

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

21 May 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm

Closure: 9.14pm



Shire of
Chittering

These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2014.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The presiding member declared the meeting open at 7.00pm

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were seven members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Councillor Hawes, Shire President:

"With regard to items 9.1.4, I disclose that I have an association with the EBICG as Chairman of the group which provides advice on environmental issues that may affect planning decisions.

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr Gibson declared an impartiality interest in item 9.3.2 as he is the President of the Bindoon 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 Public Question Time – Item 9.1.6 Scheme Amendment 52

Clint O'Neil, 2837 Chittering Road, Chittering

At the Council meeting of 18 December 2013, Council resolved to initiate scheme amendment 52 subject to a number of conditions.

In reaching this decision Council relied on advice provided by the CEO that the developer had agreed to all officer recommended conditions identified within the 18 December 2013 agenda document.

Council subsequently ratified the 18 December 2013 minutes at its February 2014 meeting.

It would now appear that condition 2, requiring a signed deed of agreement, is now in dispute.

It is my understanding that Council has initiated scheme amendment 52 by its resolution of 18 December 2013. As it would appear that the developer has challenged condition 2, presumably on the basis that Council has no authority to interfere with normal statutory planning processes by the use of binding deeds. Shire staff are recommending the rescinding and re-introduction of scheme amendment 52.

Question 1 On what basis does Council propose to justify rescinding the whole of scheme amendment 52 when only condition 2 is in dispute?.

Does Council have the ability to revisit condition 2 such that condition 2 which reads:

'prior to initiation, require the Applicant to enter into a Deed of Agreement relating to the requirement for development contributions and authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to this Deed'.

is deleted and a new condition 2 inserted with words to the effect that:

'the scope and nature of all matters referred to in condition 1 are to be addressed to the satisfaction of the CEO'

Response 1 *It was considered that rescinding Council's previous resolution would provide a 'cleaner' determination. By having another resolution from the May OCM, there would effectively be 2 resolutions that could create confusion. Rescinding the current outstanding resolution provides clarity to all and provides the same outcome. The revised Scheme Amendment has included new Scheme provisions to give statutory power to the Shire to require developer contributions, removing the need for the Deed to address this.*

Question 2 In the event that Council resolves to rescind the 18 December 2013 resolution and reconsider a new scheme amendment 52, based on the information provided in the 21 May 2014 agenda document, could Council provide answers to the following questions.

Is there a statutory requirement for the proposed industrial estate to comply with WAPC development control policy 4.1 – industrial subdivision, more particularly essential servicing?

Response 2 *Any local and state policy is considered and will be considered at the appropriate time in the process i.e. Structure Plan, subdivision.*

Question 3 Does a Developer Contribution Plan (DCP) that, at this point in time, has not been formulated and calculated, has not commenced nor progressed through statutory planning processes and is not currently subject to scheme amendment documentation, have any legal standing such that it can be enforced as a condition of development?

Response 3 *The Planning Scheme, when amended, will give statutory powers to the Shire to require Developer Contributions. If a DCP is not in place at time of development, which is very unlikely, the Shire can require the Developer to enter into a Deed at time of subdivision. Furthermore, it should be noted the MEN DSP stated the need for a DCP - 6.2 Structure Plan Guidelines 15 "Prior to subdivision a developer contribution plan shall be prepared by the Shire in consultation with landowners, developers and service providers".*

Question 4 Where Council has assessed and determined a developer proportional contribution amount, the developer has paid the amount with an expectation of service provision at the commencement of development, is Council proposing to borrow the balance of significant shortfall funds necessary to provide the service?

Response 4 *Contributions are paid only at time of subdivision clearance. Thus the necessary works to achieve clearance would need to be in place. The district works will be provided as funds allow. The annual DCP Report, as required by State Planning Policy 3.6, will specify the priority works to be funded as cashflow allows. Also, refer to Question 5 response below.*

Question 5 As Council is proposing the collection of DCP funds for water and wastewater systems, is Council proposing to become a licensed water service provider?

Response 5 The DCP Report stipulates the contributions required for such expected servicing. The DCP Report will specify how the infrastructure will be procured. It is important the procurement method is resolved upfront to allow it to be costed. Note: all landowners will be consulted in the preparation and review of the DCP Report.

Question 6 The developer contribution plan identifies that all funds collected will be held in a local government reserve account. How does Council propose to transfer required funding from the reserve account to private industry for the provision of capital intensive service infrastructure, more especially where the reserve account balance is not sufficient to pay for the infrastructure?

Response 6 The timing and quantum of infrastructure provision will be dealt with in the DCP Report and reviewed annually. The finances of the DCP will be audited.

Question 7 What statutory authority is Council relying on to entertain the prospect of administering and charging for all utility services identified in Appendix 1 of State Planning Policy 3.6 – development contributions for infrastructure?

Response 7 Refer to Question 5 response. The DCP is a statutory document included in Schedule 13 of TPS 6. The DCP identifies all infrastructures that will be subject to the DCP. The associated DCP Report details the methodology to be employed to fund infrastructure and calculate contributions. DCP works are of a district level. Subdivisional works will be undertaken by developers in the normal course of events.

Question 8 With regards to electricity, gas, water supply and sewerage services, is Council proposing to override the statute powers of the Economic Regulation Authority and the specific Acts it administers, and the statute rights of licensed service providers?

Response 8 No. This has never been entertained.

Question 9 Given that the developer is proposing an industrial estate, could Council explain the relevance, if any, of officer recommendation 6.7.13.3

Response 9 Clause 6.7 relates to Developer Contributions in the Shire, which in time may include residential and commercial areas whereby Clause 6.7.13.3 would directly apply. The proposed Development Contribution Area (DCA1) for the MEN will be included in Schedule 13. There is a parallel amendment being progressed to amend TPS 6 s.6.7 and Schedule 13.

Question 10 With regards to officer recommendation 4.4 – water supply and wastewater disposal, does Council acknowledge that if it accepts the recommendation there is then no obligation on the developer to use its best endeavours to secure water supply servicing to lot M1313 now or into the future and may be authorizing a 148 hectare bitumen truck parking lot?

Response 10 The land uses mentioned in 4.4 of Schedule 16 of the Amendment could be considered by Council for approval under the Agricultural Resource zone, with the exception of Storage which is not permitted. The DCP for the Muclea Employment Node will require reticulated water servicing and, much like residential development

requiring reticulated water supply, it will be the Developer's responsibility to ensure it is provided. The requirement of reticulated water supply will be enforced through Structure Planning and subdivision stage. The proposed Industrial Development zone does not permit any uses greater than what can be permitted in the Agricultural Resource zone (except Storage), hence the proposed uses in 4.4 for the interim. It is possible the reticulated water supply in the MEN may not be potable.

Question 11 What is the legal definitional characterization of a 'district infrastructure scheme' referred to in 4.4?

Response 11 Unclear about the question in reference to section 4.4 which is Water Supply and Wastewater Disposal. In section 4.4 it refers to district water scheme which is the provision of scheme water within the Muchea Employment Node.

Question 12 What are the cadastral boundaries, if any, of a district infrastructure scheme?

Response 12 The MEN DCP area will be specified as DCA1 and shown in Schedule 13 when amended.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

5.1 Deputation - Paul & Linda Francis - Proposed Building Envelope Relocation – Lot 58 Citron Way, Lower Chittering*

Mr and Mrs Francis would like to make a deputation in relation to Item 9.1.4 Proposed Building Envelope Relocation – Lot 58 Citron Way, Lower Chittering.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 16 April 2014

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010514

Moved Cr Gibson / Seconded Cr Douglas

That the minutes of the Ordinary meeting of Council held on Wednesday, 16 April 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7.2 Special meeting of Council – Monday, 28 April 2014

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020514

Moved Cr Clarke / Seconded Cr Mackie

That the minutes of the Special meeting of Council held on Monday, 28 April 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Shire President advised that he attended the Buddhist Monastery opening on Sunday 11 May 2014 and requested that the Shire write to congratulate them on the success of the formal opening and thank them for their hospitality. He further advised that a present was received on behalf of the Shire and will be displayed in the Council Chambers.

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Deed of Indemnification – Lot 841 Chittering Road, Lower Chittering*

Applicant	H Elkington
File ref	A11435
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Deed of Indemnification

Background

Council's consideration is requested for the authorisation of the Chief Executive Officer and President to sign and affix the common seal to a Deed of Indemnification. The purpose of the document is to indemnify the Shire of Chittering against any damage to any proposed structures developed at Lot 841 Chittering Road, Lower Chittering as a result of flooding or damage, hazard or erosion by way of water to the land and/or development.

The Shire recently received an application (P057/14) for a shed and water tank at the above property. Through the assessment of the application it was sighted that the structures were proposed in a low lying area subject to inundation. As a result the application was approved subject to the following condition:

- 5. Prior to submitting a building permit, the landowner shall enter into an agreement with the Shire which shall indemnify the Shire of Chittering of liability of any damage to the shed and water tank as a result of flooding and a caveat to be placed on the property.*

Therefore the above request is a result of the applicant seeking to satisfy Condition 5. Council's authorisation is required for the affixing of the Common Seal.

The Deed of Indemnification has been prepared by Councils solicitors Mcleods Barristers and Solicitors.

Consultation

N/A

Statutory Environment

State: Transfer of Lands Act 1893 (as amended)

Policy Implications

Execution of documents

Financial Implications

All costs associated with the execution of the Deed and Absolute Caveat are borne by the applicant.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

The Deed and Absolute Caveat ensure that the Shire of Chittering is indemnified against any claims for financial compensation as a result of damage or injury by way of flooding at the subject property.

Social implications

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

Environmental implications

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

Comment

In order to satisfy Conditions 5 of planning approval P057/14, the applicant is to execute a Deed of Indemnification and Absolute Caveat over the subject property which requires the affixing of the Common Seal and signature of the President and Chief Executive Officer.

As this is a formality, it is recommended that Council supports the authorisation of the Chief Executive Officer and the Shire President to affix the Common Seal to satisfy Condition 5.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 030514

Moved Cr Gibson / Seconded Cr Douglas

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal, in regard to the proposed development at Lot 841 Chittering Road, lower Chittering, on the Deed of Indemnification as per attachment 1.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.2 Proposed Boundary Fence– Lot 214 (RN 19) Salmon Gum Crescent, Chittering*

Applicant	T Mckie
File ref	A10298 P079/14
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Elevation Plan 4. Chittering Rise Development Plan North

Background

Council's consideration is requested for a proposed boundary fence at Lot 214 (RN 19) Salmon Gum Crescent, Chittering.

The applicant is proposing a boundary fence with 10/110/90 Ringlock wire with a single strand wire above the Ringlock, not exceeding an overall fence height of 1.25m (refer to Attachments 2 and 3). There are 2.1m pine strainer posts proposed on boundary corners with 2.1m cross rails. Between the strainer posts safety capped galvanised star pickets spaced 5m apart are proposed. The use of star pickets requires Council approval hence Council's request for the consideration of this application.

Three (3) access points are proposed along the boundary fence which can be seen in Attachment 2. A 4.2m gate is proposed at the primary access off Salmon Gum Crescent, a Personal Access (PA) Gate is proposed in the North Western corner of the property and a 4.2m gate is proposed on the Eastern side of the rear property boundary to provide access for emergency services from a Strategic Fire Break.

Consultation

External

The application was referred to two (2) adjoining landowners who share boundaries with the applicant where a boundary fence is proposed. No submissions were received.

Internal

The application was referred to the Shire's Community Emergency Services Manager (CESM) for comment regarding fire safety. The CESM recommended that a gate of minimum 3.6m length be installed along the rear property boundary to provide access from the property to the Strategic Fire Break.

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No.6

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

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

The following of clause 5.8.4 of the Scheme is relevant to this fencing application:

5.8.4 Fencing

No fencing shall be permitted or undertaken within an area designated for vegetation protection as depicted on the Development Plan unless approved in writing by the Council. The Council may determine the type, height, materials and extent of any fencing.

Development Plan

The subject property is within the Chittering Rise Estate and is subject to the Chittering Rise Development Plan North (see Attachment 4) through a notification on the Certificate of Title. In regard to Clause 5.8.4 of *Town Planning Scheme No. 6* the following Land Management Provision 2 of the Development Plan is relevant to Tree Preservation Areas:

(2) TREE PRESERVATION AREAS

No clearing shall be permitted outside the designated building envelopes as depicted on the Development Plan unless those trees dead, diseased or present a danger to property.

The above provision intends all remnant vegetation outside of designated building envelopes to be retained as tree preservation areas.

Policy Implications

Local Planning Policy 22 Fences

The following provisions of Local Planning Policy 22 are applicable to this application:

5. POLICY STATEMENT

5.1 General Requirements

- b) *the erection of any fence or gate to prevent access to a strategic fire break is prohibited (see also Local Planning Policy No. 21 – Fire Management Plans);*

5.4 Rural Residential, Small Rural Holdings and Rural Retreat Zones

In the Rural Residential, Small Rural Holdings and Rural Retreat Zones, subject to the requirements of any Development Plan:

- a) *barbed wire and electric boundary fences are prohibited;*
c) *where natural vegetation adjoins a road reserve, no fence shall be constructed between the road reserve and the building clearing area;*
d) *all fences require planning consent, other than sufficient fences;*
(i) enclosing a building clearing area or other previously cleared area, which may contain trees and regrowth;
(ii) adjoining a fire break required as part of a fire management plan;
e) *a sufficient fence comprises the following:*
(i) height up to 1.25m;
(ii) ringlock or similar, post and rail or multiple strand single wire construction;

Note: Construction of fences, including boundary fences, in areas of uncleared natural vegetation require Council approval. Star picket fences are not recommended and require Council approval.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

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

Social implications

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

Environmental implications

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

Comment

Consultation

The application was referred to the two affected adjoining landowners sharing property boundaries with the applicant. No submissions were received.

The Shire's Community Emergency Services Manager recommended that a gate be installed of minimum 3.6m in length be install on the rear property boundary to provide access to the Strategic Fire Break adjacent the rear of the property in the case of an emergency. It is recommended that the gate be required as a condition of approval. The applicant has proposed a gate of 4.2m along this boundary which fulfils this requirement.

Policy Implications

The proposed fence meets the specifications of a sufficient fence (refer to policy implications) in accordance with *Local Planning Policy 22 Fences* except for the use of star pickets. The use of star pickets is "not recommended" by the Policy and requires Council approval. The use of star pickets will not produce a safety issue as the applicants are proposing to use safety caps. To ensure the use of the safety caps it is recommended their use be a requirement of the approval.

To ensure no other variations to the provisions of Local Planning Policy 22 it is recommend the application be approved subject to the requirement to construct the fence to that specified in the proposal and *Local Planning Policy 22 Fences*.

Shire of Chittering Town Planning Scheme No. 6

The objectives of the zone are as follows:

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

The application does not undermine the objectives of the zone given the proposed fence is widely used throughout rural areas within the State.

With regard to clause 5.8.4 of the Scheme, the Development Plan alludes to all remnant vegetation outside of designated building envelopes as being tree preservation areas, restricting the fencing unless approved in writing from Council. Local Planning Policy 22 allows for fences along required fire breaks. As the property is larger than 2.2 hectares firebreaks are required under the Shires Fire Notice. Therefore, it is recommended Council grant approval for the proposal subject to the conditions as per the recommendation.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040514

Moved Cr Gibson / Seconded Cr Clarke

That Council grants Planning Approval for the proposed fence at Lot 214 (RN 19) Salmon Gum Crescent, Chittering subject to the following conditions:

- 1. The proposed fence shall be in accordance with the approved plan dated 7 May 2014;**
- 2. The fence shall be in accordance with the following specification:**
 - a. The fence shall not exceed a maximum height of 1.25m**
 - b. The fence shall not be constructed of barbed wire/s and/or electric wire/s.**
 - c. Star pickets shall be maintained with protective caps.**
 - d. The fence shall be constructed of the following:**
 - i. 2.1m strainer posts with 2.1m cross rails;**
 - ii. Galvanised star pickets,**
 - iii. 10/110/90 Ringlock wire**
 - iv. 1 single strand wire;**
- 3. A Gate of minimum 3.6m in length being installed along the rear property boundary fence;**
- 4. It is the responsibility of the land owner to maintain in good order and condition the property fence and any gates; and**
- 5. Any future modifications to the fence and/or gates shall require Council approval.**

Advice Notes:

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.3 Proposed Subdivision (WAPC 149807) – Lot 9000 Morley Road, Lower Chittering*

Applicant	Statewest Planning
File ref	18/03/94; WAPC 149807
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Subdivision 2. Chittering View Development Plan

Background

Council's consideration is requested for the proposed subdivision of Lot 9000 Morley Road, Lower Chittering.

The Shire was recently referred the above subdivision application by the Western Australian Planning Commission (WAPC). The subdivision application is for stage 2 of the Chittering View Estate which was originally Lot 2 Morley Road, Lower Chittering. The subdivision proposes to create seven (7) lots. No delegated authority is in place for Council Officers to provide advice to the WAPC regarding subdivision applications proposing the creation of more than five (5) lots.

Lot 9000 is 20 hectares in area. The subdivision proposes four 2 hectare lots and three 4 hectare lots all fronting Morley Road (see Attachment 1). The subdivision is in accordance with the latest Development Plan (see Attachment 2) endorsed by Council at the Ordinary Meeting of Council held on the 15 May 2013. This resolution was the endorsement of modifications proposed to the Development Plan which split two 4 hectare lots into the four 2 hectare lots outlined above.

At this point in time the WAPC has not endorsed the Development Plan which was approved by Council at the May Meeting in 2013. However, the WAPC has advised that they will endorse the Development Plan concurrently with the determination of the subject subdivision application.

Consultation

No public consultation was undertaken in assessing this application as this was done during the processes of rezoning the land and endorsing the Development Plan. The Shire's Technical Services Department only raised concern in regard to managing drainage through containing stormwater on-site or appropriately connecting it to the local drainage system. This is addressed through Condition 3 in the Officer Recommendation.

The Shire's Community Emergency Services Manager was consulted and confirmed that the proposed subdivision would require an updated Fire Management Plan to reflect the additional lots. This is addressed through Condition 9 in the Officer Recommendation.

