

MINUTES FOR ORDINARY MEETING OF COUNCIL

Wednesday, 18 November 2015

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7:00pm
Closure: 8:21pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 16 December 2015.

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.

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
	2.1 Attendance.....	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence.....	1
3.	DISCLOSURE OF INTEREST.....	1
4.	PUBLIC QUESTION TIME	2
	4.1 Response to previous public questions taken on notice	2
	4.1.1 Clint O’Neil, Chittering.....	2
	4.1.2 Barni Norton, Bindoon.....	2
	4.2 Public question time	3
	4.2.1 Clint O’Neil, Chittering.....	3
	4.2.2 Anne Kell, Lower Chittering	4
	4.2.3 Max Braidwood, Lower Chittering.....	5
	4.2.4 Bill Nobes, Bindoon.....	6
	4.2.5 Barni Norton, Bindoon.....	6
	4.2.6 Chris Waldie, Bindoon	7
	4.2.7 Fran Bright, Muchea	8
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	8
	5.1 Petitions	8
	5.2 Presentations	8
	5.3 Deputations.....	9
	5.3.1 Item 9.1.2 – Proposed Use Not Listed ‘Landfill/Rehabilitation’ Lot 202 Wandena Road	9
6.	APPLICATIONS FOR LEAVE OF ABSENCE	9
7.	CONFIRMATION OF MINUTES	9
8.	ANNOUNCEMENT FROM THE PRESIDING MEMBER	9
9.	REPORTS.....	10
	9.1 DEVELOPMENT SERVICES.....	10
	9.1.1 Proposed Caravan Park and Camping Grounds: Lot 116 (RN 154) Carl Street, Muchea*	10
	9.1.2 Proposed Use Not Listed ‘Landfill/Rehabilitation’: Lot 202 Wandena Road, Muchea*	21
	9.1.3 Proposed amendment to Transport Depot approval: Lot 3281 (RN 9071) Great Northern Highway, Wannamal*	43
	9.1.4 Deed of Agreement: Lot 51 Reserve Road, Muchea*.....	50
	9.1.5 Restrictive Covenant: Lot 56 Citron Way, Lower Chittering*	53
	9.1.6 Proposed Scheme Amendment No. 56: Rezone from ‘Agricultural Resource’ to ‘Rural Smallholdings’ – Lots 1 & 2 Tea Tree Road, Bindoon*	55
	9.1.7 Waste and Recycling Tonnages*	61
	9.1.8 Moratorium: Scheme Amendments to rezone Town Planning Scheme No 6 and Local Planning Strategy	66
	9.1.9 LATE ITEM: Developer Contribution Deed – Lot 34 (RN 3363) Great Northern Highway, Muchea*	69

9.2	TECHNICAL SERVICES	72
9.3	CORPORATE SERVICES.....	72
9.3.1	Financial statements for the period ending 31 October 2015*	72
9.3.2	Proposed Chittering Business List*	74
9.4	CHIEF EXECUTIVE OFFICER	77
9.4.1	Nominations to Committees*	77
9.4.2	Appointment of Acting Chief Executive Officer	81
9.4.3	Bushfire Risk Management Planning Project Grant Agreement*	83
10.	REPORTS OF COMMITTEES	86
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	86
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	86
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	86
14.	MEETING CLOSED TO THE PUBLIC	86
14.1	Matters for which the meeting may be closed.....	86
15.	CLOSURE.....	86

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm.

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

2.1 Attendance

The following members were in attendance:

Cr Stephen Vallance	Shire President
Cr Gordon Houston	Deputy Shire President
Cr Don Gibson	
Cr Aaron King	
Cr Peter Osborn	
Cr Michelle Rossouw	
Cr George Tilbury	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Ms Bronwyn Southee	Executive Manager Development Services
Mrs Karen Parker	Manager Human Resources
Mr Brendan Jeans	Senior Planning Officer
Ms Karen Dore	Economic Development/Communications Officer (Minute Secretary)

There were 45 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

The Executive Manager Development Services declared an impartiality interest in items 9.1.4 and 9.1.6 as she is a former employee of Whelans Pty Ltd.

Cr Peter Osborn declared an impartiality interest in item 9.1.2 as he works casually with the contractor constructing the hardstand.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Clint O'Neil, Chittering

Question 1: Given the environmental sensitivity of the land area and its direct relationship with summer baseflow to the Marbling Brook, and the potential negative impacts of intensive development, is it reasonable and appropriate to:

- a) refer the proposed stage 12 structure plan application to the EPA under the provisions of s38 of the EP Act 1986, or

Answer 1a: The Shire does acknowledge the environmental sensitive area of wetland to the south and the importance of protecting flows to the Marbling Brook. The proposed structure plan is consistent with the current 'Rural Residential' zone of the site and the Shire has considered the environmental assets/values have been identified and impacts minimized. Generally a Section 38 referral to the EPA is made for mining and industrial development in environmentally sensitive areas or where the proposed development would have a significant impact on the environment.

- b) prohibit the construction of bores and taking of groundwater from the stage 12 structure plan area; and

Answer 1b: The construction and use of bores for domestic use is administered by the Department of Water.

- c) prior to Council considering any subdivision application that may be submitted, the developer provide independent evidence from a qualified, practising hydrogeologist, that all bores and free flowing wells in the structure plan area have been decommissioned and sealed in conformity with Australian bore construction standards.

Answer 1c: As mentioned above, the construction and use of bores is dealt with by the Department of Water. Should subdivision of the land be granted, the Department of Water would be responsible for such matters.

4.1.2 Barni Norton, Bindoon

(as supplied) Congratulations to all the elected Councillors. May your terms be productive, and may they be allowed to be completed.

Question 1: *(as supplied)* I would like to bring your attention to the accusations made against myself and Cr Don Gibson in a media release by Sandra Clarke, Alex Douglas, Doreen Mackie, and returning, formerly resigned Councillor Michelle Rossouw. That media release claimed, we had denigrated Council Officers and questioned the Council Officers integrity. Can this Council please refute that claim or investigate it?

Answer 1: As previously advised on the 16 September 2015 the media release was not endorsed by Council; it was a statement made by members of the general public.

Question 2: *(as supplied)* That same media release claimed we were generally misleading and misinforming the public concerning various Local Government activities. Can this Council please discover how this was done and what the misinformation was so that the new Councillors can know what is considered to misinforming, and misleading?

Answer 2: *It is not Council practice to investigate media releases issued by members of the general public.*

Question 3: *(as supplied)* Can this new Council please initiate a motion to the conference and lobby WA Local Government Minister, and Local Government department, and Local Government Association to ensure that Councillors who resign be required to prove their allegations beyond doubt, before being allowed to re stand as elected members for Local Government so that this immoral abuse of democracy should never prevail again?

Answer 3: *The Shire President has advised that it is his intention to lobby the Minister for Local Government on this matter.*

4.2 Public question time

The following questions were submitted prior to the Council meeting and a response is provided below:

4.2.1 Clint O'Neil, Chittering

(as supplied) Background

My question relates to Council's response to my previous questions recorded in the agenda to this meeting. I had an expectation that this new Council would ensure that well informed responses to public questions would be provided on matters that clearly fall within its responsibilities. Council in its response to questions 1(b) and 1(c) state that the "*construction and use of bores is the responsibility of the Department of Water*". The Department of Water is the Government agency responsible for managing the Crown's natural water resources. Provisions of the *Rights in Water and Irrigation Act 1914* authorize the Department to grant/refuse access to, and use of, the Crown's natural waters, however, that authorization does not extend to authorizing the construction of works or objects on the land, to access and use the natural waters. The *Planning and Development Act* requires Local Governments to grant/refuse approval for any works or objects on the land, unless the relevant Town Planning Scheme specifically exempts the activity. TPS6 section 8.2 – exempted development – clause (h) clearly specifically exempts the sinking of bores in the agricultural resource zones.

Question 1: As the Maryville Downs Estate and more particularly stage 12, are zoned rural residential and the sinking of bores is clearly not a specified exempt development, then how are the responses to Q1(b), 1(c) consistent with the Shire's discharge of its responsibilities under the provisions of TPS6 and the Planning and Development Act?

Answer 1: *The Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 states the following, amongst others, is exempt from approval:*

"(i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval."

The Shire's Local Planning Policy No 6 Water Supply and Drainage states (5.1d(ii)) a bore for domestic purposes, not being artesian or extending below the surficial aquifer, is exempt from requiring development approval. Further in the Policy it states bores are to be located within the building envelope/setbacks, otherwise they require development approval.

It should be noted Council resolved at the 28 October 2015 to prohibit all bores in Stage 12 therefore addressing all your concerns of potential impact on groundwater quality.

The Shire of Chittering is identified as a health district under the provisions of the *Health Act (underground water supply) regulations*. It is my understanding that the Shire has a responsibility to ensure the continuing public health and safety of its citizens, within its jurisdiction. The regulation's state:

A person shall not construct or cause to be constructed on any land a well or other underground source of water supply, or any works for disposal of offensive matter, unless he has obtained the prior approval of the local authority to the position on the land where that well, water supply or works may be constructed and the well, water supply or works is or are constructed in that position on the land.

Question 2: *(as supplied)* **Given the above, does the Shire have an additional duty of care to ensure that the construction of bores/wells for the taking of groundwater, if approved, are not exposed to real or potential contaminants entering the groundwater from septic tanks or other activities, such that public health and safety are compromised?**

Answer 2: *Yes, there are proximity specifications for potable water sources to effluent disposal systems, however as specified previously bores are not permitted within stage 12.*

The President also advised Mr O'Neil that if he required more detailed responses, his questions should be submitted as general correspondence for a reply, not at public question time.

4.2.2 Anne Kell, Lower Chittering

(as supplied) **RE 61 Charbray Road, Lower Chittering, WA 6084. Building Order BA21 (on this document, there is not office use only Reference number).**

Question 1: **Would the shire please look at reversing the Building order on 61 Charbray Road, Lower Chittering 6084, presented by Sam Neale, Principal Building Surveyor, on 14th October 2015. The building has passed compliance by a Structural Engineer, and has achieved a NatHERS CERTIFICATE of 6.5 Stars. We are in the process of having the building fully certified and will be presenting the signed drawings prior to us attending the SAT court on 1st December 2015. We hope that this can be achieved in order to prevent further ongoing costs to both the shire and ourselves. We hope this can be mutually agreed, since Sam Neale went against**

your solicitor's advice in presenting this document, and he is no longer employed by the shire.

Answer 1: It is recommended to Council that the Demolition Order for Lot 61 Charbray Road remain.

The Demolition Order was issued upon legal advice from McLeod's, due to the extensive amount of time (approx. 7 years) it has taken for the landowners to rectify unauthorized works, some of which have been undertaken without a building permit. Therefore, remediation works are required and it is recommended that the order stand to ensure that these works are undertaken in a reasonable timeframe.

Our intention has and always will be to work with the landowner to achieve compliance, however, the majority of required documentation is still outstanding. Along with the required rectification works.

It would be premature of us to go against our legal representatives advice and revoke the order prior to any action from the landowner being undertaken.

The following questions were asked during the Council meeting:

4.2.3 Max Braidwood, Lower Chittering

Question 1: *(as supplied)* **My name is Max Braidwood I have owned my 100 acre property at lot 8 Polineli Road Lower Chittering for 30 years.**

We have just built a new residence on the property and moved into it.

We have been investigating the prospect of commencing Scheme Amendment and structure plan processes over 12 months ago. We chose to hold off until November 2015 on the basis of the anticipated finalisation of the Shire Local Planning Strategy Review.

The prospect of the process being abandoned and completely redone seems illogical and unreasonable.

The matters identified in the holistic review as noted by the Shire staff, such as the Muchea Employment Node Structure Plan and objectives of the biodiversity Strategy do not require the whole strategy to be revisited.

Lot 8 is located within an area which is surrounded by land which has been zoned and subdivided to create Rural Residential lots. The Rezoning and subdivision of Lot 8 is consistent with this and would result in a number of benefits to the broader community, such as the formal creation of alternative escape routes for existing residents in the vent of bushfire. The potential for the moratorium to delay this process appears unreasonable and would adversely affect existing residents in the area.

Council has previously considered the introductions of a moratorium at its October meeting. Whilst the process may exist for Council to change its decision, the basis for this seems questionable considering reports on this matter to the October and November Council meeting are not materially different.

Answer 1: The Executive Manager Development Services advised that Council had received additional information from staff regarding the purpose and the need for the moratorium, and requested the report be represented for further consideration.

Question 2: Is anything currently being considered? How advanced is the Shire? Will it be 6 months, 12 months, 48 months, 5 years?

Answer 2: *The Chief Executive Officer advised that the process was fairly advanced, and that the moratorium was with reference to rezoning applications only (Excluding MEN), not Development Applications.*

Question 3: My development can't be approved until it has been rezoned.

Answer 3: *The Chief Executive Officer stated that he had been advised the process should be completed within an estimated timeframe of eighteen (18) months. Further he stated that normally it would be doubtful that it could be achieved in this timeframe. However, due to the direct involvement of the WAPC and the provision of a dedicated resource (officer) from their office the expected timeframe should be achieved.*

The Shire President added that the WAPC were supportive of the moratorium and were assisting the Shire staff for the period of time that the work was being undertaken.

Question 4: All the blocks around mine are rezoned.

Answer 4: *The Shire President advised that as the moratorium was not to come into place until 29 February 2016 there was a three-month timeframe available for submission. He urged Mr Braidwood to submit within that time.*

4.2.4 Bill Nobes, Bindoon

I have heard that the Councillors attend Chambers each Wednesday.

Question 1: Can the public attend?

Answer 1: *The Shire President advised that the Councillors were informally meeting for general discussion and information sharing. He suggested that Mr Nobes send his enquiry in a letter or an email.*

Mr Nobes advised that he had a Powerpoint Presentation that he would like to share with Council, with one other person, with regards to Aged Care.

The Shire President asked Mr Nobes to let him know when the presentation was ready and he would ensure that a time was made available for Mr Nobes to present to Council.

4.2.5 Barni Norton, Bindoon

(as supplied) **Thank you to the CEO for providing written answers to my questions of last month. your letter arrived in my mail box 5 days ago, on Friday of last week.**

In response to your answers to my first two questions of last month, I ask the following:

Question 1: As the media release was delivered by former councillor Rossouw to a Facebook page, less than 48 hours after she had become "general public", can President Cr Vallance please direct Cr Rossouw to clarify to the new council she is now part of, (and again, no longer general public,) as well as the general public, what exactly had been done by two councillors to leave her with no choice but to resign with less than three months left of her term? I am happy to take this on notice.

Answer 1: *The Shire President advised that the question would be taken on notice.*

Question 2: *(as supplied)* It was pleasing to see the new medical centre officially opened when they are already operating five days per week, and paying rent. I hope ratepayers are pleased they are no longer paying 20k per year in accommodation subsidy for Dr, student Drs nor any other staff of the Dr. My question to the CEO is, during the period of the previous Dr working in town, was the CEO aware the Dr was receiving payment for student doctor accommodation from another government body, when in a letter dated March 2014, the Dr representative wrote to Council to say the accommodation subsidy of 20k was being used partially for student accommodation?

Answer 2: *The Chief Executive Officer advised that he was only aware of the payment when it was brought to his attention by Ms Norton.*

Question 3: *(as supplied)* Did the doctor or Binda Medical Service representative ever advise you that money was paid to the Doctor or an employee of the Doctor, for accommodation by the university placement scheme?

Answer 3: *The Chief Executive Officer advised that the question would be taken on notice as he needed to refer to his records before providing a response.*

Question 4: *(as supplied)* in March of 2015, a payment for the accommodation subsidy was made to Binda Medical Service. In the same month a letter was received by council from Binda Medical Service saying they no longer needed the money for accommodation, but could they have \$400 per week for a fuel allowance for Dr Monica? Have you Mr CEO, invoiced the Dr to repay the last amount she received for accommodation subsidy in March? If not, I ask, why not? If so, I ask, what is the date on that invoice?

Answer 4: *The Chief Executive Officer confirmed that he had written to Dr Hayward and that 'yes' there had been a request for the money to be returned. He further advised that he would supply Ms Norton with a copy of the relevant correspondence.*

4.2.6 Chris Waldie, Bindoon

There is \$5,000 in the budget for improving the hot air conditions at the Museum. A quote for \$3,500 was received.

Question 1: What is happening with this?

Answer 1: *The Chief Executive Officer advised that quotes had been received by the Shire's Building Coordinator, and a purchase order written for the purchase of six (6) industrial 'whirly birds'. He noted that whilst initially it was the plan to hire*

contractors to undertake the works it was proving more cost effective for the work to be completed in-house.

The Executive Manager Technical Services confirmed that delivery of the materials was due next week with installation to be undertaken by Shire staff 'as soon as possible'.

4.2.7 Fran Bright, Muchea

(as supplied) A water sample was taken from the north side of Chittering Street on a large private property which is approximately 800m from our place on Fewster Street. Elevated hydrocarbon levels were found in the water taken from the Private properties/creek. HO Glenn Sargeson came to our property and took an improper soil sample without informing us why.

Question 1: Why was it decided that our place was the source of the hydrocarbons?

Question 2: Does anyone here imagine hydrocarbons in Muchea sand will travel sideways for 800m?

Question 3: How many other possible points of contamination are there nearby including house that may have spilt diesel refueling tractors or other machinery etc?

Question 4: Has the Shire taken soil samples from its works depot? (In front of the fueling point and in front of the work shop etc)?

Question 5: If not, why not?

Question 6: When will they?

Question 7: Does the shire generally condone such random, unreasonable proclamations and assumptions?

Question 8: This appears to be a very unprofessional way to operate?

Answer 1-8: The Shire President advised that the questions would be taken on notice.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 9.1.2 – Proposed Use Not Listed ‘Landfill/Rehabilitation’ Lot 202 Wandena Road

Claire Richards from Rowe Group made a deputation in relation to item 9.1.2 “Proposed Use Not Listed ‘Landfill/Rehabilitation’ Lot 202 Wandena Road”.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7. OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011115

Moved Cr Gibson / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 28 October 2015 be confirmed as a true and correct record of proceedings with the inclusion of the following reason why item 9.1.2 was lost:

REASON: Council was concerned that the motion would have a significant impact on development.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Caravan Park and Camping Grounds: Lot 116 (RN 154) Carl Street, Muchea*

Report date	18 November 2015
Applicant	J Howells
File ref	A9122; P349/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Covering Statement 3. Site Plan 4. Indicative drawings of proposed structures 5. Catchment Management Plan 6. Consultation Plan 7. Schedule of Submissions 8. Applicant's response to submissions 9. Initial 2014 Schedule of Submissions 10. Initial planning application

Executive Summary

Council's consideration is requested for a proposed caravan park and camping grounds at Lot 116 (RN 154) Carl Street, Muchea (see figure below).



The application is being referred to Council as objections were received during the public consultation period.

Background

The applicant initially submitted a planning application for a caravan park and camping grounds in November 2013 which encompassed:

- a campsite area of multiple sites;
- 14 caravan sites;
- 4 one-room chalets;
- 2 two-bedroom family units;
- Ablution block;
- Caretakers residence;
- 1 camp kitchen and laundry facility;
- 23 parking bays for cars and trailers; and
- 1 office.

Following liaison with the Shire of Chittering advising further information was required to progress the application, additional information was received and the application was advertised for public and agency comment for 42 days (extended due to holiday period) from December 2013 to January 2014. The Shire received 16 public submissions for this period with 15 objecting to the proposal. At this point the applicant did not proceed with the application and needed time to work out solutions to the significant issues of potable water supply and effluent disposal.

Following the initial advertising period there was again extensive correspondence between the applicant and Shire officers to resolve the two main issues being inadequate proposed potable water supply and inappropriate proposed effluent disposal. In June 2015, the Shire imposed a deadline on the applicant to provide the information requested to avoid the application being 'deemed refused' for not meeting the required statutory timeframes. The applicant provided this requested information and the Shire then re-advertised the proposal for 14 days concluding 2 October 2015.

