the previous, to renew the subdivision approval.

Lot 9001 is 58.5 hectares. It adjoins Chittering Rise Estate, with connection from Rosewood Drive and adjoins Lot 2 Reserve Road to the south, which is subject to subdivision approval (WAPC 145031). The Applicant seeks approval to subdivide Lot 9001 into 45 Rural Residential lots with a minimum one (1) hectare. The proposed subdivision makes provision for a 1.89 hectare Public Open Space site. Proposed road reserve widths are 30m and 20m for the far north road reserve adjoining Lot 5 (subject to future road widening).

Consultation

Not applicable

Statutory Environment

Planning and Development Act 2005

Shire of Chittering Town Planning Scheme No 6

The land is zoned 'Rural Residential' by the *Shire of Chittering Town Planning Scheme No 6*. The objectives of the 'Rural Residential' zone in the Scheme 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.*

Policy Implications

Local Planning Policy No 16 – Roads and Drainage

The Policy requires rural road reserve widths to be 30m and constructed to the standards prescribed in the Guidelines for Subdivisional Development. The proposed road reserves are consistent with *Local Planning Policy No 16 – Roads and Drainage*.

Local Planning Policy No 32 – Development Plans

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

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

The proposed subdivision of Lot 9001 will create an additional forty-five (45) rateable Rural Residential lots to the benefit of the Shire.

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. The subdivision is consistent with the endorsed Development Plan which limits the clearing of the proposed lots with building envelopes and clustered 'Vegetation Protection Areas'. The subdivision also provides Public Open Space, retaining a significant amount of remnant vegetation.

Comment

Town Planning Scheme No 6 and Local Planning Policy

It is considered the proposed subdivision meets the objectives of the Rural Residential zone. All the proposed lots are 1 hectare and above and aim to provide for the demand of rural lifestyle. The proposed subdivision is a renewal of the current subdivision approval due to expire.

The proposed water supply to the lots must also be considered. The current subdivision approval notes lots are not connected to a reticulated water supply however the Development Plan was developed with the intention of reticulated water supply. This can be seen in the Development Provisions on the Development Plan and the 1ha lot sizes. *Local Planning Policy No 32 – Development Plans* notes that lots to be connected to a reticulated water supply may be reduced from 2ha to 1ha.

Further to this, the Applicant should provide adequate details of the viability of roof catchment for lots in the subdivision. The Development Plan's provision relating to water supply does make provisions for lots without reticulated water connection to require a rain water tank. It is unclear whether the proposed lots can be adequately supplied with potable water. The previous subdivision approval permitted the proposed subdivision without reticulated water connection by imposing a condition for notifications on the Titles advising landowners that no reticulated water supply is available. It is recommended that Council require lots below 2ha to be connected to a reticulated water supply by a licensed water provider and lots that are not to be connected to require water tanks for onsite water supply.

Development Plan

On 20 August 2009 the WAPC granted approval for the Development Plan of Lot 7 Reserve Road. The area in detail on this Development Plan represents Lot 9001. The Development Plan was prepared with the intention of reticulated water supply for lots below 2ha. The proposed subdivision is consistent with the endorsed Development Plan.

Public Open Space

The Applicant has proposed to cede a 1.89 hectare portion of land of Public Open Space to the Shire of Chittering. This provision of Public Open Space is consistent with the previous subdivision approval and Development Plan.

Roads and Access

The proposed subdivision is accessed by Rosewood Drive, obtaining access through Chittering Rise to Great Northern Highway. The proposed road reserves are 30m, complying with *Local Planning Policy No 16*, the Guidelines for Subdivisional Development and the Development Plan. The proposed road reserve along the northern boundary is 20m within Lot 9001 but, as depicted on the endorsed Development Plan, will be widened to 30m should Lot 5 (northern adjoining boundary) be subdivided.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 090513

Moved Cr Gibson / Seconded Cr Clarke

That Council advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 147754) of Lot 9001 Reserve Road, Chittering subject to the following conditions:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.**
- 2. The road reserves depicted on the plan being 30 metres wide.**
- 3. The design and construction of stormwater treatments and infrastructure are to be in accordance with the integrated Urban Water Management Plan endorsed by the WAPC and the local government.**
- 4. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.**
- 5. The easement(s) required by this approval being shown on the Deposited Plan in accordance with the Town Planning and Development (Easement) Regulations 1983.**
- 6. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**
- 7. All lots below 2ha shall be connected to a reticulated water supply by a licensed water service provider.**

8. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) of 2ha and above advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.
9. The subdivider making suitable arrangements with the Local Government to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's town planning scheme that relate to the use and management of the land.
10. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:
"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."
11. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:
"This lot is subject to a Development Plan and a Fire Management Plan approved by the Shire of Chittering".
12. The proposed reserve(s) of 1.89ha shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
13. A Fire Management Plan being prepared and implemented to the specifications of the local government and Department of Fire and Emergency Services.
14. Rural Numbering being installed to the satisfaction of the local government.
15. Any amendments or revisions to the proposed subdivision that will result in inconsistencies with the Development Plan shall require an application to modify the Development Plan accordingly.

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 30 April 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 30 April 2013
Attachments	1. Statement of Financial Activity for period ending 30 April 2013 Bank reconciliation for period ending 30 April 2013 List of accounts paid for April 2013

Background

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

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

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

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 100513

Moved Cr Hawes / Seconded Cr Mackie

That Council:

1. endorse the list of payments:

- PR3025
- PR3026
- PR3029
- EFT 7953 - EFT 8059
- Municipal Fund Vouchers 13310 - 13331
- Direct Debits as listed
- BPV27 to BPV27
- Trust Vouchers 323-331

Totalling \$678,127.55 for the period ending 30 April 2013.

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

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.2 Schedule of Fees and Charges 2013-2014*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Proposed amendments to Fees and Charges 2. Schedule of Fees and Charges 2013-2014

Background

Each year a local government authority is required to impose a Schedule of Fees and Charges as part of the annual budget process. Reviewing the schedule prior to budget adoption allows Council the time to consider the proposed fees and charges separate to assessing the budget, allowing more time for review. Also as the 2013-2014 budget will not be adopted prior to 30 June 2013, adoption of the 2013-2014 Schedule of Fees and Charges in May will allow them to take effect from 1 July 2013.

Consultation

Executive Manager Technical Services
Executive Manager Development Services
Manager Human Resources
Principal Environmental Health Officer
Acting Senior Ranger

Statutory Environment

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

Policy Implications

Nil

Financial Implications

The schedule of fees and charges, when adopted, sets the level of revenue items contained within the 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

An updated Schedule of Fees and Charges is submitted to Council for adoption and inclusion in the budget for the 2013-2014 financial year.

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

General Purpose Funding

- Settlement Enquiry – Property and Rates has been increased to reflect the costs associated with completion of the enquiry by all Officers.
- Caveat Withdrawal Fee – this new fee relates to withdrawal of caveat documentation that has been prepared by Shire staff and the document is to be lodged by the applicant at Landgate. This is an additional option for the customer other than using our legal firms.

Law, Order, Public Safety

- Fees for dog registrations were amended as they were previously calculated incorrectly.
- Late return fees for Vermin traps were deleted as there is no longer a daily hire fee.
- Rural road numbering rate increased given the actual cost to erect the sign is higher than the fee being charged.

Housing

- Rental relating to Seniors and Community Housing have been deleted and replaced with “25% of Tenants Eligible Income or Market Value plus Commonwealth Rent Assistance”. After a visit from the Department of Housing it was noted that our rentals were too low and by deleting any value in the Schedule we can charge as per the statement inserted.
- Rentals for Staff Housing were increased as these have not been increased since the 2011-2012 financial year.

Community Amenities

- Amendments were made to Key Bonds to make them consistent.
- Fees for Lower Chittering Hall were adjusted so that they are in line with Muchea Hall.

Engineering and Public Works

- New fees have been included for the landfill sites. The annual landfill pass is only for the dumping of two (2) 240L bins per visit. Any other dumping will be subject to the relevant fees in the schedule. New rates have also been included for Non-Landfill Pass holders.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 110513

Moved Cr Clarke / Seconded Cr Rossouw

That Council adopt the Schedule of Fees and Charges as presented for the financial year 2013-2014, with all Fees and Charges to come into effect as of 1 July 2013.

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

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Financial Management Review*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Financial Management Review

Background

Regulations 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.

The last review was undertaken in June 2009.