Statutory Environment

State: *Planning and Development Act 2005*
Transfer of Land Act 1983

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

The subject property is zoned 'Rural Residential'. The proposal is considered to be consistent with the objectives of the zone which are as follows:

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

Clause 5.8.1 of the Scheme requires the subdivision to be in accordance with a Development Plan approved by both Council and the Western Australian Planning Commission.

Shire of Chittering Delegated Authority Register

Pursuant to Section DA47 of the Shire of Chittering Delegated Authority Register there is no delegated authority for determining subdivision applications which propose more than five (5) lots

Policy Implications

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. The proposed subdivision is in accordance with the endorsed Development Plan. The Development Plan outlining the proposed lots will be endorsed by the WAPC concurrently with the determination of the subdivision application.

Local Planning Policy No 21. Fire Management Plans

Local Planning Policy No 21. Fire Management Plans outlines the requirement for a Fire Management Plan. There is currently an approved Fire Management Plan for the Chittering View Estate which covers Lot 9000 Morley Road, Lower Chittering that does not reflect the two hectare lots. The Shire's Community Emergency Services Manager has confirmed the Fire Management Plan will be required to be updated to reflect the proposed lots.

Financial Implications

Nil

Strategic Implications

Shire of Chittering Local Planning Strategy 2001-2015

It is considered the proposed subdivision, in accordance with the endorsed Development Plan, is consistent with the Strategies and Actions of the Maryville and Lower Chittering area in the Strategy. The subdivision of some of the lots within the Development Plan from 4ha to 2ha allows for a range of lot sizes where appropriate.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

The creation of additional lots is considered to provide economic benefits to the Shire through increasing the rate base and threshold population for local business/employment.

Social implications

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

Environmental implications

Given subdivision is the final stage of the development process environmental implications have been considered during the processes of rezoning, endorsing the Development Plan and previous subdivision applications within the Estate. The proposal is consistent with the Development plan, thereby posing no new environmental concerns.

Comment

The proposal is in accordance with the latest Development Plan endorsed by Council for the Chittering View Estate. As noted earlier, the WAPC has advised that the Development Plan will receive their endorsement concurrently with the determination of the subject subdivision application. This will satisfy the requirements under clause 5.8.1 of *Town Planning Scheme No. 6*.

The proposed lots are approximately 2ha in size. The proposed lots meet the objectives of the zone and are designated in the endorsed Development Plan. An existing watercourse runs through Lots 119, 120, 63 and 65, which is to be protected by a drainage easement. It is recommended a fence be required restricting stock access to the waterways and associated remnant vegetation.

It is recommended Council resolve to support the proposed subdivision subject to the conditions outlined in the Officer's Recommendation. The recommended conditions are in response to the matters outlined in this report and are standard conditions generally applied to subdivisions within the Shire in accordance with the Western Australian Planning Commission's model subdivision conditions schedule.

9.1.3 OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Mackie

- A. That Council advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 149807) of Lot 9000 Morley Road, Lower Chittering subject to the following conditions:
1. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission;
 2. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
 3. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - i) lots can accommodate their intended development;
 - ii) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - iii) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
 4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.
 5. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works to the satisfaction of the Local Government.

6. A revegetation plan being prepared, approved by the Local Government and implemented for the revegetation of the area shown on the Development Plan dated the 16 April 2014 (attached) with appropriate native species to the specifications of the Department of Parks and Wildlife.
 7. A fence restricting stock access to the waterway and fringing remnant vegetation is to be constructed on the easement boundary to protect native vegetation to the satisfaction of the Local Government.
 8. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:
"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."
 9. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.
 10. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"The lot(s) is/are subject to a fire management plan."
 11. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that the development provisions apply.
 12. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
 13. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated potable water supply is not available to the lots.'
 14. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated sewerage service is not available to the lots.'
 15. Rural Numbering shall be required for all lots at the applicant's cost.
- B. That Council authorises the Chief Executive Officer and President to sign and affix the common seal where necessary to clear any of the conditions outlined above.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Mackie

1. That condition A 3. iii) be amended as follows:
iii) stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the satisfaction of the Chief Executive Officer.
2. That an Advice Note be included as follows:
Advice Note:
Council would like to express their concern to the WAPC of the current issues of existing developments on Morley Road in relation to drainage, and how the proponent's engineers will address these issues.

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

9.1.3 SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 050514

Moved Cr Gibson / Seconded Cr Mackie

A. That Council advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 149807) of Lot 9000 Morley Road, Lower Chittering subject to the following conditions:

1. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission;
2. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
3. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - i) lots can accommodate their intended development;
 - ii) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - iii) stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the satisfaction of the Chief Executive Officer.
4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.
5. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works to the satisfaction of the Local Government.
6. A revegetation plan being prepared, approved by the Local Government and implemented for the revegetation of the area shown on the Development Plan dated the 16 April 2014 (attached) with appropriate native species to the specifications of the Department of Parks and Wildlife.
7. A fence restricting stock access to the waterway and fringing remnant vegetation is to be constructed on the easement boundary to protect native vegetation to the satisfaction of the Local Government.
8. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: *"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."*
9. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.
10. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"The lot(s) is/are subject to a fire management plan."*
11. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that the development provisions

apply.

12. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
 13. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated potable water supply is not available to the lots.'
 14. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated sewerage service is not available to the lots.'
 15. Rural Numbering shall be required for all lots at the applicant's cost.
- B. That Council authorises the Chief Executive Officer and President to sign and affix the common seal where necessary to clear any of the conditions outlined above.

Advice Note:

Council would like to express their concern to the WAPC of the current issues of existing developments on Morley Road in relation to drainage, and how the proponent's engineers will address these issues.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.4 Proposed Building Envelope Relocation – Lot 58 Citron Way, Lower Chittering*

Applicant	P & L Francis
File ref	A11341 P081/14
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Aerial Photograph 4. Chittering View Development Plan 5. Consultation Plan 6. Schedule of Submissions

Background

Council's consideration is requested for a proposed building envelope relocation at Lot 58 Citron Way, Lower Chittering.

Currently the approved building envelope is located 20m from the Southern property boundary and 70m from the Western property boundary (refer to Attachment 4). The applicant is proposing to relocate the building envelope 20m from the Western property boundary and 15m from the Northern property boundary in accordance with Attachment 2.

The current building envelope is 50m long and 30m wide being 1500m² in area. The proposed building envelope is smaller being 1350 m² in area in accordance with Attachment 2.

The Applicant has stated the following reasons for seeking the proposed relocation:

- *"The existing building envelope is in a natural drainage course;*
- *To gain access to the existing building envelope we will have to knock down a large amount of trees we would like to maintain all trees; and*
- *Where the existing building envelope is there is a water drainage sump and then the bridle path. The bridle path is the only safe access onto the block and to the building envelope and I don't want to use it as my driveway as it is impractical."*

Consultation

External

The application was referred to Four (4) affected surrounding landowners for comment. One (1) submission was received objecting to the proposal (refer to Attachment 5).

The proposal was referred to Chittering Landcare in regard to rare or endangered flora. Chittering Landcare advised that no declared rare flora is present at the site.

Internal

The proposal was referred to The Shire's Community Emergency Services Manager (CESM) in regard to bush fire safety. The CESM advised that establishment of a Building Protection Zone around a dwelling located within 20m of remnant vegetation would likely require some clearing. Furthermore, the CESM advised that a fire moving in a Westerly direction towards the proposed building envelope would travel significantly faster given the steep incline up the valley located to the East of the proposed envelope.

Statutory Environment

State: Transfer of Lands Act 1983
Bush Fires Act 1954

Local: Shire of Chittering Town Planning Scheme No 6

The property is zoned 'Rural Residential'. The objectives of the zone are as follows:

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

The following Clause 5.8.2 relates to building envelopes in Rural Residential Zones.

"5.8.2 Building Envelopes/Setbacks

Development will only be permitted in the areas identified as building envelopes provided that Council may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

With respect to the Rural Conservation zone, building envelopes must be shown on the development plan where it is within an area subject to an Environmental Management Plan. The building envelopes are to be located to minimise:

- a) Fragmentation and disturbance of remnant vegetation taking into account vehicle access;*
- b) Bush fire risk.*

Clearing of remnant vegetation for the construction of buildings within the defined envelope shall not exceed 2000m² without the prior approval of Council."

The following Clause 5.8.8 relates to building envelopes in Rural Residential Zones

"5.8.8 Protection of Vegetation and Tree Cover

Areas of Vegetation Protection identified on the adopted Development Plan using Clause 5.8.1 of the Scheme shall not be cleared, felled or removed except where necessary in the following situations:

- (a) the vegetation is dead, diseased or poses a danger to humans or stock;*
- (b) the clearing is necessary for any firebreak required by law;*
- (c) the clearing is for the purpose of access to an approved dwelling or outbuildings;*
- (d) the clearing is within a defined building envelope and limited to that area;*
- (e) the clearing is necessary for the construction of a dwelling, outbuildings and an area of 20m width surrounding the dwelling for the purpose of bush fire protection."*

Building Envelope is defined as the following under the Scheme:

"Building Envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained."

Clause 10.2 of the Scheme outlines the relevant matters to be considered in considering an application for Planning Approval. The relevant considerations applicable to this application are as follows:

- (a) the aims and provisions of the Scheme;*
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*

- (j) the compatibility of a use or development within its setting taking into consideration any Special Control Area;
- (k) any social issues that have an effect on the amenity of the locality;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (aa) any relevant submissions received on the application; and
- (cc) any other planning consideration the Local Government considers relevant.

Development Plan

The property is subject to the Chittering View Development Plan (refer to Attachment 4). The following Development Provisions of the Development Plan are relevant to this application:

2. Vegetation Protection Areas: Vegetation protection areas are identified on the Development Plan as all naturally vegetated areas. No clearing shall be permitted in the areas identified for vegetation protection. Council may require a landowner as a condition of approval to commence tree planting to its specifications and to maintain those trees for a period of not less than two summers seasons.

3. Building Envelopes: Buildings, water tanks, waste disposal and a building protection zone for fire management are to be contained within a cleared area not to exceed 2000m² without prior approval of Council; prior to confirming a building clearing area a vegetation survey is to be undertaken to ensure no rare or endangered flora is present; building envelopes are to have setbacks in accordance with Local Planning Policy No. 18, with minimum setbacks from the cadastral boundaries as follows:

Road:	20m
Rear:	20m
Sides:	15m

Fire Management Plan

The property is subject to a Fire Management Plan through a Section 70A notification on the Certificate of Title under the *Transfer of Lands Act 1983*. The Fire Management Plan requires a Building Protection Zone of minimum 20m radius around all structures. This is currently enforced through the Shire's Fire Notice gazetted under the *Bush Fires Act 1954*. The Fire Management Plan mentions the requirement for new dwellings to conform with the Australian Standard AS 3959 which relate to construction standards of buildings in bush fire prone areas.

Policy Implications

Local Planning Policy No 18 – Setbacks

The following Policy Statements of *Local Planning Policy No 18* are applicable to the application:

- 5.1 Where specified, setbacks are to be in accordance with the requirements of Local Planning Policies, Development Plans (including any building envelopes) and the Residential Design Codes. The procedure for variation is as specified in TPS No. 6 and the Residential Codes respectively.
- 5.5 The minimum building setback from a drainage easement is 10m;
- 5.7 The following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:

- a) **Rural Residential, Small Rural Holdings and Rural Retreat Zones, in the absence of building envelopes**
Highway – 100m
Major Road – 50m
Other Road – 20m
Rear – 20m
Side – 15m
The minimum separation between dwellings on adjoining lots is 50m.

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 single submission received objected to the proposal due to it not complying with the Shire's Fire Break Notice and the potential clearing of a Vegetation Protection Area (refer to Attachment 5).

Environmental implications

The proposed building envelope is located within 20m of the adjacent Vegetation Protection Area which is identified by the Development Plan as all remnant vegetation. If any structures were located on the edge of the building envelope adjacent the vegetation protection area it would result in the clearing of the vegetation protection area for the purpose of fire safety through establishing a Building Protection Zone. Should the building envelope be approved it is recommended that development within the building envelope be prohibited within 20m of Vegetation Protection Area.

The proposed location of the building envelope removes the need to clear for access purposes from the crossover to the current building envelope. Furthermore, additional earthworks would be required to be undertaken in the current location of the building envelope given the potential drainage issues associated with the surrounding slopes in order to divert water around any buildings.

The proposed building envelope is located on a ridge adjacent a higher concentration of remnant vegetation existing on a steep downward slope. The Shire's Community Emergency Services Manager advised that a fire would travel significantly faster up the slope when moving towards the proposed building envelope. Therefore, there is the potential for the proposed building envelope to be located in an area of increased bushfire risk in comparison to the current location of the building envelope. It is recommended that a BAL (Bushfire Attack Level) assessment be required prior to Planning Approval being issued for a dwelling. This will determine whether such dwelling would be required to be developed in accordance with the Australian Standards AS3959 to further mitigate bushfire risk.

Comment

Consultation

The application was referred to surrounding landowners for comment. One (1) submission was received objecting to the proposal (refer to Attachment 6).

The objecting comments received outlined that the proposal did not comply with the Shire's planning framework in regard to compliance the prescribed setbacks, Development Plan, Fire Management Plan. Another issue raised in the submission was the clearing of remnant vegetation for a building protection zone which does not comply with the Development Plan.

The proposal meets the prescribed setbacks, including the 10m setback from the drainage easements located at the property as shown on the deposited plan (see Attachment 3). A Building Protection Zone is required to be established in a 20m radius around any structures developed within the proposed building envelope. This would require clearing if the Building Protection Zone was to extend into the Vegetation Protection Area. The clearing of vegetation Protection Areas within the Estate is not permitted by the Chittering View Development Plan. Therefore, as outlined in the Environmental Implications above, it is recommended any development within the proposed building envelope be prohibited within the 20m of any Vegetation Protection Area.

Other than the requirement for a Building Protection Zone, the proposal is deemed to comply with the Fire Management Plan as a sufficient Fire Break can be accommodated given the 20m buffer from Vegetation protection Areas is maintained.

Shire of Chittering Town Planning Scheme No. 6

The objectives of the zone are as follows:

- *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 5.8.2 of the Scheme gives Council the ability to approve the application in varying the existing building envelope given that it does not detrimentally affect the objectives of the zone. The proposal is considered to be consistent with the objectives of the zone. Future development within the proposed location will not alter the effect on amenity that development within the existing building envelope would have on the locality.

A maximum area of 2000m² is permitted for clearing for development, outlined under clause 5.8.2 of the Scheme. It is recommended that this be a condition of approval to satisfy compliance with clause 5.8.2. The building envelope is approximately 1350m² in size which is significantly less than 2000m². Furthermore, the 20m buffer from Vegetation Protection Areas would further restrict clearing in satisfying clause 5.8.2.

The proposal is considered to pose no further issues than that already outlined in this report regarding the relevant considerations under Clause 10.2 of the Scheme.

9.1.4 OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Clarke

That Council grants Planning Approval for the proposed Building Envelope relocation at Lot 58 Citron Way, Lower Chittering subject to the following conditions:

1. All current and future development shall be contained within the approved building envelope;
2. Clearing of remnant vegetation for development within the defined building envelope shall not exceed 2000m² without prior approval of Council;
3. No structures shall be permitted within 20m of any Vegetation Protection Area as outlined by the relevant Development Plan.
4. A BAL (Bushfire Attack Level) assessment shall be undertaken prior to formal Planning Approval being issued for a dwelling within the building envelope.
5. All Building shall be constructed in accordance with AS3959 and the corresponding BAL assessment.

Advice Notes:

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

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That Condition 1 be deleted.

THE AMENDMENT WAS WITHDRAWN BY MOVER AND SECONDER.

AMENDMENT

Moved Cr Gibson / Seconded Cr Rossouw

That an additional condition 6 be included as follows:

6. *The balance of the remaining building envelope of 650m² be available to build a shed in a location to the satisfaction of the Chief Executive Officer.*

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

9.1.4 SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 060514

Moved Cr Gibson / Seconded Cr Clarke

That Council grants Planning Approval for the proposed Building Envelope relocation at Lot 58 Citron Way, Lower Chittering subject to the following conditions:

1. All current and future development shall be contained within the approved building envelope;
2. Clearing of remnant vegetation for development within the defined building envelope shall not exceed 2000m² without prior approval of Council;
3. No structures shall be permitted within 20m of any Vegetation Protection Area as outlined by the relevant Development Plan.
4. A BAL (Bushfire Attack Level) assessment shall be undertaken prior to formal Planning Approval being issued for a dwelling within the building envelope.
5. All Building shall be constructed in accordance with AS3959 and the corresponding BAL assessment.
6. The balance of the remaining building envelope of 650m² be available to build a shed in a location to the satisfaction of the Chief Executive Officer.

Advice Notes:

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

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.5 Grant of Easement WAPC 146297 – Lot 9028 Cammeray Close, Bindoon*

Applicant	Crossland & Hardy Pty Ltd
File ref	18/03/65
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Grant of Easement documents 2. Draft Deposited Plan 76418

Background

On 11 September 2012 the Western Australian Planning Commission granted a subdivision approval of Lot 9028 Cammeray Close (super lot), Bindoon subject to a number of conditions. The subdivision creates Lot 23, a 6.6 hectare super lot, and Lot 9029, a 25 hectare balance lot to remain for agricultural purposes.

An easement for fire and emergency purposes is required for the subdivision to be consistent with the approved Fire Management Plan. This is required for clearance of condition 7 of the subdivision approval.

Council's authorisation is required for affixing the common seal.

Consultation

N/A

Statutory Environment

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

Policy Implications

Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

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

Social implications

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

Environmental implications

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

Comment

In order to satisfy condition 7 of the subdivision approval, the applicant is to provide a Grant of Easement Notification of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

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

9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070514

Moved Cr Gibson / Seconded Cr Rossouw

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the subdivision of Lot 9028 Cammeray Close, Bindoon on the Grant of Easement Notification of the *Transfer of Land Act 1893* (as amended) relating to the provision of access for fire and emergency purposes on Deposited Plan 76418.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.6 Proposed Scheme Amendment No. 52 - Rezone from 'Agricultural Resource' to 'Industrial Development Zone' – Lot M1313 Great Northern Highway, Muchea*

Applicant	CLE Town Planning and Design
File ref	18/02/21 P293/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Applicant cover letter 2. WAPC letter of support 3. Scheme Amendment documents (without all reports) 4. Previous Council Minutes

Background

Council is requested to consider amending the resolution of the 18 December 2013 Ordinary Council Meeting (OCM) for the initiation of this scheme amendment. Council's resolution required the Applicant/landowner to enter into a Deed of Agreement relating to Developer Contributions prior to the initiation of the Scheme Amendment.