The proposal has been revised and reduced to accommodate appropriate effluent disposal and adequate potable water supply (both catchment and storage). The initial proposal could not be supported as it was proposing insufficient potable water supply which did not meet the minimum requirements for caravan parks and camping grounds set out in the *Caravan Parks and Camping Grounds Regulations 1997*.

In summary, the current application proposes:

- A total of 16 accommodation sites:
 - 4 Transportable (Donga) Accommodation Units;
 - 8 Caravan Sites; and
 - 4 powered camping sites;
- 1 Camp Kitchen/Recreation Transportable (Donga) Unit;
- 1 Ablution and Laundry Transportable (Donga) Unit;
- A future pool/play area;
- 2 Shade Structures;
- An Office Transportable (current dwelling);
- 9 160,000 litre Rainwater Tanks (7 of which include catchment 'aprons');
- 1 Shed/Store Room;
- A Filtrex Effluent Disposal System including portable waste disposal for caravans;
- Front boundary limestone pillar wall and open fencing; and
- Boundary planting for landscaping and screening.

This is detailed in the covering statement (Attachment 2) and site plan (Attachment 3).

It is now considered the application can be considered by Council.

Consultation

The application was initially advertised in accordance with Clause 9.4 of the Town Planning Scheme from 11 December 2013 to 22 January 2014 in the following ways:

- Sign located at the front of the property;
- The Advocate newspaper;
- Shire's website;
- Letters to nearby landowners and relevant agencies;
- Shire Public Notice board; and
- Shire Office Counter.

Ongoing liaison between the Shire and applicant occurred following the initial advertising at which point in September 2015 the applicant provided information to address the two main issues; potable water supply and effluent disposal. Due to the length of time from advertising and the alterations made to the proposal, the Shire carried out further public advertising for a 14 day period in September 2015 in the same ways as above.

There were 17 public submissions received; 16 objecting and 1 supporting the proposal. 2 agency submissions were also received. All have been tabled in the Schedule of Submissions (Attachment 7) and a summary of the concerns detailed in the 'Comments' section of this report.

The initial Schedule of Submissions for the 2013 to 2014 period have also been attached (Attachment 9), which was collated and addressed following the advertising period but prior to the revised application.

Statutory Environment

State: Caravan Parks and Camping Grounds Act 1995

A 'caravan park' is defined as:

means an area of land on which caravans, or caravans and camps, are situated for habitation;

A 'camping ground' is defined as:

means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

State: Caravan Parks and Camping Grounds Regulations 1997

The Regulations set out the requirement for licensing and standards to be met. The proposal has been briefly assessed to ensure the proposal complies with the Regulations before progressing the planning application further. A thorough assessment would be undertaken at the licensing stage should Planning Approval be granted.

Local: Shire of Chittering Town Planning Scheme No. 6

The subject property is zoned 'Townsite' with a 'R2.5' density code. The objectives of the zone are:

- *To provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*
- *To prohibit land uses which may adversely affect the living and visual amenity of the location;*
- *To provide for the protection of the natural environment;*
- *To protect or enhance any local reserves.*

It is considered the proposal does not meet the objectives of the zone. This assessment is detailed in the 'Comments' section of this report.

The subject property is located within the 'Water Prone Area – Ellen Brook Palusplain' Special Control Area (SCA). The purpose and requirements of this SCA are to manage development in flood prone area, preclude development that may increase nutrients in the water system and protect the environmental values of the catchment. Planning requirements for development include high performance effluent disposal systems (i.e. ATU), raised floor levels and managing water runoff through a Catchment Management Plan.

The applicant's Catchment Management Plan aims to address the management of stormwater, groundwater protection and site constraints in relation to the proposal. The suitability of the effluent disposal is subject to approval by the Department of Health.

A 'caravan park' is listed as a 'D' (discretionary) land use in the Scheme in the 'Townsite' zone:
"means that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval."

Section 10.2 of the Scheme outlines matters that are relevant planning considerations in which the local government are to give due regard in determining planning applications.

Policy Implications

State: Planning Bulletin 49/2014 Caravan Parks

The Department of Planning Bulletin provides criteria and guidance for local governments to assess caravan parks and camping grounds covering general planning principles such as amenity, environment, traffic and services. This document has been used to assist in the assessment of the proposal.

State: Tourism Planning Guidelines 2014

The Guidelines provide local governments with rationale for determining planning controls, land allocation and infrastructure needs for tourism based development. The Guidelines specifically covers Caravan Parks and Camping Grounds from a strategic planning perspective. It states Caravan Parks offering long stay should be catered for by local governments in Special Use and Tourism zones (through a Tourism Strategy or tourism component in the Local Planning Strategy) and locations should be based on access to urban facilities and amenities such as employment, shops, schools, healthcare and public transport.

The review of the Shire's Local Planning Strategy will allow for more focus towards economic development and tourism planning, of which the Guidelines will be considered. In relation to the proposal, it is considered the site is not an ideal location for a caravan park, particularly due to the lack of facilities to support tourism and accommodation development.

State: State Planning Policy 3.1 Residential Design Codes (R-Codes)

The property has a 'R2.5' coding, in which the following setbacks for structures apply:

- Front: 15m
- Side: 7.5m
- Rear: 7.5m

The site plan showing structures complies with the minimum setbacks. The proposed Filtrex effluent disposal system, although not a structure, does not meet the building setbacks and is recommended to be setback from the boundary.

Local: Local Planning Policy No. 2 Muchea Village

The subject property is located in the 'Inner Lowlands' precinct of Muchea. The applicable policy statements refer to limiting development to a low density and protecting the catchment from nutrient contamination.

It is considered the applicant has demonstrated adequate nutrient management measures to ensure contamination does not occur. The proposal does not however fit with the objective to limit development in the Muchea Townsite to maintain a low density and rural character.

Section 5.2.5 of the Policy sets out a 'compatibility' of land uses in the precincts of Muchea Townsite. The Policy states that discretionary land uses shall be assessed by the compatibility of the land use listed in the Policy. Both the Caravan Park and Camping Grounds land uses are discretionary (D) uses in the Town Planning Scheme in the Townsite zone and are listed as having 'zero compatibility' in all precincts of Muchea. A land use with zero compatibility is not supported by the Policy and states Council shall not approve such land uses.

Local: Local Planning Policy No. 20 Transported and Transportable Buildings

The applicant proposes the use of transportable and donga structures in which Local Planning Policy No. 20 would be applied. The general expectation for transportable dwellings is to be designed with verandahs and pitched roofs to improve the building aesthetically and achieve a residential standard. The proposed structures would require significant improvements to meet this standard.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

The Strategy objectives that apply to the proposal are:

- *Promote and enhance the region as a tourist destination;*
- *Retain Muchea as a rural village with a mixture of compatible land uses and activities, to retain the unique character of the townsite*

Several sections of the Strategy are applicable to the proposal, being for the Muchea Townsite and within the Water Prone SCA and generally aim to:

- Retain Muchea Townsite as a rural village with a mixture of compatible uses that meet the objectives of the catchment; (Multiple Sections)
- Limit development to reduce nutrient export; (Section 6.4 & 9.2)
- Apply recommendations of the Ellen Brook Catchment Plan for development and change of land uses (Section 6.4)
- Permit range of compatible land uses befitting the image and function of the town without compromising the rural living environment (Section 8.2)
- Restrict subdivision until reticulated water and sewer are provided (Section 8.2 & 9.2)

It is considered the proposal does not meet the applicable aims of the Strategy as the land uses are not compatible in the Muchea Townsite and approval of such contradicts the aims to limit development in Muchea Townsite.

Local: Shire of Chittering Strategic Community Plan 2012

Economic: Prosperity for the Future

Outcome: Chittering: A Place to Visit

Strategies: Promote and improve Chittering's profile as a tourist destination

It is considered a Caravan Park could provide accommodation for tourists, however, due to environmental constraints of Muchea, its existing industrial intensification and proximity to Perth, it has not been strategically identified for tourism uses.

Site Inspection

Site inspection undertaken: Yes

Shire Officers have inspected the property on several occasions. The site is generally flat with a strip of mature trees in the middle. A transportable house has been recently established on the property and an old shed is located on the southern side boundary.

Triple Bottom Line Assessment

Economic implications

The proposal would result in the establishment of a new local business and provide alternative accommodation options in the Shire. A Caravan Park could also offer some economic benefit to local businesses such as BP and IGA-Express by occupants during their stay in the town.

Social implications

The submissions received indicate a strong level of objection to the proposal being located in Muchea Townsite. Comments made outline adverse impacts of noise, safety, lifestyle and amenity. Many comments alluded to the characteristics of persons likely to reside in the proposed accommodation due to the more permanent occupancy intent and the detrimental impacts this would create on the area. Whilst some of these comments may be considered and subjective, a caravan park for short term accommodation is likely to impact the existing amenity of this area.

Environmental implications

The site is located on the Ellen Brook Palusplain and is part of a Multiple Use Wetland which covers most of Muchea. The state agencies have commented on the need for appropriate effluent disposal for such a development. The applicant has submitted a Catchment Management Plan prepared by an environmental consultant to report on the surface and sub-surface water qualities and provide measures for appropriate management of the proposal in relation to stormwater and nutrient contamination. The risk of the site flooding and its impacts has not been specifically detailed and the suitability of wastewater treatment on the site is subject to the approval of the Department of Health.

Comment

Access

The site is accessed by Carl Street and the applicant has proposed traffic to enter and exit in a north direction via Chittering Street to minimise traffic impact in the Muchea Townsite. Only 'As of Right' vehicles can use Carl Street and access the site. The Shire's Technical Services Department has no objections to the proposal and likely movements generated, however, require the construction of a vehicle crossover. Currently the property does not have a formal vehicle crossover. It has been noted the pathway at the front of the property has been damaged by the landowner some time ago and will be rectified at request of the Shire's Technical Services Department.

Catchment Management Plan

The applicant engaged 360 Environmental to prepare a Catchment Management Plan (CMP) for the proposal. The CMP has been reviewed by the Shire's Principal Environmental Health Officer and the Ellen Brockman Integrated Catchment Group to assess the appropriate level of information was included. The CMP identifies site stormwater runoff naturally sheets from the front to the rear of the property in heavy rainfall events and/or in the event of saturated/waterlogged soil. The CMP also recommends the construction of vegetated swales and a vegetated retention basin to direct and capture peak stormwater flows. All stormwater for structures is proposed to be directed to the rainwater tanks for potable water supply. In the event all rainwater tanks are at capacity, overflow is retained on site prior to natural discharge or soaking.

The CMP also includes bore water samples and recommends a groundwater management strategy which would set out a monitoring program to assess groundwater levels and water quality. The CMP suggests all structures to be constructed on pads to ensure clearance to groundwater (approximately 400-700mm).

It is considered the CMP meets the requirements as stipulated within Town Planning Scheme No 6.

Water supply

The initial application proposed the combined use of bore water and rainwater for potable water supply due to no reticulated water supply being available. Shire Officers advised the applicant the use of bore water as a potable water supply, whilst a more secure source, was not possible due to water licensing requirements, the poor quality of water sampled from the bore and the inability to obtain a sufficient water license capacity due to the area being fully allocated.

The applicant revised the potable water supply to be obtained via onsite rainwater storage from roof catchment. The Shire's assessment of this included comparing the roof catchment area with rainwater storage and the minimum requirement under the *Caravan Parks and Camping Grounds Regulations 1997* of 300 litres of potable water supply per site (being a camp site, caravan site or accommodation unit) calculated at a 70% occupancy rate. The applicant's revised application reducing the number of sites and increasing roof catchment area (including rainwater tank aprons) has resulted in this minimum potable water supply figure now being met and well exceeded. The calculation below outlines this assessment:

Proposed number of sites = **16**

Potable water supply required = 300L/site at 70% occupancy rate = **1,226kL (equates to 3.35kL/day)**

Proposed roof catchment area = **2,061m²** (does not include current dwelling)

Proposed rainwater tank storage = 162,000L x 8 = **1,296kL**

Resultant potable water supply per site = **1,595kL/year (equates to 4.36kL/day)**

The current dwelling (future caretakers dwelling) has not been included in this calculation as the roof catchment and rainwater tank supply (minimum 120kl) is mostly required for domestic purposes. The potable water supply will need to be filtered and disinfected, the water quality monitored and the volumes reported as an ongoing requirement to the satisfaction of the Shire's Principal Environmental Health Officer. This monitoring is mentioned in the CMP. It is acknowledged however the reliance on rainfall for a potable water supply may require potable water being delivered to the site during summer periods, drier than average years or as a result of high consumption. This is becoming more prevalent in the Shire and is a common occurrence for domestic households in summer. It is understood the lack of a permanent reticulated water supply is one reason for the intent to limit development in Muchea.

Effluent disposal

The site is not suitable for conventional leach drain effluent disposal system. The applicant initially proposed an Alternative Root Treatment (ART) effluent disposal system in the CMP. This system typically uses a vegetated open basin constructed above groundwater levels with specific nutrient stripping plants. At the time the Shire queried the suitability of the system given it was not widely known or used and requested the applicant provide approval/certification of the system from the Department of Health. It is understood this was difficult to do and so the applicant revised the proposal to Filtrex ATU effluent disposal systems of which at least two (2) could be required. This would still be subject to Department of Health approval due to it being for commercial purposes, which is beyond the local government determination authority, however it is a system that Department of Health certify and is widely used. It removes nutrients from the effluent disposal as well as maintaining adequate clearances to maximum groundwater levels. The

suitability of the wastewater system and capability of the site for effluent disposal would be determined by the Department of Health.

TPS

The subject land is zoned 'Townsite' by the Scheme which allows for residential, commercial and community uses and is clearly outlined in the objective of the zone 'to provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character'.

The proposed Caravan Park and Camping Area land uses are discretionary 'D' use in the Scheme, which means the use is not permitted unless the local government exercise its discretion by granting Planning Approval. The Shire decided to carry out public consultation (as outlined in the 'Consultation' section of this report) due to the proposed development proposing a new land use not currently developed or operated in Muchea. The Shire's Scheme does not contain a separate commercial zone and therefore the Townsite zone has established itself as a hybrid zone; being residential with opportunity for commercial, community and service type uses. The Officer has assessed the 'compatibility' of the proposed land uses in respect with all relevant documentation and observations, which is concluded to at the end of this Report.

The site is located in the Water Prone 'Ellen Brook Palusplain' Special Control Area (SCA). This SCA has been established to recognise the environmental significance of the Ellen Brook Palusplain and to set out requirements to prevent development which may contribute to nutrient contamination of this surface and sub-surface catchment area. Clause 6.3.3 sets out conditions that will be imposed on a Planning Approval and Clause 6.3.4 sets out considerations of proposed development. The Applicant has submitted a Catchment Management Plan to address the planning requirements of the SCA and proposed a Filtrex effluent disposal system which contains nutrient stripping capabilities.

The Scheme also sets out requirements for transportable buildings (Clause 5.14) which are proposed. The Scheme makes it clear the transportable building must be designed and located to not adversely impact the amenity and must comply with the intent of a relevant Local Planning Policy. The proposed structures are dongas and do not comply unless significantly modified.

Matters for consideration set out in Section 10.2 of the Scheme have been regarded in the assessment of the proposal.

LPP2 Muchea

The Local Planning Policy for Muchea (LPP2) provides a closer level of detail of the townsite and sets out environmental and planning considerations to be regarded for development. Summarised in the 'Policy' section of this report are several relevant policy objectives, aims and requirements to this site.

One of the policies for the precinct, which is replicated generally throughout the Policy, is limiting development in the Muchea Townsite. It is understood the intent of this is due to lack of services, threat of inundation, protection of the catchment from nutrient contamination and to maintain the unique low density rural character. The applicant has submitted a Catchment Management Plan to address the matters of nutrient contamination and stormwater management and provided detail of onsite rainwater collection for a potable water supply. The proposal does not fit with the Policy to limit development, more specifically to a single dwelling per lot.

LPP2 contains a compatibility list of land uses. All discretionary land uses ('D' and 'A' uses) in the Scheme are to then be determined using the compatibility list. Both the Caravan Park and Camping Grounds land uses have zero compatibility in all precincts of the Muchea Townsite, likely due to the land uses being of a

higher intensity than a single dwelling and the objectives to limit development in Muchea due to the high groundwater level and contamination issues. Whilst the determination of a land use is legislated by the Town Planning Scheme, due regard is to be given to Local Planning Policies and LPP2 clearly does not support the proposed land uses in Muchea Townsite.

LPS

The Strategy sets out clear strategies for the Muchea Village and considerations for development in the Water Prone SCA (Ellen brook Palusplain). Similar to the Town Planning Scheme and Local Planning Policy, the strategies relate to the protection Ellen Brook Catchment and limiting development in the Muchea Townsite. As mentioned previously, the constraints of onsite effluent disposal and potable water supply have effectively determined the limit the proposed development can achieve.

Submissions

The Shire advertised the proposal on two occasions; December 2013 to January 2014 and September 2015. The 2014 advertising resulted in 16 submissions of which 15 objections were received. The 2015 advertising resulted in 17 submissions of which 16 objections were received (to note 2 submissions were duplicated) and 1 in support. The Shire referred the proposal by letter to 38 nearby residents on both occasions. Whilst the advertisement for submissions is open to any resident of the Shire, it is not an accurate judgement to assess the level of objection through quantitative analysis for all residents. The comments and concerns made in the submissions include:

- Increased noise
- Increase in crime
- Attraction of 'low income' persons
- Unsightliness of a caravan park development
- Not a suitable development for Muchea Townsite
- Impact on rural lifestyle
- Not a viable business
- Property devaluation

Detailed responses to these concerns have been made in the Schedule of Submissions. Some comments made have been dismissed due to not being a relevant planning consideration.

It should be noted the Officer responses to the initial Schedule of Submissions (Attachment 9) were done immediately following that advertising period and have not been altered but attached to the report to acknowledge the submissions made. The more recent Schedule of Submissions has been responded to in relation to the revised proposal that was advertised and is now being considered by Council. The submissions indicate strong objection to the proposal and raise many concerns of adverse impacts.

Buildings/structures

The applicant proposes the use of transportable donga structures for the accommodation units and communal facilities. The Shire's Local Planning Policy (LPP20) deals with Transportable Buildings and the expected construction standard as well as the Town Planning Scheme as mentioned above. Currently the drawings provided do not meet the standard for transportable structures and would require significant work to improve the aesthetics.

Licensing

The operation of a caravan park and camping ground requires a license under the *Caravan Parks and Camping Grounds Regulations 1997*. The Shire's Principal Environmental Health Officer has the delegation to issue a license under the Regulations.

Planning Bulletin – Caravan Parks

The proposal has been assessed with consideration of the objectives and guidance statements of the Bulletin. The Bulletin mentions the preference for local governments to set out appropriate specific zones for caravan parks and tourism associated accommodation. The Shire's Scheme and Strategy provides discretion to allow for caravan parks and tourism development in Townsite zones, which is consistent with the Bulletin, and Shire documents generally promote tourism development opportunities.

The Bulletin also sets out criteria for assessment of proposals which includes siting, topography, drainage, soils, vegetation, hazard constraints, visual impact, accommodation design, access and capability of servicing. A particular criteria relevant to the proposal is to avoid locating caravan parks in areas subject to risk of waterlogging or flooding unless mitigation measures are provided. The applicant has submitted a Catchment Management Plan to address this concern. It is considered the proposed caravan park would generally not align with the preferences and criteria set out in the Bulletin.