Consultation

Not applicable

Statutory Environment

Local Government (Financial Management) Regulations 1996

The financial management responsibilities of the Chief Executive Officer are established under Regulation 5 of the *Local Government (Financial Management) Regulations 1996*:

- “(1) *Efficient systems and procedures are to be established by the CEO of a local government:*
- (a) *for the proper collection of all money owing to the local government;*
 - (b) *for the safe custody and security of all money collected or held by the local government;*
 - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
 - (d) *to ensure proper accounting for municipal or trust:*
 - (i) *revenue received or receivable;*
 - (ii) *expenses paid or payable; and*
 - (iii) *assets and liabilities;*
 - (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments;*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports Required by the Act or these Regulations.”*

In addition, the Chief Executive Officer is to:

- “(2) (a) *ensure that the resources of the local government are effectively and efficiently managed;*
(b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
(c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.”*

Policy Implications

No policy issues were identified during the review process.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

To comply with the requirements of the Regulations UHY Haines Norton were commissioned by the Chief Executive Officer to undertake the review and report on Council’s financial management systems and procedures.

The financial management review provides the Chief Executive Officer and the Council with an independent assessment of the appropriateness and effectiveness of the Shires Financial Management Systems.

The review procedures undertaken included documentation, analysis and testing of financial internal controls. The Shires financial records were examined for the period 1 July 2012 to 28 February 2013, including the following financial systems and procedures:

- Bank Reconciliations and Petty Cash
- Trust Fund
- Receipts and Receivables
- Rates
- Fees and Charges
- Purchases, Payments and Payables

- (Including Purchase Orders)
- Wages and Salaries
- Fixed Assets (Including acquisition and disposal of property)
- Credit Card Procedures
- Storage of Documents/Record Keeping
- Costs Allocations
- Administration Allocations
- Minutes and Meetings
- Financial Reports
- Budget
- Plan for the Future
- Registers (Including Annual & Primary Return)
- Delegations
- Audit Committee
- Insurance
- General Compliance issues

The review reveals the following:

Receipts and Receivables

“Controls should be established to ensure all waste disposal fees are correctly charged as well as all funds correctly receipted at the Landfill site”

The Chief Executive Officer advised UHY that he had concerns regarding the operation of the Landfill site, and requested it be reviewed.

New procedures have been introduced in relation to receipting practices. Also further investigation are being undertaken to have EFTPOS facilities on-site.

Minutes and Meetings

“Local public notice of Committee meeting dates should be given where a Committee has delegated authority”

Since the review all committees excluding the Audit and BFA Committees have been disbanded, therefore, there is no need to advertise meeting dates, other than for public information.

“Minimum number of members to a Committee should be three”

The Two remaining committees both have more than three members.

Financial Reports

“Independent review should seek the completeness of reports presented to Council”

The reports are produced single sided to ensure they are reproduced correctly and the Executive Support Officer also checks each page has been reproduced correctly.

“An overview of the plan for the future should be included in the annual report”

An overview of the Plan for the Future (Community Strategic Plan) will be provided in the 2012/13 Annual Report.

Registers (Including Annual & Primary Returns)

“Period covered by the annual returns should be correctly inserted.”

Staff to ensure correct dates are inserted on forms correctly.

“The Tender Register should be updated with all legislative requirements.”

Description of goods was placed in the incorrect box on the tender register – very minor issue.

Storage of Documents/Record Keeping

“Business continuity plan should be finalised and adopted.”

Business continuity plan has been finalised since the FM review.

“A register of all the documents stored in the Strong Room should be introduced.”

A register of all documents in the strong room has been completed.

General Compliance and Other Matters

“A plan detailing the implementation of the Fair Value regime should be developed and adopted.”

The Executive Manager Corporate Services has commenced the development of an implementation plan for the Fair Values for plant and equipment as required.

Conclusion

“Based on our work described in this report, nothing has come to our attention to indicate the Shire of Chittering has not established and maintained appropriate and effective financial management systems and procedures during the period 1 July 2012 to 28 February 2013.”

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 120513

Moved Cr Mackie / Seconded Cr Gibson

That Council receive the Financial Management Systems and Procedures Review completed by UHY Haines Norton.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.2 Staff Superannuation Policy

Applicant	Shire of Chittering
File ref	22/08/0001
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The *Superannuation Guarantee (Administration) Amendment Act 2012* received royal assent on 29 March 2012. Changes resulting from this legislation include:

- the superannuation guarantee levy (SGL) rate will gradually increase from 9% to 12% between 1 July 2013 and 1 July 2019; and
- the SGL age limit of 70 will be removed from 1 July 2013, and employers will be required to contribute to complying super funds of eligible mature age employees 70 years of age and older.