The Applicant has now made a number of modifications to the Scheme Amendment, including changes to provisions relating to Developer Contributions to address the reasons set for the requirement of a Deed upfront.

Consultation

Consultation of the Scheme Amendment shall occur in accordance with the *Town Planning Regulations 1967* should Council determine to initiate the scheme amendment. This requires the scheme amendment to be referred to the Environmental Protection Authority for a period of forty two (42) days prior to commencing public advertising.

Following the December 2013 OCM, a number of discussions have occurred between the Shire, Shire's consultant (SGS), the Applicants and the Department of Planning. As a result of these discussions a meeting was held on 4 April 2014 with the above present to seek support and advice to remove the requirement for a deed prior to initiation of the scheme amendment.

Statutory Environment

State: *Planning and Development Act 2005*
Town Planning Regulations 1967

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

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

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

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

The Applicant proposes to rezone portion of Lot M1313 to a zone which is currently not in the Town Planning Scheme. The proposed zone is:

Industrial Development Zone

- a) Designate strategic land areas for future industrial development and employment creation purposes as a priority, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;*
- b) Ensure orderly and comprehensive planning and coordinated development through the requirement for the preparation and endorsement of a structure plan in accordance with part 6.7 of the Scheme;*
- c) Ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land; and,*
- d) Protect the amenity of adjacent property owners as well as providing a safe, efficient and predictable context for future industrial development.*

The Scheme Amendment also proposes to create a Development Contribution Area over the Amendment area, include an additional industrial zone, new Scheme provisions (including amending the Developer Contributions provisions), amend the Zoning Table to reflect the new zones and amend the 'Transport Depot' land use definition.

Policy Implications

Nil

Financial Implications

The proposed Scheme Amendment is not considered to create any financial implications on Council as most of the infrastructure and services will be incorporated in the Developer Contributions Plan, when the Scheme makes provisions to recover such expenses.

Strategic Implications

State: *Muceha Employment Node Structure Plan 2011*

The property is located within North A of Precinct 1 of the Muceha Employment Node Structure Plan (MENSF).

6.3 Precinct policy statements

The precinct policy statements prescribe site-specific requirements for future planning and development of individual precincts (Figure 2).

6.3.1 Precinct 1 (north A and B)

- 1. The waterways (plus 30m buffer), resource enhancement wetland (plus 50m buffer) and good quality remnant vegetation shall be protected within a reserve for Conservation, Recreation, Foreshore Protection or Public Open Space.*
- 2. Low water use type industries with a minimum lot size of 10 000m² may be established in this area unless the developer can demonstrate that wastewater generated can be adequately managed as per the requirements outlined in the water management strategy (April 2008) or a more detailed local water management strategy.*

3. For lots that do not require subdivision prior to development occurring, primary wastewater treatment shall be via aerobic treatment units followed by a secondary treatment in evaporation ponds due to high groundwater levels.
4. Development shall not conflict with the proposed Perth-Darwin National Highway road reserve and requirements external to it such as the Interchange embankment build up and ramp constructions.
5. The district distributor A loop road shall be designed with provision for potential use as a high wide load route (to MRWA standards). The road shall be constructed as a median separated two-lane road, with an appropriate road reserve to provide for a future four-lane dual carriage way.
 - The design vehicle shall be a triple road train and shall cater for nominated high wide load trailers and/or platforms.
 - The design shall be for an operating speed of 60 km/hr.
 - Drainage of the road shall be through the use of swales.
 - Consideration shall be given to avoidance of identified conservation reserves in the alignment of the loop road.
 - The developer shall construct appropriate access roads which tie into the loop road, and suit the lot size and layout of the development.
6. Structures higher than 15, 45 and 90m across the precinct require referral to the RAAF.

Section 5 outlines the provision of servicing expectations of stormwater, sewerage, water supply, electricity and gas in the MENSF area.

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

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

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

The property is located within the Muchea Employment Node area identified in the Strategy. At the time of adoption of the Strategy, the Muchea Employment Node area was considered as an 'investigation area' only.

As mentioned earlier, the property is situated within the 'Water Prone' and 'Military Considerations' Special Control Areas of the Town Planning Scheme. This is reflected in the Strategy.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

It is considered the proposal will increase economic activity for the Shire and provide opportunity for local and regional employment of a large scale.

Social implications

As the property is identified in the Muchea Employment Node Structure Plan for industrial development it is considered the proposed Scheme Amendment to rezone the land for that purpose will not result in any social implications.

Environmental implications

It is considered that the advertising process would provide opportunity for the relevant agencies, such as the Department of Environment Regulation, Department of Parks and Wildlife, Department of Water and the Ellen Brockman Integrated Catchment Group to make submissions on any environmental matters.

Comment

Scheme Amendment modifications

Since Council's resolution from the 18 December 2013 OCM, the Applicant has made the following main modifications based on further discussions:

- Amending Clause 6.7.1 of the Scheme to be consistent with SPP3.6. This, in conjunction with the Muchea Employment Node Development Contributions Plan as part of a separate Scheme Amendment, will make the requirement of developer contributions enforceable to this development when it is to be subdivided.

This has been modified to address and remove the need for a Deed prior to initiation of the Scheme Amendment.

- Modifying Schedule 13 title to 'Development Contribution Plan'.

This modification provides the consistency with the Development Contributions Plan and the associated report.

- Inserting new Clause 6.8 outlining the Muchea Employment Node Special Control Area.

Currently the Scheme does not have a Special Control Area outlining requirement specific to development in the Muchea Employment Node area.

- Modifying Schedule 16 title to 'Muchea Employment Node Special Control Area'.

This provides consistency with the Development Contributions Plan and implementation of Clause 6.8 of the Scheme for the Muchea Employment Node Structure Plan.

The Applicant has also taken into account the modifications requested by the Shire from Council's resolution from the 18 December 2013 Ordinary Council Meeting.

Deed

The matter of requiring a Deed prior to initiation of the scheme amendment has been addressed by the Applicant. The Applicant, with support from the Department of Planning, has demonstrated the new Development Contributions provisions (Clause 6.7.1) in the Scheme provide Council with the ability to enforce contributions for the development following rezoning. Should a Development Contributions Plan (DCP) for the Muchea Employment Node not be in place at time of subdivision or development of land within the Muchea Employment Node, then a Deed may be more appropriate. However the Department of Planning and Shire's consultant SPP Consulting have provided strong assurance that the DCP and relevant scheme amendment will be ready for Council to consider within the coming months.

It is believed the requirement for a Deed to ensure the application of developer contributions for this development has been adequately addressed by the Applicant with the revised scheme amendment. It is recommended that Council proceed with the scheme amendment to support its initiation.

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080514

Moved Cr Rossouw / Seconded Cr Douglas

That Council in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* considers the revocation of resolution number 081213 "Proposed Scheme Amendment No 52 – Rezone from 'Agricultural Resource' to 'Industrial Development Zone' – Lot M1313 Great Northern Highway, Muchea" of the Ordinary meeting of Council held on 18 December 2013 as per Attachment 4.

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

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090514

Moved Cr Rossouw / Seconded Cr Gibson

That Council in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* revokes resolution number 081213 "Proposed Scheme Amendment No 52 – Rezone from 'Agricultural Resource' to 'Industrial Development Zone' – Lot M1313 Great Northern Highway, Muchea" of the Ordinary meeting of Council held on 18 December 2013 as per Attachment 4.

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

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100514

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005*, supports the initiation of amending the Shire of Chittering's *Town Planning Scheme No 6* by:

A. Amend scheme map:

- I. Rezone Part Lot M1313 Great Northern Highway, Muchea to 'Industrial Development Zone'.
- II. Create a Special Control Area 'Development Contribution Area' (DCA1) over Part Lot M1313
- III. Create a Special Control Area 'Muchea Employment Node' (MEN1) over Part Lot M1313
- IV. Include 'General Industrial Zone' and 'Industrial Development Zone' in the Scheme Map Legend

B. Amend scheme text: by inserting a new clause 4.2.3 and 4.2.4 immediately following existing clause 4.2.2, and renumber subsequent clauses accordingly.

"4.2.3 General Industrial Zone

The objectives of the General Industrial Zone are to:

- a) *accommodate a range of industrial and related land uses which will not, by the nature of their operations, detrimentally impact upon residential and other sensitive land uses in close proximity;*
- b) *to apply environmental standards and practices that protect the amenity of adjoining areas and support the retention and enhancement of the environmental values of the site and its surrounds.*
- c) *Maintain the visual amenity of the area as seen from major public roads*

- d) *ensure orderly and comprehensive planning and coordinated subdivision and development.*"

4.2.4 Industrial Development Zone

The objectives of the Industrial Development Zone are to:

- a) *designate strategic land areas for future industrial development and employment creation purposes, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;*
- b) *ensure orderly and comprehensive planning and coordinated subdivision and development through the requirement for the preparation and endorsement of a structure plan in accordance with part 5.18 and any associated provisions contained in Schedule 16 of the Scheme;*
- c) *ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land;*
- d) *protect the amenity of adjacent properties; and,*
- e) *Protect the environmental assets of the site."*

C. Delete clause 5.8.1 in its entirety and replace with the following:

5.8.1 Requirement for a Structure Plan

Subdivision and development shall be generally in accordance with a Structure Plan prepared in accordance with clause 5.18 of the Scheme."

D. Insert new clause 5.18 following the existing clause 5.17.

5.18 Structure Plans

5.18.1 *The local government or the Western Australian Planning Commission may require the preparation of a structure plan prior to considering a subdivision or development proposal for any area or zone in the scheme.*

5.18.2 *Subdivision and development should generally be in accordance with an approved structure plan.*

5.18.3 *A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.*

5.18.4 Preparation of proposed structure plans

5.18.4.1 *Where a structure plan is required, the proposed structure plan may be prepared by:*

- (a) the local government; or*
- (b) an owner.*

5.18.4.2 *A proposed structure plan may be prepared in any zone in the Scheme and for any portion of land.*

5.18.5 Details of proposed structure plan

5.18.5.1 *A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning*

requirements for the structure plan area, and should generally include the following details:

- (a) a set of maps and a report describing the structure plan area and surrounding land uses;
- (b) maps are to be of a legible scale for the structure plan area;
- (c) statutory land use provisions and controls that assume the force and effect of the Scheme once endorsed;
- (d) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, bushfire hazard areas, soils, conservation and heritage values, ownership, land use, roads and services;
- (e) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- (f) sites and features of Aboriginal and European heritage value;
- (g) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- (h) the planning context for the structure plan including the regional, district and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- (i) proposed major land uses, in particular, residential and rural residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (j) the proposed indicative lot pattern and general location of any major buildings;
- (k) estimates of future lots, dwellings, population, commercial and industrial floor space;
- (l) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- (m) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (n) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and,
- (o) such other information as may be required by the local government as a result of the site's characteristics.

5.18.5.2 A proposed structure plan may, to the extent that it does not conflict with the Scheme and the underlying zone, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Planning Codes when recommending subdivision or approving development of land within the area within which the Structure Plan applies.

5.18.6 Submission to local government and Commission

5.18.6.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

5.18.6.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the

subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

5.18.6.3 *The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.*

5.18.6.4 *The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.*

5.18.7 Advertising of structure plan

5.18.7.1 *Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.18.5 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:*

(a) *advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:*

- (i) *notice of the proposed structure plan published in a newspaper circulating in the Scheme area;*
- (ii) *a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Structure Plan Area, or part of the Structure Plan Area, to which the proposed structure plan applies; and*

(b) *give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:*

- (i) *all owners whose land is included in the proposed structure plan;*
- (ii) *all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;*
- (iii) *such public authorities and other persons as the local government nominates.*

5.18.7.2 *The advertisement and notice are to:*

- (a) *explain the scope and purpose of the proposed structure plan;*
- (b) *specify when and where the proposed structure plan may be inspected; and*
- (c) *invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.*

5.18.8 Adoption of proposed structure plan

5.18.8.1 *The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:*

- (a) *adopt the proposed structure plan, with or without modifications; or*
- (b) *refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.*

5.18.8.2 *In making a determination under clause 5.18.8.2, the local government is to have due regard to the comments and advice received from the Commission in relation to the*

proposed structure plan.

5.18.8.3 *If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.18.8.1.*

5.18.8.4 *If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:*

- (a) readvertise the proposed structure plan; or*
 - (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;*
- and thereafter, the procedures set out in clause 5.18.8.1 onwards are to apply.*

5.18.8.5 *If within the period referred to in clause 5.18.8.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.18.8.1, the local government is deemed to have refused to adopt the proposed structure plan.*

5.18.9 Endorsement by Commission

5.18.9.1 *If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.18.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.*

5.18.9.2 *As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.*

5.18.9.3 *The Commission may refuse to endorse the proposed structure plan, or endorse the proposed structure plan with or without modification.*

5.18.9.4 *The Commission is to notify the local government of its determination under clause 5.18.9.3.*

5.18.10 Notification of structure plan

5.18.10.1 *As soon as practicable after adopting a proposed structure plan under clause 5.18.9.2 and if clause 5.18.9.3 applies, as soon as practicable after being notified of the Commission's decision under clause 5.18.9.4, the local government is to forward a copy of the structure plan to:*

- (a) any public authority or person that the local government thinks fit; and*
- (b) where the structure plan was submitted by an owner, to the owner.*

5.18.11 Operation of structure plan

5.18.11.1 *A structure plan comes into effect:*

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.18.9.2; or*
- (b) on the day on which it is adopted by the local government under clause 5.18.8.1 in all other cases.*

5.18.11.2 *If a provision of a structure plan is inconsistent with a provision of the Scheme, then the*

provision of the Scheme prevails to the extent of the inconsistency.

5.18.11.3 *Subject to clause 5.18.11.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the Residential Design Codes then:*

- (a) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the scheme; and*
- (b) the provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Planning Area.*

5.18.11.4 *Without limiting the generality of clause 5.18.11.3, under a Structure Plan:*

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
- (b) the standards and requirements applicable to the zones and residential density code under the Scheme apply to the areas having corresponding designations under the Structure Plan;*
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and*
- (d) any provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*

5.18.11.5 *A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.*

5.18.11.6 *If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.*

5.18.12 *Inspection of structure plan*

5.18.12.1 *The structure plan and the Commission's notification under clause 5.18.9.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.*

5.18.13 *Variation to structure plan*

5.18.13.1 *The local government may vary a structure plan:*

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;*
- (b) otherwise, in accordance with the procedures set out in clause 5.18.6 onwards.*

5.18.13.2 *If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.*

5.18.13.3 *If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.*

5.18.13.4 *As soon as practicable after receiving the copy of the variation referred to in clause 5.18.13.3, the Commission is to determine whether to endorse the proposed variation.*

5.18.13.5 *The Commission is to notify the local government of its determination under clause 5.18.13.4.*

5.18.13.6 *A variation to a structure plan by resolution comes into effect:*

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.18.13.4; or*
- (b) on the day on which the local government resolves to make the variation under clause 5.18.13.1 (a).*

5.18.14 Right of Review

5.18.14.1 *The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the Planning and Development Act 2005 on the following grounds:*

- (a) The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 60 days of the structure plan being lodged pursuant to clause 5.18.6;*
- (b) A decision by the local government not to adopt a structure plan (or an amendment to a structure plan) pursuant to clause 5.18.8 or 5.18.13;*
- (c) A decision by the Commission not to adopt a structure plan (or an amendment to a structure plan); and*
- (d) A decision by the Commission to endorse a structure plan subject to modifications, where the owner is aggrieved by one or more of the modifications required. “*

E. Delete clause 6.7 in its entirety and replace with the following:

“6.7 Areas within which Development contribution plans apply

6.7.1 Interpretation

In clause 6.7, unless the context otherwise requires:

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘Administrative items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause

6.7.10.

'Cost contribution' means the contribution to the cost of infrastructure and administrative costs.

'Development contribution area' means an area shown on the scheme map with a number and included in Schedule 13.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 6.7 of the scheme (as incorporated in Schedule 13 to this scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.7.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 Development Contributions for Infrastructure) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Local government' means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

'Owner' means an owner of land that is located within a development contribution area.

6.7.2 Purpose

The purpose of having development contribution areas is to:

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;*
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and*
- (c) coordinate the timely provision of Infrastructure.*

6.7.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

6.7.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 13 as part of this scheme.

6.7.5 Subdivision, strata subdivision and development

6.7.5.1 *The local government shall not withhold its support for subdivision, strata subdivision or*

refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

6.7.5.3 *Where a development contribution plan is required but not yet in effect, the local government may recommend conditions of subdivision or strata subdivision approval or impose conditions of a development approval requiring the owner to make other interim arrangements, satisfactory to the local government, with respect to the owner's contribution toward the provision of infrastructure, land and administrative items and costs in a development contribution area.*

6.7.6 *Guiding principles for development contribution plans*

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

(a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

6.7.7 Recommended content of development contribution plans

6.7.7.1 The development contribution plan is to specify:

- (a) the development contribution area to which the development contribution plan applies;*
- (b) the infrastructure and administrative items to be funded through the development contribution plan;*
- (c) the method of determining the cost contribution of each owner; and*
- (d) the priority and timing for the provision of infrastructure.*

6.7.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

6.7.9 Land excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:

- a. roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;*
- b. existing public open space;*
- c. existing government primary and secondary schools; and*
- d. such other land as is set out in the development contribution plan, is to be excluded.*

6.7.10 Development contribution plan report and cost apportionment schedule

6.7.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.7.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.7.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.7.11.