Concluding comments

The objective of the Townsite zone promotes developing a range of uses and services where compatible. LPP2 suggests a Caravan Park and Camping Ground are not compatible in the Muchea Townsite area. The proposed land uses have been assessed against all the relevant Scheme objectives and requirements, strategies, Policy objectives and intent and consideration of public submissions. The following has been observed:

- The proposed land uses are discretionary uses that do not require advertising and could have been considered under delegated authority. Due to the proposal being a significant scale (beyond an ancillary development) and commercial in nature, the Shire considered public advertising was appropriate. Due to objections being received, the Shire does not have delegated authority and requires Council to determine.
- All of the objectives, intent and strategies relate to protecting the groundwater from contamination, preventing adverse impact on living and visual amenity of the locality and to limit development due to lack of services and risk of inundation.
- The objectives of the zone and Muchea Local Planning Policy aims to provide a range of 'compatible' land uses/services. The compatibility list in LPP2 indicates the proposed uses to be 'zero compatibility' and that 'Council shall not approve'.
- The State Tourism Planning Guidelines guide local governments to set out appropriate zones and areas for tourism accommodation and caravan park development. The Shire's current review of the Local Planning Strategy will investigate tourism strategies however the proposed development generally does not meet the criteria for an appropriate location.
- The relevant strategies and aims of the Local Planning Strategy aim to protect the rural character of the Muchea Village and limit development due to contamination issues and risk of inundation. The proposal exceeds that of a single dwelling and ancillary development and therefore approval of such would be considered to contradict the aim to limit development in the Muchea Townsite.
- The public submissions received strongly objected to the proposal with concerns raised of impact on the rural character and lifestyle, social impacts of caravan park development (in particular due to Muchea not being a known tourist destination being located approx. 66kms from Perth's CBD) and unsuitability of the development due to impact on the Ellen Brook Catchment.

Officer Recommendation

The Officer therefore recommends Council refuse the development for the reasons set out in the Recommendation below.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021115

Moved Cr Houston / Seconded Cr King

That Council refuse the proposed Caravan Park and Camping Ground development at Lot 116 Carl Street, Muchea for the following reasons:

- 1. The proposal does not meet the objectives of the zone as it:**
 - a. Involves land uses that are not 'compatible' in the Muchea Townsite;**
 - b. Adversely affects the living amenity of the locality due to higher intensity development and associated impacts of noise.**
- 2. The proposal does not align with the Shire's Local Planning Strategy in the following ways:**
 - a. The proposed land uses are not 'compatible' in the Muchea Townsite.**
 - b. The proposal is a significant development and is contrary to 'limiting' development in the Muchea Townsite.**
- 3. The proposal is inconsistent with the intent of Local Planning Policy No 2 Muchea Village as per the following:**
 - a. Does not meet the objective of the Inner Lowlands precinct to 'retain the rural character of the precinct as a rural living environment' as it does not meet the policy under this objective to 'permit residential development on any lot to a single dwelling only'.**
 - b. The proposed land uses are 'zero compatibility' in Local Planning Policy No 2 Muchea Village in which "Council shall not approve".**
- 4. The submissions received indicate a high level of objection to the proposal.**

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 7/0

Cr Peter Osborn declared an impartiality interest in item 9.1.2 as he works casually with the contractor constructing the hardstand.

9.1.2 Proposed Use Not Listed 'Landfill/Rehabilitation': Lot 202 Wandena Road, Muchea*

Report date	18 November 2015
Applicant	Focus Demolition and Asbestos Pty Ltd
File ref	A3223; P346/15
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Report by Bowman & Associates accompanying Development Application2. Additional Planning information from Rowe Group3. Extract from Shire of Chittering Town Planning Scheme No. 6 Zoning Table4. Site & Locality Plan including plans indicating void5. Images of Advertisement placed onsite6. Consultation Map7. Schedule of Submissions8. Images from Site Visit9. Shire of Chittering Local Planning Strategy (Extracts)10. Muchea Employment Node Structure Plan (2011) (Extracts)

Executive Summary

Council's consideration is requested for a proposed 'Use Not Listed' Landfill/Rehabilitation Development Application on a portion of Lot 202 Wandena Road, Muchea (refer to Attachments No. 1 and 2).

Background

At the Ordinary Meeting of Council held on 15 July 2015, a scheme amendment initiation was presented to Council to have an additional use (Industry – Noxious) placed on Lot 202 Wandena, where by it was resolved:

'That Council defer this item subject to the Applicant undertaking further liaison with Shire Officers in relation to possible alternatives; including, but not limited to, pursuing a Development Application for "a use not listed" or alternatively rezoning the whole site to industry in accordance with Muchea Employment Node Structure Plan'.

It should be noted that whilst the initiation for the additional use was intended as 'Industry – Noxious', due to the gazettal of Amendment No. 52 'Industry – Noxious' was removed from the Scheme Text and therefore the Shire has assessed the appropriate use to be considered as "Landfill/Rehabilitation" which remains within the Scheme Text.

In accordance with the Resolution as detailed above, the applicant has now lodged a Development Application for a 'Use Not Listed' for the Landfill/Rehabilitation of Lot 202 Wandena Road.

Lot 202 is zoned 'Agricultural Resource' under the Shire of Chittering Town Planning Scheme No. 6 (TPS No. 6) and comprises 8.81 ha of land. It is also contained within the Special Control Areas for Basic Raw Materials and Military Considerations (see Attachment No. 3).

The property is identified for future light industrial uses in the Shire of Chittering's Local Planning Strategy (2001 – 2015) and is contained within the Muchea Employment Node Structure Plan area.

The property was previously a part of Midland Brick's Clay extraction operations. Extraction of clay from this site has ceased for a number of years. As a result of the clay extraction, a large void is located on Lot 202 Wandena Road (refer to Attachment No. 3). The void measures 26,500m²/113,000m³ in area and is located in the north western portion of Lot 202 Wandena Road and due to the age of the pit/void there was no rehabilitation plan in place to reinstate the land to its previous form.

Throughput of the proposed facility is envisaged to receive between 40,000 and 50,000 tonnes of clean construction and demolition materials per year (p. 18) with the applicant (Focus Demolition and Asbestos Pty Ltd) proposing the rehabilitation of the void to take between 3 to 5 years to achieve. In the unlikely event that unauthorised materials were to be delivered onsite, the applicant has provided in-depth detail and reporting as to the measures which they envisage will minimise this from occurring which is referenced in Attachment No. 1 and also within the comment section of this report.

The applicant proposes to fill the void with building materials sourced from locations in the Perth Metropolitan Region. The materials envisaged to be transported to the site include concrete, bricks, limestone, rock, rubble, masonry type material, road making materials/aggregates and sand. These materials are intended to be crushed and screened onsite then placed into the void to fill the area.

The applicant envisages to utilise the adjacent Lot 203 Wandena Road (which is under the same ownership) to provide vehicular access to Lot 202.

Materials are intended to be delivered onto the property via triple axle semi tippers with a 20m³ capacity with a frequency of heavy vehicle movements envisaged to be 8 loads per day (or 40 loads per week) (p. 83). The materials are envisaged to be stockpiled on the property before any screening and crushing is undertaken. Screening and crushing of the stockpiled materials are envisaged to be undertaken over two 35 day periods per year (p. 24).

Consultation

Officers have met informally with the applicant (and their representatives) at the Shire's office in February 2015 in addition to telephone and email consultation. The applicant and representative presented their proposal for the Scheme Amendment to a Council briefing in April 2015.

In July 2015, an application was presented to Council to initiate a Scheme Amendment. As a result of this item being published in the agenda, a petition was generated by nearby residents. This was presented to Council and consisted of 74 signatures. An initiation request for a Scheme Amendment is not required to be advertised. If the initiation to amend the Scheme was supported then it would have been advertised.

Following the resolution by Council in the July meeting and subsequent liaison with Planning officers, the applicant has made a development application for a 'Use Not Listed' Landfill/Rehabilitation. The Development Application for the 'Use Not Listed' was advertised in accordance with Section 9.4 of TPS No. 6 between 11 August and 18 September 2015.

The application was advertised in the following methods:

- Signage (3), one placed at the entrance to the property and two other locations nearby which provided safe access to those whom were interested in the application (see Attachment No. 5).
- Letter to adjoining landowners (see Attachment No. 6);
- Advertisement placed in the local newspaper;

- Letter/email to people who had signed a petition objecting to the Scheme Amendment initiation;

The application was also referred out to the following organisations/State Government Departments (amongst others):

- Environmental Protection Authority;
- Ellen Brockman Integrated Catchment Group (Chittering Land Care);
- Department of Health;
- Main Roads Western Australia;
- Department of Environmental Regulation;
- Department of Water.

Following the advertising period, the Shire received a total of 24 submissions from both referral authorities and the general public. 12 public submissions objected to the proposal whilst 3 supported the proposal, subject to conditions. The 9 referral authority submissions received supported the application, subject to conditions.

The objections from residents were based generally on the following issues (amongst others):

- Access and road safety;
- Environmental risk;
- Proximity to sensitive land uses; and
- Risk of asbestos being placed within the void;

The detailed responses to these submissions by both the applicant and Shire officer is provided in the Schedule of Submissions (see Attachment No. 7) and will also be discussed in turn in the Officers Comments section of this report

The application was also referred internally to the Shire's Principal Environmental Health Officer, Community Emergency Services Manager and Executive Manager Technical Services for their comment. They advised that they were generally supportive of the application, subject to conditions being in place. Details of their responses are provided in the comment section of this report.

Statutory Environment

State: Planning and Development Act (2005)

Environmental Protection Act 1986 (Part V)

The Planning and Development Act 2005 details the requirements for Town/Local planning Schemes which detail development requirements and land uses that require the approval of the local government. This proposal requires the approval of the Local Government to be undertaken on this site.

Under the provision of the Environmental Protection Act 1986, the proposal would require a works approval to be obtained before constructing/undertaking what is considered to be a prescribed industrial premises. Furthermore, it is considered an offence to cause an emission or discharge unless a licence or registration is held for the premises.

Local: Shire of Chittering Town Planning Scheme No. 6

The following sections of the scheme are applicable to this application:

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

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

4.2.5 Agricultural Resource Zone

- *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.*

6.4 BASIC RAW MATERIALS

This section of the scheme was adopted in order to 'to secure known basic raw materials resources, and protect future resources' (p.45).

The materials contained within Lot 202 have been exhausted and the rehabilitation of the void may enable to property to be used for other uses such as those envisaged in the Shire's Local Planning Strategy.

The intention is for the applicant to fill and rehabilitate a 'void' which has occurred as a result of the previous land owners clay extraction activities.

The landfill component whilst defined in the Scheme, does not align directly with this definition. This is predominantly due to the operation being utilised by the applicant and their authorized contractors only, with the materials sourced from locations and contractors whom have undertone a site screening process by the applicant. No public access for the deposition of household materials/waste is to occur.

Through filling the void with inert materials, it enables the brownfield site to be developed into a parcel of land which can then be utilised for other uses. Due to the depth and size of the void which comprises a significant portion of Lot 202, if the filling of the void were to take place it is unlikely that it could be used for any constructive land uses due to possibly risks pertaining to the soft edges surrounding the void and the depth to which the void reaches its bottom, some 80m below ngl.

In addition to this, the strategic direction for this site and the surrounding land is for it to be rezoned for industrial uses, therefore, whilst this current use is largely dominating the subject site which is currently zoned for agricultural type uses, this proposal is consistent with the future intent of the land.

The application for the 'Use Not Listed' Landfill/Rehabilitation was advertised in accordance with Section 9.4.1 (b) of TPS No. 6. Methods of advertising included:

- signage to the entrance of the property and 2 signs placed in nearby locations for safe vehicular access (Refer to attachment No. 5);
- letters to adjacent landowners (Refer to attachment No. 6);
- advertisement in the local news paper

The property is currently zoned 'Agricultural Resource' and is contained within a Special Control Area for Basic Raw Materials.

Lot 202 Wandena Road is contained within the Basic Raw Materials Special Control Area, and if supported would enable this brownfield site to be rehabilitated into a more productive property. In rehabilitating the void, the applicant intends to remediate it to its natural ground levels prior to its use for clay extraction.

Whilst zoned Agricultural Resource, Lot 202 has not been used for agricultural pursuits for a significant number of years. The predominant past use has been clay extraction, however this ceased around the early/mid 1980's and the property (and void) has been left largely untouched since. The reasons for the cessation of extraction was as a result of the resource being exhausted.

The rehabilitation of the void on Lot 202 Wandena Road has the potential to remediate and fill the large void which is an intention of the objections of the Basic Raw Material Special Control Area – to rehabilitate after extraction has ceased. This may enable the property to be developed for future Agricultural pursuits and/or object to rezoning into industrial type uses as Lot 202 is identified in both local and state strategic documents for such uses.

The reasoning behind listing this application as a use not listed and not as a landfill is that the proposal is for the rehabilitation of existing open void rather than creating a new extraction/landfill site. Furthermore the void will be used by the applicant and their qualified contractors only with materials from sites approved by the applicant and be of an inert nature. It is not to be used for the public to deposit household waste and other materials.

Policy Implications

The following state policies are applicable to the application for the 'Use Not Listed' Landfill/Rehabilitation

State: State Planning Policy No. 2.4 Basic Raw Materials

The policy also recognises the importance of ensuring the extraction of basic raw materials occurs with minimum detriment to the local amenity and environment, including regionally significant vegetation and in a manner which allows for future use and development consistent with long-term planning intentions for the area (p. 4).

Lot 202 is identified in SPP No. 2.4 Basic Raw Materials as a 'Key Extraction Area'. Whilst having been previously owned by Midland Brick and used for the extraction of clay, this activity has been ceased for a significant number of years. Midland Brick continue to undertake extraction at separate landholdings further north on Wandena Road. Lot 202 is considered to have been exhausted of appropriate quality material.

One aspect of this Policy (Section 6.7) indicates that in determining planning proposals (for extractive industry) consideration should be given to '*ensure the rehabilitation of the land is consistent with its long-term future use*' (p. 9). The rehabilitation of the void therefore would, if approved ensure that the land is remediated to a level which would enable the land to achieve its long term (strategic) use for light industrial development.

State: State Planning Policy No. 4.1 State Industrial Buffer Policy

The policy infers that '*Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area can be provided. Although it is accepted that best environmental*

management practices are preferred, in reality best practicable environmental management practices will usually be negotiated (p. 7).

To enable the application to obtain the 'Best practical environmental practices', the applicant has provided a detailed environmental report, particularly in relation to environmental noise generated through the crushing and screening of materials. Through the provision of bunding (4m high) along the some of the boundaries of Lot 202 it enables the applicant to meet the requirements of the Environmental Protection Noise Regulations 1997. Furthermore, the applicant is required to obtain a Works Approval for a prescribed premises from the Department of Environmental Regulation prior to commencement of operations.

State: EPA Guidelines – Statement No. 3

The EPA Guidelines – Statement 3 titled '*Separation Distances between Industrial and Sensitive Land Uses*' stipulates the following buffer distances recommended for an 'Inert' landfill site (Class 1)

- 150 metres for residential uses; and
- internal buffer of 25m from a boundary (p. 51).

Crushing of building material, which is described in the statement as *crushing or cleaning of waste building or demolition material* is recommended a buffer distance of 1000m (p. 28).

In the EPA Guidelines Statement it states that "*where the separation distance is less than the generic distance, a scientific study based on site- and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. If the distance from the industrial land use to the sensitive land use is less than the recommended separation distance, and it cannot be demonstrated that unacceptable environmental impacts are likely to be avoided, then other options should generally be pursued*" (EPA Guidelines Statement 3, p. 9).

The applicant in their report accompanying the development application proposes to develop 4 – 5m high bunding setback 5m from the internal boundary of the property to enable the proposal to mitigate noise (refer to Attachment No. 1 Appendix I Noise Impact Assessment). The void is the only area which will be utilised for the crushing of the materials. The crushing and screening operations is envisaged to be contained within the void (which is at an estimated depth of 80m AHD) for the majority of the life of the rehabilitation of the void.

The Environmental Protection Authority Guidelines '*Separation Distances between Industrial and Sensitive Land Uses*' provides a guideline as to what is considered as appropriate distances industrial type land uses should be setback from sensitive land uses.

The applicant in their report indicated that there were 5 sensitive land uses (ie dwellings) located in the near vicinity to the location where the proposed landfill/rehabilitation of the void will be undertaken.

- Receptor 1 is located 142m from the proposed landfill/rehabilitation area
- Receptor 2 is located 830m from the proposed landfill/rehabilitation area
- Receptor 3 is located 688m from the proposed landfill/rehabilitation area
- Receptor 4 is located 890m from the proposed landfill/rehabilitation area
- Receptor 5 is located 380m from the proposed landfill/rehabilitation area

The guidelines recommend a distance of:

- 150 metres for residential uses; and
- internal buffer of 25m from a boundary (p. 51).

Crushing of building material, which is described in the statement as *crushing or cleaning of waste building or demolition material* is recommended a buffer distance of 1000m (p. 28).

Through bunding of the boundaries and the provision of the environmental noise impact assessment, which recommends the bunding of the boundaries, the applicant can meet the requirements of the Environmental Protection Noise Regulations 1997. This is stated on p. 9 of the guidelines which states that

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

Local: Nil

Financial Implications

Nil

Strategic Implications

Lot 202 (and 203) Wandena Road has been identified in both local and state strategic documents for light industrial uses. These documents include the Shire of Chittering Local Planning Strategy (2001 – 2015) and the Department of Planning's Muchea Employment Node Structure Plan (2011).

The identification of these lots in addition to the recent rezoning of the MENS Precinct 1 indicates a strong intention towards supporting future industrial development within this area of the Shire. Without the rehabilitation of the void, Lot 202 would most likely be unable to achieve its highest and best use for future light industrial land uses due to the size and depth of the void. Through the rehabilitation of the void, the strategic intentions for industrial development may be able to be facilitated.

Local: Muchea Employment Node Structure Plan (MENSP)

Lot 202 is identified within 'Precinct 4 East' of the Muchea Employment Node. This area is described in the MENSP as being in an area where there is a *'sequence of clay deposits Plans to rehabilitate the excavated pits were prepared but have not yet been implemented'* (p. 14).

Precinct 1 and precinct 4 have large land areas with a slope averaging more than 5 per cent which constrains large lot development. The developable area in these precincts will also be largely defined by the final surface contour plan. The surface contour plan is to be developed to prepare for sequential development once the extraction of the clay resource in this area is complete (p. 17).

The precinct policy statements for Precinct 4 (east) states that *'the sequential development of Precinct 4 (east) is subject to the extraction of the clay resource and site rehabilitation suitable for industrial development in accordance with a Final Surface Contour Plan. The plan shall be prepared prior to subdivision and/or development* (p. 35).

In the document, it has been identified that Lot 202 contains areas requiring 'special protection' such as remnant vegetation. The applicant has advised that no clearing of remnant vegetation is to be undertaken in order to rehabilitate the existing void and would not impact on the areas which have been mapped as 'areas requiring special protection'..

An area to the north of the site has been identified as a location for possible future conservation/recreation.

A buffer area is demonstrated on a graphic depicted on p. 67 of the MENS which indicates a 500m buffer from nearby residences, with the void itself located outside of the minimum 500m buffer (refer to Attachment No. 10).

Whilst the area is identified for future industrial uses, the entire Muchea Employment Node is comprised of freehold land and therefore large scale industrial development may be fragmented. This means that individual land owners would be required to go through separate rezonings and development, if adjacent landowners were unable or unwilling to participate in broad, multiple land holding development. The rehabilitation of this site for the purpose of future industrial use is consistent with the objectives of the MENS.

Local: Shire of Chittering Local Planning Strategy 2001 – 2015

Lot 202 has been identified in the Shire of Chittering's Local Planning Strategy for future light industrial land uses. It is also identified as being within the Primary Basic Raw Materials Areas.

The Shire at present, has a draft *Local Planning Strategy* which has also identified Lot 202 for future light industrial land uses. The proposed 'Use Not Listed' through the rehabilitation of the void may enable, subject to rezoning, the property to be developed for such intended uses.

PRIMARY BASIC RAW MATERIALS AREAS

Aims:

- *To manage the extraction of basic raw materials within the rural zones in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission (p. 40).*
- *To ensure appropriate buffer areas are applied to protect the extractive operations as well as the living or agricultural environment in nearby areas (p. 40).*

Lot 202's identification within the Shire's Local Planning Strategy indicates that the property has the potential for and is within an area which has been sought to appropriately place light industrial type development within the Shire. Through the rehabilitation of the void, it may enable the property to reach its 'highest and best use'. Without this occurring, due to the size of the void it is unlikely it could reach this potential without it being rehabilitated and returned back to its previous contours prior to basic raw material extraction.