The following table shows the schedule for each increase up to 1 July 2019.

Item	Year	Change percentage
1	Year starting on 1 July 2013	9.25
2	Year starting on 1 July 2014	9.5
3	Year starting on 1 July 2015	10
4	Year starting on 1 July 2016	10.5
5	Year starting on 1 July 2017	11
6	Year starting on 1 July 2018	11.5
7	Year starting on 1 July 2019	12

As well as the mandatory 9% SGL, Council currently contributes to a contributory scheme, matching employees contributions \$ for \$ up to 6% of their salary.

It is not compulsory for Council to offer the Contributory Scheme to its employees, but, historically the provision of the scheme has been viewed as a significant incentive for attracting and retaining staff. Fourteen (14) staff currently take advantage of this offer.

The opportunity for employees to enter into the contributory scheme has been included in all current staff contracts and / or offer of employment letters and therefore forms part of their conditions of employment and cannot be revoked.

There is no policy in place in relation to Staff Superannuation and to reduce the financial impact on Council in the future a policy has been developed to provide guidance and to cap the total superannuation contribution paid to all future employees.

Consultation

Chief Executive Officer

Statutory Environment

The increase in Superannuation Guarantee rates is legislative and therefore compulsory.

Policy Implications

There is no current policy in place.

Financial Implications

There will be financial implications resulting from the introduction of the *Superannuation Guarantee (Administration) Amendment Act 2012* and these will be costed in each annual budget.

Strategic Implications

Nil

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 reports associated with this report.

Comment

A new Staff Superannuation Policy has been included for Council's consideration.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 130512

Moved Cr Mackie / Seconded Cr Gibson

That Council:

- 1. adopt the Shire of Chittering Staff Superannuation Policy.**
- 2. updates the Register of Policies accordingly.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Staff Superannuation

Policy Owner: Governance
Person Responsible: Manager Human Resources
Date of Approval:
File Reference:

Objective This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

The Shire of Chittering is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known and Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Shire of Chittering and its employees may also make additional voluntary contributions to a complying fund.

Policy

1.1 Superannuation Capping
The Shire of Chittering's employer contribution to staff superannuation shall not exceed a maximum of 15% from 1 July 2013. This contribution is inclusive of the Superannuation Guarantee Levy and matching employee contributions.

1.2 Matching Council Contributions
The Shire of Chittering will match voluntary employee contributions \$ for \$ in accordance with *clause 1.1*, ie the Shire's total superannuation contribution per employee shall not exceed 15%

Employment Contracts

From the date of this policy's formal adoption, all new Employment contracts and Offers of Employment shall not contain any provisions which exceed or contravene this policy.

Salary Sacrifice and Additional Contributions

All employees shall have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation, but there is no obligation on the Shire of Chittering to match employee contributions other than in accordance with this policy.

Variation to Policy

Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.

This policy does not apply to staff employed by Council prior to the date of its formal adoption.

9.4.3 Register of Policies*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Register of Policies 2. A list of amendments made to the Register of Policies

Background

In accordance with Section 2.7(2) of the *Local Government Act 1995*, Council is to determine the Shire's policies.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Register of Policies and the 2012 Register is now presented for Council to review.

Consultation

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

Statutory Environment

Local Government Act 1995, Section 2.7(2)

2.7. Role of council

- (2) Without limiting subsection (1), the council is to—
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Policy Implications

Register of Policies

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

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

The Council, as delegator, is required to review its policies annually. It is recommended that the Council endorses the revised Register of Policies.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 1405103

Moved Cr Rossouw / Seconded Cr Gibson

That Council endorse the Register of Policies as attached.

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

9.4.4 Integrated Planning – Workforce Plan 2013-2023

Applicant	Shire of Chittering
File ref	04/01/2
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Shire of Chittering Workforce Plan 2013-2023
Attachments	Nil