6.7.11 *Cost contributions based on estimates*

6.7.11.1 *The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.*

6.7.11.2 *Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:*

- (a) in the case of land to be acquired, in accordance with clause 6.7.12; and*
- (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.*

6.7.11.3 *The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.*

6.7.11.4 *Where any cost contribution has been calculated on the basis of an estimated cost, the local government:*

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and*
- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.*

6.7.11.5 *Where an owner's cost contribution is adjusted under clause 6.7.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.*

6.7.11.6 *If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.*

6.7.11.7 *If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined:*

- (a) by any method agreed between the local government and the owner; or*
- (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and owner.*

6.7.12 *Valuation*

6.7.12.1 *Clause 6.7.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.*

6.7.12.2 *In clause 6.7.12 -*

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report.

'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.7.12.3 *If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owners expense, within 28 days after being informed of the value.*

6.7.12.4 *If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined:*

- (a) by any method agreed between the local government and the owner; or*
- (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the Planning and Development Act 2005.*

6.7.13 *Liability for cost contributions*

6.7.13.1 *An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.7.*

6.7.13.2 *An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of:*

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;*
- (b) the commencement of any development on the owner's land within the development contribution area;*
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or*
- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.*

The liability arises only once upon the earliest of the above listed events.

6.7.13.3 *Notwithstanding clause 6.7.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of:*

- (a) *the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan;*
- (b) *a single dwelling on a single lot and associated outbuildings;*
- (c) *a change of use where no development is proposed;*
- (d) *a development which is defined as 'public works' under the Public Works Act 1902, but excluding Public Housing;*
- (e) *a fence;*
- (f) *a home business;*
- (g) *a home occupation;*
- (h) *a home office; or*
- (i) *any development which is permitted and excluded from the requirement for planning consent pursuant to clause 8.2..*

6.7.13.4 *Where a development contribution plan expires in accordance with clause 6.7.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.*

6.7.14 *Payment of cost contribution*

6.7.14.1 *The owner, with the agreement of the local government, is to pay the owner's cost contribution by:*

- (a) *cheque or cash;*
- (b) *transferring to the local government or a public authority land in satisfaction of the cost contribution;*
- (c) *the provision of physical infrastructure;*
- (d) *some other method acceptable to the local government; or*
- (e) *any combination of these methods.*

6.7.14.2 *The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.*

6.7.14.3 *Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.*

6.7.15 *Charge on land*

6.7.15.1 *The amount of any cost contribution for which an owner is liable under clause 6.7.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.*

6.7.15.2 *The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.7.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.*

6.7.15.3 *If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.7.15.*

6.7.16 *Administration of funds*

6.7.16.1 *The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.*

6.7.16.2 *Interest earned on cost contributions credited to a reserve account in accordance with clause 6.7.16.1 is to be applied in the development contribution area to which the reserve account relates.*

6.7.16.3 *The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.*

6.7.17 *Shortfall or excess in cost contributions*

6.7.17.1 *If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:*

(a) make good the shortfall;

(b) enter into agreements with owners to fund the shortfall; or

(c) raise loans or borrow from a financial institution,

but nothing in paragraph 6.7.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.7.17.2 *If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.*

6.7.18 *Powers of the local government*

The local government in implementing the development contribution plan has the power

to:

- (a) *acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and*
- (b) *deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.*

6.7.19 Arbitration

Subject to clauses 6.7.12.3 and 6.7.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985."

F. Insert new Clause 6.8

"6.8 Muchea Employment Node

The Muchea Employment Node Special Control Area is shown on the Scheme Map. Planning Approval is required for any development within the Special Control Area.

6.8.1 Purpose

- (a) *to provide a basis for the zoning and development of the Muchea Employment Node as an industrial estate in accordance with the Muchea Employment Node Structure Plan;*
- (b) *to accommodate industrial impacts within the boundaries of the Muchea Employment Node;*
- (c) *to provide a basis for development contributions toward infrastructure in accordance with clause 6.7 and Schedule 13 of the Scheme;*
- (d) *to protect and manage the natural environment, landscape values and waterways, resulting in a high quality industrial estate that responds to its natural setting;*
- (e) *provide for essential services that provide for a broad range of land uses and protection of the natural environment; and*
- (f) *limit the development of land uses that might compromise the intended purpose of the area as an industrial estate.*

6.8.2 Planning Requirements

6.8.2.1 *Notwithstanding any other land use permissibility expressed in the Scheme, no residential land uses will be approved in the Muchea Employment Node Area.*

6.8.2.2 *In considering zoning proposals for 'Industrial Development' or 'General Industry' within the Muchea Employment Node, Council will require a comprehensive report that addresses the objectives and specific provisions of the Muchea Employment Node Structure Plan, and includes as a minimum:*

- (a) *a District Water Management Strategy*
- (b) *An Environmental assessment that includes Flora and Vegetation Survey, Wetland Assessment and Level 1 Fauna Assessment*
- (c) *A desktop Aboriginal heritage assessment.*

6.8.2.3 *Subdivision or development of any land within the Muchea Employment Node shall be in accordance with the specific provisions and requirements of Schedule 16 as applicable.”*

G. Insert the following definitions into Schedule 1 – General Definitions:

‘owner’ means an owner or owners of land;

‘structure plan’ means a structure plan that has come into effect in accordance with the provisions of this scheme and includes any Outline Development Plan, Development Plan or Subdivision Guide Plan prepared and approved under a previous local planning scheme of the local government

H. Amend Schedule 2 – Zoning Table to include columns for Industrial Development Zone and General Industry Zone.

- Land Use permissibility for Industrial Development Zone across all use classes will be listed as “in accordance with an approved Local Structure Plan”.
- Land Use permissibility for General Industry Zone will be as follows:

Permissibility	Use Class
‘P’ (permitted)	Animal Establishment Aquaculture Builders Storage Yard Car Park Caretakers dwelling Civic Use Community Purposes Exhibition Centre Factory Unit Building Farm Supply Centre Fuel Depot Garden Centre / Plant Nursery Industry - Extractive Industry – General Industry – Light Industry – Rural Industry – Service Landscape Supplies Lunch Bar Motor Vehicle, Boat or Caravan – Sales Motor Vehicle Repair Motor Vehicle Wrecking Open Air Display Public Utility Recycling Centre Roadhouse Salvage Yard Service Station Shop Showroom

	Storage Telecommunications Infrastructure Transport Depot Veterinary Centre Warehouse
'A' (discretionary requires advertising)	Animal Husbandry – Intensive Stock Yards
'X' (prohibited)	Industry - Noxious Industry – Hazardous Industry – Mining Chicken Litter Fired Power plant

- I. Rename 'Schedule 13 – Community Infrastructure Development Contribution Plans for Development Contribution Areas' to "Schedule 13 – Development Contribution Areas" and insert the following:

Schedule 13 – Development Contribution Areas

NO.	DESCRIPTION OF LAND	DEVELOPMENT CONTRIBUTION PLANS
1	Referred to as Muchea Industrial Precinct 1 North A Part Lot M1313 Great Northern Highway and shown on the scheme map as Special Control Area MEN	A Development Contribution Plan (DCP) for this area is to be prepared in accordance with clause 6.7.

- J. Insert 'Schedule 16 – Muchea Employment Node Special Control Area'

Schedule 16 – Muchea Employment Node Special Control Area

NO.	DESCRIPTION OF LAND	CONDITIONS
1.	Referred to as Muchea Industrial Precinct 1 North A Part Lot M1313 Great Northern Highway	<p>1. Hierarchy of Plans</p> <p>Subdivision and development within the subject area shall be subject to the provisions of Part 5.18 and 6.8 of the Scheme, including the preparation and approval of Structure Plan(s).</p> <p>2. Structure Plan</p> <p>2.1 Structure Plan Preparation</p> <p>A Structure Plan(s) shall be prepared in accordance with the provisions of Part 5.18 of the Scheme over the entire area, or over any portion of the area.</p>

			<p><i>An approved Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Structure Plan Without limiting the generality of the foregoing, within the zones designated in the Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table.</i></p> <p>2.2 Environmental Management Plans</p> <p><i>The following Environmental Management Plans shall be prepared and used to inform the design and proposed subdivision and development within the Structure Plan area. They shall be submitted as an additional detail of a Structure Plan unless otherwise determined by the Local Authority.</i></p> <p>2.2.1 Local Water Management Strategy</p> <p><i>The developer shall submit to the Local Authority a Local Water Management Strategy (LWMS) for approval as an additional detail of a Structure Plan pursuant to Part 5.18 in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Authority must notify and consult with the authority responsible for water and the environment on the proposed strategy in advertising the Local Structure Plan(s) pursuant to clause 5.18.</i></p> <p><i>The LWMS shall be prepared in accordance with Better Urban Water Management or its successor document.</i></p> <p><i>The Structure Plan design shall respond to the LWMS required by 2.2.1 and shall be implemented to the satisfaction of the Local Authority, having regard to any advice from the Department of Water.</i></p> <p>2.2.2 Environmental Assessment and Management Strategy</p> <p><i>The developer shall submit to the Local Authority an Environmental Assessment and Management Strategy for approval as an additional detail of a Local Structure Plan pursuant to Part 5.17 in order to ensure the local structure plan provides a comprehensive and coordinated response to all environmental features within the Structure Plan area and in accordance with the Muchea Employment Node Structure Plan.</i></p>	
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			<p><i>The Environmental Assessment and Management Strategy is to include the following:</i></p> <ul style="list-style-type: none"> – <i>Identification of significant environmental features within the local structure plan area including flora, vegetation, fauna, wetlands and waterways;</i> – <i>Identification of appropriate management strategies, consistent with industry best practice, to ensure that the local structure plan responds appropriately to these environmental features. Appropriate management strategies might include identification of buffers / setbacks, potential areas of revegetation / rehabilitation, public open space and fauna relocation; and</i> – <i>Consideration of Acid Sulfate Soils (if present) and identification of the likely requirement for ASS management during future planning stages.</i> <p><i>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.18.</i></p> <p><i>The Environmental Assessment and Management Strategy shall be consistent with the EPA’s current Guidance Statement No.33 Environmental Guidance for Planning and Development, or any successor Guidance Statement.</i></p> <p><i>The Environmental Assessment and Management Strategy required by 4.2.2 shall be implemented to the satisfaction of the Local Authority on the advice of the applicable environmental agencies.</i></p> <p>2.2.3 Land Capability Assessment</p> <p><i>The developer shall submit to the Local Authority a Land Capability Assessment for approval as an additional detail of a Local Structure Plan pursuant to Part 5.18 in order to demonstrate that the land is capable of supporting on-site effluent disposal where required.</i></p> <p><i>The Land Capability Assessment shall be prepared in accordance with “Land Evaluation Standards for Land Resource Mapping – Assessing Land Quality and Determining Land Capability in South-Western Australia” - Van Gool et al. 2005 or any superseding guideline, as determined by the Department of Food and Agriculture and appropriate environmental agencies.</i></p>	
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			<p>2.2.4 Strategic Noise Assessment and Management Strategy</p> <p><i>The developer shall prepare and submit to the Local Authority a Strategic Noise Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to Part 5.18.</i></p> <p><i>The Strategic Noise Assessment and Management Strategy will identify any nearby sensitive land uses that are likely to be impacted by noise generated by future industrial land uses, and will identify noise mitigation strategies to be implemented at subdivision and development stages.</i></p> <p><i>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.18.</i></p> <p>2.2.5 Strategic Odour Assessment and Management Strategy</p> <p><i>The developer shall prepare and submit to the Local Authority a Strategic Odour Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to Part 5.18.</i></p> <p><i>The Strategic Odour Assessment and Management Strategy will identify any nearby sensitive land uses that are likely to be impacted by noise generated by future industrial land uses, and will identify noise mitigation strategies to be implemented at subdivision and development stages.</i></p> <p><i>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.18.</i></p> <p>2.3 Additional Reports / Strategies</p> <p><i>In addition to the Environmental Management Plans outlined in section 2.2, the local government may also require the provision of the following reports / strategies as an additional detail of a local structure plan:</i></p>	
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			<ul style="list-style-type: none"> • <i>Transport Assessment and Management Strategy</i> • <i>Infrastructure and Servicing Strategy, including details for the provision of reticulated water infrastructure within the estate.</i> <p>3. Subdivision</p> <p>3.1 Management Plans</p> <p>3.1.1 Flora, Vegetation, Wetland and Waterway Management Plans</p> <p><i>Where a proposed subdivision includes significant vegetation, wetlands and / or waterways as identified in the Environmental Assessment and Management Strategy, the developer shall submit to the Local Authority Management Plan(s) for approval as a condition of subdivision approval in order for existing flora, vegetation, wetlands, waterways and their buffers to be implemented as part of development in accordance with the management strategies / plans.</i></p> <p><i>The Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development.</i></p> <p><i>The Management Plan(s) outlined above shall be implemented to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</i></p> <p>3.1.2 Acid Sulfate Soils (ASS) Site Assessment Management Plan</p> <p><i>The developer shall submit to the Local Authority an ASS Site Assessment and Management Plan for approval as condition of subdivision approval in accordance with the WAPC's Planning Bulletin No.64 or its successor.</i></p> <p><i>The ASS Site Assessment and Management Plan shall include, but is not limited to the following:</i></p> <ol style="list-style-type: none"> <i>a) Detailed field assessment of ASS in proposed disturbance areas;</i> <i>b) The preparation of ASS management plans in accordance with the DEC's current guidelines, and;</i> <i>c) Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan.</i> <p><i>The ASS Site Assessment and Management Plan shall be implemented to the satisfaction of the Local Authority</i></p>	
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			<p>on the advice of the appropriate environmental agencies.</p> <p>3.1.3 Urban Water Management Plan</p> <p><i>The developer shall submit to the Local Authority an Urban Water Management Plan (UWMP), which is consistent with the LWMS for approval as a condition of subdivision approval.</i></p> <p><i>The UWMP required by 3.1.3 shall be implemented to the satisfaction of the Local Authority, on advice from the Department of Water.</i></p> <p>3.1.4 Geotechnical Report</p> <p><i>The developer shall submit to the Local Authority, as a condition of subdivision approval, a Geotechnical Report, certifying that the land is capable of supporting the development proposed.</i></p> <p>3.2 Water Supply and Wastewater Disposal</p> <p>3.2.1 <i>Water supply and wastewater systems shall be designed and implemented in accordance with environmental and water management strategies such that groundwater and environmental resources are maintained or improved.</i></p> <p>3.2.2 <i>Water supply and wastewater disposal systems will be required at the first stage of subdivision.</i></p> <p>3.2.3 <i>Reticulated water and wastewater systems will be provided by licensed service providers.</i></p> <p>3.2.4 <i>Provision of water and wastewater systems will be subject to a Development Contribution Plan, prepared in accordance with State Planning Policy 3.6 – Development Contributions for Infrastructure.</i></p> <p>4. Development</p> <p>4.1 Development Application</p> <p><i>Development of land shall be generally in accordance with the provisions of the Scheme and approved Structure Plan.</i></p> <p>4.2 Land Use Separation Distances</p>	
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			<p><i>All land use separation distances, as defined in State Planning Policy and/or by the Environmental Protection Authority resulting from development proposed within the Special Control Area and determined as part of a development application, are to be contained within the boundary of the Special Control Area to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</i></p> <p>4.3 Management Plans</p> <p><i>Where it is deemed appropriate and necessary to protect the amenity of the broader Special Control Area and surrounds, the local government may require the proponent of a development application to provide additional technical information and / or management plans in support of a development application. These management plans may include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Noise management plan</i> • <i>Construction management plan</i> • <i>Odour management plan</i> • <i>Waste management Plan.</i> <p><i>The management plans shall be prepared in a manner that is consistent with current government guidelines and / or best practice and are to be implemented as conditions of planning approval.</i></p> <p>4.4 Water Supply and Wastewater Disposal</p> <p><i>4.4.1 Notwithstanding the provisions of Schedule 2 – Zoning Table, in the event that a suitable district water scheme is not available and connected to the estate’s reticulated system at the time of development, land uses shall be generally limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Transport Depot</i> • <i>Storage</i> • <i>Warehouse</i> • <i>Landscape Supplies</i> <p><i>Development applications are required to demonstrate that the proposed use / development has an adequate and sustainable water supply to service the day to day operational needs of the land use on an ongoing basis and the proposed use shall be consistent with the objectives of the zone, and any applicable structure plan.</i></p>	
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2. Number the proposed amendment as 'Amendment No 52' of the Shire of Chittering *Town Planning Scheme No 6* and be forwarded to the Environmental Protection Authority for assessment in accordance with section 81 of the *Planning and Development Act 2005*, prior to advertising in accordance with the *Town Planning Regulations 1967*.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.7 Proposed revised Development Plan – Lot 600 & 601 Muchea East Road, Chittering*

Applicant	Statewest Planning
File ref	18/02/0004
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Development Plan 2. Existing Development Plan

Background

Council is requested to consider the proposed revised Development Plan for Lot 600 and 601 Muchea East Road, Chittering.

The current Development Plan was endorsed in 2009. The owner is now seeking to apply for subdivision to create super lots. As a result of discussion with the WAPC, the owner/applicant has become aware of the requirements of the *Planning for Bush Fire Guidelines 2010* and the need for Development Plans to address the bush fire requirements. This application to revise the Development Plan addresses this by:

- Inserting a new provision (m) to require a bush fire hazard assessment for new dwellings; and
- Amending provision (d) mentioning setbacks to extreme fire hazard areas.

Consultation

The application was not advertised or referred to agencies due to the proposed revised Development Plan not resulting in an increase in the total number of lots.

Statutory Environment

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

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

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

Clause 5.8.1 of the Scheme applies to the proposal:

5.8.1. Requirement for a Development Plan

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

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

- (a) Lot sizes, dimensions and identification of building envelopes or building exclusion areas;*

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

Policy Implications

State: *Planning for Bush Fire Guidelines 2010*

Local: *Shire of Chittering Local Planning Policy No. 32 Development Plans*

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

5.6 Amendment

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

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

The requirement for a Bush Fire Attack Level (BAL) assessment (Provision m) and likely higher standard of building for some lots will result in higher building costs for those landowners.

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 proposed amendments to the Development Plan are considered appropriate in bringing the Development Plan in line with the *Planning for Bush Fire Guidelines 2010*. This addresses the matter of bush fire protection now prior to the subdivision application. Had the amendments to the Development Plan not be undertaken now, delays in the subdivision process would have occurred.

For the reason above it is recommended Council support the Officer's Recommendation below to endorse the Development Plan.