The previous landowner has undertaken some planting of tree's in recent years, however the proposed landfill/rehabilitation pertaining to this report directly related to the existing void. In the years since the clay extraction ceased little has been done in terms of rehabilitating the site except for the tree planting. The proposal therefore provides an opportunity for the applicant to fill the void and return the significant portion of the property which is affected by the void to a state which can be used for purposes associated with its appropriate zoning.

Local: Shire of Chittering Biodiversity Strategy (2010)

6 Employment Node

Objective of the Employment Node is to provide for establishment of services and light industry with opportunities for local employment. However, heavy and noxious industry is not permitted. Lot 202 has not been identified within the Biodiversity Strategy as a location to be considered to be of 'Indicative High Conservation Value'.

The applicant envisages that '*rehabilitation of the void does not require clearing of any remnant vegetation*' (Bowman & Associates Pty Ltd, p. 15). If any clearing undertaken, then it could be stipulated that the

applicant offset this by planting additional trees on the southern lot (lot 203 which is utilised for vehicular access).

Site Inspection

Yes

A site inspection was undertaken by the Shire Planning Officer in July 2015 (refer to attachment No. 8). On the inspection it was noted that the property contained portions of cleared land, tree's planted by the previous landholder (Midland Brick) and older remnant vegetation.

The void, located in the northern portion of Lot 202 is significant in size and depth, with some parts of the void submerged by the rainwater which has collected since excavations have ceased.

A lot of the existing land on site has stabilised over time and it appears that the void has created a pond as the clay base of the void has acted as a membrane overtime.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal. The future potential for the land to be developed into light industrial land uses may increase the value of the land in close proximity to Lot 202.

A number of submissions raised the impact on adjacent properties values (some of which are not included in the Muchea Employment Node), however property values are not a planning consideration as detailed in section 10.2 of Town Planning Scheme No 6.

Social implications

A number of submissions raised concerns pertaining to the social implications as a result if the application were to be approved. Most prominent was the proximity to sensitive land uses. Whilst it is acknowledged that there may be some negative social implications such as noise etc, there are 5 'sensitive land uses' in close proximity to Lot 202 Wandena Road (see figure below sourced from p. 16 of Appendix 1)).



- Receptor 1 is a dwelling, located 142m south west of the side boundary of Lot 202.
- Receptor 2 is located 830m west of the site boundary of Lot 202 and used as an office by the resident of receptor 1.
- Receptor 3 is located 688m south west of the site boundary of Lot 202 and is a horse stable by Receptor 1.
- Receptor 4 is located 890m south east of the site boundary of Lot 202 and is a vacant dwelling.
- Receptor 5 is a residential dwelling and is currently occupied. It is located 380m south east of the south east side boundary of Lot 202.

Furthermore Lot 202 (and 203) has been identified for future light industrial land uses and has been previously used for clay extraction.

Further comments pertaining to social implications are addressed in the Officers comments. It is considered that the application has accurately addressed the social concerns raised that can be addressed in the planning context.

Environmental implications

The subject application has included the following points identifying the following environmental management measures that will be undertaken to ensure no detrimental environmental impact will happen to this site or surrounding land. In addition to this the MENSP & Local Biodiversity Strategy (LBS) have not identified any significant environmental features on the site. Therefore, it is considered that this application does not pose any significant environmental impact. The applicant will be required to obtain a 'Works Approval' from the Department of Environmental Regulation prior to any works associated with the approval can be undertaken (Refer to Condition No. 2)

Comment

In accordance with the above, the Officer has assessed the application with relevant policies and procedures. The Officer considers that the rehabilitation of the site will have a positive impact on the Shire as the proposal is consistent with the strategic direction of the shire and land contained within that area.

Social Implications

Whilst it is acknowledged that there may be nuisance pertaining noise from the crushing and screening of the building materials, it has been identified by the proponent that this would only occur over 2, 35 day periods per annum (Bowman & Associates, p. 24). Additionally, the applicant envisages to bund a portion alongside the boundary of Lot 202 Wandena to help attenuate noise generated from the crushing and screening operations (see Appendix I of the Development Plan of Attachment No. 1) and has carried out an Environmental Noise Impact Assessment.

Concerns were raised in the Schedule of Submission in relation to the increased number of heavy vehicle traffic movements (8 movements in and out per day, with a number of smaller vehicular movements). The applicant has also provided a Traffic Impact Assessment (Appendix H of report accompanying Development Application) which addresses access to the site and has provided recommendations to implement in order to provide safe access for road users.

By filling the void, it will then enable the proponent to develop the land into industrial uses which are envisaged in the Muchea Employment Node Structure Plan which would provide opportunity for employment for residents in the medium to long term.

Environmental Implications

Lot 202 Wandena Road, has a mixture of remnant vegetation and also vegetation planted by the previous landowners (see Attachment No. 8), with some portion of Lots 202 and 203 Wandena Road identified by the Muchea Employment Node Structure Plan Area as having portions which were deemed as '*areas requiring special protection*' (p. 72). A more significant portion of remnant vegetation is identified in Lot 203 and not 202. The applicant has advised that Lot 203 will be used by the applicant for vehicular access and advised that no clearing is required (See Attachment No. 10).

In the report accompanying the Development Application, it is outlined that:

- no clearing of remnant vegetation will be required in order to rehabilitate the existing void (Bowman & Associates, p. 15);
- the groundwater contour levels of the site vary between 85 – 100m AHD, with the bottom of the void is estimated to be 80m AHD(p. 14).

It must be said that the void is not a naturally occurring water body and is a result of the previous use for clay extraction. Due to the site not having been used for extractive industry pursuits for a significant period of time some animal species such as birds may use the property to nest etc. The void itself is identified as a *Surface Water* body in the Muchea Employment Node Structure Plan (p. 70) and not a conservation wetland.

The proposal for the Landfill/Rehabilitation of this site may allow for the large void to be filled and allow for the property to be returned to its natural ground levels.

A total of 24 submissions were received by the Shire. Some supported the application, however a number objected to the proposal. There were 12 submissions made by referral agencies whom were supportive of the application, subject to conditions being applied if approved. A total of 12 submissions were received from local residents, 2 supported the application and 10 objected to the development application.

The application was also referred internally to the Shire's Principal Environmental Health Officer, Community Emergency Services Manager and Executive Manager Technical Services for their comment. They advised that they were generally supportive of the application, subject to conditions and advice notes being included in the conditions.

The Principal Environmental Health Officer advised that the applicant would need to abide by provisions of the *Environmental Protection (Noise) Regulations 1997* in addition to the management of noise and dust in accordance with the management plans accompanying the development application. Conditions pertaining to health/works approval are referenced in Conditions No. 2, 11 – 16, 20, 25-28 and Advice Notes 2 and 3.

The Shire's Community Emergency Services Manager noted the applicant needed to provide adequate bushfire and emergency services provisions which are detailed in Condition No. 9.

Provisions relating to vehicular access were discussed with the Manager of Technical Services, who advised the need for improvements to signage and compliance with the outcomes of the applicants Traffic Impact Assessment. These provisions are included in Conditions No. 7 and 8, 22 – 24.

The Schedule of Submissions (Attachment No. 7) addresses the submissions made by both referral authorities and residents in detail, however they are discussed below:

- **Access and road safety**
In a number of submissions, concerns identified pertaining to heavy vehicle access and road safety. Wandena Road is identified within the Main Road Western Australia's RAV (Right Access Vehicle)

network as a Category 2 road which has been built to cater for up to 27.5m (p. 78) with a maximum permitted mass of 65.5 ton with a 'Local Distributor' status (p. 79). The road is currently utilised by both local residential traffic and also by Midland Brick for their clay extraction operations which are located on this portion of Wandena Road. Wandena Road as a local distributor and has been designed to cater for up to 3000 vehicles per day with the volume in 2008 estimated to be 1644 vehicles per day (p. 81).

A more recent traffic count has been undertaken between July and September 2015 for the portion of Wandena Road south of the Muchea East Road junction. Over the 58 days it averaged 1,727 vehicles per day, an increase from the 2008 data of 83 vehicles per day.

Access to the site will be via the existing entrance to adjacent Lot 203. The applicant envisages to utilise semi trailer tippers having a capacity of 20m³ with an envisaged 8 loads per day (or 40 loads per week) intended to deliver materials to Lot 202 (p. 83) in addition to a small number of light vehicles for employees. This, as detailed in the applicants report would represent an increase of less than 1% in overall traffic volumes (p. 23).

Whilst it is acknowledged that Wandena Road is a busy road, utilised by local residents and tourists alike, it has the capacity to cater for vehicles such as those proposed to be used to deliver materials to Lot 202. The applicant has demonstrated in the Traffic Impact Statement that safe access can be achieved subject to a reduction in speed along the nearby portion of Wandena Road.

Condition No. 23 requires the applicant to restrict heavy vehicles movements to 16 (8 in and out) per day in accordance with the management plan.

- **Environmental risk**

In the report accompanying the application for the 'Use Not Listed' Landfill/Rehabilitation, the proponent has detailed the environmental settings of the locality (Section 2.5, p. 14) in addition to appendices E (p. 60) to G (p. 64). In a number of submissions, residents outlined their concerns pertaining to environmental risk. It should be noted that in addition to Shire approval, the applicant would be required to obtain a 'Works Approval' from the Department of Environmental Regulation due to the proposal being considered as a 'Prescribed Premises'.

The void in itself is not a naturally occurring water body, but is located on Lot 202 as a result of the previous owner's clay extraction operations.

Materials

The rehabilitation of the void is envisaged to be undertaken by the screening and crushing of inert materials delivered and stock piled on the site. An 'Inert' Waste (Type 1) is considered:

'..... Non-hazardous, non-biodegradable (half-life greater than 2 years) wastes containing contaminant concentrations less than Class I landfill acceptance criteria but excluding paper and cardboard (paper and cardboard are biodegradable materials and are therefore considered as putrescible waste), and materials that require treatment to render them inert (e.g. peat, acid sulfate soils).

(http://www.wasteauthority.wa.gov.au/media/files/documents/landfill_waste_classification.pdf)

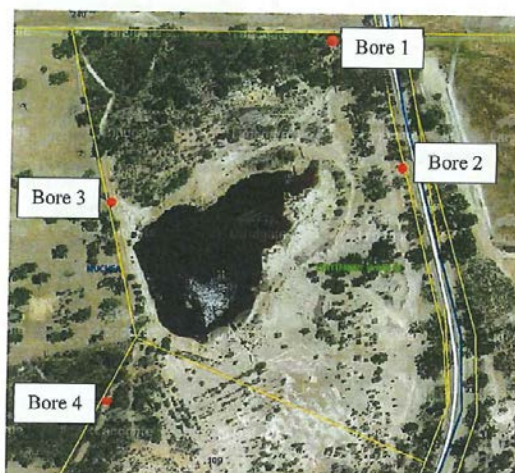
The materials envisaged to be screened, crushed and placed into the void to enable its rehabilitation include materials such as concrete, bricks, limestone, rock, rubble etc (p. 22). Materials which are deemed unsuitable for crushing and screening such as wood and plastics are envisaged to be stockpiled and taken away to an appropriate waste facility. If materials such as asbestos is found

within those delivered to the site, the applicant in their report has outlined the processes in which this will be appropriately handled (p. 35).

There is no public access to dispose of household waste and other similar materials. This is envisaged to ensure that no inappropriate materials will enter into the void which has the potential to impact the environment.

Groundwater

The applicant has outlined that groundwater monitoring is envisaged to be undertaken at the following locations on Lot 202. The outcomes of the monitoring would initially occur on a monthly basis during the first 3 months of operations (if approved) and then provided annually during the rehabilitation period (p. 34).



Lot 202 is not situated in an area which has been identified in SPP 2.2 Gnamptara Groundwater Protection. Ground water levels are, as identified by the applicant (p. 32) exceed 25m below the base of the void and the inert nature of the void, a combination of the two factors is considered to have no impact to the existing groundwater quality in the locality.

Refer to Conditions No. 6 and 19 in reference to groundwater monitoring required to be undertaken by the proponent.

Dust

Dust as a result of the proposal's envisaged screening and crushing has the potential to create a nuisance to nearby sensitive land uses. The applicant has provided a detailed Dust Management Plan which is envisaged to address and mitigate the potential for nuisance (p. 133/134). The screening and crushing is envisaged to occur over two 35 day periods per year (p. 24). If the proposal was to be approved, the proponent would be required to adhere to the measures included in the management plan.

Further to the above, if dust were to become a further nuisance then the applicant envisages that dust can be further managed by increasing dust suppressions by the use of water. Loads can be wetted down during loading at the demolition site, sprays can be used on the stockpiles, conveyors and shuts. Road hardstands can be wetted down more regularly (email 8/9).

Refer to Conditions No. 11 – 14 in relation to dust and mitigation measures required of the applicant if the application were to be approved.

Noise

Noise generated from the screening and crushing of materials envisaged to fill the void has been highlighted in a number of submissions received by the Shire. The applicant in their report accompanying the development application have included an Environmental Noise Impact Assessment (Appendix G) which outlines the envisaged noise levels which may be generated by the operation of the rehabilitation/landfill. The applicant intends to, if approved, establish earthen bunds which are envisaged to mitigate noise impact on the adjacent sensitive land uses.

The results of the Environmental Noise Impact Assessment, indicate that **without** the bunding the noise levels would exceed the *Environmental Protection Noise Regulations 1997* benchmark of 45 dBA in Stage 2 for Receptor 1, and all 5 receptors in Stage 3.

If the bunding is to be established prior to the commencement of Stages 2 and 3 then the operation would be able to meet the *Environmental Protection Noise Regulation 1997*.

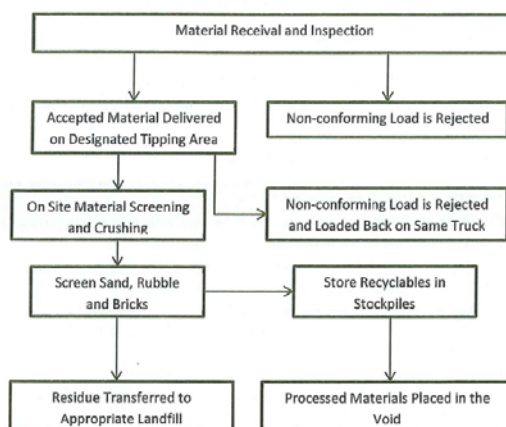
In liaising with the applicant (email 8/9), they have advised that if noise levels were to become a nuisance then *noise can be further managed by raising the height of the bunds, strategic location of material stockpiles around the processing plant, review of the make and model of the processing plant used to utilize quieter equipment.*

Refer to Conditions No. 15 and 16 are in relation to environmental noise in addition to Advice Note No. 3

- **Unauthorised material and the risk of placement within the void**

The applicant's intention to rehabilitate the existing void with inert materials sourced from building sites has a risk of asbestos being included in the materials. The applicant has provided extensive reporting of the processes in sorting materials delivered to the site prior to it being stockpiled and screened (refer to Section 8.5, p. 35).

Section 6 of the report outlines the operations envisaged to be undertaken by the applicant. It indicates the types of materials intended to be screened and crushed. The table below (provided in the applicants report (p. 33) outlines the process which is envisaged to be undertaken.



If asbestos was found to be delivered in a load, the applicant has advised in an additional email dated 23 October 2015 that:

Hours of the site will be business hours the same as licenced landfills which should enable the offending truck to tip at a licenced facility. Furthermore the truck that delivered the load containing the asbestos would be diverted back to site to pick up load. The proposed asbestos management plan will include such measures as the following if the contaminated loads are sighted at the active tipping area:

- *Contact the facility manager;*
- *Evacuate the area by unauthorized staff members of other users;*
- *Plant Operator to quarantine the area around the identified asbestos at least 1.0m outside the exposed area;*
- *Staff handling the waste to wear appropriate personal protective equipment (PPE) such as a respirator;*
- *Wetdown the exposed area;*
- *Position the manoeuvre vehicles or staff treating the hazard upwind of the specific site;*
- *Carefully load the ACM back into the truck for relocation or transport it directly using earthmoving plan to the designated asbestos burial location; and*
- *Notify the client of the contaminated load to take necessary action at the point of origin.*

The applicant has advised (email 8/9) that if asbestos were found at the location it would be disposed of at the Eastern Metropolitan Waste Facility on Toodyay Road, Red Hill (Class 1 Licensed Landfill).

The above statement is supported by comments made by the Shire's Principal Environmental Health Officer whom advised that the 'Mucnea Landfill and Recycling' is licensed to receive asbestos but this is only for residents. Asbestos that comes from outside the shire is not accepted. As the asbestos contamination at Swan Industrial is sourced from outside our shire it is not acceptable. It would have to be taken to a licensed site outside of our shire eg Red Hill or preferably a licensed landfill site in the locality or region where it came from' (email dated 26/10).

Conditions No. 25 – 28 relate to non compliant material being delivered to the site and the actions required to be undertaken by the applicant. In the annual report, the applicant will be required (refer to Condition No. 18 and 28) to report any incidences such as unauthorised materials such as asbestos being found in deliveries to the site.

- **Proximity to sensitive land uses**

The applicant proposes to develop noise attenuation bunds to mitigate the impact of the crushing and screening of the materials brought to the property, so the proposal can meet the performance criteria of the *Environmental Protection Noise Regulations 1997*. Without the development of the bunds the noise levels in stages 2 and 3 are likely to exceed *Environmental Protection Noise Regulations 1997*.

Whilst a 500m residential buffer appears in the MENS, this is a strategic document and a buffer is not included in the Shire of Chittering's Town Planning Scheme Zoning Maps. Therefore the buffer is to be taken into consideration , but not taken as a statutory requirement.

Officer Recommendation

- The proposal for the rehabilitation/landfill may enable the property in the future to be developed into land uses (subject to additional planning approval) which it has been identified for in both the Mucnea Employment Node Structure Plan Area (2011) and also within the Shire of Chittering Local Planning Strategy (2001 – 2015). Without rehabilitation of the void, it is unlikely to be able to meet its development potential (for light industrial land uses) until it was done so due to the sheer size and depth of the void;

- The property was previously used for extractive industry pursuits (clay) and is contained within the Basic Raw Materials buffer;
- It is unlikely that without filling in the void that the property would be used for agricultural pursuits as the property does not contain sufficient pasture for grazing;
- The sites proximity to sensitive land uses, is acknowledged, however the applicant has provided significant reporting and provisions to enable the mitigation of any nuisances. Additional provisions in the conditions may also enable any issues with compliance or health to be readily addressed;
- The objections raised in the public consultation can be addressed through the proposed management measures and conditions of approval.

In considering the above, it is recommended that Council approve the application for the 'Use Not Listed' for the Landfill/Rehabilitation of Lot 202 Wandena Road, Muchea subject to conditions.

9.1.2 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Gibson

That Council grant Planning Approval for the Use Not Listed Landfill/Rehabilitation at Lot 202 Wandena Road, Muchea subject to the following conditions:

1. The terms of this approval shall be for the period from the date of issue until 30 June 2020. The proponent may apply for an extension of the approval for a further period of up to 5 years. This application is to be made no later than three (3) months prior to the expiry of the current consent.
2. All Landfill/Rehabilitation of Lot 202 is to be undertaken in accordance with the approved plans.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT:

3. Prior to the commencement of operations of the 'Use Not Listed' Landfill/Rehabilitation, the applicant is to apply for and gain a 'Works Approval' License from the Department of Environmental Regulation for Category 13 and Category 61A Prescribed Premises in accordance with Schedule 1 of the Environmental Protection Regulations 1987.
4. Prior to the commencement of operations, the applicant is to apply and have approved in writing a speed reduction on Wandena Road (from 110kph to 90kph) by Main Roads Western Australia in accordance with the applicants Traffic Impact Assessment.
5. Prior to undertaking any works, the applicant shall submit to the Shire evidence of an appropriate level of currency of public liability insurance for the activities to be undertaken on the land. The issue of approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that he/she and/or any contractors engage onsite shall hold sufficient public liability insurance to cover any claim against them;.
6. Prior to the commencement of operations, a 'Soil and Water Monitoring Program' including methodology, periodic sampling and analysis by an independent laboratory shall be submitted and approved by the Chief Executive Officer incorporating:
 - a. Monitoring of groundwater quality and groundwater levels; and
 - b. Monitoring of surface water quality.
7. Prior to the commencement of the operations, the applicant is to submit a 'Stormwater Management Plan' including Dewatering Management Plan to the satisfaction of the Chief Executive Officer prior to commencement of works.
8. Prior to commencement of operations, the applicant is to upgrade the existing crossover to an industrial standard to the satisfaction of the Shire's Executive Manager Technical Services.
9. Prior to the commencement of the operations, the applicant is to install 'Truck Entering' signs north and south of Lot 202 Wandena Road to the satisfaction of the Shire's Executive Manager Technical Services.