Background

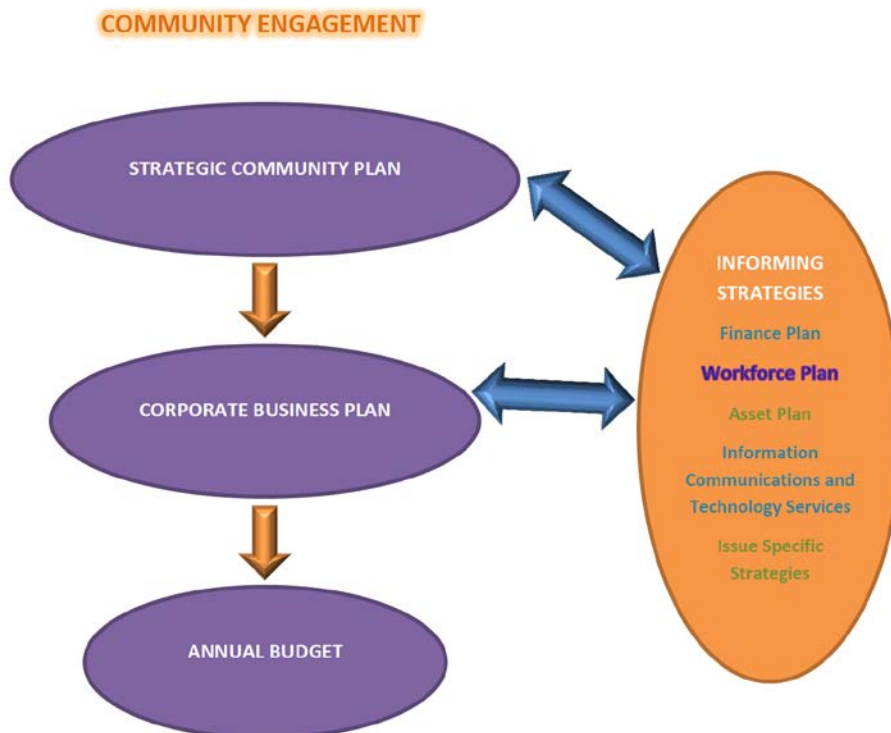
The development of the Shire of Chittering’s Workforce Plan is one of the core components of the *Integrated Planning and Reporting Framework* introduced by the State Government in August 2010 and together with Strategic Community Planning, Asset Management and Long Term Financial Planning, forms part of the Integrated Planning and Reporting Framework.

The Shire’s Workforce Plan must be adopted by 30 June 2013.

At a strategic level the Shire of Chittering’s Workforce Plan will take into account the community aspirations and priorities and objectives identified in the *Shire of Chittering Strategic Community Plan*.

The Workforce Plan is an essential component of the *Corporate Business Plan* for the Shire as it will identify workforce requirements and strategies for current and future operations over the next ten years.

How the Workforce Plan links with the *Strategic Community Plan* and *Corporate Business Plan* is shown below:



Gaps in services have been identified and the *Shire of Chittering Workforce Plan* has been developed to ensure the Shire of Chittering's workforce has the right skills and capacity at the right time to guarantee sustainable service delivery and special project management in the future through:

- A comprehensive review and restructure of the organisation undertaken by the Chief Executive Officer and Executive Managers;
- A Staff survey and consultation with all staff who wished to engage in the process; and
- The Shire's consultation with the community during the development of the *Strategic Community Plan*.

The Workforce Plan will also endeavour to foster a resilient, connected organisation culture which will continue to attract and retain talented staff.

This Plan has also identified:

- Skills shortage and the positions most at risk due to challenges of retaining and filling vacancies and where the organisation is most at risk of loss of corporate knowledge.
- Challenges that Council may face in the future (eg Youth Services).

Most importantly all new positions /roles identified for the future are fully costed and the Workforce Plan's Objectives demonstrates how the organisation will:

- Retain and build workforce capacity;
- Build a workforce to deliver services into the future; and
- How we can enhance our organisational culture;

to meet Council's responsibilities and outcomes from other Plans, such as the Strategic Community Plan and Asset Management Plan.

Consultation

Ratepayers through a workshop held on 8 May 2013

Chief Executive Officer

Executive Managers

Shire staff

Statutory Environment

The Shire of Chittering's Workforce Plan is required to be adopted by 30 June 2013.

Policy Implications

Nil

Financial Implications

All costs associated with this Plan will be included in the annual budget process for Council's consideration.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

- Economic Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Economic growth	<i>Facilitate environmentally sound industrial and commercial growth</i>	Amend Town Planning Scheme #6 for the Muchea Employment Node by December 2013
	<i>Seek investment for local business growth</i>	Develop and implement the Shire of Chittering Economic Development Strategy by December 2013 Increase in business licenses issued
	<i>Create (facilitate) waste management centre, with a focus on sustainable waste management</i>	Develop and implement of the Shire of Chittering Waste Management Plan: <ul style="list-style-type: none"> Increase in revenue Decrease in operating costs
	<i>Facilitate local service growth</i>	Promote local business and events, where possible: <ul style="list-style-type: none"> Create a local business web link on the Shire's website
Chittering: a place to visit	<i>Promote and improve Chittering's profile as a tourism destination</i>	Redevelopment of Binda Place shopping district