9.1.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110514

Moved Cr Douglas / Seconded Cr Gibson

That Council:

- 1. Endorses the revised Development Plan for Lot 600 & 601 Muchea East Road, Chittering which supercedes the previous approved Development Plan.**
- 2. Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan.**
- 3. Forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.8 Proposed Development Plan and subdivision WAPC 148162– Lot 7 Gray Road, Bindoon*

Applicant	Dynamic Planning
File ref	18/07/6 18/03/81 P213/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Revised Development Plan 2. Council Minutes 18 December 2013 3. Site Meeting notes 28 Feb 2014 4. Draft Shire amended subdivision layout plan

Background

Council is requested to consider the proposed Development Plan and subdivision for Lot 7 Gray Road, Bindoon.

Council at its 18 December 2013 Ordinary Council Meeting previously considered the Development Plan and subdivision of Lot 7 Gray Road, Bindoon. Council resolved that the item 'lay on the table' to allow further discussion on the following points:

1. *All Lots be increased to 2ha to retain the bushland in the area and protect the waterway, in particular Lots 28, 27, 26, 1, 2 are considered inappropriate in size and building envelope position;*
2. *A creek Setback of 30m from waterway;*
3. *Change the access road to western boundary to move it away from the wetlands;*
4. *Re-vegetation to the Public Open Space;*
5. *Demonstrating the storm water runoff through an urban Water Management Plan in consultation with the Department of Water.*

An onsite meeting was held on 28 February 2014 to discuss the points above with Council, Executive staff, the Developer and owners present. The meeting notes are attached (Attachment 3).

The subdivision referral for the property is also outstanding pending Council's decision of the Development Plan.

Consultation

Following the December 2013 OCM, an onsite meeting was held with Council to discuss the issues that need to be addressed for the development of the site to be more acceptable to Council.

Statutory Environment

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

The subject property was recently rezoned to the following:

Residential R2

- *To designate areas for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible.*
- *To meet the demand for lifestyle lots with a minimum lot size of 5,000m².*

- *To ensure development is sited and designated to achieve an integrated and harmonious character within each estate.*

Rural Residential

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

The property also contains a Local Reserve for the purpose of 'Parks and Recreation'.

Clause 5.8.1 of the Scheme makes requirement for a Development Plan.

Clause 5.8.5 of the Scheme outlines the requirement for lots within the Bindoon Townsite Consolidation Area to be connected to a reticulated water supply.

Local: *Shire of Chittering Delegated Authority Register*

DA47 Subdivision

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

Policy Implications

State: *Planning for Bush Fire Protection Guidelines 2010*

Local: *Local Planning Policy No. 1 Bindoon Townsite*

Lot 7 Gray Road is located within Development Precinct D.

4.6 Development Precinct D (Gray Road-Crest Hill Road) (Figure 14)

4.6.1 Location and Description

Gray Road bounds this small precinct to the south, Precinct A to the west, Crest Hill Road to the north and Brockman River to the east.

For the most part the landform is very steep with the lowest part being by the Brockman River floodplain at 130 metres AHD and rising to over 240 metres AHD to the west. There is a very low vegetation cover over the precinct with the only remains of natural vegetation being along a streamline along Gray Road and the floodplain to the east. The rest has been extensively cleared for pasture and some isolated citrus orchard. Other land uses include deer farming and hobby farms.

Strong ridgelines with associated steep gradients are the main landform characteristics as seen from both Gray Road and Crest Hill Road.

Drainage is totally to the Brockman River. Three main streamlines run from the hillsides to the Brockman River and are subject to run off erosion.

4.6.2 Land Holdings and Capability

There are five large lots the largest being 85 hectares. Smaller lots of under two hectares are located along Gray Road. An area of public open space (10.09 ha) covers the downstream portion of the Gray Road streamline.

The EEP DR3 covers the whole of the development precinct. Coolakin soils dominate the higher landforms with the heavier Bindoon soil types on the eastern slopes towards the floodplain. Nooning soils occupy the main streamline along Gray Road and the Brockman River floodplain.

Where the land has been cleared on the Bindoon soils, there is a high capability for horticulture and grazing providing adequate measures are taken to control erosion.

The steepness of the hillsides limits accessibility for rural living and horticulture, although some of the more gentle slopes could accommodate these uses. It is also recommended that such developments be limited to revegetate the ridge tops and steeper slopes to stabilise the soils.

4.6.3 Objectives and Policies

Objectives

- a) *To protect the natural landform from development and rehabilitate the ridgelines and streamlines as part of any development proposal;*
- b) *To acquire part of the floodplain of the Brockman River as part of any subdivision for its protection from further degradation;*
- c) *to permit some development for rural living and hobby farms on the lower slopes and flat area.*

Policies

The policies shall include the following considerations for any development proposal:

- a) *To allow for rural living development at a minimum lot area of 5000m², providing scheme water is connected to each lot;*
- b) *To encourage clustering of lots and only on the lower and flatter land;*
- c) *To set aside the ridgelines and watercourses for revegetation;*
- d) *To require the fencing and rehabilitation of the Brockman River floodplain;*
- e) *To acquire part of Lot 484 and Lot 1285 (floodplain) as part of the extension of the Clune Park Reserve;*
- f) *To allow for hobby farms on some of the productive land at minimum lot areas of five hectares.*

Local: *Shire of Chittering Local Planning Policy No. 32 Development Plans*

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

Financial Implications

Ongoing maintenance costs associated with 8.78ha Public Open Space.

Strategic Implications

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

The Strategy identifies Lot 7 as being a “Priority Development Area” within the “Bindoon Townsite Consolidation Area”.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

The proposed development of Lot 7 could create an additional forty-one (41) rateable residential lots to the benefit of the Shire and further consolidate the expansion of the Townsite Consolidation Area.

Social implications

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

Environmental implications

The extent of clearing for the proposed lots is reduced by the location of the building envelopes and clustered vegetated areas depicted on the Development Plan. The Development Plan provides Public Open Space resulting in the protection of the watercourse and a Conservation Lot which shall retain a significant amount of remnant vegetation adjoining conservation value vegetation to the west.

The Applicant has also made changes to the Development Plan to shift the location of the internal road intersecting the watercourse to minimise impact and providing drainage easements to connect into the watercourse to better manage stormwater runoff.

Comment

It is considered the points raised by Council at the December 2013 OCM have now been addressed by the Applicant.

1. *All Lots be increased to 2ha to retain the bushland in the area and protect the waterway, in particular Lots 28, 27, 26, 1, 2 are considered inappropriate in size and building envelope position;*

As discussed onsite, the Residential R2 zone allows for 5,000sq m lots. The building envelopes on these properties have been located outside of the 'low land capability' area and require the use of ATU effluent disposal systems to minimise the impact on the adjoining waterway.

It is considered Council's concerns of the small lots adjoining the waterway may still be an outstanding issue. Attachment 4 is a plan based on the subdivision plan with an aerial underlay and minor changes to accommodate Council's concerns. The changes include amalgamating lots 26, 27 and 28 into one lot and amalgamating lots 1 and 2 into one lot. A recommendation of the plan is to also retain and/or install fencing to protect the waterway and vegetated area already established. This would prevent further degradation and could be further protected by way of an appropriate restriction identified on the Development Plan and Certificate of Title.

2. *A creek setback of 30m from waterway;*

The Public Open Space boundary has been delineated as part of the rezoning process and is already part of the Scheme. The proposed Development Plan minimises impact on the waterway with the provision of building envelopes and requirement of ATU effluent disposal systems. The draft plan (Attachment 4) also assists in the north-east portion of the site and addresses this concern. Further to this the Shire can enforce the relevant building setbacks and appropriately condition development on the lots to reduce impact on the waterway.

3. *Change the access road to western boundary to move it away from the wetlands;*

As mentioned by the Applicant, the road on the western boundary side is located on the endorsed Development Plan for Lot 20 Gray Road. Lots 39 to 41 are the subject of this road being constructed. Should the road never be constructed, Lot 38 would remain as 2ha covering all the lots. The eastern access road onto Gray Road has already been relocated to minimise the impact on the wetlands/waterway.

4. Revegetation to the Public Open Space;

Conditions on the subdivision have been recommended to require a Revegetation Plan being prepared, approved and implemented for the Public Open Space.

5. Demonstrating the storm water runoff through an Urban Water Management Plan in consultation with the Department of Water.

A condition on subdivision has been recommended requiring the preparation and implementation of an Urban Water Management Plan. The Applicant has included a drainage easement to cater for stormwater runoff into the waterway.

Site Meeting

Further to the above from Council's resolution, as a result of the onsite meeting on 28 February 2014, there were eight points of 'final understanding' between Council and the Applicant:

1. A road added at the western boundary at least half way down.
2. Include an easement between lots 1 and 26 for water to flow to the natural water course.
3. Include a walk trail along the easement at the southern boundary – to be discussed with Azhar.
4. Straighten out the POS line as much as possible.
5. Council is not unhappy with the eastern road, the second road may not need to cross the waterway if a western boundary road is added.
6. Revegetation to the wetland POS to be discussed at subdivision process.
7. Developer to check the watercourse on lots 1 and 2.
8. Developer to check the road storm water run-off plan.

It is believed the Applicant has addressed all the points in their revised Development Plan. The matter of revegetation and stormwater runoff has been addressed in the Officer's Recommendation for the subdivision.

AMENDMENT

Moved Cr Gibson / Seconded Cr Douglas

That an additional condition 4 x. be included as follows:

- x. *That each adjoining lot along the creek line POS has a straight fence.*

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

9.1.8 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120514

Moved Cr Douglas / Seconded Cr Gibson

That Council:

1. Endorses the Development Plan for Lot 7 Gray Road, Bindoon subject to the following modifications:
 - a. Modify 'Fire Control' Provision to remove date of Fire Management Plan and revise to state landowners to comply with the approved Fire Management Plan and AS 3959-2009. Individual fire breaks on private property are to be maintained by the owner/occupier to the satisfaction of the Chief Executive Officer;
 - b. Insert provision for 'Environment Management' requiring landowners to comply with the Environmental Management Plan, in accordance with clause 5.8.14 of TPS6;
 - c. Modify 'Potable water' Provision to state 'Reticulated water shall be connected to lots to the satisfaction of the Water Corporation';
 - d. Modify the lot layout as per Attachment 4 requiring lots 26, 27 & 28 and lots 1 & 2 to be amalgamated into single lots respectively;
 - e. Insert the following under Building Envelope:
"The following setback from the cadastral boundaries shall be applied:
For R2
Front – 20m
Side – 10m
Rear – 10m

For Rural Residential
Front – 20m
Side – 15m
Rear – 20m"
 - f. Insert the following provision:
"Fencing:
No fencing shall be permitted or undertaken within an areas designated for vegetation protection as depicted on the Development Plan unless approved in writing by the Council. Where an area is subject to an Environmental Management Plan, as depicted on the Development Plan, fencing is to be in accordance with this plan."
2. Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan.
3. Forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.
4. Advise the Western Australian Planning Commission of its support for the proposed subdivision (WAPC 148162) of Lot 7 Gray Road, Bindoon subject to the following conditions:
 - a. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.

- b. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the local government.
- c. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.
- d. A fence restricting vehicle and stock access to the Public Open Space is to be constructed on the Public Open Space boundaries to protect native vegetation to the satisfaction of the Local Government.
- e. A fence restricting stock access on lot '28' and lot '2' on the plan dated May 2014 (Attachment 4) to protect the vegetation, soil stability and water quality of the wetland and waterway to the satisfaction of the Local Government.
- f. Prior to the commencement of subdivisional works a foreshore/environmental management plan for the Public Open Space and proposed Bushland Conservation Lot is to be prepared and approved by the Department of Parks and Wildlife to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
- g. A revegetation plan being prepared and approved by the Local Government and implemented for the revegetation of the Public Open Space as shown on the Development/Subdivision Plan, with a maintenance period not less than two (2) years, with appropriate native species to the specifications of the Local Government.
- h. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land to protect areas identified for conservation and that no further subdivision is permitted. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan).
- i. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: *"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."*
- j. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the local government and/or the Department of Fire and Emergency Services.
- k. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"The lot(s) is/are subject to a fire management plan."*
- l. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Development Plan are advised in writing that Development Plan provisions apply.
- m. A foreshore reserve in accordance with the plan dated 7th April 2014 (attached); as established by survey, being shown on the diagram or plan of survey (deposited plan) as a reserve for waterway management 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.
- n. Engineering drawings and specifications are to be submitted, approved, and subdivisional works

undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and 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.

- o. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the local government. The approved shared paths are to be constructed by the landowners/applicant.
- p. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan.
- q. Gray Road being widened in accordance with the plan dated 7th April 2014 (attached) by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening Gray Road.
- r. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *Liveable Neighbourhoods policy/DC 2.6 Residential Road Planning*.
- s. Provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision to the satisfaction of the Local Government.
- t. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to all lots shown on the approved plan of subdivision.
- u. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body.
- v. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"A reticulated sewerage service is not available to the lot/s."
- w. Rural numbering shall be required for all lots at the Applicant's cost.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.1.9 LATE ITEM - Additional Dog Application – Lot 302, (RN 102) Ayrshire Loop, Lower Chittering

Applicant	Lisa Collier
File ref	A9975
Prepared by	Robert Butler, Senior Ranger
Supervised by	Jamie O’Neill, Community Emergency Services Manager
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

The Applicant currently owns two dogs registered within the Shire of Chittering, which are a sterilised Kelpie X breed and a Doberman breed dog.

The Applicant has made a Section 26 application to add a Golden Retriever breed dog to their household.

The property is on 2 hectares zoned “Rural Residential”.

The fencing is in good condition, it is star pickets and pine posts with ringlock and wire strand attached to a height of 1.2 metres on external boundaries. A dog electric containment line has been installed around the front 2 acres of the block 3 metres inside the external fence line.

The dogs are indoor dogs, they sleep and eat inside and they are inside when owner is away and allowed to run the electric containment compound when owner is at home.

The existing dogs are exercised with walks on leash around streets and they can run on the property if they choose when the owners are home. The additional dog is old and its front legs were injured some years ago which restricts the dogs mobility. The dog is not expected to live much longer.

The dogs came to Shire of Chittering Ranger’s attention through a random registration check.

Consultation

The Shire Ranger has sent letters to six (6) adjacent and adjoining land owners giving them the opportunity to comment on the additional dog application.

Five (5) submissions were received, where three (3) objected to the application and two (2) supported the application

	Summary of respondents comments	Officers comment
Respondent 1	Objected - Stated that the dogs are not friendly and rush, barking aggressively at the fences.	An incident has occurred which gives credence to this statement.
Respondent 2	Objected – Alleged that one of the dogs had bitten another dog previously.	Not reported to council.
Respondent 3	Objected – Alleged the dogs are aggressive and one has bitten a neighbours dog.	Not reported to council previously.
Respondent 4	Stated no issue as long as dogs are contained to their property.	Noted
Respondent 5	Supported – As long as dogs are contained.	Noted



When attending the property the two original dogs ran at vehicle barking, they stopped on command from owner. The third dog was found laying on the verandah and gave a few small barks when it noticed me, the dog had trouble rising and walking.

The dog owner when asked about barking said that they would not tolerate barking and would do whatever was necessary to resolve it if barking became an issue, she already owns a barking collar.

Statutory Environment

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

- 1) *The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- 2) *Subject to subsection (1), a Local Government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situated in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*
- 3) *Where by local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in the respect of those premises but any such exemption –*
 - a. *May be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
 - b. *Shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
 - c. *May be revoked or varied at any time.*
- 4) *Subject to the provisions of subsection (3), a person who keeps any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

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

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

Shire of Chittering Dogs Local Law 2011

3.2 Limitation on the number of dogs

- (1) *This clause does not apply to premises which have been—*
 - (a) *licensed under Part 4 as an approved kennel establishment; or*

- (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*
- (b) *3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

Policy Implications

Shire of Chittering Multiple Dog Policy

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

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

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

Financial Implications

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

Environmental implications

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

Comment

In determining the application the following processes were undertaken:

- 1) All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
- 2) The Shire Ranger attended the property and undertook a complete dog welfare and fencing check.
- 3) The Shire Ranger contacted the landowners who had made an objection.

The Kelpie X dog “Lexie” was involved in an incident with a dog from an adjacent property whilst this application was being reviewed. The other dog was bitten through the fence and was treated at a veterinary facility for bites to its neck and chest. The investigating officer has investigated the incident and found evidence to support that “Lexie’ has bitten the other dog. An infringement has been issued under *The Dog Act 1976*, for the offence of “*Dog attack causing physical injury*”.

The investigating officer has assessed the Kelpie X dog “Lexie” and it shows signs that it is a dominant dog. It shows aggression to other dogs and has become territorial. The officer has advised applicant that they should consider removing the Kelpie X dog “Lexie” from their property or build better fencing to prevent a further incident.

The granting of approval by council for extra dogs is a privilege which should not be taken for granted. If this application had been for a younger dog then the officer’s recommendation may have varied. As the dog applied for is old and its mobility is hindered it is not considered to be of any concern to neighbours by the investigating officer. The issues raised by neighbour objections relate to a dog that is already registered and has no relevance to this application for the Golden Retriever dog “Brock”.

Ranger Services therefore request that consideration be given to approve this application.

The Chief Executive Officer has delegated authority (DA60) to deal with applications where no objection has been received. In this case three (3) objections have been received and therefore Council is now requested to consider the application.

9.1.9 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130514

Moved Cr Rossouw / Seconded Cr Clarke

That Council approve the Application by Lisa Collier for the Additional Dog at Lot 302 (RN 102) Ayrshire Loop, Lower Chittering subject to the following conditions:

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

Breed	Name
Kelpie X	Lexie
Doberman	Louie
Golden Retriever	Brock

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.2 TECHNICAL SERVICES

At 8.06pm the Executive Manager Development Services left the meeting during discussion on item 9.2.1

9.2.1 Purchase of the New Grader

Applicant:	Shire of Chittering
File ref:	12/07/4
Prepared by:	Jim Garrett, Executive Manager Technical Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents tabled:	Grader quotes and documentation
Attachments:	Nil

Background

As part of the Councils annual plant replacement program, quotes were requested through the WALGA Preferred Suppliers arrangement, to supply one new licensed motor grader.