10. Prior to the commencement of operations, the applicant is to prepare and submit a Bushfire Management Plan to the satisfaction of the Shire of Chittering Community Emergency Services Manager.
11. Prior to the commencement of operations, the applicant is to submit a Remnant Vegetation Management Plan to be developed in conjunction with Chittering Land Care incorporating:
 - a. A weed management plan;
 - b. A revegetation improvement plan; and
 - c. A fencing plan to clearly demarcate and protect the areas of remnant vegetation across Lots 202 and 203.

CONDITIONS SUBJECT TO PLANNING APPROVAL:

Dust

12. Dust suppression measures shall be undertaken at all times when operating onsite and must not cause dust nuisance to neighbouring properties. Dust must be managed and monitored in accordance with the Dust Management Plan.
13. The applicant is to maintain and update as required a record of complaints received and of the action taken by the applicant in response;
 - a. The record kept by the applicant pursuant to this clause must be provided to the Shire upon request.
14. Internal road access shall be upgraded to a bitumen standard maintained to a standard that minimises dust emissions from machinery and traffic, to the satisfaction of the Chief Executive Officer.
15. All vehicles loads entering and existing the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.

Noise

16. Noise suppression measures are to be undertaken at all times where any operation onsite is likely to generate noise nuisance to nearby residents in accordance with the noise management plan.
17. Bunding as proposed in the applicants Environmental Noise Management Plan is to be established prior to the commencement of Stage 2 of the Landfill/Rehabilitation.

Operations

18. Operations to be contained within the hours of:
 - a. 7:00am to 5:00pm Monday to Friday;
 - b. 7:00am to 12noon Saturdays;
 - c. No work is to be undertaken on Sunday or Public Holidays.

Annual Reporting

19. The applicant is to supply an annual report to the Shire in accordance with that stipulated in the submitted management plan in addition to the following:
 - a. Ground water monitoring including cadmium (cd), mercury (Hg), lead (pb), chromium in addition to those listed in the management plan;
 - b. Incidences of unauthorised materials (including asbestos);
 - c. Tonnage of materials delivered onsite per annum;
 - d. Tonnage of materials screened, crushed and placed within the void per annum;
 - e. A contour survey plan of void area indicating yearly level increases of materials placed within the void.

Water

20. All stormwater runoff shall be managed and retained onsite in accordance with the stormwater

management plan to be approved prior to commencement of operations by Executive Manager Technical Services.

21. The applicant is to have a permanent supply of potable water for human consumption available at all times.

Biodiversity

22. Areas of remnant vegetation on Lots 202 and 203 is to be fenced off to the satisfaction of the Chief Executive Officer and Chittering Land Care.

Vehicular Access

23. No vehicles carrying materials to be deposited at Lot 202 Wandena Road is to use the unsealed northern intersection of Wandena Road/Great Northern Highway. Access is to be from the Southern Wandena Road/Great Northern Highway sealed intersection to access the development site only.
24. Heavy vehicle movements are restricted to 16 (in and out) per day in accordance with the Traffic Impact Assessment.
25. Applicant is to maintain the industrial crossover to the satisfaction of the Chief Executive Officer.

Non-Compliant/Unauthorised Materials

26. All incoming loads are to be thoroughly inspected to ensure that no asbestos or other contaminants enter the site.
27. If any asbestos or other contaminants are found in a delivery, the applicant is to action removal in accordance with the approved management plan. No asbestos material is to be crushed/screened and placed within the void.
28. All other non-compliant materials (plastics/wood etc) are to be removed from site on a two weekly basis in accordance with the approved management plan.
29. Applicant is to submit an Asbestos Management Plan to the satisfaction of the Principal Environmental Health Officer.

Maintenance

30. No vehicle maintenance/refuelling is to be undertaken onsite.

Compaction

31. All compaction within the void is to be undertaken in accordance with AS 3798 Guidelines on Earthworks for Commercial and Residential Developments.

Land Management

32. Notification in the form of a Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title advising of the void's rehabilitation.

Advice Notes

1. Applicant to liaise with the Department of Environmental Regulation in relation to compliance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
2. Any onsite waste water treatment facilities are to be approved by the Department of Health.
3. The applicant is to at all times be compliant with the requirements of the Environmental Protection (Noise) Regulations (1997).
4. 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 King / Seconded Cr Gibson

1. That Condition 14 be amended to read as follows:

"Prior to the commencement of operations on the site the Applicant shall upgrade or treat the internal access roads, so as to minimise dust risk, such as by applying a chemical stabilizing sealant to the road surface, watering the road surface at an increased frequency or relocating access road, as approved by the Shire. The Applicant shall liaise with the Shire to determine the work required to be done to satisfy this condition".

2. That Condition 8 be amended to read as follows:

"Prior to commencement of operations, the applicant is to upgrade the existing crossover to an industrial standard and the main access way to the satisfaction of the Shire's Executive Manager Technical Services".

3. That Condition 30 be amended to read as follows:

"No permanent storage of fuels is to be located onsite and only minor vehicle maintenance is to be undertaken".

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

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

1. That Condition 18 Point a) be amended to read as follows:

"7:00am to 5.00pm Monday to Friday, with no trucks to leave the premises before 9am"

2. That Condition 18 Point b) be amended to read as follows:

"with the crusher not to operate on a Saturday".

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

AMENDMENT

Moved Cr Tilbury/ Seconded Cr Rossouw

That there be the addition of point 33 under the heading of Road Safety, to read:

"The installation of an acceleration lane for southbound traffic and realignment of the entry to facilitate immediate exit from the carriageway into the site for northbound traffic to the satisfaction of the Chief executive Officer".

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

AMENDMENT

Moved Cr Vallance/Seconded Cr Rossouw

That Condition 1 be amended to read as follows:

"The terms of this approval shall be for the period from the date of issue until 30 June 2020. This temporary approval is not subject to any further extensions through Planning Approval".

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

9.1.2 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 031115

Moved Cr Rossouw / Seconded Cr Gibson

That Council grant Planning Approval for the Use Not Listed Landfill/Rehabilitation at Lot 202 Wandena Road, Muchea subject to the following conditions:

- 1. The terms of this approval shall be for the period from the date of issue until 30 June 2020. This temporary approval is not subject to any further extensions through Planning Approval.**
- 2. All Landfill/Rehabilitation of Lot 202 is to be undertaken in accordance with the approved plans.**

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT:

- 3. Prior to the commencement of operations of the 'Use Not Listed' Landfill/Rehabilitation, the applicant is to apply for and gain a 'Works Approval' License from the Department of Environmental Regulation for Category 13 and Category 61A Prescribed Premises in accordance with Schedule 1 of the Environmental Protection Regulations 1987.**
- 4. Prior to the commencement of operations, the applicant is to apply and have approved in writing a speed reduction on Wandena Road (from 110kph to 90kph) by Main Roads Western Australia in accordance with the applicants Traffic Impact Assessment.**
- 5. Prior to undertaking any works, the applicant shall submit to the Shire evidence of an appropriate level of currency of public liability insurance for the activities to be undertaken on the land. The issue of approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that he/she and/or any contractors engage onsite shall hold sufficient public liability insurance to cover any claim against them;.**
- 6. Prior to the commencement of operations, a 'Soil and Water Monitoring Program' including methodology, periodic sampling and analysis by an independent laboratory shall be submitted and approved by the Chief Executive Officer incorporating:**
 - c. Monitoring of groundwater quality and groundwater levels; and**
 - d. Monitoring of surface water quality.**
- 7. Prior to the commencement of the operations, the applicant is to submit a 'Stormwater Management Plan' including Dewatering Management Plan to the satisfaction of the Chief Executive Officer prior to commencement of works.**
- 8. Prior to commencement of operations, the applicant is to upgrade the existing crossover to an industrial standard and the main access way to the satisfaction of the Shire's Executive Manager Technical Services.**
- 9. Prior to the commencement of the operations, the applicant is to install 'Truck Entering' signs north and south of Lot 202 Wandena Road to the satisfaction of the Shire's Executive Manager Technical Services.**
- 10. Prior to the commencement of operations, the applicant is to prepare and submit a Bushfire Management Plan to the satisfaction of the Shire of Chittering Community Emergency Services Manager.**
- 11. Prior to the commencement of operations, the applicant is to submit a Remnant Vegetation Management Plan to be developed in conjunction with Chittering Land Care incorporating:**
 - d. A weed management plan;**
 - e. A revegetation improvement plan; and**
 - f. A fencing plan to clearly demarcate and protect the areas of remnant vegetation across Lots 202 and 203.**

CONDITIONS SUBJECT TO PLANNING APPROVAL:

Dust

- 12. Dust suppression measures shall be undertaken at all times when operating onsite and must not**

cause dust nuisance to neighbouring properties. Dust must be managed and monitored in accordance with the Dust Management Plan.

13. The applicant is to maintain and update as required a record of complaints received and of the action taken by the applicant in response;
 - b. The record kept by the applicant pursuant to this clause must be provided to the Shire upon request.
14. Prior to the commencement of operations on the site the Applicant shall upgrade or treat the internal access roads, so as to minimise dust risk, such as by applying a chemical stabilizing sealant to the road surface, watering the road surface at an increased frequency or relocating access road, as approved by the Shire. The Applicant shall liaise with the Shire to determine the work required to be done to satisfy this condition.
15. All vehicles loads entering and existing the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.

Noise

16. Noise suppression measures are to be undertaken at all times where any operation onsite is likely to generate noise nuisance to nearby residents in accordance with the noise management plan.
17. Bunding as proposed in the applicants Environmental Noise Management Plan is to be established prior to the commencement of Stage 2 of the Landfill/Rehabilitation.

Operations

18. Operations to be contained within the hours of:
 - a. 7:00am to 5.00pm Monday to Friday, with no trucks to leave the premises before 9am;
 - b. 7:00am to 12noon Saturdays, with the crusher not to operate on a Saturday;
 - c. No work is to be undertaken on Sunday or Public Holidays.

Annual Reporting

19. The applicant is to supply an annual report to the Shire in accordance with that stipulated in the submitted management plan in addition to the following:
 - a. Ground water monitoring including cadmium (cd), mercury (Hg), lead (pb), chromium in addition to those listed in the management plan;
 - b. Incidences of unauthorised materials (including asbestos);
 - c. Tonnage of materials delivered onsite per annum;
 - d. Tonnage of materials screened, crushed and placed within the void per annum;
 - e. A contour survey plan of void area indicating yearly level increases of materials placed within the void.

Water

20. All stormwater runoff shall be managed and retained onsite in accordance with the stormwater management plan to be approved prior to commencement of operations by Executive Manager Technical Services.
21. The applicant is to have a permanent supply of potable water for human consumption available at all times.

Biodiversity

22. Areas of remnant vegetation on Lots 202 and 203 is to be fenced off to the satisfaction of the Chief Executive Officer and Chittering Land Care.

Vehicular Access

23. No vehicles carrying materials to be deposited at Lot 202 Wandena Road is to use the unsealed

northern intersection of Wandena Road/Great Northern Highway. Access is to be from the Southern Wandena Road/Great Northern Highway sealed intersection to access the development site only.

24. Heavy vehicle movements are restricted to 16 (in and out) per day in accordance with the Traffic Impact Assessment.
25. Applicant is to maintain the industrial crossover to the satisfaction of the Chief Executive Officer.

Non-Compliant/Unauthorised Materials

26. All incoming loads are to be thoroughly inspected to ensure that no asbestos or other contaminants enter the site.
27. If any asbestos or other contaminants are found in a delivery, the applicant is to action removal in accordance with the approved management plan. No asbestos material is to be crushed/screened and placed within the void.
28. All other non-compliant materials (plastics/wood etc) are to be removed from site on a two weekly basis in accordance with the approved management plan.
29. Applicant is to submit an Asbestos Management Plan to the satisfaction of the Principal Environmental Health Officer.

Maintenance

30. No permanent storage of fuels is to be located onsite and only minor vehicle maintenance is to be undertaken.

Compaction

31. All compaction within the void is to be undertaken in accordance with AS 3798 Guidelines on Earthworks for Commercial and Residential Developments.

Land Management

32. Notification in the form of a Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title advising of the void's rehabilitation.

Road Safety

33. The installation of an acceleration lane for southbound traffic and realignment of the entry to facilitate immediate exit from the carriageway into the site for northbound traffic to the satisfaction of the Chief executive Officer

Advice Notes

1. Applicant to liaise with the Department of Environmental Regulation in relation to compliance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
2. Any onsite waste water treatment facilities are to be approved by the Department of Health.
3. The applicant is to at all times be compliant with the requirements of the Environmental Protection (Noise) Regulations (1997).
4. 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 6/1

9.1.3 Proposed amendment to Transport Depot approval: Lot 3281 (RN 9071) Great Northern Highway, Wannamal*

Report Date	18 November 2015
Applicant	G Kirkwood
File ref	A6011; P260/14
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Applicant request documents 2. Council Minutes 15 October 2014 3. Approved Site Plan with notes 4. Site Photo's

Executive Summary

Council's consideration is requested for the proposed amendment to the Planning Approval as the consideration of the application as an 'A' use required Council's determination. There is no delegation to Shire Officers to determine an amendment to a Council determination.

Background

An application has been received by the Shire of Chittering dated 16 October 2015 requesting Condition 1 of Council's Planning Approval be removed or amended to allow for a larger number of vehicles to be parked on site. At the time of the 2014 application, the applicant provided an approximate figure of 80 at the request of the Shire to obtain a background of information. Council granted Planning Approval for a transport depot at Lot 3281 Great Northern Highway, Wannamal subject to conditions, with the resolution below:

That Council grant Planning Approval for the Transport Depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal subject to the following conditions:

1. *There is to be no more than 80 vehicles and trailers located on the site at any one time.*
2. *Parking of vehicles and/or trailers shall be within the approved hardstand area.*
3. *Hardstand shall be constructed in accordance with the approved site plan and shall not exceed 4 hectares in total area.*
4. *This approval shall only be for vehicles to a maximum length of 19m.*
5. *There shall be no more than a maximum of five (5) vehicle movements per hour.*
6. *This approval shall be in accordance with the Additional Information (refer Attachment 3).*
7. *The development hours of operation shall comply with the Environmental Protection (Noise) Regulations 1997. Traffic movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.*
8. *The following setbacks for the hardstand and associated drainage shall apply:*
 - a. *30m from the side boundary adjoining the Nature Reserve; and*
 - b. *20m from remnant vegetation.*
9. *The Applicant shall upgrade the crossover to the satisfaction of Main Roads WA prior to commencement of transport depot operations.*
10. *The internal access road shall be a minimum width of 6m.*
11. *To minimise dust emissions:*
 - a. *The maximum speed on the internal access road and hardstand area shall be 20km/hr and be sign-posted on site.*
 - b. *The internal access road shall be watered to prevent dust leaving the property.*
12. *The hardstand area shall be constructed to a gravel standard to the satisfaction of the Chief Executive Officer prior to commencement of transport depot operations.*

13. *The hardstand and access road shall be maintained at all times to minimise dust emissions to the satisfaction of the Chief Executive Officer.*
14. *Remnant vegetation to be retained on site.*
15. *All stormwater runoff and drainage shall be directed to drainage basins constructed to include hydrocarbon traps, stabilised and maintained to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations.*
16. *Storage of any products/goods being transported, equipment or materials is not permitted.*
17. *On site servicing, tyre rotation, refuelling and wash down facilities are not permitted on site.*
18. *Any alterations that are not in accordance with conditions of this approval shall require the Applicant to seek additional approval from Council.*

Advice Notes

1. *The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.*
2. *With regard to condition 5, if the Applicant wishes to exceed more than five vehicle movements per hour, prior written approval from the Shire of Chittering and Main Roads WA must be obtained.*
3. *With regard to condition 9, the Applicant shall forward a copy of any approval and documentation relating to the crossover and access arrangements to the Shire prior to commencing the Transport Depot.*
4. *With regard to condition 15, the Applicant shall implement drainage to ensure all runoff from the hardstand is captured within the hardstand area.*
5. *The Applicant is to be aware that the Shire will be requesting Landcare to monitor the condition of the Udumung Creek downstream of the depot.*

Lot 3281 is an 86.6 hectare Agricultural Resource zoned property which contains pockets of remnant vegetation fenced off by the landowner to protect for Carnaby's Cockatoo habitat and is gently undulating



(see over).

The property is accessed by Great Northern Highway and is adjacent to Udumung Nature Reserve which is heavily vegetated and contains Udumung Creek. The approved hardstand is no greater than 4 hectares in area and represents approximately 5% of the subject site and was situated to avoid the requirement for clearing.

The applicant has advised the area approved for the hardstand (Attachment 3 – which slightly differs to the indicative site plan in Attachment 2) is to be maintained, however the approved 4 hectare area allows for well in excess of 100 vehicles, trailers, equipment and attachments. Further to this the traffic movements are not proposed to increase above the Main Roads restriction of five (5) per hour due to the long term storage arrangement of the vehicles and attachments. Due to the hardstand being well screened from view away from nearby residences, the hardstand area not being expanded and the number of movements not increasing, the applicant is seeking Council's support to remove condition 1 of the Planning Approval.

Consultation

The Shire referred the amendment request to Main Roads WA (MRWA) for comment. MRWA did not object, provided the movements did not increase and advised the applicant to liaise with MRWA for the initial 'move in' phase.

The Shire did not undertake additional advertising due to the amendment request not resulting in the hardstand being expanded or traffic movements increased.

Statutory Environment

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 of the Regulations sets out 'Deemed Provisions for local planning schemes' which came into effect 19 October 2015. These Deemed Provisions act as part of the Scheme and replace any inconsistent provisions in the Shire's Town Planning Scheme. In this case the Shire's Town Planning Scheme clause relating to an amendment to a Planning Approval has been replaced.

Clause 77 of the Regulations state:

77. Amending or cancelling development approval

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*
 - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) *to amend or delete any condition to which the approval is subject;*
 - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - (d) *to cancel the approval.*
- (2) *An application under subclause (1) —*
 - (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
- (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
- (4) *The local government may determine an application made under subclause (1) by —*
 - (a) *approving the application without conditions; or*

- (b) *approving the application with conditions; or*
- (c) *refusing the application.*

Clause 77 of the Regulations now allows for the local government to consider the amendment of a development approval.

Local: Shire of Chittering Town Planning Scheme No 6

Lot 3281 is zoned 'Agricultural Resource'. The objectives of this zone are:

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

The property is located within the 'Landscape Protection Area' Special Control Area identified by the Scheme. The 'transport depot' land use was supported by Council and considered to generally meet the purpose and requirements of the Special Control Area. It is considered the amendment request would not adversely impact on the intent or planning requirements of the Special Control Area and would not result in the hardstand area for parking to be increased.

The intent of this Special Control Area is to preserve productive agricultural land and protect the environmental and landscape values. The requirements of the Special Control Area help to achieve this through appropriate siting and minimising extent of clearing.

The proposed development falls within the definition of a 'Transport Depot' in the Scheme:

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

A 'Transport Depot' land use is listed as an 'A' use in Schedule 2 – Zoning Table of the Scheme:

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

Part 10.2 of the Scheme sets out the matters to be considered by the Local Government; in particular for 'D' and 'A' uses.