Social implications

- Social Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Access to local services	<i>Improve services to community</i>	Develop and implement all Shire of Chittering Emergency Plans by December 2013
		Increased in membership for Volunteer Emergency Services
		Increase in community participation in fire protection workshops
		Develop and implement Shire of Chittering Ageing Population Strategy
	<i>Advocate for local health and youth services</i>	Increase number of Shire and community led youth activities available within the Shire
		Develop and implement Shire of Chittering Health Services Plan Develop and implement Shire of Chittering Youth Services Plan
Strengthened social connections	<i>Facilitate and nurture community interaction</i>	Increase in volunteer memberships in community groups
		Develop and implement Shire of Chittering Community Development Plan: <ul style="list-style-type: none"> Increase in community events held each year
		Develop and implement Shire of Chittering Economic Development Strategy: <ul style="list-style-type: none"> Increase in festivals and events held each year
Active communities	<i>Support local community groups</i>	Develop and implement Shire of Chittering Sport & Recreation Plan 2013-2023
		Increase in participation and activities available through community led groups Improvement and increase in sporting, recreational and social facilities within the Shire
	<i>Develop recreational areas for future generations</i>	Undertake feasibility study to establish community needs for new sporting facilities

Environmental Implications

- Natural Environment Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Protect and value our local environment and biodiversity	Implementation of the <i>Shire of Chittering Local Biodiversity Strategy</i> :	Implementation of the Shire of Chittering Local Biodiversity Strategy: <ul style="list-style-type: none"> Increase area of conservation land (POS) ceded Increase partnerships with community and industry to sustainably manage natural and built resources
Protected environment	Promote our local environment with places to visit	Develop and implement the Shire of Chittering Trails Master Plan: <ul style="list-style-type: none"> Funding attracted to support further development of the trails
Sustainable resources	Reduce waste through recycling and re-use	Develop and implement the Shire of Chittering Waste Management Strategy: <ul style="list-style-type: none"> Reduction of the quantity of waste going to the landfill

Built Environment

Our communities have expressed a desire to have a sustainable built environment that continues to meet its needs and reflects our lifestyles and values.

- Built Environment Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Sustainable assets	Maintain and manage assets and infrastructure to meet future needs	Develop and implement the Shire of Chittering Asset Management Plan (AMP)
Housing choice	Plan for the provision of residential growth and changing needs	Completion of Lot 62 Development Plan: <ul style="list-style-type: none"> Facilitate the development of an independent living units site

Comment

Other Implications identified through the Strategic Community Planning Process include:

- Access Outcomes from the Strategic Community Plan considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Safe access	Enable inclusive access	Number of buildings fitted with disable access
		Level of community satisfaction with access to shire facilities through community surveys

- Governance Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Measurable results
Good governance	Continue to provide transparent leadership	Develop and implement the Shire of Chittering Community Engagement Plan and Communication Strategy
Sustainable organisation	Maintain an efficient and capable organisation	Development of the Shire of Chittering Workforce Plan: <ul style="list-style-type: none"> Employee retention levels Financial ratios

There is no requirement for Council to adopt this Plan. However, as Council will have the final say on the employment of all new positions / increases through the annual budget process, Council's awareness and approval of the Shire of Chittering Workforce Plan is fundamental for the outcomes of the Plan to be achieved.

Although staff have identified when additional staff may be required to ensure Council meets its obligations, a review will be undertaken annually, prior to the budget process, to ensure appropriate staffing levels are maintained and if it is considered that the role is not required for the coming financial year the employment of that / those positions will be deferred.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 150513

Moved Cr Mackie / Seconded Cr Rossouw

That Council adopt the Shire of Chittering Workforce Plan 2013-2023 as tabled.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Karen Parker, Manager Human Resources declared an impartiality interest in item 9.4.5 as her daughter is a potential recipient of the new house.

9.4.5 Joint Venture Housing Program*

Applicant	Shire of Chittering
File ref	04/18/61
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments:	1. Joint Venture Housing Program Funding Agreement

Background

The Department of Housing (DoH) contacted the Chief Executive Officer in May 2012, advising they had received a request from a local resident for the construction of a new purpose built (special needs) community house (5 x 2) in Bindoon.

The Chief Executive Officer prepared and lodged an application 25 May 2012 for funding for the construction of the house.

A letter has been received from the Department of Housing (23 April 2013), advising that the application has been successful for 2013/14 financial year.

Consultation

Department of Housing

Statutory Environment

Local Government Act 1995 - Section 6.2 (4)(e)

6.2. Local government to prepare annual budget

- (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*

The purpose of the Community Housing Reserve is to be used to fund repairs, improvements or extensions to community units. Note: it does not provide for the construction of new units.

Furthermore section 6.11(2) of the *Local Government Act 1995* states:

6.11. Reserve accounts

- (2) *Subject to subsection (3), before a local government —*
- (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*
- (3) *A local government is not required to give local public notice under subsection (2) —*
- (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) *in such other circumstances as are prescribed.*

Regulation 27 (h) of the *Local Government (Financial Management) Regulations 1996* states:

- (h) *if all or part of the money in a reserve account is to be used or set aside for a purpose other than the purpose for which the account was established —*
- i. the proposed purpose;*
 - ii. an estimate of the amount to be used or set aside;*
- and*
- iii. the objects of, and reasons for, the change of use or purpose;*

Policy Implications

The funding submission was lodged in accordance with Council's policy "*Funding Submissions*".

"The Chief Executive Officer is authorised to submit funding applications for external grants on an ongoing basis, regardless of whether a specific budgetary allocation has been made."

Financial Implications

The Joint Venture proposal requires Council make a 10% cash contribution (\$45,600) from its Community Housing Reserve. The Department of Housing has estimated the construction cost for the proposed house at \$456,000.

The Community Housing Reserve currently has a balance of \$64,207. Therefore, if the estimated 10% cash contribution is made an approximate balance of \$18,607 will remain in the reserve. Additionally, Council is to contribute the land for the proposed house free of charge.

Strategic Implications

Shire of Chittering Strategic Community Plan

Built Environment: Infrastructure for Future Lifestyle Choices

*"Provide a regional and central area providing recreation, employment, **housing** and service choices."*

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

Currently the management of Council's community housing is provided in-house. The rents are set in accordance with Department of Housing recommended practices.

Rents collected are used to offset their ongoing maintenance and management costs.

Social implications

The proposed community house will address a specific community need in the provision of special needs accommodation. It is understood that currently no such public housing is available within the Shire.

Environmental implications

There are no known environmental implications associated with this proposal.

Comment

The proposed location for the new house is in Edmonds Place, Bindoon.

Council are requested to give consideration to:

1. making a transfer from the Community Housing Reserve in 2013/14 for an amount of up to 10% of the construction cost of the proposed community house (estimated amount \$45,600 provided by the Department of Housing).
2. disclosing a change of use for the Community Housing Reserve in its 2013/14 Budget to include construction.
3. authorising the Shire President and Chief Executive Officer to sign and affix the Shire's Common Seal to the Joint Venture Housing Program Funding Agreement with the Department of Housing.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 160513

Moved Cr Gibson / Seconded Cr Clarke

That Council:

1. **endorse the actions of the Chief Executive Officer in submitting a funding application for an additional Joint Venture Community House.**
2. **in accordance with Section 6.11(3)(a) of the *Local Government Act 1995* disclose the change of use for the Community Housing Reserve to include construction in its 2013/14 Budget.**
3. **make provision in its 2013/14 Budget for the transfer of funds (up to 10% of the construction cost) from its Community Housing Reserve.**
4. **authorise the Shire President and Chief Executive Officer to sign and affix the Shire's Common Seal to the Joint Venture Housing Program Funding Agreement with the Department of Housing for the construction of a 5 x 2 community house.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.6 Road Building Supplies (2012/13)

Applicant	Shire of Chittering
File ref	04/01/0003
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The Executive Manager Technical Services requested quotations via the WALGA e-quotes system.

The request was for approximately 950 tonnes of asphalt (25mm thick lay, 10mm aggregate), and supply corrector as required.

Work sites included:

- Muchea South Road
- Yozzie Road
- Keating Road Bridge

The work was undertaken on Monday 6 and Tuesday 7 May 2013.

Requests for quotations were sent to the following companies:

- Asphaltech Pty Ltd
- Boral Resources WA Ltd
- Downer Australia West
- Fulton Hogan Industries

Consultation

Nil

Statutory Environment

Regulation 11 of the *Local Government (Functions and General) Regulations 1996* states

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless subregulation (2) states otherwise.*
- (2) **Tenders do not have to be publicly invited** according to the requirements of this Division if –
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*
 - (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;*

Policy Implications

The Shire of Chattering's Purchasing Policy requires at least three written quotations, three were received.

Financial Implications

The works to be undertaken on Muchea South Road were funded by Regional Road Group Funding (State grant).

The works to be undertaken on both, Yozzi and Keating Bridges were funded by Roads to Recovery (Federal grant).

Strategic Implications

The Shire's Strategic Community Plan provides:

Built Environment: Infrastructure for Future Lifestyle Choices

Maintain and manage assets and infrastructure to meet future needs.

- 10 Year Road Maintenance Plan

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

There are little economic implications in relation to this item as the work was contracted to a metropolitan based company due to the nature of the work (required specialised materials and machinery).

All the site preparation works were undertaken by Shire staff.

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

At the close of submissions all four vendors responded to the request.

- Asphaltech Pty Ltd Too busy not able to commit to project
- Boral Resources WA Ltd \$218 p/tonne
- Downer Australia West \$197 p/tonne
- Fulton Hogan Industries \$210 p/tonne

An assessment was undertaken by the Executive Manager Technical Services, who recommended to the Chief Executive Officer, that Downer Australia West should be awarded the work, based on their ability, reputation and value for money.

Downer Australia West require that all customers enter into a Commercial Credit Agreement (credit a/c) prior to them commencing any works, council did not have an account. Therefore, the Chief Executive Officer signed a Commercial Credit Agreement to open an account so that the works would not be delayed, particularly given concerns over the time of year - approaching wet weather.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 170513

Moved Cr Gibson / Seconded Cr Mackie

That Council endorses the actions of the Chief Executive Officer in accepting the quotation received from Downer Australia West and in signing the necessary documents for the work to be undertaken.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10. REPORTS OF COMMITTEES

10.1 Audit Committee – 1 May 2013 - Appointment of Auditors*

Applicant	Shire of Chittering
File ref	12/01/2
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. minutes of the Audit Committee 1 May 2013

Background

At the meeting of the Audit Committee held on 1 May 2013, there was one recommendation moved in relation to the Appointment of Auditors:

OFFICER / COMMITTEE RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Clarke

That the Audit Committee RECOMMENDS to Council the appointment of Mr DJ Tomasi (registered auditor number 15724) and Mr G Godwin (registered auditor number 310219) of UHY Haines Norton Chartered Accountants, as auditors for the Shire of Chittering for a period of three (3) years expiring 30 June 2016 at the quoted fees as listed:

- *Year ending 30 June 2014* *\$19,450 ex GST*
- *Year ending 30 June 2015* *\$20,500 ex GST*
- *Year ending 30 June 2016* *\$21,550 ex GST*

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 will be presented to the next meeting of the Committee for confirmation.

Council is requested to consider the recommendation from the Audit Committee.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION – 180513

Moved Cr Mackie / Seconded Cr Clarke

That Council appoints Mr DJ Tomasi (registered auditor number 15724) and Mr G Godwin (registered auditor number 310219) of UHY Haines Norton Chartered Accountants, as auditors for the Shire of Chittering for a period of three (3) years expiring 30 June 2016 at the quoted fees as listed:

- Year ending 30 June 2014 \$19,450 ex GST
- Year ending 30 June 2015 \$20,500 ex GST
- Year ending 30 June 2016 \$21,550 ex GST

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

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

Nil

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

Nil

13. URGENT BUSINESS

Nil

14. CONFIDENTIAL ITEMS

PROCEDURAL MOTION

Moved Cr Rossouw / Seconded Cr Hawes

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.05pm the meeting was closed to the public and all members of the gallery left the meeting.

14.1 Reconsideration of Deed of Agreement (Stage 11 Maryville)*

Applicant	Roberts Day
File ref	18/03/0022
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Applicant's letter (14/8/2012)2. WAPC Subdivision approval3. Intersection Design4. Applicant's letter of Counter offer (30/4/2013)

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 190513

Moved Cr Rossouw / Seconded Cr Mackie

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

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

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

PROCEDURAL MOTION

Moved Cr Gibson / Seconded Cr Douglas

That the meeting comes out from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.11pm the meeting was reopened to the public and no members of the gallery returned to the meeting.

15. CLOSURE

The presiding member declared the meeting closed at 8.11pm.



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