Three suppliers were requested to supply quotes to supply one new grader, they were:

- Komatsu Australia
- Hitachi Construction Machinery
- Westrac

The quotes were received from the following suppliers:

Komatsu Australia (Komatsu)	\$318,000 excl. Gst
Hitachi Construction Machinery (John Deer)	\$321,000 excl. Gst
Westrac (CAT)	\$350,000 excl. Gst

Komatsu Australia received higher scores than other suppliers following consultation with Shire of Chittering grader operators and other local governments whom have purchased the same model grader.

Consultation

Jim Garrett, Executive Manager Technical Services
Ian Miles, Supervisor of Road Construction (grader operator)
Shane Radburn, Supervisor of Road Maintenance (grader operator)

Statutory Environment

Purchasing Policy

Policy Implications

Due to the amount of quotes received and the threshold of any purchases over \$100,000 in the Shire of Chittering purchasing policy, the Chief Executive Officer requires Council approval to sign the purchase order for the supply of the new grader.

Financial Implications

In the 2013/2014 budget for plant replacement, \$385,000 was allocated to purchase a new grader.

Strategic Implications

Nil

Site Inspection

All three graders that were quoted on were test driven by Shire staff under working conditions.

Triple Bottom Line Assessment

Economic Implications

The purchase of a second grader will assist in the asset preservation of the Shire of Chittering road network by maintaining gravel road more efficiently.

Social Implications

Regular grading of the Shire gravel roads will improve road safety.

Environmental Implications

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

Comment

All of the quotes received have a product that met the Shire of Chittering requirements.

A qualitative criterion was conducted to assess the quotes as can be seen below:

Tenderer	Price (25%)	Extent of Warranty (20%)	Machine Services Costs (15%)	Experience of staff for repairs (15%)	Operator Comfort/operation ease (15%)	Supporting Documentation (10%)	Total (100%)
Score (out of 10) and weighted score (%)							
Komatsu Australia	8 (20%)	8 (16%)	9 (13.5%)	8 (12%)	8 (12%)	8 (8%)	81.5%
Hitachi Construction Equipment	7 (17.5%)	8 (16%)	7 (10.5%)	8 (12%)	7 (10.5%)	8 (10.5%)	77%
Westrac	5 (12.5%)	8 (16%)	7 (10.5%)	8 (12%)	7 (10.5%)	8 (8%)	69.5%

As can be seen from the above table, Komatsu scored the highest with 81.5.

Further reasons for selecting Komatsu:

All graders came with a 60 month warranty.

Komatsu was the only supplier that offered free servicing for the first 2,500 hours.

All shire operators commented that the Komatsu offered the greater visibility, comfort and was generally considered to be a more robust machine.

It is recommended that Komatsu Australia be awarded the contract to supply one new licensed grader as it is considered the best money for value.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140514

Moved Cr Gibson / Seconded Cr Rossouw

That Council award the purchase of one licensed new Grader to Komatsu Australia for \$318,000 (excluding GST).

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

9.3 CORPORATE SERVICES

9.3.1 Financial Statements for the Period Ending 30 April 2014*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Statement of Financial Activity for period ending 30 April 20142. Bank reconciliation for period ending 30 April 20143. List of accounts paid for April 2014

Background

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

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

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

Consultation

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

Statutory Environment

State: *Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

Policy Implications

Not applicable.

Financial Implications

Not applicable.

Strategic Implications

Not applicable.

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 150514

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. endorse the list of payments:

- PR3285
- PR3289
- EFT 9394 - EFT 9509
- Municipal Fund Cheques 13583 - 13600
- Direct Debits and Transfers as listed
- BPV39 to BPV39
- Trust Fund Cheques 404 - 406

Totalling \$1,095,772.25 for the period ending 30 April 2014.

2. receive the bank reconciliation for the period ending 30 April 2014.

3. receive the financial statements for the period ending 30 April 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

At 8.08pm the Executive Manager Development Services returned to the meeting during discussion on item 9.3.2.

Cr Gibson declared an impartiality interest in item 9.3.2 as he is the President of the Bindoon Historical Society.

9.3.2 2014/15 Financial Assistance Grant Applications

Applicants	Various
File ref	15/01/7, 26/05/0001
Prepared by	Alison Reliti, Economic & Community Development Support
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Each year the Shire of Chittering makes an allocation in its yearly budget to be made available to various 'not-for-profit' community organisations that operate within the Shire of Chittering. The scheme is designed to provide benefits to Shire residents through recreational, sport, social or cultural means.

As grants that are able to be utilised by the Shire's community groups are not common and those that are advertised are extremely competitive, minimal opportunities exist for the Shire's community groups to obtain funding.

Funding applications for the 2014/15 financial year total \$36,937.60. It is recommended that Council allocate \$21,068.60 in the 2014/15 Annual Budget for these grant applications.

Community Bus Sponsorship applications for the 2014/15 financial year total \$4,850.00. It is recommended that Council allocate \$4,350 in the 2014/15 Annual Budget for these sponsorship applications and an additional \$1,150 for requests for bus use that occur during the year.

The application forms were made available at the administration centre and on the Shire's website for community access, prior to closure at 4pm on Friday, 21 March 2014.

At the end of the application deadline the Shire received fifteen (15) Community Assistance Grant Applications and six (6) Community Bus Use Sponsorship Applications.

Consultation

Chittering Community Funding Support Group

Statutory Environment

Not applicable

Policy Implications

Budget Preparation

Financial Assistance Grant Scheme

Financial Implications

An allocation of \$21,068.60 & \$5,500 will be made in the 2014/15 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 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

At the closure of applications the Shire received the following general applications:

Community Organisation	Project title	Total Project Cost	Amount Requested	Officer Recommendation
Bindoon Arts and Crafts	Mosaic Tables	1,000	500	500
Bindoon & Districts Ag Society	Air Conditioning	4,864	2,432	1,621
Bindoon Basketball Association	Country Week Uniforms for coaches	884	884	442
Bindoon Basketball, Netball & Tennis	Storage Cupboards	6,900	3,450	1,500
Bindoon & Districts Bowling Club	Water Cooler	2,800	1,400	950
Bindoon & Districts Historical Society	Hay Shed	10,000	5,000	0
Bindoon Mens Shed	Trailer	7,200	3,600	2,400
Bindoon Primary School P&C	Budding Bindoon Scientists	11,000	1,000	975
Chittering Art Society	Wildflower Art Exhibition	1,900	1,000	700
Chittering Junior Football Club	Boundary Fencing	10,000	5,000	5,000
Chittering Tourist Association	September Colour	2,952	1,592	0
Chittering Wildlife Carers	Display Boards	756.25	378	378
IHC Playgroup	Equipment	710.99	355	355
South Midlands Polocrosse	Grounds Irrigation	10,000	5,000	3,333
Wannamal Community Centre	Wannamal Heritage Trail	8,834.60	2,914.60	2,914.6

Community Organisation	Project title	Total Project Cost	Amount Requested	Officer Recommendation
TOTAL AMOUNTS		79,801.84	34,505.60	21,068.60

Other Comments:

Most applications were allocated 1/3 of total project cost.

Bindoon Basketball, Netball and Tennis were allocated less than 1/3 of project costs as it was deemed that less expensive shelving equipment could be purchased and lockable cupboards are not required.

Bindoon and Districts Historical Society were not allocated any funding as their application appeared to be a part of a larger project and it will be suggested that they create a strategic/forward plan to help with further applications.

Chittering Junior Football Club will receive 50% of project costs as this project will assist Council with meeting the safety requirements of this multipurpose building.

Chittering Tourist Association will not receive any Community Assistance Grant funding as Council agreed to allocate funding for this project at the Ordinary Council Meeting held on 19 March 2014.

At the closure of applications the Shire received the following Community Bus applications:

Community Organisation	Project title	Amount Requested	Officer Recommendation
Bindoon Arts and Crafts	Community Bus	500	500
Bindoon Men's Shed	Community Bus	500	500
Chittering Junior Football	Community Bus	500	500
Chittering Bindoon Retirees	Community Bus	2,000	1,500
Chittering Cancer Support Group	Community Bus	350	350
Wannamal Indoor Bowls	Community Bus	1,000	1,000
Additional Funding			1,150
TOTAL AMOUNTS		4,850	5,500



AMENDMENT

Moved Cr Douglas / Seconded Cr Clarke

That recommendation 1 be reworded as follows:

1. *That Council approve that the Chittering Community Support Funding Grant Scheme in the 2014/15 financial year subject to the amounts being reviewed and any application that does not have another funding body involved be increased to 50/50, to a maximum of \$5,000.*

THE AMENDMENT WAS PUT AND DECLARED LOST 3/4

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160514

Moved Cr Rossouw / Seconded Cr Mackie

That Council:

1. **approve that the Chittering Community Support Funding Grant Scheme be allocated \$21,068.60 in the 2014/15 financial year; and**
2. **approve the allocation of \$5,500 towards Sponsored Community Bus Use in the 2014/15 financial year.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.3 Graffiti / Mural Art Workshop*

Applicant	Shire of Chittering
File ref	15/01/7
Prepared by	Arlene Carter, Club & Community Development/Grants Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Letter of support – WA Country Health Service 2. Letter of Support – Sarah Kay 3. Photos of proposed areas

Background

Council is requested to consider the proposal put forward from the Club and Community Development Officer on behalf of the Chittering Youth Krew, to hold a graffiti art/mural workshop at Clune Park, probably in November 2014, subject to obtaining Council approval. The areas proposed in Clune Park are the skateboard area, part of the immediate fence area by the skateboard park and the water tank.

Over the last year the Club and Community Development/Grants Officer together with the Chittering Youth Krew have held youth events such as the “Minute 2 Win it”, Band in the Park, Muchea Youth Festival, Chittering Inter-town Challenge, BMX, skateboard and scooter workshops in Muchea and Bindoon, and will be involved in the “Wear your Wellies” on 22 June 2014. All of these events have been welcomed by the youth and community of Chittering.

Most of the above events have been quite physical and we would now like to host an event that attracts the youth with artistic skills and at the same time hand out information on helplines for youth at risk of self-harm and promote drug and alcohol awareness. There has been a significant increase of problems in relation to these issues in the last six months.

Consultation

Executive Manager Corporate Services
Executive Manager Technical Services
Building Coordinator
Works Manager
Chittering Youth Krew
Country Arts WA – Hayley Dart (Regional Arts Development Officer)
WA Country Health Services – Marissa Yeo

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

The following is a summary of cost:

Item	Cost	Comment
Workshop tutor, paints and artist equipment	1,500.00	Sarah Kay

Fence fixtures	800.00	Labour and fittings to secure art works to the fence and make custom made boards for skate ramps. Labour to relocate Shire sign to the side of the skateboard park - Bindoon Men's Shed
Materials & Sealant	600.00	Plywood 9mm marine ply Fence: 5 panels of 2440m x 1220m sheets Ramps: 2 panels of 2440m x 1220m sheets 4 x 1.13m x 2m
Colour bond sheets for fence	600.00	Colour bond iron sheets for panels to be attached on the fence.
Undercoat and sealant	360.00	3 coats of sealant and 1 undercoat
Sausage sizzle and drinks	250.00	This workshop will be over 5 hour period, so will need to provide some food and drinks.
Specially approved skateboard ramp paint to refresh all the actual ramps.	400.00	Painting of all skateboard equipment to refresh the look of skateboard area. Labour will be done in-kind by Chittering Youth Krew.
Labour to paint the ramps.	200.00	Labour will be done in-kind by Chittering Youth Krew.
Total	\$4,710.00	

Costs would need to be considered during the 2015/15 budget deliberation.

Funding

The grant funding sought is from the Country Arts WA. Applicants must be aged 12 – 26 years and live in regional WA. The Shire of Chittering in this instance would be the Auspice Organisation, who if successful would receive the grant funding.

The reason the grant is tailored like this, is to teach youth how to apply for grants and do the acquittals. It is proposed to use two of our members from the Chittering Youth Krew as the applicants for this grant with the assistance of the Club and Community Development Officer.

Another source of funding being currently researched is Foundation for Rural and Regional (FRRR) ABC Heywire Grants which close early June 2014.

Council contribution:	\$1,500
WA Country Arts grant funding:	\$3,010
In kind labour:	\$ 200

Total
\$4,710

Strategic Implications

Disability Access and Inclusion Plan 2012 – 2017 (Page 14)

No 8. People with disabilities have the same opportunities as other people to access the services of, and any events organised by the Shire of Chittering.

Strategic Community Plan 2012-2022 (Page 21)

<i>Social:</i>	<i>Building a Sense of Community</i>
<i>Outcome:</i>	<i>Access to Local Services</i>
<i>Strategies:</i>	<i>Advocate for local health and youth services</i>

Measurable Result: Increase number of Shire and community led youth activities available within the Shire.

Site Inspection

Site inspection was carried out on 2 May 2014, photos taken of areas proposed. It is hoped that if this proposal is supported that we could look at painting the toilet block in John Glenn Park in Muchea the following year (May 2015 subject to budget approval).

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this report.

Social implications

The opportunity for youth to get together and achieve something that they can be proud of and to talk to the Chittering Youth Krew regarding the information being distributed regarding helpline services, drug and alcohol abuse.

Environmental implications

This project will enhance the park environment. The paints being used will be environmentally friendly.

Comment

It is proposed to engage the professional services of a local artist, Sarah Kay, to conduct a workshop with the youth and paint the sides of the skateboard ramps in Clune Park, Bindoon (picture 2 attached). In addition to this we would challenge the youth to paint 5 sheets of colour bond steel panel that can be fixed when complete to the fencing area at the back (picture 1 attached) and 7 sections directly on the water tank facing the park (picture 3 attached).

It is also proposed to obtain registration of interest from youth between 12 – 25 years old, to submit their concept ideas (to the instructor Sarah Kay) on A4 sheets prior to the workshop. We would encourage Chittering themes for the water tank and skate play, youth themes for the fence (facing the park) and skateboard ramps. On the back of the sheets facing the Great Northern Highway it is proposed that simple native plant shapes or similar be painted.

The purpose of this is to give the youth pride in their area, self-worth on achieving a goal and for the Chittering Youth Krew to interact with the local youth, form a bond and hand out information on helplines, drug awareness, alcohol abuse etc. We like other artists in the community to get involved.

The Shire of Chittering through our Chittering Youth Krew have an opportunity to actively get involved with promoting information to our youth, on agencies that they can turn to for help regarding depression/ self-harm, drug and alcohol abuse.

There is also a need to provide a youth event that is not physically challenging, that can include other adults within the community with artistic skills and people with disabilities.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 170514

Moved Cr Norton / Seconded Cr Rossouw

That Council:

- 1. Supports the proposal of having a Graffiti/Mural Art Workshop in Clune Park, subject to grant funding and further report being presented to Council with the concept ideas.**
- 2. Makes an allocation in the 2014/15 budget for the sum of \$1500 towards the Graffiti/Mural Art Workshop project.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.4 In Principle Support For An Indoor Gym Proposal*

Applicant	Craig and Sherri Ifould
File ref	05/03/0001
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Gener8 Fitness Business Plan

Background

Council's consideration for in principle support is requested, for the establishment of an indoor gym in a portion of the Bindoon Town Hall.

At the Ordinary Meeting of Council held on Wednesday 19 December 2012, Council resolved to consider an allocation of funds for the establishment of an indoor and / or outdoor community gym.

COUNCILLOR MOTION / COUNCIL RESOLUTION – 061212

Moved Cr Douglas / Seconded Cr Norton

That Council consider allocating in its 2013/14 Annual Budget funds for the establishment of an indoor and outdoor community gym.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

It was calculated that the cost of establishing an indoor gym could be in the vicinity of \$60,000. During budget deliberations in June 2013 the allocation for the indoor gym was removed, to be revisited in the future. The allocation for the outdoor gym remained, subject to obtaining grant funding for the entire cost of the project. To date no grant funding has been available for this type of project.

In April 2014 the Shire of Chittering received a business proposal from Gener8 Fitness. This proposal is for the implementation and management of an indoor gymnasium in a nominated portion of the newly renovated Bindoon Town Hall. Gener8 Fitness currently run a number of outdoor training sessions within the Shire, they feel that with no comparable business in the area this alternative fitness option would be well received.

Consultation

Two community surveys have been undertaken with regards to the requirement for a community gym, one in December 2010 and another in September 2012. The results from both surveys indicate that the majority of respondents feel that there is most definitely a need for the provision of such a service within the Shire. In the second survey 66% of respondents indicated that Bindoon would be their preferred location.

Statutory Environment

Section 3.58 of the Local Government Act 1995 will apply if Council seeks to lease a nominated portion of the Bindoon Town Hall. Council will be required to either call public tenders for the said lease or give statewide public notice of the proposed lease, calling for submissions on that lease.

Section 3.58 (3)

3.58. Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) *it gives local public notice of the proposed disposition –*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submission made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Policy Implications

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

Financial Implications

Whilst the costs of implementing this business will be met by the proposer the Shire of Chittering would be responsible for a number of items (approximate cost \$10,800) as follows;

- | | |
|---|----------------------------|
| • Access Key System, with Duress capability | \$5,200 |
| • Access Keys (100) | \$ 700 |
| • Air-conditioning | \$3,800 |
| • Security Camera System | \$ 500 |
| • Water Dispenser | \$ 600 (rented, per annum) |

Council would also need to consider the costs involved, should they wish to assist the Chittering Tourist Association and the Bindoon Agricultural Society, with the supply of a large marquee for their annual events. These two local groups utilise the nominated portion of the Bindoon Town Hall as an integral part of each event. A 10m x 12m marquee is approximately \$1,500.

Strategic Implications

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

- Area: Social – Building a Sense of Community*
- Outcome: Active Communities*
- Strategies: Develop recreational areas for future generations*

Site Inspection

A site inspection was undertaken in December 2012, the following items were noted;

- a permanent wall with a deadbolt locking system needs installation (these works form part of the Bindoon Town Hall restoration);
- a security access and camera system would be required (noted under financial implications); and
- the room would require air-conditioning and a drink water fountain (noted under financial implications).

Triple Bottom Line Assessment

Economic Implications

In principle support for this proposal would be seen as support for small business in the area,

Social Implications

There is the need for increased access to sport and recreational opportunities in country areas, particularly the Wheatbelt. This proposal would meet the following objectives;

- Increased participation in regular physical activity within the community;
- Increased access to resistance training exercise;
- Improved capacity for the delivery of local group exercise and fitness programs;
- Improved health and wellbeing of community members;
- Prevention and management of degenerative and lifestyle diseases / illnesses;
- Reduced burden on local health care services;
- Improved social community cohesion;
- Improved social capacity;
- Decreased levels of overweight / obesity;
- Decreased health risk factors; and
- Improved lifestyle and retention of community members.

Environmental Implications

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

Comment

The provision of gym facilities is not a new issue within the Shire of Chittering, it has been ongoing for several years. This proposal could present a cost effective solution to the problem.

Should Council support the proposal and authorise the Chief Executive Officer to obtain a market valuation for the proposed lease of the nominated portion of the Bindoon Town Hall it will allow for continued negotiations with the proponent.

It should be noted that should these negotiations be successful, the subsequent lease would be brought back to Council for their consideration and endorsement.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 180514

Moved Cr Rossouw / Seconded Cr Mackie

That Council, subject to the Chief Executive Officer negotiating with the Chittering Tourist Association for access to the room:

1. supports, in principle, the Business Plan for the Proposed Bindoon Gym; and
2. considers the allocation of \$10,800 in the 2014/15 Budget to cover the purchase of the items required.

THE MOTION WAS PUT AND DECLARED LOST 1/6

Note:

Councillor Douglas advised that the Bindoon Theatre Group holds the lease for the Bindoon Town Hall and not the Chittering Tourist Association.

Reason the motion was lost:

The hall won't be available for use within the next 12 months due to the upgrade works currently commencing.

9.3.5 Review Of The Chittering Trails Network Master Plan 2013-2023*

Applicant	Shire of Chittering
File ref	05/03/0013
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Chittering Trails Master Plan Review (7 pages)

Background

The Chittering Trails Network Master Plan 2013-2023 was endorsed by Council on 19 December 2012. The attached review summarises the actions taken over the past sixteen months and incorporates two proposed new projects.

Consultation

Nil.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

The endorsement of this review would not cause any additional financial implications.

Strategic Implications

Nil.

Site Inspection

Nil.

Triple Bottom Line Assessment

Economic Implications

The completion of the projects within the Chittering Trails Network Master Plan would be expected to bring economic gain to the Shire. As stated in the Plan:

“experience elsewhere indicates that recreational trails can indeed be a focal point for quality tourism with the right infrastructure and the right packaging, recreational trails can be a significant component of a sustainable tourism industry capitalising on significant natural assets”.

Social Implications

As stated in the Plan:

“it is recognised by a range of agencies including tourism operators, local government authorities and health organisations that recreation trails perform a number of highly beneficial roles in the broader community:

*Provision of low-cost unstructured passive recreation for residents and visitors;
Enablement of users to gain fitness, in turn fostering general well-being;
Attraction of visitors when marketed well;
Instillation of a positive conservation ethic; and
A means of education, especially when good interpretation is a feature of the trail."*

Environmental Implications

As stated in the Plan, trail:

"have an important role to play in managing appropriate access to natural places to reduce environmental impacts".

Formal trails help to protect the environment by localising impacts and managing visitation effects as well as providing for educational and interpretive opportunities which increase environmental and cultural awareness / appreciation.

Comment

In summary the status of the identified projects is as follows;

- Bindoon Heritage Walk (renamed Bindoon Tale Trail) – opening scheduled for 22 June 2014. This project was scheduled to commence in July 2014 and has therefore been completed (thanks to Lotterywest funding) twelve months ahead of schedule.
- Blackboy Ridge Enhancement – this project is scheduled to commence in July 2016.
- Carty Reserve Walk Trail – will be completed in mid to late 2014, almost on schedule.
- Mountain Bike Trail / Park Plan – it is proposed that this project be undertaken utilising "Lotterywest-DSR Trails" funding in 2014/15 as per reasoning on page 5 of the review.
- Wannamal Trail Enhancement – this project is scheduled to commence in July 2015.

One linked project, the ChitChat Trail Notes, has been completed to be launched as soon as all promotional items have been received. The twelve trail notes along with the branded carry bag will be displayed on a quality stand at the Chittering Visitor Centre. The stand is mobile so that it can be utilised at events and shows if required.

Two additional projects are proposed for investigation;

- Lower Chittering Walk Trail – along existing firebreaks on a bush reserve.
- Bridle Trails – continue involvement with the WA Horse Trail Strategy Trails Audit.

Endorsement of the review will enable the responsible Officer to continue work on identified projects through this coming financial year.

9.3.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 190514

Moved Cr Gibson / Seconded Cr Douglas

That Council endorse the review and amended Chittering Trails Network Master Plan 2013-2023 as attached.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 14 Wells Glover Road, Bindoon

Applicant	Shire of Chittering
File ref	04/18/1
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 lease for a freehold property owned by Council at Lot 14 Wells Glover Road will expire on 30 June 2014.

The property covers an area of 3.2 hectares.

Mr John Chadwick, an adjoining land owner, has leased this property since 1996.

Council staff wrote to Mr Chadwick in April 2014 seeking his advice as to whether he wishes to continue leasing the property and if so requested a written proposal for Council's assessment.

Mr Chadwick has requested that the lease be extended for a further five years and proposes that all conditions of the previous lease agreement remain the same, being:

- Annual lease fee of three hundred dollars (\$300) per annum;
- Payment of Council rates levied on the property;
- Indemnify Council from any claim or action for compensation that may arise on the property during the term of the lease;
- Lease is on an 'as is' basis;
- Will return the property on or to a similar or improved condition to how it was when originally took lease of the property;
- Property can only be used for normal rural and agricultural purposes and lease is bound by any requirement to submit development application, building permits and the like and will be responsible for annual firebreak installation and hazard reduction;
- Fencing will be maintained on the property in a state not less than when lease commenced in July 1996.

For some time now, members of the Mooliabeenee Community have deliberated on forming a local Volunteer Bushfire Brigade and Mr Chadwick states in his proposal that he is open to the option of 0.5 hectares on the south west boundary of the property being set aside to provide a water storage site, should this group be incorporated in the future and land is required for this purpose.

Consultation

Mr John Chadwick
Chief Executive Officer

Statutory Environment

Section 3.58 of the Local Government Act 1995 will apply if Council seeks to lease the land. Council will be required to either call public tenders for the said lease of land or give statewide public notice of the proposed lease calling for submissions on that lease.

3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Policy Implications

Nil

Financial Implications

The proposed lease fee of three hundred dollars (\$300) will be included in the 2014/2015 Budget, subject to receiving a market valuation.

Current rates payable on the property are seven hundred and fifty dollars (\$750) per annum.

Strategic Implications

The leasing of the property is proposed for a five year period and there are no strategic implications for the use of this land during that period. In the interim Mr Chadwick is required to maintain the fencing and firebreaks in good order.

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Mr John Chadwick has written to Council requesting consideration for a further five year extension on the lease of Lot 14 Wells Glover Road, Bindoon and proposes to pay a lease fee per annum and the Shire rates as well as maintaining the land, fencing and firebreaks for that period.

Mr Chadwick is aware that Council needs to give public notice of the proposal and call for submissions on the lease.

Council is requested to give consideration to endorsing the lease of the property to Mr Chadwick, following the required advertising period, subject to not receiving any submission in relation to the proposed lease.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 200514

Moved Cr Gibson / Seconded Cr Mackie

That Council resolve to:

- 1. Authorise the Chief Executive Officer to obtain a market valuation for the proposed lease of Lot 14 Wells Glover Road, Bindoon;**
- 2. That upon receiving the valuation referred to in (1) above, an advertisement be placed giving local notice of the proposed lease in accordance with Section 3.58 of the Local Government Act 1995; and**
- 3. If no submissions are received in relation to part (2) above, the Chief Executive Officer be delegated authority to sign a letter of agreement between the lessor (Council) and the lessee (Mr John Chadwick) for a lease expiring 30 June 2019, with the lease fee to be negotiated and final items and conditions of the lease.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Community Emergency Services Manager – Memorandum of Understanding*

Applicant	N/A
File ref	04/18/27
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	DRAFT CESM MOU

Background

At the Ordinary meeting of Council held on 19 March 2014, Council resolved as follows:

“That Council:

- 1. authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager as attached for a three year period; and*
- 2. advise the Department of Fire and Emergency Services of 1 above and provide a copy of the signed Memorandum of Understanding.”*

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 1 April 2014. There were two formal recommendations moved at the meeting as follows:

“That Council consider the Chief Bush Fire Control Officer position to remain as a Volunteer Role and the CBFAC remains a member of the Chittering Volunteer Fire Services.”

“That Council’s resolution 9.4.1 made at its meeting of 19 March 2014 be deferred until Council has met with its BFAC elected members to further discuss and clarify the Memorandum of Understanding to enable this document to be more transparent and its intended protocols reassessed.”

On Wednesday 9 April 2014, Council held an informal meeting with the current Chief Bush Fire Control Officer and the Community Emergency Services Manager. As a result of this meeting, Council has taken the position to move forward with the Memorandum of Understanding as proposed with the following amendments:

8.7 The CESM will be required to perform operational emergency management duties as required and ~~must~~ may be appointed as the Chief Bush Fire Control Officer by the Shire.

Amending the word ‘must’ to ‘may’ will give the Shire flexibility in the future to appoint the Chief Bush Fire Control Officer at its discretion.

8.8 The CESM will be available to fulfil designated roles on the DFES Key Personnel Roster (KPR). This may require the CESM to be On-Call after hours 1:5 weeks during the southern bush fire season (usually Dec 1 – March 31). The KPR provides operational support to incidents across the metropolitan area ~~and takes precedence over local response.~~

At Council’s Ordinary meeting held on 16 April 2014 Council gave consideration to the Chittering Bush Fire Advisory Committee minutes of 1 April 2014 and resolved as follows:

10.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160414

Moved Cr Gibson / Seconded Cr Douglas

That Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 1 April 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10.1.2 COMMITTEE RECOMMENDATION

Moved Cr Norton / Seconded Cr Mackie

That Council consider that the Chief Bush Fire Control Officer position to remain as a Volunteer Role and the CBFCO remains a member of the Chittering Volunteer Fire Service.

THE MOTION WAS PUT AND DECLARED LOST 1/6

Reason the motion was lost:

Council wishes to reconfirm its original position on the matter, subject to meeting with the Chittering Bush Fire Advisory Committee.

10.1.3 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 170414

Moved Cr Mackie / Seconded Cr Norton

That Council defer its resolution 160314 made at its meeting of 19 March 2014 until Council has met with its CBFAC elected members to further discuss and clarify the Memorandum of Understanding to enable this document to be more transparent and its intended protocols reassessed.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

Consultation

Community Emergency Services Manager (CESM)
Chief Bush Fire Control Officer (CBFCO)
Councillors
Chittering Bush Fire Advisory Committee (CBFAC)

Statutory Environment

Local Government Act 1995
Bush Fires Act 1954

Policy Implications

There are no policy implications in considering this item

Financial Implications

The shire is responsible for 40% for all costs associated with the Community Emergency Services Manager program.

Council's contribution for:

2014/15 \$70,469.27 (Includes vehicle replacement)

2015/16	\$52,447.71
2016/17	\$54,979.01

Strategic Implications

Placing the CESM as the Chief Bush Fire Control Officer will ensure continuity of the position, and allow for the person in the role to dedicate the time necessary to fulfill the role as it will form a requirement of their employment as a shire employee.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

A Special CBFAC meeting was held on the 6 May 2014 to further discuss this matter with Council members.

Summary of the major issues raised:

- The current CBFCO believed the position CESM and CBFCO is similar to that of the Shire CEO & President. This is not the case, the CEO is paid and deals directly with the day-to-day management of the organisation, as where the President has a non-executive role and has no influence over the day-to-day operation of the Shire. The Chief Bush Fire Control Officer is responsible for the overall operations of the brigades, not the CESM.
- All members present appeared to agree the proposed changes to MOU were suitable, and indicated that the MOU must be flexible for future changes.
- A BFAC member questioned whether this scenario (paid CBFCO) was common amongst other local government areas. The CESM advised Chittering is the only local government in the North Coastal, North East, South East and South Coastal Districts to have a volunteer CBFCO
- Local knowledge is very important to have for the role of CBFCO. Not all members agreed (including the Chairman) with this as the dynamics of the community are constantly changing due to its high growth, resulting in new members, and at the same time there has been a loss of local knowledge with the retirement of long term residents from the brigades. This being particularly relevant for southern parts of the Shire.
- The current CBFCO believes there is no clear advantages in having a shire employee in the position of CBFCO.
- It was questioned by a BFAC member whether the current CBFCO would have the time into the future to maintain a fulltime job and fully meet the requirements of the role.

- The CBFCO acknowledged that it would not be possible to meet the current requirements of the position without the CESM's assistance. Furthermore, that the current system was working well between the two.
- The proposed changes are in no way a reflection of the performance of the current CBFCO, but rather changing times. Council is truly grateful for the contribution the current CBFCO has provided in this role, and will formally/publicly recognise this at an appropriate time in the future. The proposed changes have resulted from the change in the MOU.
- The matter of disciplining a volunteer CBFCO was discussed over a paid employee. Whilst not discussed during the meeting there is currently an ongoing matter with a senior brigade member in relation to a breach of Council's Code of Conduct. The CEO wrote (emailed 24/12/13) to CBFCO requesting the matter be dealt with internally as a brigade matter. To date, it is understood that no action has been taken other than to inform the offender of the request. Council may now wish to deal with this matter at a Council level.

The fact that only 4 brigade members & 1 AVBFB representative was present at the meeting may be taken as an indication of the level of interest from the brigades in relation to this matter. It is understood that in the past highly contentious issues has resulted in large community representation.

Summary of the issues for and against the proposed change;

(Reasons provided for the change)

- Since the current CBFCO announced his intentions to resign from the position 12 months ago, it is understood that no member has been put forward. Furthermore, at the current time it is understood that neither of the Deputy Chief Bush Fire Control Officers (North & South) are willing to move into the position of Chief Bush Fire Control Officer (CBFCO). There is no succession plan.
- The CESM has made himself available 24/7 for all previous major fire events.
- Generally any major fires are transferred to DFES control, therefore, no impact on current operations. As with past fires, local knowledge is provided to the Incident Support Group (ISG) by those locals present on the fire grounds.
- Is it realistic to expect a volunteer to be able to maintain a fulltime job, and commit the necessary hours to undertake the functions and responsibilities of the role to the extent that will be required by legislation into the future?
- The changes to the physical environment (Land development) that have occurred over the last decade have resulted in the need for greater asset protection, and have increased the likelihood of a fire with serious consequences, which places even greater responsibilities on the role of CBFCO as the person ultimately responsible for the brigades actions. Given these changes is it fair and reasonable to expect a volunteer to bear such a burden.
- A paid employee, in part, invests their job security in the role, therefore, it is reasonable to place greater demands on them with the expectation they will be done. Furthermore, it is much easier to discipline an employee over someone that has volunteered their free time to assist protect the community.

- Any additional training required for the position would be accepted as a condition of employment and undertaken accordingly as any other shire staff member would be expected/required to do. Eg White Card training for outside staff.
- DFES has suggested the change will provide consistency across the region in the areas of training, competencies and ensure the responsible officer is current with all legislative requirements.
- The role currently provides that the Chief is not only responsible for response (traditionally the main role) however now also responsible for prevention, preparation, response and recovery (PPRR)

(Reasons provided against the change)

- The CBFCO should be local and live local (local knowledge).
- There are no clear advantages in having a shire employee in the position of CBFCO.
- Concern that the CESM would not be able to make himself available 24/7 to attend all major fire events.
- There are *advantages of having a volunteer working alongside of a paid career person. This situation has the advantage of providing a better general and accountable conduit between the volunteers and staff.*
- *The CBFCO needs to be totally independent of the office of DFES which would ensure that all local fire issue considerations, be they operational, financial or other, can be made without the biased influence of the same.*
- It's a DFES takeover by "stealth".
- Concern over who may be the next CESM if the current incumbent was to leave.

(Emergency Management Legislation)

The Department of Fire and Emergency Services (DFES) has recently undertaken a review of the Fire Brigades Act 1942 (Fire Brigades Act), the Bush Fires Act 1954 (Bush Fires Act) and the Fire and Emergency Services Act 1998 (Fire and Emergency Services Act). No doubt this review will result in some changes; however, what is uncertain is the level of change in relation to local government's roles and responsibilities. Many of the proposed changes are proposals only at this stage, and may not necessarily be supported by local & state government.

A "Concept Paper: Review of the Emergency Management Acts" has resulted from the review and it proposes some significant changes, the most relevant to local government being;

Emergency Services Levy (ESL)

The Concept Paper proposes that the administration of the ESL remain with DFES, and that the current ESL funding model is retained.

Binding the Crown

The preferred option put forward in the Concept Paper is that the new legislation binds the Crown to the entire Act.

Risk Mitigation on Local Government Land

The preferred option put forward in the Concept Paper is to make provisions in the legislation for Local Government responsibilities in respect of risk mitigation activities on its land or land it manages, controls or is under its care.

Hazard Mitigation Strategies: Protection from Liability

The preferred option put forward is that State agencies, Local Government and private landowners should not be afforded protection from civil liability in cases of risk management activities.

Hazard Prone Area Declarations

The preferred option put forward is to empower the Fire and Emergency Services (FES) Commissioner to designate hazard prone areas.

Responsibility for Bush Fire Brigades (BFB)

The Concept Paper outlines a number of preferred options in relation to future responsibility for BFB:

- a) Local Government may, by agreement with DFES, hand over responsibility for a BFB to DFES.
- b) DFES may take responsibility for a BFB under certain circumstances without agreement from Local Government. (Understood to be for non-operating & dysfunctional BFB)
- c) The FES Commissioner may establish (or disband) a BFB.
- d) Local Government cannot establish (or disband) a BFB without the approval of the FES Commissioner.

Training requirements

Proposed Legislation will set out that the FES Commissioner has the power to set training standards and those standards are set out in policy.

Public submissions in relation to this paper close 31 July 2014.

Full information on this matter was circulated to all Councillors on the 13/05/14 via email.

The proposed MOU and changes will become effective from 1 July 2014, if the terms of the MOU are accepted by Council, subject to the proposed amendments.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 210514

Moved Cr Norton / Seconded Cr Rossouw

That Council in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* considers the revocation of resolution number 160314 "*Memorandum of Understanding for the provision of a Community Emergency Services Manager*" of the Ordinary meeting of Council held on 19 March 2014 as follows:

"That Council:

- 1) authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager as attached for a three year period; and***
- 2) advise the Department of Fire and Emergency Services of 1 above and provide a copy of the signed Memorandum of Understanding."***

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

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 220514

Moved Cr Norton / Seconded Cr Rossouw

That Council in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* revokes resolution number 160314 *“Memorandum of Understanding for the provision of a Community Emergency Services Manager”*.

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

9.4.2 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1) request the following amendments be made to the Memorandum of Understanding for the position of Community Emergency Services Manager (CESM)
 - a. that clause 7.7 be amended to delete reference to the *“Manager of Administration and Community Service”* and replace it with *“the Chief Executive Officer or his nominee”*.
 - b. that in clause 8.7 word *“must”* be amended to *“may”* so that it reads;

“8.7 The CESM will be required to perform operational emergency management duties as required and may be appointed as the Chief Bush Fire Control Officer by the Shire”
 - c. that in clause 8.8 the following be deleted *“and takes precedence over local response.”* so that it reads;

“8.8 The CESM will be available to fulfil designated roles on the DFES Key Personnel Roster (KPR). This may require the CESM to be On-Call after hours 1:5 weeks during the southern bush fire season (usually Dec 1 – March 31). The KPR provides operational support to incidents across the metropolitan area.”
- 2) subject to the incorporation of the amendments in (1) above into the MOU, authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager for a three year period.
- 3) formally recognise the outstanding services provided by the current CFBCO at an appropriate time in the future.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Clarke

That an additional recommendation 4 be included as follows:

4. *appoint the CESM as CBFCO as of 1 July 2014.*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 4/3
AND FORMED PART OF THE SUBSTANTIVE MOTION

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 230514

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1) request the following amendments be made to the Memorandum of Understanding for the position of Community Emergency Services Manager (CESM)
 - a. that clause 7.7 be amended to delete reference to the *“Manager of Administration and Community Service”* and replace it with *“the Chief Executive Officer or his nominee”*.
 - b. that in clause 8.7 word *“must”* be amended to *“may”* so that it reads;

“8.7 The CESM will be required to perform operational emergency management duties as required and may be appointed as the Chief Bush Fire Control Officer by the Shire”
 - c. that in clause 8.8 the following be deleted *“and takes precedence over local response.”* so that it reads;

“8.8 The CESM will be available to fulfil designated roles on the DFES Key Personnel Roster (KPR). This may require the CESM to be On-Call after hours 1:5 weeks during the southern bush fire season (usually Dec 1 – March 31). The KPR provides operational support to incidents across the metropolitan area.”
- 2) subject to the incorporation of the amendments in (1) above into the MOU, authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager for a three year period.
- 3) formally recognise the outstanding services provided by the current CFBCO at an appropriate time in the future.
- 4) Appoint the CESM as CBFCO as of 1 July 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.4.3 Tender - Kerbside Refuse and Recyclable Collection Services*

Applicant:	Shire of Chittering
File ref:	04/19/17
Prepared by:	Danica Kay, Executive Assistant
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Tender Submission
Attachments:	1. Service numbers (area) map

Background

During research undertaken in relation to establishing a Waste Services Local Law, it was noted that the current situation whereby the local waste contractor (Chittering Waste) contracts directly to the public is not permissible under the *Waste Avoidance and Resource Recovery Act 2007* without a 'Waste Collection Permit' being issued by the CEO from the Department of Environmental Regulation (DER). Therefore, Council was obligated to call tenders for waste collection services to correct this breach of legislation.

Tenders were called on 22 March 2014 for tender SC14-004 - Kerbside Refuse and Recyclable Collection Services. The proposed service was divided into compulsory areas and non-compulsory areas of service. All compulsory areas were allocated a collection number - Refer to the Service Numbers (Area) Map for further details.

Nine Tender packages were requested and sent out. Tenders closed at 4pm on Friday 11 April 2014.

At the close of tender there was only one tender received from Avon Waste.

Consultation

Councillor Michelle Rossouw
Councillor Alex Douglas
Gary Tuffin, Chief Executive Officer
Jim Garrett, Executive Manager Technical Services
Jean Sutherland, Executive Manager Corporate Services
Azhar Awang, Executive Manager Development Services
Glenn Sargeson, Principal Environmental Health Officer

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

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

State: *Local Government (Function and General) Regulations 1996, Part 4, Division 2 – Tenders for providing goods or services (s3.57), Regulations 11-24.*

Policy Implications

Purchasing Policy

Financial Implications

Anticipated annual cost for the service in the first year, subject to confirmation of service numbers will be approximately;

Annual cost - refuse	\$ 253,359.60
Annual cost - recycle	\$ 180,915.80
	<u>\$ 434,275.40</u>

The anticipated cost per household service (Refuse & Recycle) should be between \$300 - \$320pa, subject to finalising service numbers. However, as the service will not be introduced until the September 2014, the charge for 2014/15 will be less the first two months of service fees that would ordinarily be payable if the service had started at the commencement of the financial year.

Note these costs are based on Council's funding application being successful for the purchase of the recyclable bins. If not, the cost will increase as the contractor will be required to provide the bins and the following approximate annual costs would be anticipated;

Annual cost - refuse	\$ 253,359.60
Annual cost - recycle	\$ 208,033.80
	<u>\$ 461,393.40</u>

Strategic Implications

Natural Environment: Preserving and Enhancing Our Natural Environment

Strategy - Reduce waste through recycling and re-use

Measurable result - Reduction of the quantity of waste going to the landfill

Site Inspection

Site inspection undertaken: No

Triple Bottom Line Assessment

Economic Implications

There are no known significant economic implications with this proposal.

Social Implications

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

Environmental Implications

The implementation of a waste collection service in the Shire will increase recycling and provide a better waste service to the community.

Comment

The tenders submitted must fulfil the requirement of the Tender Criteria, namely the Selection Criteria as described below:

- (i) Relevant Experience (30%)
- (ii) Key Personnel skills and experience (20%)

- (iii) Tenderers Resources (40%)
- (iv) Demonstrated Understanding (10%)

The submission has been allocated results for each weighted category as tabled below:

Tenderer	Relevant Experience (30%)	Key Personnel Skills and Exp.(20%)	Tenderers Resources (40%)	Demonstrated Understanding (10%)	Total (100%)
Score (out of 10) and weighted score (%)					
Avon Waste	10 (30%)	9 (18%)	9 (36%)	9.5 (9.5%)	93.5%

Avon Waste has scored highly in the selection criteria and is a family owned business running for over 30 years and services 31 regional Councils.

The Shire has applied for funding through the Waste Authority Better Bins program for the 1,700 240L recycling bins needed (yellow topped). An outcome on this funding is expected in the coming weeks.

The waste services working group met on Wednesday 7 May 2014 to review the tender submission and have recommended to Council to accept the tender for the weekly refuse collection service and fortnightly recycling collection service where the shire provides the bins (based on the Shire receiving the grant funding through Better Bins).

As required in the tender documentation a “Service Implementation Plan” has been provided. The key dates are as follows:

- May 2014 - Award tender
- May 2014 - Hold “kick-off” meeting & Order new bins
- July 2014 - Take possession of refuse & recycling bins and assemble
- August 2014 - Deliver refuse & recycling bins to all areas
- **3/4/5 September 2014 – Commence refuse collection service**
- 10/11/12 September 2014 - Commence recycling collection service

Liquidated damages of a \$1,000 per day apply for every day the introduction of service is late.

Proposed collection days



WEDNESDAY – UPPER CHITTERING AND SURROUNDS		
Sub-division Number (per tender)	Townsite/ Sub-division Name	Approximate Time of Collection Services (and Estimated Time)
18 and 25	Muchea Townsite and Woodlands Estate	6:30am to 8:30am (2 hours)
22 and 10	Rocky Creek and Chittering Rise	8:30am to 9:30am (1 hour)
11, 5 and 14	Chittering Springs, Blue Plains Estate and Hidden Valley	9:30am to 12.00pm (2.5 hours)
7, 19 and 15	Chittering Estate, Odelon Estate and Lake Chittering Heights	12:00pm to 2:00pm (2 hours)

THURSDAY – LOWER CHITTERING AND SURROUNDS		
Sub-division Number (per tender)	Sub-division Name	Approximate Time of Collection Services (and Estimated Time)
N/A	Chittering Valley Road	6:00am to 6:30am (0.5 hours)
17	Maryville Estate	6:30am to 12:30pm (6 hours)
12, 9, 16, 8 and 23	Chittering View, Chittering Retreat, Polinelli Road, Chittering Fields and Rosa Park	12:30pm to 2.30pm (2 hours)
20 and 24	Old Winery Estate and Wandena Estate	2:30pm to 4:00pm (1.5 hours)

FRIDAY - BINDOON AND SURROUNDS		
Sub-division Number (per tender)	Sub-division Name	Approximate Time of Collection Services (and Estimated Time)
3 and 4	Bindoon Townsite and Bindoon Vista	6:00am to 7:30am (1.5 hours)
N/A	Wannamal	7:30am to 8:30am (1 hour)
2	Bindoon Heights Estate	8:30am to 9:30am (1 hour)
6	Chittering Country Club	9:30am to 12:30am (3 hours)
21, 13 and 1	Parkwood Springs Estate, Endeavour Drive and Anderley Estate	12:30am to 1:30pm (1 hour)

A recycling service will be provided fortnightly on the same days by a second truck.

There was also a requirement of the tender to provide a “Community Waste Education Plan”.

The following was submitted;

“Initially, we will provide a flip-up DL sized booklet which will contain information on what can be recycled, a calendar showing when recycling will be picked up (from 1st September 2014 to 20th August 2015) and in what areas. This booklet can also include other Shire information, such as the times that the Landfill is open. This booklet will be placed under the refuse bin lid on delivery of the bin. Additional copies will be dropped to the Shire office and Avon Waste will have extra copies also. Any new service in the first 12 months will receive a copy of the booklet when their bins are issued. We will also place the information on our website.

Whilst Avon Waste provides this information initially, it is the responsibility of the Shire to distribute this information on an ongoing basis. Most Shires send it with their rate notices and include the information on their website.

Other Education Initiatives

In addition to utilising Recycle Right, we would anticipate attending all schools in the area to give a presentation on recycling. We have done this for various schools in the past and have found that if you can get the kids involved then they will in turn get their parents involved. We would also be willing to provide some prizes for the schools to run some promotional competitions to further boost the profile of recycling for the Shire of Chittering.

We would also anticipate using static displays in community areas (such as shopping centres) to further help with community education.....”

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 240514

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

- 1. accept the Tender submitted by Avon Waste for the SC14-004 - Kerbside Refuse and Recyclable Collection Services:**

Service	Price (inc GST)
Weekly refuse collection – compulsory area	\$253,359.39 pa
Weekly street/park and gardens bin collection	\$22,785.36 pa
Fortnightly recyclable collection – compulsory area	\$180,915.80 pa
Non-compulsory service travel charge of	\$2 per km

- 2. In the event that the Better Bins funding application is not successful, accepts the recycling fees proposed whereby the contractor provides the bins.**
- 3. authorise the Shire President and Chief Executive Officer to sign and affix the Shire’s Common Seal to the tender contract with Avon Waste.**

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

9.4.4 Shire of Chittering Local Government (Council Meetings) Local Law 2014*

Applicant	Shire of Chittering
File ref	19/04/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Final draft "Local Government (Council Meetings) Local Law 2014"

Background

At the Ordinary Council meeting held on 19 March 2014 Council resolved the following:

1. *That Council adopts the proposed Shire of Chittering Local Government (Council Meetings) Local Law 2014 incorporating the changes as recommended by the Department of Local Government and Communities.*
2. *That the Shire of Chittering Local Government (Council Meetings) Local Law 2014 be published in the Government Gazette.*
3. *That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Shire of Chittering Local Government (Council Meetings) Local Law 2014.*
4. *pursuant to section 3.12 of the Local Government Act 1995, Council give Statewide public notice of the Shire of Chittering Local Government (Council Meetings) Local Law 2014:*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

The draft local law has been forwarded to State Law Publisher for gazettal and a proof of the gazettal returned to the Shire for final checking. Upon the receipt of the document it has been noticed that at:

- Clause 6.2, subclause (5)
 - Reference to clause 8.9 is incorrect – it should read clause 8.8.
- Clause 15.2, subclause (c)
 - Reference to clause 8.9 is incorrect – it should read clause 8.8.

Council is required to amend the endorsed Shire of Chittering Local Government (Council Meetings) Local Law 2014 prior to gazettal.

Consultation

WALGA, Manager Governance

Department of Local Government and Communities, Legislation Officer

Statutory Environment

Section 3.12 of *Local Government Act 1995* states:

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

Following consultation with Department of Local Government (Legislation Officer) the local law is not significantly different from what was advertised for public comment, therefore Council is not required to undertake the local law process from the beginning.

Policy Implications

Nil

Financial Implications

There will be costs incurred for the advertising of the local law in the local papers (Northern Valleys News and Advocate) plus in the state-wide paper (The West Australian); and also in the Government Gazette.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Following the final adoption of the local law the Shire must publish it in the Government Gazette, and give a copy to the Minister for Local Government.

The final adoption of the local law will be duly signed by the Chief Executive Officer and the Shire President and sealed as a matter of course. In addition, the Joint Standing Committee on Delegated Legislation requires copies to be signed by the Chief Executive Officer and Shire President.

After the local law has been published in the Gazette the Shire is to give local public notice–

- (a) Stating the title of the local law
- (b) Summarising the purpose and effect of the local law
- (c) Specifying the day on which it comes into operation
- (d) Advising that copies of the local law may be inspected or obtained from the Shire's administration office.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 250514

Moved Cr Mackie / Seconded Cr Rossouw

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* considers the revocation of resolution number 170314 "Shire of Chittering Local Government (Council Meetings) Local Law 2014" of the Ordinary meeting of Council held on 19 March 2014.

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

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 260514

Moved Cr Rossouw / Seconded Cr Gibson

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* revokes resolution number 170314 "Shire of Chittering Local Government (Council Meetings) Local Law 2014" of the Ordinary meeting of Council held on 19 March 2014.

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

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 270514

Moved Cr Mackie / Seconded Cr Clarke

1. That Council adopts the proposed *Shire of Chittering Local Government (Council Meetings) Local Law 2014* incorporating the changes as recommended by the Department of Local Government and Communities and by amending the following clauses:
 - (a) Clause 6.2, subclause (5) be amended to read:
"While the resolution under subclause (2) remains in force, the operation of clause 8.8 is to be suspended until the Council or the committee, by resolution, decides otherwise."
 - (b) Clause 15.2, subclause (c) be amended to read:
"the provisions of clause 8.8 apply when the debate is resumed."
2. That the *Shire of Chittering Local Government (Council Meetings) Local Law 2014* be published in the Government Gazette.
3. That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the *Shire of Chittering Local Government (Council Meetings) Local Law 2014*.
4. pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice of the *Shire of Chittering Local Government (Council Meetings) Local Law 2013*:
 - (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

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

9.4.5 Regional Waste Grouping

Applicant	N/A
File ref	31/02/0001
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

A recent request from members of the Avon Regional Organisation of Councils (AROC) was put to CEO's to give consideration to the members of AROC forming a waste group in the context of the Strategic Waste Management Plan (SWMP), for future Regional Infrastructure Program funding.

A SWMP is required in order to be eligible for funding through the Waste Authority of WA for funding towards waste initiatives.

Consultation

AROC
Waste Authority of WA

Statutory Environment

Local Government Act 1995

Policy Implications

There are no policy implications in considering this matter.

Financial Implications

The cost of a regional 'Strategic Waste Minimisation Plan' for AROC is unknown given all local governments have their previous plans to build on. At the recent AROC meeting it was agreed that any funding required to undertake the regional plans would be taken from AROC funds, and any shortfall would be split among the member Councils.

Once a regional group is formed, AROC will be eligible to submit an application for project funding within competitive funding rounds offered by the Waste Authority's Regional Funding Program.

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 Waste Management Branch has advised that in order to be eligible for any future project funding, it would be necessary for the AROC group to submit a regional waste plan.

Given the existing AROC Councils are currently part of other waste groups, each Council is also required to officially withdraw from their existing groups. For example, the Shires of Northam and Toodyay have to withdraw from the 'Avon Group'. The Shires of Chittering and Vic Plains need to withdraw from the Central Midlands Group (which also includes Moora, Wongan-Ballidu and Dalwallinu). The Shires of Dowerin and Goomalling have to disband from their two-Council group.

Council has committed to the AROC group to work on a regional collaborative basis, and as such it is considered appropriate, and potentially financially beneficial to form a single waste management group and work collaboratively as a region. Therefore, Council is requested to give consideration to withdrawing from the Central Midlands Waste Group.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 280514

Moved Cr Rossouw / Seconded Cr Mackie

- 1. That Council withdraw from the Central Midland Group of Councils Waste Group and combine with the Avon Regional Organisation of Councils (AROC) Waste Group on the condition that all other member Councils of AROC take the same action.**
- 2. That AROC be advised of (1) above.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

10.1 Minutes of the Special Chittering Bush Fire Advisory Committee meeting held on Tuesday, 6 May 2014*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	"Unconfirmed" minutes of the Special Chittering Bush Fire Advisory Committee meeting held on 6 May 2014

Background

A Special meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 6 May 2014. There were no formal recommendations moved at the meeting.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 290514

Moved Cr Mackie / Seconded Cr Gibson

That Council receives the unconfirmed minutes of the Special Chittering Bush Fire Advisory Committee meeting held on 6 May 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

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

Nil

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

Nil

13. URGENT BUSINESS

13.1 Urgent Business – Cr Norton – MRWA Letters

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Norton

That Council considers items of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCILLOR MOTION / COUNCIL RESOLUTION - 300514

Moved Cr Norton / Seconded Cr Mackie

That the letter sent to MRWA in regards to the speed limits at Great Northern Highway, Bindoon and the second letter in regards to Immaculate Heart College be forwarded to the relevant political parties.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 9.14pm



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8:30am - 4:30pm