Policy Implications

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

The buffer for a transport depot set by these Guidelines is 200m. The nearest residence is approximately 1km, which greatly exceeds the buffer requirement. This would negate the nuisance and adverse impact of noise, dust and visual amenity associated with the use.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

Lot 3281 is located in the 'Northern Broad Agricultural Area' identified in the Strategy which aims to retain productive agricultural land. Council considered the 'transport depot' to be appropriate and granted Planning Approval. The amendment would not result in impact on productive agricultural land.

Site Inspection

Site inspection undertaken: Yes

The Shire's Senior Planning Officer inspected the site (see Attachment No. 4 – Site Photos) to view the status of the approved development. As mentioned in the Background, the applicant wishes to maintain the approved hardstand area and simply seeks approval to allow for its efficient use of the area.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this amendment request.

Social implications

There are no known significant social implications associated with this amendment request.

Environmental implications

There are no known significant environmental implications associated with this amendment request.

Comment

Condition 1

The Shire does not consider it necessary to restrict the number of vehicles or attachments as a condition of approval for a transport depot. The Shire requests a proposed number of vehicles for an application to provide an enough detail to allow the proposal to be assessed accordingly. By approving an area (hardstand) designated for the transport depot, the number of vehicles and attachments are simply limited to that area. The applicant's submission indicates with manoeuvrability, approximately up to 159 vehicles and attachments could be parked in the approved hardstand area. Given Council previously supported the 4 hectare hardstand for the property, it is expected the use of the approved hardstand for a transport depot is a reasonable expectation.

The applicant does not intend to expand the hardstand area and wishes to maintain the movement restrictions required by Main Roads WA. It is therefore clear the applicant does not wish to intensify the operation of the transport depot with high movements but merely seeks approval to utilise the entire hardstand area approved by Council.

Condition 6

In review of the request to remove Condition 1, the Shire has noted Condition 6 should also be amended/deleted due to Attachment 3 referencing vehicles and equipment that were originally envisaged to be parked at the site. As outlined in the applicant's request, there is the intent to lease portions to more than one company/party. Condition 6 currently limits the types of vehicles and equipment to that listed in Attachment 3 of the Council Minutes (Attachment 2). At the time the Shire included this as a condition with the support of the landowner for security for the prospective lessee. As circumstances for the applicant have now changed, the Shire does not consider this condition necessary. The Planning Approval can operate within the requirements without the need for this condition and it is therefore recommended this condition also be removed.

Conclusion

It is the Officer's Recommendation that the applicant's request to remove Condition 1 of the Planning Approval be supported and include the removal of Condition 6 to meet the applicant's intentions. The

removal of such conditions does not undermine the development of the site or Council's integrity as the activities on site are consistent with that of a transport depot and the relevant Town Planning Scheme requirements. The purpose of these conditions at the time was for security for the applicant in successfully acquiring a lessee, which has now changed. The approved transport depot area only encompasses less than 5% of the property, which retains the property's predominant agricultural use and does not involve clearing of vegetation. The hardstand area is not visible from the highway and is not located on a ridge or steep sloping land and is to be constructed to the lay of the land, which minimises degradation of the land. The applicant revised the intended hardstand area extensions to avoid steep slopes and drainage complications. The amended approval would result in the site plan (Attachment 3) being re-stamped with Council Planning Approval.

It is the Officer's view that the amendment to an existing approval considered in November 2014 would not undermine the Shire's intent to implement a Local Planning Policy relating to Transport Depots which aims to discourage the development of large-scale transport depots in agricultural areas and encourage in the Muchea Employment Node.

9.1.3 OFFICER RECOMMENDATION

Moved Cr Gibson/ Seconded Cr Osborn

That Council:

1. Support the amendment request of Planning Approval dated 15 October 2014 by removing Condition 1 and 6 for the transport depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal.

Issue a revised Planning Approval as per 1. above retaining the original approval date of 15 October 2014 to provide the applicant with a clear singular approval document.

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That there be the addition of Condition 2 to read:

"The hardstand be security fenced due to the equipment stored onsite".

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

AMENDMENT

Moved Cr Osborn / Seconded Cr Houston

That there be an addition of Condition 3 to read:

"This approval to be reviewed in November 2020 in relation to the progress of and transfer of this operation to the Muchea Employment Node".

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/2
AND FORMED PART OF THE SUBSTANTIVE MOTION

9.1.3 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 041115

Moved Cr Gibson / Seconded Cr Osborn

That Council:

- 1. Support the amendment request of Planning Approval dated 15 October 2014 by removing Condition 1 and 6 for the transport depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal.**
- 2. The hardstand be security fenced due to the equipment stored onsite.**
- 3. This approval to be reviewed in November 2020 in relation to the progress of and transfer of this operation to the Muchea Employment Node.**

Issue a revised Planning Approval as per 1. above retaining the original approval date of 15 October 2014 to provide the applicant with a clear singular approval document.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.1.4 Deed of Agreement: Lot 51 Reserve Road, Muchea*

Report date	18 November 2015
Applicant	Whelans Pty Ltd
File ref	A10698; P088/11
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Declaration	Bronwyn Southee declared an impartiality interest in this item as a former employee of Whelans Pty Ltd.
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Deed document 2. Location Plan 3. Approval for EIL for Extractive Industry

Executive Summary

Council's consideration is requested for the authorisation of a legal agreement relating to the road upgrade, use and maintenance of Reserve and Yalyal Road for an extractive industry approval at Lot 51 Reserve Road, Muchea (see below).



Background

On 27 June 2012, Council resolved to grant Planning Approval for an extractive industry at Lot 51 Reserve Road, Muchea subject to a number of conditions. Condition m) required the landowner to enter into a legal agreement with the Shire to outline the road upgrade, use and maintenance requirements for Reserve and Yalyal Road. The legal agreement is to be put in place to protect the Shire's assets and ensure adequate upgrade and maintenance of the roads is carried out to an agreed standard.

The upgrade of the road has been agreed to be an initial grade to remove ruts and fine material. Due to the low number of truck movements for the extractive industry (no greater than 4 per day), upgrade to a seal standard of over 1km of road was considered excessive.

The road maintenance provisions in the Deed not only include re-grading as and when requested by the Shire, but also includes dust mitigation. The maintenance of the road is to be monitored by the Shire, however, the Shire may appoint a consultant at the cost of the applicant. This has been inserted in the Deed

to avoid any ambiguity and dispute between parties about the requirement for appropriate road maintenance and in the event the Shire lacks the resources to carry out frequent inspections.

The Shire has also inserted the possible future upgrade of Reserve Road factored into the Deed. This would mean should Reserve Road be upgraded to a seal standard as a result of another subdivision or development being approved, the road maintenance obligations would cease, however, a road maintenance monetary contribution at \$0.25 per tonne excavated from the site would be required. A bond of \$10,000 would also be held by the Shire at all times in the case that the required works and or per tonne contribution not be undertaken/paid.

Consultation

Consultation has been undertaken between Shire officers, Mcleods Solicitors, the owner and the applicant to progress the details of the Deed.

Statutory Environment

State: Transfer of Land Act 1893
Land Administration Act 1997

Policy Implications

Local: 1.5 Execution of Documents

Financial Implications

All associated costs are borne by the applicant/owner.

Strategic Implications

The requirement of deeds is to ensure that agreements between landowners and the Shire are carried through. Additionally it ensures that the burden of maintenance/actions does not fall within the Shire.

Site Inspection

Site inspection undertaken: Yes

The Shire's Executive Manager Technical Services has met with the owner and engineering consultants to view Reserve and Yalyal Road.

Triple Bottom Line Assessment

Economic implications

One of the underlying purposes of this Deed is to ensure no additional costs are borne by the Shire for the maintenance of the road, beyond the normal maintenance program, as a result of increased truck movements from the extractive industry.

The Deed protects the Shire from any associated costs.

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 applicant has slowly been progressing the 'prior to' conditions for the extractive industry approved by Council in June 2012. All 16 'prior to' conditions have now been completed with the exception of this legal

agreement (condition m) and bank guarantee/bonds (condition e), which the applicant has advised will be completed following the Deed being finalised.

Based on the above, it is the Officer's Recommendation that Council authorises the execution of the Deed relating to the upgrade, use and maintenance of Reserve Road and Yalyal Road for the extractive industry at Lot 51 Reserve Road, Muchea.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051115

Moved Cr King / Seconded Cr Rossouw

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Deed of Agreement for the road upgrade, use and maintenance requirements for Reserve and Yalyal Road in relation to the approved Extractive Industry on Lot 51 Reserve Road, Muchea.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.5 Restrictive Covenant: Lot 56 Citron Way, Lower Chittering*

Report date	18 November 2015
Applicant	Brook and Marsh
File ref	18/03/108; WAPC 151 406
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Restrictive Covenant Documentation

Executive Summary

Council's consideration is requested to enable a restrictive covenant to be placed on the titles for the subdivision of Lot 56 Citron Way, Lower Chittering (see below).



Background

On 6 May 2015 the Western Australian Planning Commission granted a subdivision approval for Lot 56 Citron Way, Lower Chittering subject to a number of conditions. The subdivision is to split Lot 56 into two separate lots.

Condition No. 4 requires a Restrictive Covenant, pursuant to section 129BA of the *Transfer of Land Act 1893 (as amended)* to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. The notice of this restriction is to be included on the Deposited Plan and states "No new development is to take place outside the defined building envelope(s), unless otherwise approved by the local government".

Council's consideration is requested to enable the Shire President and Chief Executive Officer to sign and affix the common seal to the restrictive covenant document.

Consultation

Nil

Statutory Environment

Transfer of Land Act 1893 (as amended)

Policy Implications

Local: 1.5 Execution of Documents

Financial Implications

Nil, all associated costs are borne by the applicant.

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

This restrictive covenant is designed to prohibit landowners developing outside of the designated building envelope to avoid any unnecessary clearing and to mitigate unnecessary environmental impact in environmentally sensitive areas.

Comment

The consultant on behalf of the developer has submitted a subdivision clearance for the subdivision of Lot 56 Citron Way, Lower Chittering. In order to satisfy Condition No. 4 of the subdivision approval, the applicant is to provide a Restrictive Covenant of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

Council is required to consider this for execution as the local government officers do not have the delegated authority to undertake such activities as detailed in the Shire of Chittering Council Policy Execution of Documents Policy. 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 061115

Moved Cr Gibson/ Seconded Cr Osborn

That Council, in relation to the subdivision of Lot 56 Citron Way, Lower Chittering authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the following:

- 1. Restrictive Covenant under Section 129BA of the *Transfer of Land Act 1893* (as amended) stating:
"No new development is to take place outside the defined building envelope(s), unless otherwise approved by the local government".**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.6 Proposed Scheme Amendment No. 56: Rezone from 'Agricultural Resource' to 'Rural Smallholdings' – Lots 1 & 2 Tea Tree Road, Bindoon*

Report date	18 November 2015
Applicant	Whelans Pty Ltd
File ref	18/02/26
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Declaration	Bronwyn Southee declared an impartiality interest in this item as a former employee of Whelans Pty Ltd.
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment document includes, but not limited to: <ul style="list-style-type: none"> • Locality Plan • draft Structure Plan • Flora and Fauna Survey • Bushfire Management Plan

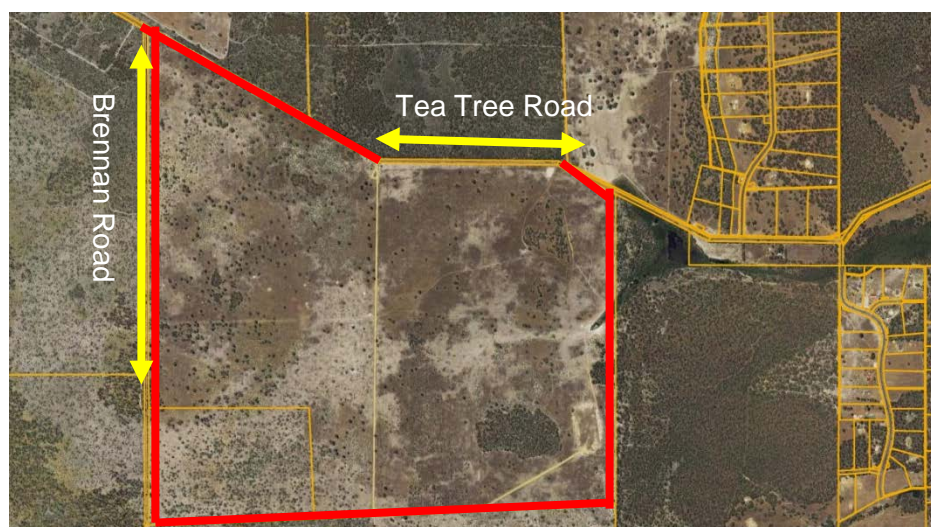
Executive Summary

Council is requested to consider a proposed Scheme Amendment to rezone Lots 1 and 2 Tea Tree Road, Bindoon from 'Agricultural Resource' to 'Rural Smallholdings'.

The initiation of a Scheme Amendment is required to be undertaken by Council as the local government does not have the authority.

Background

The subject land (see below) comprises 484 hectares, is predominantly cleared and is currently being used for grazing. It is bound by Tea Tree Road (constructed gravel) along the northern boundary and Brennan Road (constructed gravel) along the western boundary.



The subject land features an 8 hectare 'pocket' of remnant vegetation on the south eastern portion on the ridgeline of the property. A small soak is also located on the north eastern part of the site, where groundwater generally soaks to and connects into the neighbouring wetlands in Lot 4 Tea Tree Road.

The Scheme Amendment proposes to rezone Lots 1 and 2 from 'Agricultural Resource' to 'Rural Smallholdings' (minimum 5 hectare lots). The Local Planning Strategy identifies the land for 'Rural Retreat'

(minimum 10 hectare lots). The application provides justification for the proposed zone. The applicant has also submitted a draft Structure Plan which indicates the creation of a total of 48 lots; 47 of these approximately 5 hectares in size and 1 being the 186 hectare balance lot. The draft Structure Plan also proposes Public Open Space corridors totalling 34 hectares, being 7% of the site, which is to be assessed at that stage.

Council's consideration is only for the Scheme Amendment with the draft Structure Plan included for information purposes.

Consultation

Consultation of the Scheme Amendment shall occur in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. Should Council determine to initiate the scheme amendment, the *Planning and Development (Local Planning Scheme) Regulations 2015* requires referral to the Western Australian Planning Commission for support to advertise. Should the support be received, the *Planning and Development Act 2005* requires the Scheme Amendment to be referred to the Environmental Protection Authority for consent to advertise.

Internal

Jim Garrett, Executive Manager Technical Services

Jamie O'Neill, Community Emergency Services Manager

Statutory Environment

State: *Planning and Development Act 2005*

Planning and Development (Local Planning Scheme) Regulations 2015

Part 5 of the Regulations sets out the process and requirements for scheme amendments. The Regulations separates scheme amendments into 3 types: basic, standard and complex. A basic scheme amendment is generally a minor text or scheme map amendment. A standard scheme amendment is generally for a rezoning application consistent with the Scheme and Strategy. The proposed scheme amendment is defined as being complex due to being inconsistent with the Local Planning Strategy (seeking approval for a zone not identified in the Strategy) therefore Division 2 of Part 5 is to be followed.

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

The subject land 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 objectives of the 'Rural Smallholdings' zone are:

- *To preserve productive land suitable for 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 provide lots with a minimum size of 5ha.*

The proposed rezoning meets the objectives of the Rural Smallholdings zone in protecting the landscape values, retaining agricultural land (balance lot proposed) and developing the site in response to the capabilities and constraints.

Policy Implications

State: Planning for Bushfire Guidelines 2010

The applicant has submitted a Bushfire Management Plan (BMP) which includes a Bushfire Hazard Assessment and demonstrates the development of the site would comply with the Guidelines. The BMP has been referred to the Shire's Community Emergency Services Manager who has advised the proposal can comply with the Guidelines.

State: Draft State Planning Policy 2.5: Land Use Planning in Rural Areas (DSPP2.5)

The objectives of DSPP2.5 are to protect priority agricultural land, invest in economic growth in rural areas, security of basic raw materials, minimise land use conflict, improve environmental and landscape assets and promote sustainable settlement.

Policy measures 5.3(a) through to (f) are to be regarded for rural living proposals. The proposed scheme amendment to rezone to 'Rural Smallholdings' is not considered to conflict with these measures.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

The property is located within the 'Dandaragan Plateau' Geographical Unit, identified in the Strategy. The aims for this area are to protect productive agricultural land, preserve landscape values and create biodiversity corridors. The proposed scheme amendment meets these aims.

The property is currently zoned 'Agricultural Resource'. Section 8.8 of the Strategy outlines the need to protect productive agricultural land and support conversion where appropriate.

The subject land is identified for 'Rural Retreat' development on the Local Planning Strategy map and is characterised by poor soils.

The applicant proposes to rezone the land to the 'Rural Smallholdings' zone, with the strategies for this zone as follows:

9.8 SMALL RURAL HOLDINGS

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

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

Strategies and Actions

Rezoning shall only occur after a comprehensive analysis of the land has been undertaken to ensure suitability of the proposed land uses, and acknowledging the surrounding land uses;

The designated areas adjacent to Bindoon, Blue Plains Road and Maryville shall be the limit of this development;

*To permit a limited range of land uses including horticulture, tourist facilities and passive recreation;
Lot sizes shall not be less than 5 hectares with an average lot area of 10 hectares.*

It is considered the proposed scheme amendment meets the criteria of the Strategy and the applicant has provided justification for the proposed intensification.

Local: Shire of Chittering Local Biodiversity Strategy 2010

The surrounding properties contain vegetation which adjoins the subject property and have been identified as 'Indicative High Conservation Value Area (IHCVA)'. The maps in the Local Biodiversity Strategy delineate Local Ecological Linkages running east-west across the subject property.

Site Inspection

Site inspection undertaken: Yes

The property is largely cleared sandy soils and is extensively grazed. There is a small pocket of remnant vegetation on the ridge line and a small soak in the north east portion of the site.

Triple Bottom Line Assessment

Economic implications

It is considered the creation of additional lots in close proximity to Bindoon Townsite would result in economic stimulus to local businesses and provide for additional rateable properties to the Shire.

Social implications

The proposal provides for semi-rural properties currently not available in the Bindoon area or Shire. This is considered beneficial for providing a range of lot sizes in the Shire.

Environmental implications

The applicant has provided a range of environmental reports and prepared the draft Structure Plan in response to the environmental constraints and land capabilities of the site for the proposed zoning. Further assessment as a result of advertising to the relevant environmental agencies such as the Department of Agriculture and Chittering Landcare is anticipated should the Scheme Amendment be initiated.

From the Land Capability Report, it has been determined that the proposed reduced lot size with a larger balance lot inclusion doesn't have negative environmental implications. It has also been demonstrated that the smaller lot size is capable of effluent disposal.

Comment

Town Planning Scheme

The Scheme Amendment proposes to rezone the current 'Agricultural Resource' land to 'Rural Smallholdings'. The applicant proposes to maintain the existing agricultural activities of the owner by proposing a large balance lot. The landowner did obtain planning approval for an extractive industry on the site however does not wish to proceed. The proposed zoning would prohibit an extractive industry on the land. This would be marked on the Structure Plan documentation should the scheme amendment progress to ensure reduction of all possible conflicts in land use.

It is considered the proposal to rezone the land meets the objectives of the zone as it would encourage more intensive agriculture, the draft Structure Plan responds to the landscape values and allows for the continuation of rural uses appropriate to the capability of the land.

Local Planning Strategy

The current Local Planning Strategy identifies the site for Rural Retreat development due to the poorer soils and progression into agricultural land. The applicant seeks approval to rezone to Rural Small Holdings to

allow a greater lot yield to make the development viable (due to internal road construction) and to contain the development to a portion of the site to allow for a balance 'agricultural' lot. The applicant has indicated the land capability does allow for rural small holding type development (supports smaller lot size, groundwater availability and on site effluent disposal) to support the proposed Rural Small Holdings zone and draft Structure Plan.

The Shire has considered the proposed zoning, supported by land capability, meets the strategic requirements of the Rural Smallholdings zone and can be reflected in the review of the Local Planning Strategy. Regionally the area/geographic unit is identified as having poorer soils not suitable for the more intense development of Rural Residential (generally 2 hectare), hence the strategic planning for rural retreat development (minimum 10 hectare lot sizes). It is not considered such zoning is detrimental or deviating from the general strategic direction of the locality as the applicant has demonstrated the site is capable for the proposed development. Furthermore the Structure Planning of the site can adequately address this in detail to correspond to the site constraints.

Structure Plan

The proposed draft Structure Plan will be dealt with in line with the new deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* following the Scheme Amendment should it be supported.

Access

Tea Tree Road fronts the site and Brennan Road adjoins the west of the site, both of which are a gravel standard. Should this proposal progress, it would be a requirement of subdivision that Tea Tree Road be upgraded and internal subdivision roads be constructed in accordance with the Subdivision Guidelines.

Bushfire Management

The applicant has submitted a Bushfire Management Plan (BMP) in accordance with the *Planning for Bushfire Guidelines* (Guidelines). The BMP indicates the overall hazard to be moderate due to woodland vegetation on site and adjacent to the site. The BMP requires construction of dwellings in accordance with the Australian Standards in bushfire prone areas. The draft Structure Plan provides more than 2 access/egress points which comply with these Guidelines. The Shire's Community Emergency Services Manager (CESM) supports the mitigated hazard level of the development and it's compliance with the Guidelines. The Shire CESM would undertake a more detailed assessment of the BMP at subdivision stage.

Environment

The subject site is predominantly cleared with pasture due to it being used predominantly for agricultural uses with extensive grazing being undertaken. As indicated in the application, there is one significant cluster of vegetation which has been identified for protection and a wetland feature in the north east. The surrounding land contains high conservation value areas and the subject site contains local ecological linkages connecting between these conservation areas.

The applicant has aimed to address the environmental matters through the draft Structure Plan which is to be considered following the Scheme Amendment. It is not considered the environmental features are adversely impacted by the proposed 'Rural Smallholdings' zone.

Conclusion

It is the Officer's Recommendation that Council initiate the proposed Scheme Amendment for Rural Small Holdings. The proposed rezoning would result in a higher intensity than identified in the Local Planning

Strategy, however, the land capability supports the allowable lot size for the zone and is considered to provide a transition of development in the region with a variety of lot sizes and lifestyle options.

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071115

Moved Cr Gibson / Seconded Cr Houston

That Council:

- 1. In pursuance of Section 75 of the *Planning and Development Act 2005*, supports the initiation of the amending the *Shire of Chittering Town Planning Scheme No 6* by:
 - a. Rezoning Lots 1 and 2 Tea Tree Road, Bindoon from 'Agricultural Resource' to 'Rural Smallholdings'; and**
 - b. Amend the Scheme Map accordingly.****
- 2. Numbers the proposed amendment as 'Amendment No 56' of the Shire of Chittering Town Planning Scheme No. 6 and forwards to the Western Australian Planning Commission for consent to advertise in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Should consent to advertise be supported by the Western Australian Planning Commission in 2. above, forwards the Scheme Amendment to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005* prior to advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.1.7 Waste and Recycling Tonnages*

Report Date	18 November 2015
Applicant	Shire of Chittering
File ref	31/01/0004
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Chittering Waste and Recycling Census 2014/2015

Executive Summary

The Principal Environmental Health Officer is required to submit an annual waste and recycling census report for the period 1 July to 30 June to the Department of Environment Regulation (DER) as a requirement of the *Waste Avoidance and Resource Recovery Act 2007*. This report is for information purposes only as it is important to keep Council informed with progress in strategic waste management matters.

Background

The information for this report is obtained from the Shire's Technical Services department through the operational data recorded for the Muchea and Bindoon Landfill and Recycling Centres and from the Shire's contractor for kerbside waste and recycling – Avon Waste. This report summarises and comments on variations between the 2012/2013, 2013/2014 DER annual census reports and the current report which includes approximately 10 months data associated with the kerbside waste and recycling service which was introduced in September 2014.

Consultation

The Principal Environmental Health Officer consulted with the Executive Manager Technical Services, officers from the DER Waste Management Section and staff from Avon Waste.

Statutory Environment

State: *Waste Avoidance and Resource Recovery Act 2007 (WAAR Act)*

The primary objectives of this Act under Section 5 (1) are to:

"contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste-free society by —

- (a) promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
- (b) reducing environmental harm, including pollution through waste; and*
- (c) the consideration of resource management options against the following hierarchy —*
 - (i) avoidance of unnecessary resource consumption;*
 - (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - (iii) disposal."*

Policy Implications

The WARR Act requires that Local Governments have a Waste Plan that supports the objectives of their Waste Strategy: "Creating the Right Environment (2012)". Accordingly, the Shire of Chittering has the Strategic Waste Management Plan, February 2014.

Financial Implications

It is critical that the Shire optimises the use of existing landfill space. With the proposed closure of the Bindoon Landfill and Recycling Centre and construction of a transfer station with wastes being transferred to the Muchea site, the current Muchea site has an expected lifespan of 8 years. Speculatively, to develop the adjacent land (purchased from Boral) to current DER standards the estimated capital cost is \$9.5 million which will extend the lifespan for a further 8 years. In the longer term, it may be possible to purchase and develop additional Boral quarry land (within the existing footprint) at a capital expenditure of \$25.5 million which would extend the lifespan to 29 years. (Reference: Strategic Waste Management Plan prepared for the Shire of Chittering, Talis Consultants, February 2014).

Strategic Implications

The State Waste Strategy has the objectives for regional centres of achieving a 30% reduction in waste to landfill by 2015 and a 50% reduction by 2020. The Shire of Chittering is part of the Avon Region of Councils (AROC) and is a participant in the AROC Strategic Waste Management Plan Working Group. Achieving a 30 % to 50% diversion rate will enable the Muchea landfill to be kept operational for longer while forward strategies are considered.

Site Inspection

The landfill and recycling sites are regularly inspected by DER auditors and Council Officers for compliance with licence conditions.

Triple Bottom Line Assessment

Economic implications

A reduction in waste to landfills will have economic benefits brought about by a reduction in operational expenses, improved use of resources and the saving of valuable landfill space for future generations.

Social implications

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

Environmental implications

The WARR Act and associated State Government policies, as well as Local Government Waste Plans and associated strategies are all ultimately for the sustainability of the environment.

Comment

Table 1 shows a comparison between the waste and recycling tonnages for the Shire's two landfill sites (Muchea and Bindoon) for 2012/13, 2013/14 and 2014/15 as reported to the DER in the annual waste and recycling census reports. The 2014/15 figures are separated into Drop-off and Kerbside tonnages.

Table 1 – Domestic Drop-off Service and Kerbside Service (all figures in tonnes)

	2012/13	2013/14	2014/15 Drop-off	2014/15 Kerbside
Mixed waste	8280	5415	1924*	1061*(all taken to landfill)
Dry recyclables (paper, cardboard, and packaging containers)	131	1495 (300 to landfill)	214 (1* to landfill)	389 (79-* to landfill – Millar Road, Baldivis)
Greenwaste	137	690	511 (10* to landfill)	Not collected
Shire operations	-	-	1600 (1350* to landfill; 250 recycled (greenwaste))	
Recovery rate	3.5 %	25%		28%
Average waste per person	31 kgs/week	29 kgs/week	14 kgs/week	
Average waste per household	82 kg/week	74 kgs/week	42 kgs/week	

The table indicates that:

- In 2014/15, 4425 tonnes of mixed waste was dropped off at landfills by the community, taken to landfill (Mueha) by Avon Waste from the kerbside collection, delivered to landfill from Shire operations, or was contaminated material extracted from recycled materials that was landfilled (at Baldivis). This is less than in previous years e.g. 5415 tonnes in 2013/14 and 8280 tonnes in 2012/13. (Note that commercial waste is not included because the WAAR Act and WAAR Regulations specifically refer to Local Government Waste which includes waste from residential sources and waste from the operations of Local Government.)
- 603 tonnes of dry recyclables were dropped off by the community or collected via the kerbside service in 2014/15. 80 tonnes of this was landfilled due to contamination (1 tonne at Mueha and 79 tonnes at Baldivis). In the previous year (2013/14) 1495 tonnes were recorded as being dropped off by the community with 300 tonnes separated for landfill (at Mueha). This relatively high figure was generated from the bulk sale of recyclables which had been stockpiled on site over previous years. The high recycling tonnage in 2013/14 would have also caused an amplified recovery rate for that year (25% vs 3.5 % for the previous year). Better recording methods are now being used to determine more accurate tonnages for materials dropped off which will avoid such anomalies.
- 761 tonnes of greenwaste were dropped off in 2014/15 including the Shire's contribution of 250 tonnes from gardening and clean- up activities. The greenwaste was mulched and made available for re-use either on site or council gardens. In the previous year 690 tonnes were dropped off. Green waste is no longer burned on site and a contractor is employed annually for mulching. Sorted (uncontaminated) loads of greenwaste can be taken to landfill at no cost.
- The kerbside recovery rate for the year was 21%. (The kerbside recovery rate is the sum of all waste recovered (recyclables minus contamination) divided by all waste collected (garbage and recyclables from domestic kerbside services).
- The recovery rate for the year was 28%. (The recovery rate is for all services and is the sum of all waste recovered divided by all waste collected (garbage and recyclables) from domestic kerbside collections and landfill drop-off). This is an improvement of 3% on the previous year and the very low 3.5 % recorded for 2012/13. The DER target for 2015 is 30% which has not quite been achieved but it should be kept in mind that the kerbside service was only operating for 10 months in the 2014/15 year. Also, the DER target recovery rate for the region in 2020 is 50% so further improvements will have to be made over ensuing years.
- Average waste per person was 14 kg per week in 2014/15 compared to 29 kg per week in 2013/14 and 31 kg per week in 2012/13. This indicates that householders are reducing waste disposal due to

the introduction of the kerbside recycling collection service. There has been a substantial drop in the numbers of people attending the landfill sites.

- Similarly, average waste per household has reduced to 42 kgs per week in 2014/15 compared to 74 kg per week in 2013/14 and 82 kg per week in 2012/13.
- The contamination rate for kerbside recyclables is approximately 20%. The contamination rate for recyclables dropped off at the recycling sheds at landfills is considerably less due to supervision and sorting by Shire staff. It is proposed to conduct a community survey relating to satisfaction with the kerbside waste and recycling service aimed at obtaining information on ways in which the service can be improved and to become more efficient in reducing contamination rates. This survey is likely to be undertaken in January 2016.

A breakdown of the recyclables diverted from landfill in 2014/2015 is shown in Table 2. Note that tonnages exclude contaminated materials removed.

Table 2 – Recyclables diverted from landfill in 2014/2015 (all figures in tonnes after conversion)

Material type	Kerbside	Drop-off	TOTAL
Paper and cardboard	226	213	439
Glass	60		60
Plastics	13		13
Aluminium packaging (cans)	6	1	7
Aluminium non-packaging		1	1
Steel packaging (cans)	4		4
Steel non-packaging			-
Other metals (copper, etc)			-
Organics from mixed municipal waste			-
Green waste		501	501
Wood / timber			-
Mattresses			-
Textiles			-
Tyres / rubber			-
E-waste		21	21
Waste oil		16	16
Batteries		13	13
Household Hazardous Waste		-	-
Other - please specify		-	-
Sub-total	310	766	1,075

It should be noted from the above list that there are opportunities to prevent unwanted materials being landfilled e.g. Household Hazardous Waste materials, mattresses, wood, timber and tyres. Through the AROC Strategic Waste Management Plan Working Group recommendations for improved waste management practices will be examined and implemented where feasible. Education of residents/schools on best practice waste and recycling will be an important strategy to be implemented.

A report was presented to Council in September 2015 relating to the AROC Strategic Waste Management Plan and recommendations to be considered by the Working Group over the next five years.

9.1.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081115

Moved Cr Houston / Seconded Cr Gibson

That Council:

- 1. Notes the Waste and Recycling Tonnages report for the period July 2014 to June 2015.**
- 2. Be informed of future waste and recycling census reports to the Department of Environment and Regulation.**
- 3. Be informed of the outcome of the community waste and recycling survey when completed.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.8 Moratorium: Scheme Amendments to rezone Town Planning Scheme No 6 and Local Planning Strategy

Report date	9 November 2015
Applicant	Shire of Chittering
File ref	18/01/3
Prepared by	Bronwyn Southee, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Following Councils decision to not support item 9.1.2 - Moratorium at its October Ordinary Meeting of Council held on the 28 October 2015, Council has now requested it to be reconsidered at the November Ordinary meeting of Council.

This report recommends that Council resolve to place a moratorium on any future proposed amendments with the intention of rezoning the Shire of Chittering Town Planning Scheme No.6 except for land located within the Muchea Employment Node Structure Plan boundaries. It should be noted by Council that the Scheme Amendment and Structure Planning Process is separate to the Development Application process, therefore, all proposed land uses and developments can still be considered during this time.

The purpose of the moratorium is to avoid any further delays in progressing the Local Planning Strategy review, and also, to avoid the creation of any further Rural Residential land that is currently not planned for to ensure potential conflict in future land use is managed and mitigated.

Background

In 2010, it was determined that the review of the Shire of Chittering's Local Planning Strategy was required. The Rowe Group was consulted to undertake the Strategy review and has undertaken a basic review over the past couple of years, incorporating current population statistics, objectives of the Biodiversity Strategy and current constraints and plans facing the Shire of Chittering for the next 10-15 years.

Recently it has been determined that a more comprehensive holistic review of the Strategy is required, to incorporate important strategic documents such as the Muchea Employment Node Structure Plan and the more detailed objectives of the Biodiversity Strategy, it is also considered critical that the 'Northlink' project/future Perth-Darwin highway expansion and Priority Development Areas be incorporated in the Strategy.

Due to the existing strategy due to expire this year, and the content of the Strategy allowing for Agricultural Resource lots to be further rezoned to Rural Residential and with competing pressures from the mining down turn, the Shire of Chittering is facing ad-hoc growth, which needs to be controlled before conflicts in land use are created. The Shire of Chittering currently has over 700 years worth of developable land identified within the existing Local Planning Strategy as available.

It is considered that the moratorium will help control any further intensification of rural residential land that hasn't already been zoned or rezoned for rural residential lots.

The intent is for the moratorium to be effective as of 29 February 2016 and would conclude once the new Local Planning Strategy is formally endorsed. The result of the moratorium would be that no new scheme amendments would be considered for initiation of rezoning of land outside of the Muchea Employment Node during this period, all active scheme amendments would continue to be processed.

Statutory Requirements

State: Planning and Development Act 2005
Town Planning Regulations 2009

Consultation

Preliminary consultation has been undertaken between the Shire and the Western Australian Planning Commission (WAPC). The WAPC has advised that it is a Shire initiative as to whether it puts a moratorium on proposed amendments to rezone the scheme and strategy; however, it is supportive of this being implemented in the Shire of Chittering.

Statutory Environment

State: *Planning and Development Act 2005*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

This moratorium would allow Officers to focus on the Strategy Review and other policy development with the intention of having it in place in the next 18 months. While there may be some initial frustration from developers not being able to rezone land external to the Muchea Employment Node Structure Plan area, the strategy once adopted will provide clear direction on appropriate future development and the Shire of Chittering intent for development within the Shire.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal. In the short term the Shire would not receive any scheme amendment administration fees as there would be no amendments to rezone being processed.

A moratorium on any future proposed amendments to rezone the Shire's current operative Town Planning Scheme No.6, should be advertised to alert landowners and developers of the Shire's intentions on this matter and to give all interested parties an opportunity to finalise and submit any proposed rezoning scheme amendments to the Shire for consideration prior to the moratorium taking effect. It is recommended that the moratorium take effect from 29 February 2016.

Social implications

There are no known significant social implications associated with this proposal. Whilst developers may be frustrated that scheme amendments will not be entertained until the new Strategy is formalised, this

'freezing' process will ensure that the strategy can progress without interruption and that no further ad-hoc subdivisions will be entertained.

Environmental implications

There are no known significant environmental implications associated with this proposal. However, by limiting any further rezoning's apart from within the Muchea Employment Node Structure Plan area, the Shire is able to implement the critical objectives of the Local Biodiversity Strategy into the Local Planning Strategy which will ultimately help guide appropriate development and environmental retention and protection.

Comment

Given the significant timeframes typically associated with progressing rezoning amendments to the local planning strategies there is a risk that any further rezoning amendments to the Shire's current operative strategy and scheme will compromise the timing for final approval of the proposed new consolidated Strategy and subsequent Scheme review.

In order to avoid any potential delays to the finalisation of the Shire's proposed new Strategy, it is considered appropriate for Council to consider placing a moratorium on all future amendments to rezone its current operative local planning scheme except within the Muchea Employment Node Structure Plan, to allow for a reasonable timeframe for developers and the community to progress any proposed scheme amendment initiations it is recommended that the moratorium not become effective until 29 February 2016.

In considering this proposal Council should note that it is not uncommon for local government authorities who have resolved to prepare a new planning Strategy, to place a moratorium on any further amendments to their current operative Town Planning Schemes. The Shire of Chittering previously imposed a moratorium on scheme amendments in late 2007. In 2004 the City of Swan placed a moratorium on all future amendments to its then operative Town Planning Scheme No.9 pending finalisation of its proposed new Town Planning Scheme No.17. In 2009 the Shire of Northam placed a moratorium on all future amendments until its Town Planning Scheme was reviewed & consolidated. In doing so it avoided any potential delays associated with waiting for amendments to its current scheme to be finalised and enabled its limited resources to be focused on preparing its new Town Planning Scheme.

Based on the comments above, it is recommended that Council resolve to place a moratorium on any future proposed amendments to rezone the Shire of Chittering's Town Planning Scheme No.6 except within the Muchea Employment Node Structure Plan.

9.1.8 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091115

Moved Cr Houston/ Seconded Cr King

That Council:

- 1. Place a moratorium on any future proposed amendments to rezone the Shire of Chittering Town Planning Scheme No.6 (TPS6) effective from 29 February 2016 in order to avoid any potential delays to the finalisation of the Local Planning Strategy with the exclusion of the Muchea Employment Node Structure Plan; and**
- 2. Advertise its intention to place a moratorium on any future rezoning amendments to the Shire's current operative local planning scheme (TPS6) in local newspapers to give all interested parties an opportunity to finalise and submit any proposed amendments to the Shire for consideration prior to the moratorium taking effect from 29 February 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.9 LATE ITEM: Developer Contribution Deed – Lot 34 (RN 3363) Great Northern Highway, Muchea*

Report date	18 November 2015
Applicant	Weightman No. 2 Pty Ltd
File ref	A3097; P369/14
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Deed document 2. Location Plan 3. Council Resolution, February 2015

Executive Summary

Council's consideration is requested for the authorisation of a legal agreement relating to a developer contribution deed for an approved Transport Depot.

This item is being presented to Council at late notice to abide by State Administrative Tribunal timeframes (20 November 2015).

**Background**

On 18 February 2015, Council resolved to grant Planning Approval for a Transport Depot subject to a number of conditions. Condition No 1 required the landowner to enter into a legal agreement with the Shire in the form of a Developer Contribution. The legal agreement is to be put in place to secure an appropriate contribution towards the development of the site as part of the Muchea Employment Node.

Upon Council's resolution, the Applicant appealed to the State Administrative Tribunal (SAT) due to the ambiguity of the Condition No 1. The Applicant and the Shire mediated and a contribution was agreed upon.

Consultation

Consultation has been undertaken between Shire Officers, McLeod's Solicitors, the owner and the Applicant to progress the details of the Deed.

Statutory Environment

State: Transfer of Land Act 1893
Land Administration Act 1997

Policy Implications

Local: 1.5 Execution of Documents

Financial Implications

All associated costs are borne by the Applicant/owner.

The Developer Contribution Deed states:

1. *Payment of Actual Cost Contribution*
 - 1.1 *Determination of Actual Cost Contribution*
 - (1) *The parties acknowledge and agree that the Actual Cost Contribution for the Development will be determined by the Shire once:*
 - (a) *The Contribution Amendment has been published in the government gazette; and*
 - (b) *The Shire's Council has adopted the Development Contribution Report.*
 - (c) *(Finalisation of the Development Arrangement)*
 - (2) *For the purpose of determining the Actual Cost Contribution to be paid by the Owners under the terms of this Deed, the provisions of the following will apply:*
 - (a) *TPS 6;*
 - (b) *The relevant DCP for the Subject Land;*
 - (c) *The Precinct as described in the DCP that contains the Subject Land; and*
 - (d) *The Development Contribution Plan Report for the relevant DCP.*

Strategic Implications

The requirement of developer contributions is significant in the development of the Muchea Employment Node Structure Plan. It makes the establishment and development of infrastructure such as roads etc within the node a more equitable exercise between smaller and larger landowners and the Shire.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The underlying purpose of the deed is to ensure that each developer within the Muchea Employment Node makes contributions to the development of the structure plan area in a fair and equitable way.

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

Upon Council granting approval for a Transport Depot, the Applicant has appealed to SAT specifically in relation to Condition No 1. Upon mediating with the Shire, an agreement upon the level of contribution the Applicant is to make to the Shire has been completed and is required to be formally endorsed and signed by the Shire President and Chief Executive Officer.

In order to fulfil Condition No 1 based on the above, it is the Officer's Recommendation that Council authorise the execution of the Deed relating to the Developer Contribution for the Proposed Transport Depot on Lot 34 (RN 3363) Great Northern Highway, Muchea.

9.1.9 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101115

Moved Cr Tilbury / Seconded Cr Rossouw

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement and any other document for the Developer Contribution Deed for Lot 34 (RN 3363) Great Northern Highway Muchea.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 October 2015*

Report Date	18 November 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 31 October 2015
Attachments	1. Statement of Financial Activity for period ending 31 October 2015 Bank reconciliation for period ending 31 October 2015 List of accounts paid for October 2015

Executive Summary

Council is requested to endorse the statement of financial activity for the period ending 31 October 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 31 October 2015

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 31 October 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 31 October 2015 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 111115

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. endorse the list of payments:
 - a. PR3627
 - b. PR3629
 - c. EFT 11617 - EFT 11738
 - d. Municipal Fund Cheques 13978 – 13994
 - e. Direct Debits and Transfers as listed
 - f. Trust Fund Cheques 479 - 494Totalling \$896,655.61 for the period ending 31 October 2015.
2. receive the bank reconciliation for the period ending 31 October 2015.
3. receive the financial statements for the period ending 31 October 2015.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Proposed Chittering Business List*

Report date	18 November 2015
Applicant	Shire of Chittering
File ref	08/02/0003
Prepared by	Karen Dore, Economic Development / Communications Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. For Council Information "CASPIO" (as previously circulated) 2. Chittering Business List (guidelines) 3. Chittering Business List (expression of interest form)

Executive Summary

Council's consideration is requested to endorse the progression of the proposed local business listing, as detailed on page 21 of the Shire of Chittering Economic Development Strategy 2015-2025 (CEDS), endorsed by Council on 23 February 2015.

Excerpt from CEDS:

Strategy Two – Business Support and Growth

Actions	Responsible	Timeline	Outcome
Facilitate promotional activities to support local businesses as per SCP			
Local Business Listing – create and maintain, including the identification of local home businesses.	Economic Development Officer	Short term	Enable the measurement of the number of local businesses and ease of contact with them.

Background

Currently the Shire of Chittering does not have a comprehensive list of approved businesses that operate within the Shire. This situation has proved problematic when the Administration has been approached for information from other Government departments, for example recently with regard to the preparation of the Wheatbelt Blueprint by the Wheatbelt Development Commission. It also means that the Shire does not have a clear picture of the resources locally available and the ability to identify gaps for the attraction of new business.

An initial contact list has been prepared utilising various resources including; prior approvals, Facebook advertising, newspaper advertising and attendance at Taste of Chittering. This list has 263 businesses, 39 of which have a Shire approval number. It should be noted that it is most probably the case that the majority of the other businesses do not require approval as they are home occupations, home businesses or similar.

In return for their assistance approved local businesses on the **Chittering Business List** will receive access to a **Free Online Business Directory**, which will be publicly accessed through the Shire website. This self-managed system (see Attachment 1) will give local business owners the capacity to self-manage an online listing within a supplied framework. All submissions will be checked by Shire staff prior to being made 'live'.

Similarly to our current promotion of the Event Calendar as the place to source information about what's happening around the Shire, we will promote the Directory through a comprehensive **SHOP #Chittering Support LOCAL** campaign.

Consultation

Council, through Shire of Chittering Economic Development Strategy 2015-2025 workshops
Local businesses (2013 Chittering Business Survey)
Local businesses (2015 expression of interest email)
Shire Executive and relevant officers

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should this progression of the proposed local business listing be endorsed by Council the direct financial implication (software) has been addressed by an allocation within the current budget.

We are aware that as part of this process, it may become apparent that some local businesses do not have the necessary development approvals. It is not the purpose of this exercise to 'uncover' these businesses and as such until 30th June 2016 we are proposing that, with Council's agreement, the Planning Application fee relevant to home occupation and home businesses (\$222) be waived. It should be noted that this does not represent a cost to Council as this income has not been budgeted for. The costs involved with a Planning Application are those associated with staff (wages and overheads), so no additional costs will be incurred through this action.

It should be noted that this 'offer' cannot, and will not, be extended to external approvals (ie those required by other government departments) that might be required.

Strategic Implications

With reference to page 17 of the Chittering Strategic Community Plan 2012-2022, under the heading "*Economic: Prosperity for the Future*", it is stated that to "*promote Chittering as a sound place to invest*" and "*facilitate promotional opportunities*" are key short term priorities.

With reference to page 13 of the Wheatbelt Strategic Framework, under Liveable Communities Objective 3: "*better utilisation, coordination and marketing across facilities and communities through better networked communities*".

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The Chittering Economic Development Strategy 2015-2025 provides a ten-year plan that outlines broad actions that could reasonably be expected to increase the value of the local economy. The creation of the Chittering Business List forms part of one of those actions.

Social implications

There are positive social implications associated with this proposal. In building local knowledge we are in turn increasing community connection and cohesiveness, improving our social capital. According to Paul Bullen (Management Alternatives) "*Social capital is a 'bottom-up' phenomenon. It originates with people*

forming social connections and networks based on principles of trust, mutual reciprocity and norms of action". www.mapl.com.au/

Environmental implications

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

Comment

Currently there is no comprehensive listing of businesses which operate within the Shire or are owned by local ratepayers. The **Chittering Business List** will make available a comprehensive spreadsheet (for internal use only) that combines a number of existing sources of information to give Shire staff one place to seek all local business information. This will prove useful to the Council and Shire staff in many areas, including but not limited to; calling for tenders, purchasing, information sourcing for other departments and future planning.

The **Chittering Business List** will give Council, and Shire staff, a more accurate picture of the resources that we have within our Shire. This will provide us with a powerful informational and promotional tool. In order to encourage the local businesses to engage with Council / Shire staff we need to be giving something back, hence the offer of waived fees and free promotion in order to create a mutually beneficial and transparent situation.

Of the 263 businesses currently listed we have 205 email addresses. An email was sent asking businesses if they would be interested in a free online listing through the Shire's website (noting that a '.wa.gov.au' is a very powerful site with regard to 'search engine optimisation'). A timely positive response was received from 72 of these businesses (35%). It would be imagined that once the service is visible it will attract more interest.

The **Online Business Directory** will allow all local businesses to advertise their business and share their contact details in one place, on a high ranking website with associated promotional campaigns.

The **Online Business Directory** will paint an attractive picture to potential visitors, residents and investors of what Chittering has to offer.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121115

Moved Cr Houston / Seconded Cr Osborn

That Council:

- 1. endorse the progression of the Chittering Business Listing; and**
- 2. authorise the waiving of the Planning Application fee relevant to Home Occupations and Home Businesses until 30 June 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Nominations to Committees*

Report date	18 November 2015
Applicant	Shire of Chittering
File ref	04/06/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. "draft" Council Committees and Advisory Groups booklet 2015

Executive Summary

Council is requested to appoint members of Council to Committees, Council Advisory Groups and External Organisations.

Background

Council in the past has allocated committee positions, working advisory groups, representation on external organisations and portfolios after each ordinary election.

Council portfolios are established for matters that are of particular interest to Council, and have generally been filled by elected members with a strong interest in the portfolio area. These are not mandatory, and have been created by previous Councils.

The only statutory committee Council is required to have is the Audit Committee. Any other committee or working group is completely at the discretion of Council whether it is needed, or not, or whether there is a need for additional committee/groups.

An Elected Member may request to be appointed to any Committee, Advisory Group or to represent Council on external organisation.

Consultation

Discussed with Councillors on 5 November 2015 at a briefing session.

Statutory Environment

State: Local Government Act 1995, Part 5 Administration, Division 2 – Council meetings, committees and their meetings and electors meetings, subdivision 2 – committees and their meetings

The *Local Government Act 1995* states that a local government may establish committees of three or more persons to assist the council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees. A person who is appointed a member of a committee under *Section 5.10* the person's membership continues until the next ordinary election day.

State: Bush Fires Act 1954, Section 67(1)

State: Emergency Management Act 2005

Policy Implications

Local: 4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits

Financial Implications

Limited costs are incurred by Council as no attendance fees are paid, main cost would be travel claims, if applicable.

Strategic Implications

Representation to external organisations or authorised committees provides Council additional information from community and the various external organisations, which assists Council to be better informed on current matters.

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 various social implications associated with being involved in the various Advisory and Community groups.

Environmental implications

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

Comment

Meeting frequency

Listed below is an estimate of the frequency of Council Committees and Advisory Groups:

Committee/Advisory Group	Meeting frequency
Audit Committee	Once a year
Chittering Bushfire Advisory Committee	3 times a year
Local Emergency Management Committee	4 times a year
Chittering Australia Day Advisory Group	Once a year
Chittering Community Planning Advisory Group	Bi-monthly
Chittering Community Support Funding Group	Once a year
Chittering Education Scholarship Group	Once a year
Chittering Health Advisory Group	As and when required
Chittering Mining Advisory Group	As and when required
Chittering Youth Krew Advisory Group	Bi-monthly

Following the local government elections on 17 October 2015 all positions on Committees and Advisory Groups are vacate, and now need to be allocated.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131115

Moved Cr Houston/ Seconded Cr Gibson

That Council by ABSOLUTE MAJORITY:

1. appoint the following Elected Members as nominated representatives on the following Committee of Council:

Committee of Council	Delegate	Deputy
Audit Committee	All councillors	Nil

2. appoint the following Elected Members as nominated representatives on the following Committees formed by Council:

Committees formed by Council	Delegate	Deputy
Chittering Bush Fire Advisory Committee	Cr Rossouw	Cr Tilbury
Local Emergency Management Committee	Cr Houston	Cr Vallance

3. appoint the following Elected Members as nominated representatives on the following Council Advisory Groups:

Advisory Group	Delegate	Deputy
Chittering Australia Day Advisory Group	Cr Rossouw	Cr Osborn
Chittering Community Planning Advisory Group	Cr Houston	Cr Rossouw
Chittering Community Support Funding Group	Cr King	Cr Rossouw
Chittering Education Scholarship Group	Cr Osborn	Cr Tilbury
Chittering Health Advisory Group	Cr Gibson	Cr Houston
Chittering Mining Advisory Group	Cr King	Cr Rossouw
Chittering Youth Krew Advisory Group	Cr Rossouw	Cr King

4. appoint the following Elected Members as representatives on the following external organisations:

Name	Delegate	Deputy
Avon Midland Zone (WALGA)	President	Deputy President
Avon Regional Organisation of Councils (AROC)	President	Deputy President
Bindoon & Districts Agricultural Society Inc	Cr King	
Bindoon Community Progress Association Inc	Cr King	
Bindoon & Districts Historical Society	Cr Gibson	
Bindoon Sport & Recreation Association	Cr King	
Chittering Tourist Association	Cr Osborn	

Chittering Valley Land Conservation District Committee	Cr Houston	
Chittering Valley Progress & Sporting Association	Cr Rossouw	
District Health Advisory Council (WA Country Health Service Wheatbelt)	Cr Gibson	
Ellen Brockman Integrated Catchment Committee	Cr Rossouw	
Northern Growth Alliance	President	Deputy President
The Livestock Centre Muchea Consultative Group	Cr King	
Tronox Community Consultative Committee	Cr Vallance	
Wannamal Community Centre Inc	Cr Osborn	
Wheatbelt Development Assessment Panel	Cr Stephen Vallance Cr Gordon Houston	Cr Don Gibson Cr Peter Osborn
Wheatbelt North Regional Road Group	Cr King	

5. appoint the following Elected Members with the following portfolios:

Area	Delegate (s)
Aged Care	Cr Gibson
Education	Cr Houston
Environment	Cr Houston
Health	Cr Gibson
Law, Order & Public Safety	Cr Tilbury
Heritage	Cr Gibson
Tourism and Culture	Cr Osborn
Light Industry and Waste Management	Cr Rossouw
Small Business and Economic Development	Cr Vallance
Sport and Recreation	Cr Tilbury
Youth	Cr Rossouw
Water	Cr King
Works	Cr King

6. the Council Committees and Advisory Groups Booklet be amended accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Appointment of Acting Chief Executive Officer

Report date	18 November 2015
Applicant	N/A
File ref	22/10/59
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to appoint an Acting Chief Executive Officer whilst the Chief Executive Officer is on leave.

Background

At the Ordinary Meeting of Council held 15 July 2015, Council resolved the following:

"That Council:

- 1. Approve the annual leave of the Chief Executive Officer for the period commencing Saturday, 22 August 2015 and ending on Monday, 31 August 2015.*
- 2. Appoint the Executive Manager Technical Services as the Acting Chief Executive Officer for the period commencing Saturday, 22 August 2015 and ending on Monday 31, August 2015.*
- 3. Approve the annual leave of the Chief Executive Officer for the period commencing Saturday, 23 January 2016 and ending on Monday, 15 February 2016.*
- 4. Appoint the Executive Manager Corporate Services as the Acting Chief Executive Officer for the period commencing Saturday, 23 January 2016 and ending on Monday, 15 February 2016."*

The Executive Manager Corporate Services will be on annual leave until 28 January 2016, therefore this report seeks to appoint the Executive Manager Technical Services as Acting Chief Executive Officer until she returns from annual leave.

Consultation

Executive Manager Corporate Services
Executive Manager Technical Services

Statutory Environment

State: Local Government Act 1995

Policy Implications

Local: 3.14 Appointment of an Acting Chief Executive Officer

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 approve the appointment of the Executive Manager Technical Services as the Acting Chief Executive Officer until the Executive Manager Corporate Services returns from annual leave on 28 January 2016.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141115

Moved Cr King / Seconded Cr Rossouw

That Council:

- 1. Appoint the Executive Manager Technical Services as the Acting Chief Executive Officer for the period commencing Saturday 23 January 2016 and ending on Wednesday 27 January 2016.**
- 2. Appoint the Executive Manager Corporate Services as the Acting Chief Executive Officer for the period commencing Thursday 28 January 2016 and ending on Monday, 15 February 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.3 Bushfire Risk Management Planning Project Grant Agreement*

Report date	18 November 2015
Applicant	Department of Fire and Emergency Services
File ref	09/04/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. BRMP Implementation PPP 2. Draft BRMP Local Government Grant Agreement

Executive Summary

Council has been offered a fulltime, fully funded position (Bushfire Risk Management Coordinator – BRPC) by the Department of Fire & Emergency Services (DFES) to provide risk advice, and map the bushfire risk for the entire Shire including privately owned land.

This report seeks Council authority to sign the funding agreement, authorise the new expenditure, and amend its budget accordingly.

Background

The Department of Fire and Emergency Services is implementing Bushfire Risk Management Planning programs throughout Western Australia. The Bushfire Risk Management Planning vision is to:

- *Create resilient WA communities that work together to build capacity and capability to mitigate and prepare for bushfire emergencies regardless of tenure (includes private property).*
- *Continual development and implementation of effective, standardised bushfire risk management plans across WA.*
- *The utilisation of bushfire risk management plans to minimise the impact of bushfires on local communities.*
- *A shared responsibility to bushfire risk management that empowers stakeholders.*
- *Continual improvement in bushfire risk management planning through the collation of valuable data and community wide engagement.*

The background of the Bushfire Risk Management Planning (BRMP) was initiated following the 2011 Perth Hills Bushfire Review. In December 2012, Cabinet made the decision following the Keelty Review and the BRMP project was established by the DFES.

During 2013 existing WA and interstate BRMP models were analysed and reviewed. Eight regional workshops were conducted and a pilot version of the BRMP guidelines/templates was prepared. During 2014 the pilot program with four local governments (Phase 1) was initiated and the development of the Bushfire Risk Management System was undertaken. The BRMP pilot report was presented to the Minister and a further submission was made to Cabinet to fund BRMPs with identified priority Local Governments.

On 9 February 2015 Cabinet approved \$4.01m to support low resourced Local Governments to establish tenure blind BRMPs, with funding available until 30 June 2016. There will be a further cabinet submission required to extend the funding.

Bushfire Risk Planning Coordinators (BRPC) for local governments has been established under the program. The Shire of Chittering has been listed in Year 1 (2015/16) of the program as Priority Local Government.

The BRPC will be employed directly by the Shire, until 30 June 2016.

The interview committee will consist of the Chief Executive Officer, Executive Manager Development Services, Manager Human Resource and a DFES representative.

Consultation

DFES

State Government

Chief Executive Officer

Community Emergency Services Manager

Statutory Environment

Nil

Policy Implications

Local: 1.5 Execution of Documents

Financial Implications

The total amount of grant funds that will be available to the Shire of Chittering is \$157,976 (including GST) a breakdown of the budget is provided in Attachment 2. The position is totally funded by DFES, and is unlikely to be fully expended within the project timeframe.

DFES have advised the funds for the position will be paid in advance, not recouped.

Strategic Implications

The employment of a Bushfire Risk Management Coordinator (BRMC) will assist the Shire in with Social Outcome "Access to local services"

Outcome	Strategies	Key Priorities
Access to local services	Improve services to community	<ul style="list-style-type: none"> Enhance emergency services Educate fire protection

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

This project will assist the Shire in ensuring that any high risk bushfire areas are formally identified, so that actions can be taken/initiated to mitigate the risk, which will lead to better fire protection for the community and community assets.

Environmental implications

Environmental issues will be addressed during the development of the Bushfire Risk Management Plans.

Comment

The draft 'Bushfire Risk Management Planning Project Grant Agreement' states;

The Bushfire Risk Management Planning (BRMP) project is the identification and classification of bushfire risk within the respective Local Government(s). The project involves the development of a treatment plan in respect of the identified risk(s), through the utilization of shared resources and the cooperation between Local Governments, State Agencies and private landowners and occupiers.

Bushfire Risk Management Plans document the risk to communities from bushfire and outline the required treatments to reduce these risks. The Bushfire Risk Management System (BRMS) is a risk tool which will aid the prioritisation of treatment works to help lower the bushfire risk faced by the community and designate accountability for treatment. The BRMP project is the initiative and related activities that result in the development and implementation of Bushfire Risk Management Plans through the BRMS.

Council's commitment to the project expires on 30 June 2016, unless additional funding is secured by DFES.

A copy of the Job Description for the position of Bushfire Risk Planning Coordinator (BFRC) can be found in Attachment 2.

A copy of the project milestones can be found in Attachment 2.

Council is requested to give consideration to authorising the Chief Executive Officer to sign the 'Bushfire Risk Management Planning Project Grant Agreement', the new expenditure, and to amend the 2015-2016 Annual Budget to recognise the new income and expenditure.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151115

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

- 1. authorise the Chief Executive Officer to sign the final 'Bushfire Risk Management Planning Project Grant Agreement'.**
- 2. authorise the new expenditure in accordance with section 6.8.**
- 3. amends the 2015-2016 Annual Budget accordingly.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.21pm.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm