

MINUTES FOR ORDINARY MEETING OF COUNCIL

Wednesday, 15 October 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm

Closure: 8.19pm



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.

These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 19 November 2014.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7pm.

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

2.1 Attendance

The following members were in attendance:

Cr Michelle Rossouw Deputy (Presiding Member)

Cr Alex Douglas

Cr Doreen Mackie

Cr Sandra Clarke

Cr Barni Norton

The following staff were in attendance:

Mr Gary Tuffin Chief Executive Officer

Ms Jean Sutherland Executive Manager Corporate Services

Mr Azhar Awang Executive Manager Development Services

Mr Jim Garrett Executive Manager Technical Services

Mrs Karen Parker Manager Human Resources

Ms Kim Perry Executive Assistant (Minute Secretary)

Ms Karen Dore Economic Development/ Communications Officer

There were 16 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Council has previously approved leave of absence for Cr Don Gibson for the Ordinary Council meeting of 15 October 2014.

Council has previously approved leave of absence for Cr Robert Hawes for the Ordinary Council meeting of 15 October 2014.

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Note: All submitted public questions have been reproduced without amendment, or correction to any typing errors.

4.1.1 Public Question Time – Anne Kell

Anne Kell, Lower Chittering asked the following questions at the Council meeting held on 17 September 2014

Question 1 Why was an inspection/visit from the planning surveyor done at our home without prior contact or permission? The time and date given for the visit, there was supposed to be no-one home. This is not true; there were two of us at home at 7.50am, as well as the two guard dogs on the property. There was no-one knocked at our door at that time. This incident has been reported to the Department of Local Government.

Response 1 The inspection was undertaken as a result of a complaint sent to the Principal Building Surveyor regarding works without a formal approval.

The Principal Building Surveyor as an Authorised Officer of the Shire of Chittering under *Section 3.28 & 3.29 – Powers of Entry, Part 3, Division 3 of the Local Government Act 1995* (as amended) has the relevant authority to enter the property.

Furthermore, the introduction of the *Building Act 2011 under section 100 & 101* provides the Authorised Officer “Entry Powers” for compliance purposes including framework for design, construction, maintenance standards, approving building proposals and certifying compliance with the relevant building standards and codes.

The inspection was undertaken just after 7:50am on 8 August 2014 in the hope of finding one or both of the owners at home. The officer knocked on the glass patio doors that face the gazebo. Nobody came to the door so the officer had a quick look at the adjacent decking and gazebos. The officer then knocked on the door again (louder) and again and still received no response.

The officer observed the two golden Labrador/retriever dogs that were on site, wagging their tails on the other side of the glass and they did not bark. The officer left after some 15 minutes inspecting the site.

Question 2 Since when has a terraced garden become a retaining wall? This wall was not built to retain any soil/sand and most of the rocks were already in the soil when the pad was cut and filled. We simply added more rocks and terraces and added good soil and plants back in 2008.

Response 2 *The Building Act 2011 and the Building Regulations 2012*, is the relevant legislation which was referred to at a meeting between the applicant and the Principal Building Surveyor.

Schedule 4 of the Regulations specifies building work for which a permit is not required, with the most relevant being Section 6 - “The construction, erection,

assembly or placement of a retaining wall that retains ground no more than 0.5m in height, does not require a permit". The walls, including rockeries that provide retaining, require approval where they exceed 0.5m. Notwithstanding that, the applicant needs to show the full extent of the walls on the drawings to be submitted to the Shire.

This issue of rockeries, landscaping and whether the wall is a wall or a rockery, is one of the reasons the legislation was introduced. Regardless of whether the retaining consists of stones, rocks, bricks, or any other form of masonry, the outcome is the same, retaining greater than 500mm in height requires approval.

It is understood that the applicant had engaged Perth Building Certifiers to deal with their application. It would be appropriate that the private certifier would be best placed to determine which walls require approval.

The fact this work was carried out in 2008 is irrelevant because the building permit was issued in 2006, and remained valid for 2 years. As explained to Mr and Mrs Kell, an application could have been made for a reasonable extension of time on the permit (not 8 years) but records indicate that has never been applied and therefore is not valid.

Question 3 Why was a 4,500 litre water tank claimed by the planning surveyor to require planning permission, when he told us that only tanks over 5,000 litres require planning permission? It is claimed that another three we wanted to place around the block for fire-fighting purposes would also need planning permission.

Response 3 Mrs Kell was advised via email on 12 September that:

- *Schedule 4, Section 8 of the Building Regulations 2012*, exempts water tanks, but only where the capacity is 5000 litres or less
- **Building** – no building permit required for water tanks with a capacity less than 5,000 litres (as advised previously)
- **Planning** – no planning approval required for water tanks with a capacity less than 10,000 litres

Mrs Kell subsequently advised she had investigated further and established her tank, bought from Bunning's, was only 4,500 litres.

Numerous emails to Mrs Kell confirmed that where the capacity is less than 5000 litres, neither building nor planning approvals would be required. Notwithstanding that, in the meeting at the Shire office on Friday August 22nd at 3.00pm, with Mr and Mrs Kell, they mentioned the proposed installation of 3 water tanks.

It is assumed that on a lot that size, the capacity of the tanks is likely to be greater than 5,000 litres. The actual capacity has yet to be confirmed by Mrs Kell, at which time the Shire can determine whether or not permits are required.

Question 4 Why has all planning permission from 2008 been reversed retrospective, when Mr John Day stated in Parliament that there was to be no 'retrospective' ruling in planning decisions?

Response 4 Records on the property file showed that the applicant applied to build a studio and a residence at Lot 461 (RN 61) Charbray Road, Lower Chittering on 7 June 2007 as well as conducting a home business (Piping Coding Technology) on the subject property.

The matter was considered at Council's Ordinary meeting held on 15 August 2007 and it was resolved to support the proposed development subject to the following conditions:

"That Council approves the:

- 1 residential dwelling and a Water Tank at Lot 461 (RN 61) Charbray Road, Chittering subject to the following conditions:
 - (a) the residential dwelling shall be completed and habitated prior to the home business being established;
 - (b) all building and structures shall be contained within the building envelope;
 - (c) the water tank to be a minimum capacity of 120,000 litres;
 - (d) Clearing of remnant vegetation for the construction of buildings within the defined building envelope shall not exceed 2,000m² without Council's prior approval.

- 2 home businesses (Piping Coding Technology) at Lot 461 (RN 61) Charbray Road, Chittering subject to the following conditions:
 - (a) the business does not employ more than two full time or equivalent ratio of people on average per year, who are not members of the occupiers' household;
 - (b) the business will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) the hours of operation shall be limited to:
Monday to Friday 0700 hours to 1800 hours
Saturday 0800 hours to 1700 hours
Sunday and Public Holidays not permitted;
 - (d) the business does not occupy an area greater than 50m²;
 - (e) the operations shall comply with the requirements of the Environmental Protection Noise Regulations 1997;
 - (f) the business does not involve the retail sale, display or hire of goods of any nature from the site;
 - (g) vehicle parking shall not result in traffic difficulties as a result of inadequacy or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle of more than 3.5 tonnes tare weight;
 - (h) does not involve the use of an essential utility service of greater capacity than normally required in the zone;
 - (i) the business does not display a sign of more than 1m²;
 - (j) all wastes produced from the business are to be disposed of off site;

- (k) failure to operate within the above conditions shall invalidate this approval;
- (l) any changes to the land use will require Council's further approval;
- (m) the home business is to be insulated to reduce any noise emitted from the building to the satisfaction of the Chief Executive Officer;
- (n) this home business is applicable to the applicant only. It is not transferable to any other party and is only for a twelve (12) month period from the date of the approval. After this time an application for renewal of the Home Business is required.

On 22 June 2009, Council officer wrote to the applicant regarding non-compliance with condition 1(a) of the approval and follow up letters on 20 July 2009 and 18 November 2009 after receiving no response from the applicant. On 20 November 2009, the applicant responded via a letter addressing the applicant's situation of the delay and confirmed the intention of building the residential dwelling as per the condition of planning approval.

On 9 August 2010, the applicant was sent a letter as to the status of the proposed dwelling. The applicant responded via a letter on 18 August 2010 confirming that it is still their intention to build a residential dwelling on the property. However due to other circumstances, the owner has notified their intention to convert the shed into the main residence. Since then, no application has been received for the conversion of the shed to a dwelling.

A new application will be required for the conversion of the shed to a dwelling. To date, no application has been received.

Question 5 Why does the fee for a planning application have to be tripled for any applications we make?

Response 5 The planning application fee is not tripled for any application you made, it is because you have built without approval, and that applies to all applications for retrospective approval.

Question 6 Why was any action taken at all since Brendan Jeans and Azhar [Awang] were well aware of our situation, and we were in the process of contacting a local architectural draftsman after asking on Facebook and advised the name by Barni Norton, to submit the plans as was suggested by the aforementioned people in January 2011?

Response 6 Refer to response in Question 4 above. As explained to Mr and Mrs Kell in our meeting on Friday 22 August at 3.00pm, the previous requests for information had been ignored.

The purpose of the meeting was to establish how to move forward, in a positive manner, bearing in mind this has been ongoing for 8 years and is still incomplete.

A check of Council records reveals no amended plans, or applications, have been received.

4.1.2 Public Question Time – Steve Vallance

Steve Vallance, Muchea asked the following questions at the Council meeting held on 17 September 2014

Question 1 Why do we need to contract out fire break services when according to the minutes of OCM of March 2014 the CESM's appointment has resulted in: Improved commitment towards mitigation including maintenance on it (sic) Strategic fire breaks, reserves and currently undergoing fuel load assessment and risk assessment on Shire reserves.

And when we have far more staff and a second grader with less roads than ever to grade?

Response 1 The Shire has contracted out Fire Mitigation Services as in the past Council has not met its obligation in this area. Council currently has responsibility for over 87kms of firebreaks. Each year the length of the bushfire breaks and reserves is increasing with each new subdivision.

The Shires road network has increased by 15 kilometres due to new roads in subdivisions. The Shire currently does its own road construction as previously this work was carried out by contractors. One grader is on this fulltime.

As the population has grown so have the expectation of the rate payers for the Shire to improve service levels such as more grading of gravel roads (grade roads more than once a year), installation of bus stops, clear out drainage, bitumen shoulder grading, grade access roads and car parks in reserves for tourists, e.g. Black Boy Ridge, Bindoon BMX track and around Wannamal Hall and parking areas.

Gravel sheeting of washed out areas of roads are also undertaken as part of the road maintenance program.

Question 2 What productive, useful work does the CESM do for the Shire during winter?

Response 2

- ◆ *CESM has an all hazards approach as fire is not the only risk for the shire.*
- ◆ *Fleet and equipment servicing is carried out through the off season this is organised through the CESM.*
- ◆ *Manage maintenance of all Brigade buildings and fire related infrastructure.*
- ◆ *Identify maintain localised incident control centres.*
- ◆ *Manage ongoing capability and training of emergency service volunteers in the Shire of Chittering.*
- ◆ *Plan, manage and conduct volunteer training and maintain records.*
- ◆ *Ordering and provision of all equipment including PPC.*
- ◆ *Local Emergency Management committee meeting are held throughout the year - (not previously run)*
- ◆ *Local Emergency Management Plans are reviewed annually, usually prior to fire season LEMA's (did not previously exist)*
- ◆ *Coordinate all mitigation works to Shire reserves and strategic fire breaks.*

- ◆ *Exercise LEMC & LEMA's annually (not previously done formally).*
- ◆ *Manage fuel load assessments in shire reserves (not previously done).*
- ◆ *Develop Shire burn prescriptions (not previously done).*
- ◆ *Coordinate fire related public information.*
- ◆ *Mitigation plans developed and maintained in the off season, priority based on risk (not previously done).*
- ◆ *Management of UCL & UMR.*
- ◆ *Community Engagement is planned and conducted through the off season (limited previously).*
- ◆ *Promotion and liaison of Bush Fire Ready groups (not previously done).*
- ◆ *Develop, manage and acquit LGGS budget.*
- ◆ *Provide advice and assistance to planning department on development fire management plans.*
- ◆ *Managing correspondence and enquiries from various stakeholders.*
- ◆ *Update and maintain BFB personnel and SMS records (limited compliances previously).*
- ◆ *Liaison with Government and NGO stakeholders including DPaW, DFES, WAPOL and Local groups.*
- ◆ *Attend numerous meeting including but not limited to Brigade, BFAC, LEMC, DFES, LG and DOAC.*
- ◆ *Manage and supervise Ranger staff.*

Question 3 **Why was it necessary to have a special meeting to consider this tender? Why could it not have waited 'til after the SEM and be considered at this meeting?**

Response 3 The Chief Executive Officer advised that as time is running out to meet the 16 October 2014 deadline for the installation of firebreaks, there was a need to get the works underway as soon as possible.

This issue of Council's firebreaks has been raised on a number of occasions by both the public and CBFAC as an area of concern needing attention.

Question 4 **Why weren't volunteers asked about doing controlled burns as they have since the beginning of the shire's existence? They now even have a CESM to help organise it.**

Response 4 Firstly the tender document was presented to CBFAC for general feedback, which they were supportive of.

At a recent meeting with the Chittering Bushfire Services Captains they advised that currently the brigades have enough of their own private burns to undertake given limited hours available as volunteers.

Councillor Mackie advised that she attended the Captains meeting and confirmed the statement above.

Question 5 **Is it true that the tenderer recommended by the officers did not even exist as a business when being assessed?**

Response 5 Yes, there was an issue with their business registration not being completed correctly (as later advised by the tenderer), however, at the time of Council formally considering the tenders the business was registered.

Question 6 How can a business that doesn't exist be rated highly on its: "Experience on similar work" and "Details of similar works provided by the Tenderer",

Response 6 The Chief Executive Officer advised that the Civil Contractor had been in existence for a long time, approximately 43 years; it was the partnership that was recently formed.

Question 7 How can a business that doesn't exist be rated so highly over: Capacity to undertake this contract.

- 1 Qualifications, experience, availability and capability of personnel and equipment committed to this Contract.**
- 2 Competence with fire mitigation activities required to deliver the required service on time?**

Response 7 The contractor partnership was between a civil earthmoving contractor with 43 years' experience with the equipment and personal to carry out the works and the other partner has a number of years' experience in FESA .

A reference check was done with DEPAW on mitigation works that the tenderer has carried out previously in the Toodyay and Goomalling Shires. DEPAW was impressed with the works done.

Question 8 How long has the business that was eventually awarded the contract actually been operating and what equipment do they currently have?

Response 8 Cr Douglas advised that he had undertaken his own research and stated the Company has been in business for 15+ years.

It appears that Cr Douglas comments were not recorded correctly. The Operations Manager of Entire Fire Management has advised that he has been in this business for at least 15 years undertaking this type of work, the actual business EFM has only been in existence since November 2013.

They (EFM) included the following list of plant in their tender submission;
EQUIPMENT

Fire Break Equipment

- Komatsu 320 Loader
- Komatsu 250 Loader
- CAT 275 Bobcat
- Takeuchi 2t Mini Excavator
- JP 5x8 Equipment Trailer
- STHIL MS 461 Magnum Chain Saw
- STIHL HT 131 Professional Pole Pruner (4m)
- STIHL FS 85 Landowner Brush Cutter

Mitigation Equipment

- Hilux Light Tanker 600lt
- Land Cruiser Light Tanker 600lt
- Nissan Patrol Medium Tanker Trailer 1500lt
- STIHL MS 291 Yard Boss Chain Saw

4.2 Public question time

4.2.1 Public Question Time - Mark Penketh

Mark Penketh, submitted the following questions prior to the Council Meeting

Question 1. At the August meeting I asked what was the cost of the damage done to the infrastructure in Maryville due to the running of Targa West and the question was not answered as it had not yet been calculated. According to the financial statements in this meeting no invoice has been raised on Targa West for Damage to 30th September 2014.

What is the cost of the damage and when will Targa West be invoiced and why hasn't it been done to date?

Response 1.1 An assessment of video footage of pre and post event of the road network condition has been undertaken. In addition a physical inspection has also been undertaken by the Executive Manager Technical Services in conjunction with a Targa representative. The final assessment concluded that there was little visible damage done to the roads surface, other than black rubber marks at various locations. Therefore, unless any further damage becomes evident that can be directly linked to the event, Targa West will not be invoiced.

In regards to road assets, a few guide posts had been damaged which were replaced by Targa West the following day.

Question 1.2 When was a resolution passed by Council that rate payers were bearing the cost of the damage?

Response 1.2 No such resolution exists.

Question 2 The officer's comments in regards to the SEM minutes are misleading and inaccurate and Council is allowing this "opinion" to be released into public forums without correction for inaccurate information such as "only 2.9% of the population was represented by the SEM". (1) 30% of the population according to the 2011 ABS census were under the age of 18 and as a result ineligible to vote. (2) A further 9.1% of the population under ABS census data are non-Australian citizens and are ineligible to vote. (3) Some rate payers in the Shire own a number of properties and can only vote once not multiple times hence even a count of rateable properties will not give an accurate number of eligible electors. The Council made comment in the approval of Targa West event that a smaller number of comments represented the will of the public yet 148 electors is considered to be a noisy minority. Will the Council move to strike the officer's comments in attachment 1 of the agenda as inappropriate for public record?

Response 2 Whilst the above calculation is simple in its nature, it is still correct. The officers figures used in regards to the Shire's estimated population have been provided directly from the ABS website. It is a statement of fact that according to the attendance register and minutes that 148 persons attended the meeting out of a total estimated population of 4,996 as Dec 2013 (ABS) which equates to 2.9% of the total shire population.

The purpose of using the figures was to demonstrate a simple point of how many electors/ratepayers is enough to make such an important and long term commitment in regards to fixing rate increase indefinitely?

Section 5.26 of the Local Government states;

*"In this subdivision **electors** includes ratepayers."*

Therefore, non-Australian citizens are eligible to vote, provided they are ratepayers.

If the 30% (1499) of youth under the Age of 19 (ABS) is removed the percentage becomes 4%, as opposed to 3%.

The Targa West survey was not sent out to all residents, only Maryville Estate, which resulted in a 40% (180/454) response rate, with 71% (129/180) supporting the event and 20% (37/180) against, the balance not concerned either way.

In relation to point 3, at no time has any mention been made about the number of rateable properties an elector owns. Each eligible elector is entitled to one vote.

The total recorded number of electors as at 12/09/13 was 3,313. Therefore, the calculation becomes $148/3,313 = 4.4\%$.

Council has never referred to the Special Electors Meeting being just a *"noisy minority"*. The numbers of electors are immaterial regardless of how large or small, all electors concerns are dealt with equally as much importance, whether it be an individual or a group of hundreds.

Council welcomes constructive communication with its community, as has been demonstrated by the recent Special Electors Meeting and resulting motions. The community has asked that our budget reporting format be changed, which will be implemented. Further consideration will be given to future rates rises when reviewing the Shire's Long Term Financial Plan and Corporate Business Plan. Lastly, Council intends to hold another community meeting in Bindoon to discuss the issues raised at the Special Electors Meeting.

The officer's comments provide responses to questions, follow-up investigations and further background information in relation to comments or concerns raised at the Special Electors Meeting and have been provided for all community members benefit. Therefore, it would not be appropriate to deny the community this additional information. Lastly to act on such a request would be an invalid decision (*ultra-vires*) and could not be acted on, as Council has no ownership over

an officer's comments in this situation. The information is provided to assist Council make its decision on the matters detailed in the report.

4.2.2 Public Question Time – Anne Kell

Anne Kell, Lower Chittering asked the following questions at the Council Meeting

Question 1 Why is it that whilst the population has not even doubled in 15 years is that the fiscal policy of the shire, raising revenue for infrastructure is to cater for 20,000 ratepayers?

Question 2 Why is it on Maryville Downs we paid extra for our land, so that a 25 metre easement which contained the road and the fire breaks instead of a 15 metre easement for a road only, have the shire planted an avenue of trees in the fire breaks that have not been trimmed to 4 metres high?

Question 3 Why on attending an out of control fire on a block, was the shire ranger a volunteer and the Volunteer Fire Brigade officer not able to access the fire through the emergency fire track, because it was chained and locked?

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

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Presentations

5.2 Petitions

5.2.1 Petition – Land Rates / Charges

A petition has been received containing 109 signatures who do not consent/object to the increased rates/charges imposed without discussion/consent; determination of rates is based on the rate in the dollar imposed by the Shire and not the Valuer General's GRV; we object to rates payments being used for CEO salaries/wages; as per the Act any unused monies is to be returned to the ratepayer; we do not consent to jurisdiction/authority imposed under *Local Government Act 1995* or any other Act.

5.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011014

**Moved Cr Douglas / Seconded Cr Mackie
That the petition be received.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

5.3 Deputations

5.3.1 Steve Vallance – Item 9.4.2 Minutes of the Special Electors Meeting 15 September 2014

Summary of main points raised;

- Rate rises should be fixed to CPI increases
- Disagrees with Council's current plans
- Paying too much in rates, not enough in return

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Special Electors Meeting – Monday, 15 September 2014

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021014

Moved Cr Mackie / Seconded Cr Clarke

That the minutes of the Special Electors meeting held on Monday, 15 September 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7.2 Ordinary meeting of Council – Wednesday, 17 September 2014

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031014

Moved Cr Clarke/ Seconded Cr Mackie

That subject to the following amendment;

Insert the following response to question 8 (Steve Vallance) – Public Question

It appears that Cr Douglas comments were not recorded correctly. The Operations Manager of Entire Fire Management has advised that he has been in this business for at least 15 years undertaking this type of work, the actual business EFM has only been in existence since November 2013.

They (EFM) included the following list of plant in their tender submission;

EQUIPMENT

Fire Break Equipment

- Komatsu 320 Loader
- Komatsu 250 Loader
- CAT 275 Bobcat
- Takeuchi 2t Mini Excavator
- JP 5x8 Equipment Trailer
- STHIL MS 461 Magnum Chain Saw
- STIHL HT 131 Professional Pole Pruner (4m)
- STIHL FS 85 Landowner Brush Cutter

Mitigation Equipment

- Hilux Light Tanker 600lt
- Land Cruiser Light Tanker 600lt
- Nissan Patrol Medium Tanker Trailer 1500lt
- STIHL MS 291 Yard Boss Chain Saw

the minutes of the Ordinary meeting of Council held on Wednesday, 17 September 2014 be

confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Withdrawal of Caveat – Lot 651 Santa Gertrudis, Lower Chittering*

Applicant	Roberts Day
File ref	18/03/44; 04/10/0003
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Caveat documents 2. Deposited Plan

Background

Council received correspondence from Mcleods Barristers and Solicitors advising of a request from Roberts Day, on behalf of Maryville Wines Pty Ltd for the removal and re-lodging of Caveat M332452 for the purpose of obtaining Certificate of Titles for the release of the Public Open Space in Maryville Downs.

The report to Council is to seek authorisation for the Shire of Chittering to sign and affix the Common Seal to the Withdrawal of Caveat form.

Consultation

Not applicable

Statutory Environment

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

Policy Implications

1.5 *Execution of documents*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Deed/Agreement

The original Deed dated 27 October 2008 is covered by a Replacement Agreement which is protected by the caveat on the land.

Caveat

The Caveat on the Title is in place to protect the purpose of the Deed. As mentioned in the report, the requirements of the Deed must be fulfilled by the owner to the satisfaction of the Shire for the withdrawal of the caveat on the Title to occur, which in this case relates to the ceding of the Public Open Space and subdivision relation conditions. The request involves the temporary removal of the caveat to enable the subdivision of the land. The caveat is immediately replaced on the Title and retains the requirements of the Deed on the owner.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041014

Moved Cr Douglas/ Seconded Cr Clarke

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Withdrawal of Caveat form, pursuant to the *Transfer of Land Act 1893* (as amended), for Caveat Number M332452 on Lot 651 on Diagram 66292 to enable the subdivision and issue of Certificate of Titles for the Public Open Space on the subject land.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.2 Proposed revised Development Plan – Chittering Springs Stage 3*

Applicant	Land Insights
File ref	18/02/0004
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Proposed Development Plan2. Existing Development Plan3. Schedule of Submissions4. Bushfire Management Plan5. Flora Survey

Background

Council is requested to consider the proposed revised Development Plan for Stage 3 of Chittering Springs Estate, Lot 9501 Wisteria and Willaring Way, Chittering.

The current Development Plan was endorsed in 2010. Subdivision Approval for the Chittering Springs Estate covering all stages consistent with the existing Development Plan lapsed in January 2014. The Developer lodged a subdivision application to 'renew' the approval to continue with Stage 3 of the Estate. Council's comment on this was noted at the 19 February 2014 Ordinary Council Meeting. The WAPC refused the subdivision generally for the reasons of extreme bushfire risk and significant impact on the native vegetation.

The Developer sought a right of review at the State Administrative Tribunal for the subdivision refusal where it has been mediated and resulted in a revised Development Plan reducing the number of lots in Stage 3 from 28 lots to 6 lots.

As a result of the submissions received in the advertising period, the final revised Development Plan presented to Council is for 3 lots in Stage 3.

Consultation

This revised Development Plan was advertised by the Shire to all landowners within Chittering Springs, adjoining landowners to the Estate, relevant agencies and to the general public through the Advocate. As a result of the submissions received the Developer has willingly modified the revised Development Plan by removing 3 of the lots which fronted Wisteria Way.

Statutory Environment

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

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

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

Clause 5.8.1 of the Scheme applies to the proposal:

5.8.1. Requirement for a Development Plan

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

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

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

Policy Implications

Local: Shire of Chittering Local Planning Policy No 32 – Development Plans

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

5.6 Amendment

- a) Any amendment to a Development Plan requires endorsement of the Council and WAPC and Council adoption;
- b) Where the amendment does not increase the number of proposed lots an application to vary a Development Plan is to be accompanied by a statement of the reason for the change;

1.5 Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

The requirement for a BAL assessment (Provision 9) and likely higher standard of building construction for some lots will result in higher building costs for those landowners.

Social implications

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

Environmental implications

The subdivision and development of the 3 lots will result in clearing of native vegetation for bush fire protection. It is however significantly less compared to Stage 3 of the existing Development Plan.

Comment

Bushfire management

The draft Bushfire Management Plan (BMP) submitted with the revised Development Plan assesses the site as having an 'Extreme' Risk. The BMP provides a Bushfire Attack Level (BAL) rating of BAL-29 for each building envelope. Whilst development is generally not supported in extreme fire hazard areas, the BMP demonstrates how each building envelope can achieve a moderate BAL rating. Further to this the significant reduction in the number of lots and the location of the proposed building envelopes close to existing road networks provides an acceptable outcome. The Shire has also recommended the inclusion of an Emergency Access Way from Willaring Way to a future road connection to the south (Maryville Heights Estate) which does not require any additional clearing as it was cleared as the subdivision road for the refused subdivision plan, doubles as an individual firebreak for the lots and improves emergency access between Estates.

Vegetation protection

The revised Development Plan of 3 lots would result in significantly greater protection and less disturbance to native vegetation and habitat area than the initial proposal for 6 lots and the existing Development Plan proposing 28 lots. The building envelopes have been located close to the ends of the existing roads which would minimise fragmentation and the lot boundaries have been aligned along the previously cleared areas to eliminate further clearing. The Developer has also undertaken a more recent flora/fauna survey of the site to identify threatened/endangered species which need to be avoided and protected. The revised Development Plan addresses this and is considered to provide a greater level of vegetation and habitat protection to the area.

Submissions

The agency submissions from Department of Parks and Wildlife (DPaW) and the Ellen Brockman Integrated Catchment Group (EBICG) outlined concerns of impact on threatened and endangered flora species in the area and the need to protect the habitat vegetation. It is considered the Applicant's flora survey and revised Development Plan to 3 large lots addresses these impacts.

The public submissions received raised concerns mostly orientated around the same impacts and the change of the future nature reserve to private property.

The significant reduction in the number of proposed lots alleviates the concerns of damage to habitat and the impact on wildlife. The change to remove the nature reserve from the Development Plan is believed to provide a better outcome for the area due to the reduction in lots.

At the time the nature reserve was essentially an 'offset' for the creation of the 28 Rural Residential lots. With the Development Plan revised to 3 large Rural Residential lots (20ha, 25ha and over 50ha), the protection of vegetation is greater over a larger area.

Concluding comments

It is considered the proposed Development Plan should be endorsed by Council as it significantly reduces the number of lots/landowners in an extreme fire hazard area and significantly reduces the impact on the native vegetation. The proposal will also allow for the north-south link should the Emergency Access Way be supported.

Following Council's determination, the WAPC will be notified of Council's decision. The proposal, being both the Development Plan and subdivision, will be considered at the next SAT mediation to be held in November whereby the WAPC may make a determination to adopt the Development Plan with or without modifications. If the Development Plan is adopted the WAPC will then liaise with the agencies to coordinate appropriate subdivision conditions.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051014

Moved Cr Norton/ Seconded Cr Douglas

That Council:

1. endorses the Development Plan for Lot 9501 Wisteria and Willaring Way, Chittering, Chittering Springs Estate, with the following modification:
 - a. an Emergency Access Way being shown on the Development Plan from Willaring Way running south along the eastern boundary of Lot 704 to the southern boundary of the subject land to connect to future road as part of Maryville Heights Estate.
2. authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan for Lot 9501 Wisteria and Willaring Way, Chittering, Chittering Springs Estate.
3. forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.

AMENDMENT

Include the strategic fire break as a public access way reserve for the benefit of the Shire of Chittering

Moved Cr Rossouw/ Seconded Cr Mackie

THE AMENDMENT WAS PUT AND LOST 2/3

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051014

Moved Cr Norton/ Seconded Cr Douglas

That Council:

1. endorses the Development Plan for Lot 9501 Wisteria and Willaring Way, Chittering, Chittering Springs Estate, with the following modification:
 - a. an Emergency Access Way being shown on the Development Plan from Willaring Way running south along the eastern boundary of Lot 704 to the southern boundary of the subject land to connect to future road as part of Maryville Heights Estate.
2. authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan for Lot 9501 Wisteria and Willaring Way, Chittering, Chittering Springs Estate.
3. forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.

THE MOTION WAS PUT AND DECLARED CARRIED 4/1

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

Applicant	CLE Town Planning and Design
File ref	18/02/21
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment documents 2. Schedule of Submissions 3. EPA S48A referral advice

Background

Council resolved to initiate the Scheme Amendment to rezone a portion of Lot M1313 Great Northern Highway, Muchea at its 21 May Ordinary Council Meeting. The Amendment was advertised and can now be considered for adoption.

The Scheme Amendment, in summary, proposes the following:

- Introduction of two industrial zones – General Industrial and Industrial Development Zone;
- Scheme provisions for these zones;
- Replacing the 'Development Plan' Scheme provisions with 'Structure Plan' provisions;
- Special Control Area (SCA) for the Muchea Employment Node Structure Plan (MENSPP) area;
- Special Control Area (SCA) for Development Contribution Areas (DCA);
- Schedules in the Scheme to apply these SCA's to the Amendment area; and
- Insert updated Development Contributions provisions into the Scheme.

A Council Briefing was held on 24 September 2014 to allow for the Shire and Councillors to thoroughly assess and discuss the proposed Amendment in detail prior to Council formally considering to adopt the Amendment.

Consultation

Consultation of the Scheme Amendment was undertaken in accordance with the *Town Planning Regulations 1967*. The Scheme Amendment was first referred to the Environmental Protection Authority and was considered as 'Not Assessed' (attachment 3). The Scheme Amendment was then advertised for a period of forty two (42) days through *The Advocate* newspaper, the Shire's Public Notice Board, the Shire's website and letters sent to the relevant agencies and nearby affected landowners. The closing date for all submissions was 13 August 2014.

Statutory Environment

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

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

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

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

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

The Applicant proposes to rezone portion of Lot M1313 to the 'Industrial Development' zone which is a zone created by this Amendment.

The Scheme Amendment also proposes to create a Development Contribution Area over the Amendment area, include an additional industrial zone (General Industry), new Scheme provisions (including amending the Developer Contributions provisions), modifying the Scheme text from 'Development Plan' to 'Structure Plan' to be bring it in line with more recent planning framework and amend the Zoning Table to reflect the new zones.

Policy Implications

Nil

Financial Implications

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

Strategic Implications

State: *Muceha Employment Node Structure Plan 2011*

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

6.3 Precinct policy statements

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

6.3.1 Precinct 1 (north A and B)

1. *The waterways (plus 30m buffer), resource enhancement wetland (plus 50m buffer) and good quality remnant vegetation shall be protected within a reserve for Conservation, Recreation, Foreshore Protection or Public Open Space.*
2. *Low water use type industries with a minimum lot size of 10 000m² may be established in this area unless the developer can demonstrate that wastewater generated can be adequately managed as per the requirements outlined in the water management strategy (April 2008) or a more detailed local water management strategy.*
3. *For lots that do not require subdivision prior to development occurring, primary wastewater treatment shall be via aerobic treatment units followed by a secondary treatment in evaporation ponds due to high groundwater levels.*
4. *Development shall not conflict with the proposed Perth-Darwin National Highway road reserve and requirements external to it such as the Interchange embankment build up and ramp constructions.*
5. *The district distributor A loop road shall be designed with provision for potential use as a high wide load route (to MRWA standards). The road shall be constructed as a median separated two-lane road, with an appropriate road reserve to provide for a future four-lane dual carriage way.*
 - *The design vehicle shall be a triple road train and shall cater for nominated high wide load trailers and/or platforms.*
 - *The design shall be for an operating speed of 60 km/hr.*
 - *Drainage of the road shall be through the use of swales.*

- *Consideration shall be given to avoidance of identified conservation reserves in the alignment of the loop road.*
 - *The developer shall construct appropriate access roads which tie into the loop road, and suit the lot size and layout of the development.*
6. *Structures higher than 15, 45 and 90m across the precinct require referral to the RAAF.*

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

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

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

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

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

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

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

The advertising process resulted in opposition from the public to the proposed industrial development in close proximity to their properties and the likely impact on their living standards.

Environmental implications

A number of environmental concerns were raised in the advertising process by both the public and relevant agencies. The concerns included contamination of ground and surface water, waste management from industrial operations, protection measures on wetlands and waterways and protection of vegetation.

Comment

Consultation

- EPA
As mentioned earlier the EPA advised it would not assess the proposal. The EPA did outline a number of environmental recommendations which have been identified and addressed in the management plans provided with this Amendment and to be provided for the structure planning process.
- Agencies
As mentioned earlier the Shire referred the proposed Scheme Amendment to fifteen (15) agencies for comments of which nine (9) made a submission.

Main Roads WA (MRWA) was the only agency that objected to the proposal with their reasons set out in the Schedule of Submissions (attachment 2). In brief MRWA does not support the proposed Amendment due to the inconsistency with MRWA strategies for the Northlink project. The comments made by MRWA in their submission have been considered by the Shire and it is strongly believed their concerns and requirements would be adequately addressed in the structure plan stage.

The main concern raised by several agencies and the Ellen Brockman Integrated Catchment Group (EBICG) mostly relate to the likely impact of industrial development on the ground and surface water quality and the need to protect the site's ecological features such as the wetlands and vegetation. The District Water Management Strategy (DWMS) submitted with the Amendment is currently being revised to receive support from the Department of Water. A number of the comments made relating to water management, waste management and protection of waterways can be addressed in a Local Water Management Strategy (LWMS) for the structure plan of the site. The DWMS has identified the hydrology of the site for the purpose of the Amendment.

The Department of Agriculture and Food WA (DAFWA) raised concerns of the proposed land use permissibility's in the Amendment for 'sensitive land uses' such as Caretakers Dwelling. It is acknowledged that 'sensitive land uses' are generally not supported within industrial areas due to conflicting use of the land and associated buffer requirements.

Whilst the MENSP report permits such sensitive land uses, it would have the effect of sterilising large areas of land (the buffer) for industrial development and would impact on the operations of industrial activity. The intent of the MENSP is to provide industrial land and it is considered permitting sensitive land uses could negatively impact on the effectiveness of providing such land however it is also acknowledged that there is demand specifically for Caretakers Dwellings in the Mucnea Employment Node.

For this reason it is recommended the Scheme Amendment be modified to list a 'Caretakers Dwelling' as an 'A' use (discretionary) rather than a 'P' use as currently proposed and outlined in the Mucnea Employment Node Structure Plan. Given the conflict between residential and industrial land uses, it is also recommended that provisions, such as restricted habitable floor area and location, be inserted into the relevant section of the Town Planning Scheme to protect both land uses. These provisions can be prepared between the Shire and Department of Planning prior to the determination of the Scheme Amendment by the WAPC.

- Public

There were a total of 4 public submissions in this period which is considered a relatively low level of response. The submissions generally covered very similar issues, mainly raising concerns of:

- ◆ Industrial buffers encroaching over their land;
- ◆ Impact on vegetation and ecology with particular reference to the protection of surrounding remnant vegetation;
- ◆ Impact on groundwater;
- ◆ Rates increase as a result of the industrial development; and
- ◆ The provisions proposed for reticulated water.

It is believed the comments have been addressed by the Applicant's response in the Schedule of Submissions. To recap on the summarised concerns above:

- All buffers associated with the land uses are required to be contained within the Mucnea Employment Node Special Control Area, which in this case is proposed as MEN1 in Schedule 16.

- The proponent has undertaken extensive environmental studies to assess the hydrology and ecology of the site. The surrounding vegetation and corridors are not subject to this Amendment and are not contained within the Muchea Employment Node.
- The initial studies have identified the existing watercourses, flow lines and wetlands and resulted in extensive water sampling. It is considered the Structure Plan stage would more specifically address how the development of the site will minimise the impacts of surface water and ground water contamination and how it is to be managed. More refined details of water management would also be addressed at development (DA) stage.
- Any rates increase would be as a result of land value and not a result due to costs imposed onto the Shire. The Developer Contributions will essentially fund the Muchea Employment Node for the Shire.
- The initial Scheme Amendment did not propose reticulated water to be required. The proponent then modified the proposed Amendment, at the request of Council, for reticulated water to be required for the Muchea Employment Node.

Conclusion

To conclude it is recommended the Scheme Amendment be adopted, with modifications, for the following reasons:

- The Amendment to rezone the land for industrial purposes is in an area that has been strategically identified for industrial development at a State level.
- The Amendment initiates the industrial development of the MENSF.
- The Amendment will introduce the required industrial zones and relevant provisions in the Scheme for the purpose of the MENSF.
- The Amendment creates the MENSF Special Control Area which sets out required information for Structure Plans such as management plans, environmental studies and servicing.
- The proposal has been prepared with the assistance of the Department of Planning to help achieve the objectives of the MENSF.
- The Applicant has provided various environmental reports and management plans to identify the site's features and recommendations to protect these.
- The Applicant has modified the original proposal to now require the provision of reticulated water and the possibility of sewer.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061014

Moved Cr Douglas/ Seconded Cr Clarke

That Council:

1. in pursuance of section 87 of the *Planning and Development Act 2005* and regulations 17(2)(a) and 25 of the *Town Planning Regulations 1967* resolves to adopt Scheme Amendment No 52, with the following modifications:
 - a. Amend Schedule 2 – Zoning Table by modifying a 'Caretakers Dwelling' from a 'P' use to an 'A' use in the 'General Industry' zone;
 - b. Insert relevant provisions into the Scheme for a 'Caretakers Dwelling' in the Muchea Employment Node;

By amending the *Shire of Chittering Town Planning Scheme No 6* by:

1. AMEND SCHEME MAP:

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

2. AMEND SCHEME TEXT:

Insert new clause 4.2.3 and 4.2.4 immediately following existing clause 4.2.2, and re-number subsequent clauses accordingly:

4.2.3 General Industrial Zone

The objectives of the General Industrial Zone are to:

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

4.2.4 Industrial Development Zone

The objectives of the Industrial Development Zone are to:

- a) designate strategic land areas for future industrial development and employment creation purposes, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;*
- b) ensure orderly and comprehensive planning and co-ordinated subdivision and development through the requirement for the preparation and endorsement of a structure plan in accordance with part 5.19 and any associated provisions contained in Schedule 15 of the Scheme;*
- c) ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land;*
- d) protect the amenity of adjacent properties; and*
- e) protect the environmental assets of the site.*

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

5.8.1 Requirement for a Structure Plan

Subdivision and development shall be generally in accordance with a Structure Plan prepared in accordance with clause 5.19 of the Scheme.

Insert new clause 5.19 following existing clause 5.18.

5.19 Structure Plans

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

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

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

5.19.4 Preparation of proposed structure plans

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

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

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

5.19.5 Details of proposed structure plan

5.19.5.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should generally include the following details:

- a) a set of maps and a report describing the structure plan area and surrounding land uses;*
- b) maps are to be of a legible scale for the structure plan area;*
- c) statutory land use provisions and controls that assume the force and effect of the Scheme once endorsed;*
- d) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, bushfire hazard areas, soils, conservation and heritage values, ownership, land use, roads and services;*

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

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

5.19.6 Submission to local government and Commission

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

5.19.6.2 *Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.*

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

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

5.19.7 Advertising of structure plan

5.19.7.1 *Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.19.5 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:*

- a) *advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:*
 - i) *notice of the proposed structure plan published in a newspaper circulating in the Scheme area;*
 - ii) *a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Structure Plan Area, or part of the Structure Plan Area, to which the proposed structure plan applies; and*
- b) *give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:*
 - i) *all owners whose land is included in the proposed structure plan;*
 - ii) *all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;*
 - iii) *such public authorities and other persons as the local government nominates.*

5.19.7.2 *The advertisement and notice are to:*

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

5.19.8 Adoption of proposed structure plan

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

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

5.19.8.2 In making a determination under clause 5.19.8.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

5.19.8.3 If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.19.8.1.

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

- a) readvertise the proposed structure plan; or
- b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 5.19.8.1 onwards are to apply.

5.19.8.5 If within the period referred to in clause 5.19.8.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.19.8.1, the local government is deemed to have refused to adopt the proposed structure plan.

5.19.9 Endorsement by Commission

5.19.9.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.19.8.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

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

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

5.19.9.4 The Commission is to notify the local government of its determination under clause 5.19.9.3.

5.19.10 Notification of structure plan

5.19.10.1 As soon as practicable after adopting a proposed structure plan under clause 5.19.9.2 and if clause 5.19.9.3 applies, as soon as practicable after being notified of the Commission's decision under clause 5.19.9.4, the local government is to forward a copy of the structure plan to:

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

5.19.11 Operation of structure plan

5.19.11.1 A structure plan comes into effect:

- a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.19.9.2; or
- b) on the day on which it is adopted by the local government under clause 5.19.8.1 in all other cases.

5.19.11.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

5.19.11.3 Subject to clause 5.19.11.6, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the Residential Design Codes then:

- a) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the scheme; and

b) *the provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Planning Area.*

5.19.11.4 *Without limiting the generality of clause 5.19.11.3, under a Structure Plan:*

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

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

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

5.19.12 Inspection of structure plan

5.19.12.1 *The structure plan and the Commission's notification under clause 5.19.9.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.*

5.19.13 Variation to structure plan

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

- a) *by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;*
- b) *otherwise, in accordance with the procedures set out in clause 5.19.6 onwards.*

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

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

5.19.13.4 *As soon as practicable after receiving the copy of the variation referred to in clause 5.19.13.3, the Commission is to determine whether to endorse the proposed variation.*

5.19.13.5 *The Commission is to notify the local government of its determination under clause 5.19.13.4.*

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

- a) *where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.19.13.4; or*
- b) *on the day on which the local government resolves to make the variation under clause 5.19.13.1 (a).*

5.19.14 Right of Review

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

- a) *The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 60 days of the structure plan being lodged pursuant to clause 5.19.6;*
- b) *A decision by the local government not to adopt a structure plan (or an amendment to a structure plan) pursuant to clause 5.19.8 or 5.19.13;*
- c) *A decision by the Commission not to adopt a structure plan (or an amendment to a structure plan); and*
- d) *A decision by the Commission to endorse a structure plan subject to modifications, where the owner is aggrieved by one or more of the modifications required.*

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

6.7 Areas within which Development contribution plans apply

6.7.1 Interpretation

In clause 6.7, unless the context otherwise requires:

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

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

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 6.7.10.

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

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

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

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

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

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

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

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

6.7.2 Purpose

The purpose of having development contribution areas is to:

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

6.7.3 Development contribution plan required

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

6.7.4 Development contribution plan part of scheme

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

6.7.5 Subdivision, strata subdivision and development

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

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

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

6.7.6 *Guiding principles for development contribution plans*

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

a) *Need and the nexus*

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

b) *Transparency*

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

c) *Equity*

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

a) *Certainty*

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

b) *Efficiency*

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

c) *Consistency*

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

d) *Right of consultation and review*

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

e) *Accountable*

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

6.7.7 *Recommended content of development contribution plans*

6.7.7.1 *The development contribution plan is to specify:*

a) *the development contribution area to which the development contribution plan applies;*

b) *the infrastructure and administrative items to be funded through the development contribution plan;*

c) *the method of determining the cost contribution of each owner; and*

d) *the priority and timing for the provision of infrastructure.*

6.7.8 *Period of development contribution plan*

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

6.7.9 *Land excluded*

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

a) *roads designated under the Town Planning Scheme as primary regional roads and other regional*

- roads;
- b) existing public open space;
- c) existing government primary and secondary schools; and
- d) such other land as is set out in the development contribution plan, is to be excluded.

6.7.10 *Development contribution plan report and cost apportionment schedule*

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

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

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

6.7.11 *Cost contributions based on estimates.*

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

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

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

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

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

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

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

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

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

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

6.7.12 *Valuation*

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

6.7.12.2 *In clause 6.7.12 -*

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market assuming the highest and best use of the land with all its potential and limitations (other than

the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

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

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

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

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

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

6.7.13 *Liability for cost contributions*

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

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

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

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

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

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

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

6.7.14 *Payment of cost contribution*

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

- a) cheque or cash;*
- b) transferring to the local government or a public authority land in satisfaction of the cost*

contribution;

- c) the provision of physical infrastructure;
- d) some other method acceptable to the local government; or
- e) any combination of these methods.

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

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

6.7.15 Charge on land

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

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

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

6.7.16 Administration of funds.

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

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

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

6.7.17 Shortfall or excess in cost contributions.

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

- a) make good the shortfall;
- b) enter into agreements with owners to fund the shortfall; or
- c) raise loans or borrow from a financial institution,

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

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

6.7.18 Powers of the local government

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

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

6.7.19 *Arbitration*

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

Insert new Clause 6.8:

6.8 Muchea Employment Node

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

6.8.1 Purpose

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

6.8.2 Planning Requirements

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

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

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

6.8.2.3 *Subdivision or development of any land within the Muchea Employment Node shall be in accordance with the specific provisions and requirements of Schedule 15 as applicable.*

Insert the following definitions into Schedule 1 – General Definitions:

'owner' means an owner or owners of land;
'structure plan' means a structure plan that has come into effect in accordance with the provisions of this scheme and includes any Outline Development Plan, Development Plan or Subdivision Guide Plan prepared and approved under a previous local planning scheme of the local government.

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

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

Permissibility	Use Class
'P' (permitted)	Animal Establishment Aquaculture Builders Storage Yard Car Park

		Civic Use Community Purposes Exhibition Centre Factory Unit Building Farm Supply Centre Fuel Depot Garden Centre / Plant Nursery Industry - Extractive Industry – General Industry – Light Industry – Rural Industry – Service Landscape Supplies Lunch Bar Motor Vehicle, Boat or Caravan – Sales Motor Vehicle Repair Motor Vehicle Wrecking Open Air Display Public Utility Recycling Centre Roadhouse Salvage Yard Service Station Shop Showroom Storage Telecommunications Infrastructure Transport Depot Veterinary Centre Warehouse
	'A' (discretionary requires advertising)	Animal Husbandry – Intensive Stock Yards Caretakers Dwelling
	'X' (prohibited)	Industry - Noxious Industry – Hazardous Industry – Mining Chicken Litter Fired Power plant

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

Schedule 13 – Development Contribution Areas

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

Insert 'Schedule 15 – Muchea Employment Node Special Control Area':

Schedule 15 – Muchea Employment Node Special Control Area

NO.	DESCRIPTION OF LAND	CONDITIONS
1.	<i>Referred to as Muchea Industrial</i>	1. Hierarchy of Plans

		<p>Precinct 1 North A Part Lot M1313 Great Northern Highway</p>	<p>Subdivision and development within the subject area shall be subject to the provisions of clause 5.19 and 6.8 of the Scheme, including the preparation and approval of Structure Plan(s).</p> <p>2. Structure Plan</p> <p>2.1 Structure Plan Preparation</p> <p>A Structure Plan(s) shall be prepared in accordance with the provisions of clause 5.19 of the Scheme over the entire area, or over any portion of the area.</p> <p>An approved Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Structure Plan Without limiting the generality of the foregoing, within the zones designated in the Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table.</p> <p>2.2 Environmental Management Plans</p> <p>The following Environmental Management Plans shall be prepared and used to inform the design and proposed subdivision and development within the Structure Plan area. They shall be submitted as an additional detail of a Structure Plan unless otherwise determined by the Local Authority.</p> <p>2.2.1 Local Water Management Strategy</p> <p>The developer shall submit to the Local Authority a Local Water Management Strategy (LWMS) for approval as an additional detail of a Structure Plan pursuant to clause 5.19 in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Authority must notify and consult with the authority responsible for water and the environment on the proposed strategy in advertising the Local Structure Plan(s) pursuant to clause 5.19.</p> <p>The LWMS shall be prepared in accordance with Better Urban Water Management or its successor document.</p> <p>The Structure Plan design shall respond to the LWMS required by 2.2.1 and shall be implemented to the satisfaction of the Local Authority, having regard to any advice from the Department of Water.</p> <p>2.2.2 Environmental Assessment and</p>	
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			<p style="text-align: center;">Management Strategy</p> <p><i>The developer shall submit to the Local Authority an Environmental Assessment and Management Strategy for approval as an additional detail of a Local Structure Plan pursuant to clause 5.19 in order to ensure the local structure plan provides a comprehensive and coordinated response to all environmental features within the Structure Plan area and in accordance with the Muchea Employment Node Structure Plan.</i></p> <p><i>The Environmental Assessment and Management Strategy is to include the following:</i></p> <ul style="list-style-type: none"> <i>– Identification of significant environmental features within the local structure plan area including flora, vegetation, fauna, wetlands and waterways;</i> <i>– Identification of appropriate management strategies, consistent with industry best practice, to ensure that the local structure plan responds appropriately to these environmental features. Appropriate management strategies might include identification of buffers / setbacks, potential areas of revegetation / rehabilitation, public open space and fauna relocation; and</i> <i>– Consideration of Acid Sulfate Soils (if present) and identification of the likely requirement for ASS management during future planning stages.</i> <p><i>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</i></p> <p><i>The Environmental Assessment and Management Strategy shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development, or any successor Guidance Statement.</i></p> <p><i>The Environmental Assessment and Management Strategy required by 4.2.2 shall be implemented to the satisfaction of the Local Authority on the advice of the applicable environmental agencies.</i></p> <p>2.2.3 Land Capability Assessment</p> <p><i>The developer shall submit to the Local Authority a Land Capability Assessment for</i></p>	
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			<p><i>approval as an additional detail of a Local Structure Plan pursuant to clause 5.19 in order to demonstrate that the land is capable of supporting on-site effluent disposal where required.</i></p> <p><i>The Land Capability Assessment shall be prepared in accordance with “Land Evaluation Standards for Land Resource Mapping – Assessing Land Quality and Determining Land Capability in South-Western Australia” - Van Gool et al. 2005 or any superseding guideline, as determined by the Department of Food and Agriculture and appropriate environmental agencies.</i></p> <p>2.2.4 Strategic Noise Assessment and Management Strategy</p> <p><i>The developer shall prepare and submit to the Local Authority a Strategic Noise Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to clause 5.19.</i></p> <p><i>The Strategic Noise Assessment and Management Strategy will identify any nearby sensitive land uses that are likely to be impacted by noise generated by future industrial land uses, and will identify noise mitigation strategies to be implemented at subdivision and development stages.</i></p> <p><i>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</i></p> <p>2.2.5 Strategic Odour Assessment and Management Strategy</p> <p><i>The developer shall prepare and submit to the Local Authority a Strategic Odour Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to clause 5.19.</i></p> <p><i>The Strategic Odour Assessment and Management Strategy will identify any nearby sensitive land uses that are likely to be impacted by noise generated by future industrial land uses, and will identify noise mitigation strategies to be implemented at subdivision and development stages.</i></p> <p><i>The Local Authority must consult with the</i></p>	
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			<p><i>relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</i></p> <p>2.3 Additional Reports / Strategies <i>In addition to the Environmental Management Plans outlined in section 2.2, the local government may also require the provision of the following reports / strategies as an additional detail of a local structure plan:</i></p> <ul style="list-style-type: none"> • <i>Transport Assessment and Management Strategy</i> • <i>Infrastructure and Servicing Strategy, including details for the provision of reticulated water infrastructure within the estate.</i> <p>3. Subdivision</p> <p>3.1 Management Plans</p> <p>3.1.1 Flora, Vegetation, Wetland and Waterway Management Plans <i>Where a proposed subdivision includes significant vegetation, wetlands and / or waterways as identified in the Environmental Assessment and Management Strategy, the developer shall submit to the Local Authority Management Plan(s) for approval as a condition of subdivision approval in order for existing flora, vegetation, wetlands, waterways and their buffers to be implemented as part of development in accordance with the management strategies / plans.</i></p> <p><i>The Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development.</i></p> <p><i>The Management Plan(s) outlined above shall be implemented to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</i></p> <p>3.1.2 Acid Sulfate Soils (ASS) Site Assessment Management Plan <i>The developer shall submit to the Local Authority an ASS Site Assessment and Management Plan for approval as condition of subdivision approval in accordance with the WAPC's Planning Bulletin No.64 or its successor.</i></p> <p><i>The ASS Site Assessment and Management Plan shall include, but is not limited to the</i></p>	
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			<p>following:</p> <ul style="list-style-type: none"> a) Detailed field assessment of ASS in proposed disturbance areas; b) The preparation of ASS management plans in accordance with the DEC's current guidelines, and; c) Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan. <p>The ASS Site Assessment and Management Plan shall be implemented to the satisfaction of the Local Authority on the advice of the appropriate environmental agencies.</p> <p>3.1.3 Urban Water Management Plan The developer shall submit to the Local Authority an Urban Water Management Plan (UWMP), which is consistent with the LWMS for approval as a condition of subdivision approval.</p> <p>The UWMP required by 3.1.3 shall be implemented to the satisfaction of the Local Authority, on advice from the Department of Water.</p> <p>3.1.4 Geotechnical Report The developer shall submit to the Local Authority, as a condition of subdivision approval, a Geotechnical Report, certifying that the land is capable of supporting the development proposed.</p> <p>3.2 Water Supply and Wastewater Disposal</p> <ul style="list-style-type: none"> 3.2.1 Water supply and wastewater systems shall be designed and implemented in accordance with environmental and water management strategies such that groundwater and environmental resources are maintained or improved. 3.2.2 Water supply and wastewater disposal systems will be required at the first stage of subdivision. 3.2.3 Reticulated water and wastewater systems will be provided by licensed service providers. 3.2.4 Provision of water and wastewater systems will be subject to a Development Contribution Plan, prepared in accordance with State Planning Policy 3.6 – Development 	
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			<p><i>Contributions for Infrastructure.</i></p> <p>4. Development</p> <p>4.1 Development Application <i>Development of land shall be generally in accordance with the provisions of the Scheme and approved Structure Plan.</i></p> <p>4.2 Land Use Separation Distances <i>All land use separation distances, as defined in State Planning Policy and/or by the Environmental Protection Authority resulting from development proposed within the Special Control Area and determined as part of a development application, are to be contained within the boundary of the Special Control Area to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</i></p> <p>4.3 Management Plans <i>Where it is deemed appropriate and necessary to protect the amenity of the broader Special Control Area and surrounds, the local government may require the proponent of a development application to provide additional technical information and/or management plans in support of a development application. These management plans may include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Noise management plan</i> • <i>Construction management plan</i> • <i>Odour management plan</i> • <i>Waste management Plan</i> <p><i>The management plans shall be prepared in a manner that is consistent with current government guidelines and / or best practice and are to be implemented as conditions of planning approval.</i></p> <p>4.4 Water Supply and Wastewater Disposal</p> <p>4.4.1 <i>Notwithstanding the provisions of Schedule 2 – Zoning Table, in the event that a suitable district water scheme is not available and connected to the estate’s reticulated system at the time of development, land uses shall be generally limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Transport Depot</i> • <i>Storage</i> • <i>Warehouse</i> • <i>Landscape Supplies</i> <p><i>Development applications are required to</i></p>	
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		<i>demonstrate that the proposed use / development has an adequate and sustainable water supply to service the day to day operational needs of the land use on an ongoing basis and the proposed use shall be consistent with the objectives of the zone, and any applicable structure plan.</i>	
2.	authorises the Shire President and Chief Executive Officer to execute the Scheme Amendment documents and forward them to the Western Australian Planning Commission.		
THE MOTION WAS PUT AND DECLARED CARRIED 5/0			

9.1.4 Section 70A Notification WAPC 148501 – Lot M2116 Julimar Road, Chittering*

Applicant	Peter D Webb and Associates
File ref	18/03/84
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Section 70A Notification documents 2. Draft Deposited Plan 402068

Background

On 22 May 2013 the Western Australian Planning Commission granted a subdivision approval for Lot M2116 Julimar Road, Chittering subject to a number of conditions. The subdivision is for two (2) lots effectively splitting in half the existing agricultural property.

Condition 3 of the subdivision approval requires a notification in the form of a Section 70A Notification, pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notifications is to advise the landowners that the lots are subject to a Fire Management Plan.

This report to Council is to seek authorisation from Council for the Common Seal to be affixed and for the President and Chief Executive Officer to sign the Section 70A Notification documents for their execution.

Consultation

Not applicable

Statutory Environment

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

Policy Implications

1.5 *Execution of documents*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

In order to satisfy condition 3 of the subdivision approval, the applicant has provided the Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended). The execution of this document requires the President and Chief Executive Officer to sign and affix the Common Seal.

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

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071014

Moved Cr Douglas / Seconded Cr Mackie

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) advising that the newly created Lots 801 and 802 Julimar Road, Chittering are subject to a Fire Management Plan on Deposited Plan 402068.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.5 Partial Surrender of Management Order Lease – Reserve 24724 Sandown Park, Muchea*

Applicant	S Steele
File ref	04/18/4; 05/03/0004
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Surrender of Lease documents 2. Locality Plan

Background

Council at its 17 November 2010 Ordinary Council Meeting gave in principle support to the owner of Lot T526/131 (S Steele) for the proposed purchase of a portion of Sandown Park Reserve 24724 (Lot 149) subject to conditions of the land being valued and approved by the Minister for Lands.

Following this the Applicant has liaised with the Shire to progress the several processes involved in reaching the eventual purchase of the land. The purchase of the land first requires:

- The formal surrender of the management order lease for the portion of the reserve held by the Muchea Polocrosse Club.
- The valuation of the portion of land to be purchased to be undertaken following the surrender of the lease.
- The Minister for Lands approving the surrender of the management order lease.
- The portion of land being rezoned appropriately.
- Subdivision to amalgamate the portion of the Reserve (Lot 149) with T526/131.
- Following subdivision Certificate of Title issued for the new amalgamated lot.

The report to Council is to seek authorisation for the Shire of Chittering to sign and affix the Common Seal to the Surrender of Lease form as the Lessor of the Reserve to enable the matter to proceed.

Consultation

Not applicable

Statutory Environment

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

Policy Implications

1.5 *Execution of documents*

Financial Implications

There are no known financial implications to Council as the Reserve is Crown Land vested to the Shire.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

As mentioned in the Background of the report, the Applicant obtained the in principle support from Council to purchase the portion of the reserve. The Applicant has since made progress with Landgate to make the purchase. Unfortunately the several processes and agencies involved over this period have caused some delays. It is believed that following the surrender of the lease, the valuation will then be undertaken by Landgate and the Applicant can purchase the land owned by the Crown. The Applicant must then proceed with the rezoning and subdivision of the land.

9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081014

Moved Cr Clarke/ Seconded Cr Norton

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Surrender of Lease form, pursuant to the *Transfer of Land Act 1893* (as amended), for Lease Number L418748 on Lot 149 on Diagram 195016 to enable the Applicant to purchase the portion of the reserve.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.6 Proposed Public Event “Bindoon Burnouts 2014” – Lot 325 Cook Road, Mooliabeenee*

Applicant	Bindi Bindi Investments
File ref	A1090; P206/14
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Site Plan3. Fire Safety Plan4. Crisis and Emergency Management Plan5. Risk Management Plan6. Event Cover Letter

Background

Council has received a planning application from Bindi Bindi Investments to conduct a ‘burnout’ event at Lot 325 Cook Road, Mooliabeenee. The event is proposed to be held on Saturday, 18 October 2014 from morning until 11:30pm. This is the first of this event however the Bindoon Dirt Drags event has been held at this site for more than ten (10) years.

The Shire is aware the proposed event is to be held on the same day as the Bindoon Agricultural Show and may be perceived to conflict with the management and success of each other. It is considered that the two events being held on the same day may provide a greater attraction of tourists and residents to the Bindoon area for the day, not only to the events but also to local businesses.

Consultation

The property has an additional use right under Schedule 3 of the Shire of Chittering *Town Planning Scheme No 6* for ‘short term entertainment events’.

As a courtesy, in the past Council has sent letters to neighbouring properties to advise the date which the event is to be held. This allows the neighbours to be aware of the upcoming event. For this event the Shire has sent letters notifying landowners in the vicinity and relevant agencies with a period of 14 days to make a submission. The Shire has also notified the public with an advertisement in the Advocate and on the Shire’s website.

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

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

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

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

Policy Implications

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

Any health requirements to be met for the event date, such as sufficient potable water supply and adequate toilet facilities, will be addressed by the Shire's Principal Environmental Health Officer in prior to the event day, which has been common practice for all the past events at the site.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Site inspections are carried out prior to the event being held.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Event details

The proposed Bindoon Burnouts event will be held similar to the Bindoon Dirt Drags event at the property. The site layout has not been altered and the operations of a food van, music band and option to camp overnight are provided in the same way as the Bindoon Dirt Drags events. The difference of this event is the predominant activity of the burnouts held on the burnout pad area.

The Applicant has obtained Public Liability Insurance to cover the event.

Consultation

As mentioned earlier in the report the Shire notified nearby landowners and relevant agencies prior to the event for a period of 14 days ending 8 October 2014. No public submissions were received.

Local Government Insurance Services (LGIS) was one of the agencies the Shire referred the event to. LGIS provided the Shire with advice on the Risk Management Plan (RMP) and recommended what changes should be made for the Risk Management Plan to adequately cover the proposed event. LGIS are generally satisfied with the structure of the RMP.

The Gingin Police advised they have made arrangements for their services for the event and the Bindoon Agricultural Show held on the same day.

The Bindoon Community Progress Association made a submission advising of their support for the proposed event and the benefits such an event would have for the community.

CAMS were consulted and advised they have no involvement with the event and advise the Shire to ensure an adequate safety plan and liability insurance are in place.

Shire of Gingin advised no objection to the event.

Guidelines for Concerts, Events and Organised Gatherings

The Shire has assessed the proposed event with regard to the Guidelines. The Shire has advised the Proponent to ensure the event is to be undertaken in line with the requirements set out in the Guidelines such as, but not limited to, risk management, emergency management, insurance and amenities.

Recommendation

It is the Officer's Recommendation that the proposed event be supported by Council. The consultation process did not result in any objections or advice/comments the event should or cannot be held. The advice received by LGIS regarding the Risk Management Plan has been forwarded to the Proponent to make the necessary changes prior to the event. The requirement for an adequate Risk Management Plan is a condition of approval for the event, which requires it to be compliant with the Australian Standards assessed by LGIS and to a standard acceptable by the Chief Executive Officer.

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091014

Moved Cr Douglas/Seconded Cr Mackie

That Council approve the Bindoon Burnouts 2014 public event at Lot 325 Cook Road, Mooliabeenee subject to the following conditions:

- 1. That this approval shall only apply for Saturday, 18 October 2014.**
- 2. That the following adequate fire prevention measures include:**
 - a. No fires being lit on site;**
 - b. All boundaries of the subject property shall be cleared at a minimum 3 metre firebreak; and**
 - c. The event shall be in accordance with the *Fire Safety Plan*.**
- 3. That all motor racing events shall be supervised by the event organisers and all safety measures shall be the responsibility of the proponent.**
- 4. The Proponent making satisfactory arrangements for the suppression of dust on Cook Road and neighbouring properties.**
- 5. That satisfactory arrangement being made for:**
 - a. Ingress and egress of emergency vehicles; and**
 - b. Emergency escape routes (in the event of fire) available for attendees.**
- 6. That no additional clearing of land takes place and that the drainage lines are maintained in their current condition.**
- 7. Provide evidence of adequate public liability insurance being presented to the satisfaction of the Chief Executive Officer.**
- 8. That all temporary signage to be placed so as to cause no traffic hazard.**

9. That the site clean-up shall be completed within one (1) week of the event and appropriate recycling undertaken.
10. The Proponent's Risk Management Plan shall be revised based on advice from LGIS to the satisfaction of the Chief Executive Officer prior to the event.
11. The Proponent shall comply with the Risk Management Plan.
12. Appropriate traffic management measures shall be taken at all times, including event signage, so as to cause no traffic hazard.
13. The Proponent shall comply with the *Caravan Parks and Camping Grounds Act 1995* and associated Regulations.

Advice Notes

1. The Proponent to be advised that compliance will be expected with the *Environmental Protection (Noise) Regulations 1997*.
2. All structures should be in accordance with the Building Code of Australia or otherwise as determined by Council, and all ablution facilities should be provided in accordance with Health Department Guidelines and constructed in accordance with Council requirements.
3. The Proponent to be advised that compliance will be expected with the Department of Health Policy *Guidelines for Concerts, Events and Organised Gatherings*.
4. Vehicular barriers should be provided around the plastic leach drains to both septic systems prior to the commencement of the event.
5. All potable water outlets should be marked 'drinking water'.
6. All non-potable water supplies i.e. ablution blocks should be marked 'water unfit for drinking'.
7. All portable ablutions should be serviced regularly throughout the event period.
8. Electrician to provide electrical certification forms.
9. The stage lighting providers to apply on a 'Form 2'.
10. With regards to condition 9, all waste should be delivered to the Bindoon Landfill and Recycling Centre.
11. With regards to condition 10, the Proponent shall undertake the necessary amendments to the Risk Management Plan to a standard acceptable by LGIS and the Chief Executive Officer.
12. Adequate crowd control measures should be undertaken in accordance with and to the satisfaction of the Western Australian Police.
13. Penalties for breach of planning approval are described under Section 233 of the *Planning and Development Act 2005 (as amended)*.
14. The Applicant has the right of review to the State Administrative Tribunal should they be aggrieved by Council's decision. Such a review should be lodged within twenty-eight (28) days of Council's decision.

THE MOTION WAS PUT AND DECLARED CARRIED 3/2

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 30 September 2014*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Financial Statements for period ending 30 September 2014
Attachments	1. Statement of Financial Activity for period ending 30 September 2014 Bank reconciliation for period ending 30 September 2014 List of accounts paid for September 2014

Background

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

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

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

Consultation

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

Statutory Environment

State: *Local Government Act 1995*
Local Government (Financial Management) Regulations 1996

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101014

Moved Cr Douglas/ Seconded Cr Mackie

That Council:

- 1. endorse the list of payments:**
 - a. PR3382**
 - b. PR3391**
 - c. EFT 10003 - EFT 10134**
 - d. Municipal Fund Cheques 13684 - 13711**
 - e. Direct Debits and Transfers as listed**
 - f. Trust Fund Cheques 423 - 426**

Totalling \$1,402,654.85 for the period ending 30 September 2014.
- 2. receive the bank reconciliation for the period ending 30 September 2014.**
- 3. receive the financial statements for the period ending 30 September 2014.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.3.2 Improvements to Council Properties by External Groups Policy*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Improvements to Council Properties by External Groups Policy

Background

Council is requested to consider making an Improvements to Council Properties by External Groups Policy.

With the introduction of Fair Value Accounting, this has highlighted instances where new buildings and/or improvements, upgrades to existing buildings have been undertaken and not being accounted for correctly in Councils' financial statements.

This policy will address this matter into the future.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995

Local Government Financial Management Regulations

Policy Implications

Nil

Financial Implications

All planned improvements will be budgeted for in the relevant annual year's budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

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

Environmental implications

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

Comment

To ensure that all improvements to Council owned buildings are accounted for correctly, it is recommended that community groups advise Council of all improvements over \$5,000 and that copies of invoices for such improvements be forwarded to Council so that these improvements can be recorded correctly in the Asset Register.

If the improvements are over \$5,000 and will attract external grant funding it is recommended that these be managed by Council staff in consultation with the relevant Community Groups and that the grant applications be lodged by the Shire of Chittering on behalf of the relevant Community Group.

The \$5,000 threshold is in line with Council's Capitalisation of Assets Policy.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111014

Moved Cr Douglas/ Seconded Cr Mackie

That Council

- 1. adopt the Improvements to Council Properties by External Groups Policy as attached.**
- 2. update the Shire of Chittering Policy Register accordingly.**
- 3. advise all Community Groups of the new policy.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.3.3 Proposed Chittering Economic Development Strategy 2014-2024*

Applicant	Shire of Chittering
File ref	08/02/0003
Prepared by	Karen Dore, Economic Development / Communications Officer
Supervised by	Gary Tuffin, Chief Executive Officer Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Three submissions
Attachments	1. Chittering Economic Development Strategy 2014-2024 (updated draft)

Background

Council's consideration is requested to endorse the updated draft Shire of Chittering Economic Development Strategy 2014-2024.

At the Ordinary Meeting held on 16 July 2014 Council made the following resolution:

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 090714

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. Endorse the Draft Shire of Chittering Economic Development Strategy 2014-2024.
2. Advertise locally the Draft Shire of Chittering Economic Development Strategy 2014-24 for public submissions for period of 42 days.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

The Draft Shire of Chittering Economic Development Strategy 2014-2024 has been reviewed and updated following the receipt of five submissions.

Consultation

Chittering Chamber of Commerce

Local businesses

Local community

Shire of Chittering Councillors and Executive Staff

The submissions received are detailed below;

- i) I1452890 – C Medhurst, Kalfax Holdings Pty Ltd
- ii) I1452895 – J Shervington, Northern Valleys News
- iii) I1452901 – D Gascoine

Statutory Environment

Not applicable

Policy Implications

Should this Chittering Economic Development Strategy be endorsed by Council it is proposed that a Shire of Chittering Economic Development Policy be introduced.

Financial Implications

Should this Chittering Economic Development Strategy be endorsed by Council there are no direct financial implications, however, the proposed actions identified within the Strategy will attract expenditure, which will be included in forthcoming budgets.

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 “*develop a Local Economic Development Strategy*” is a key short term priority.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The purpose of this Strategy is to provide a ten-year plan that outlines broad actions aimed at creating partnerships between the community, business and industry, Council and Governments in order to promote and enhance growth and development within the Shire / region. The outcome that could be expected from a Strategy such as this is an increase in the value of the local economy.

Social implications

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

Environmental implications

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

Comment

A summary of the update to the draft Strategy, following consideration of the submissions, is as follows:

- i) Details of the LPS review have been included.
- ii) References to mining as a competitive advantage have been quantified.
- iii) The link to our neighbouring Local Government Authorities has been strengthened.
- iv) A notation has been made that the projected growth figures do not include “New Town” or “Muchea Employment Node”.
- v) Water (both quality and quantity) has been included as an agricultural challenge.
- vi) The private Independent Living Unit project has been listed as a “Health and Aged Care” business opportunity.
- vii) Stronger reference has been made to the Corporate Business Plan, including updated information regarding “New Town”.
- viii) Expanded on “Muchea Employment Node” information with reference to the Great Northern Highway and Northlink.
- ix) Expanded Bindoon Townscape / Retail Opportunities to include advocating for public transport.
- x) Expanded descriptions of “Business Start-up Kit / Support Program”, “Bypass”, “Prospectus” and “Shop Local Marketing Plan”.

9.3.3 OFFICER RECOMMENDATION

Moved Cr Douglas / Seconded Cr Mackie

That Council endorse the Shire of Chittering Economic Development Strategy 2014-2024.

COUNCIL RESOLUTION 121014

Moved by Cr Norton/ Seconded Cr Clarke

That the item be laid on the table

MOTION WAS PUT AND DECLARED CARRIED 5/0

Reason: motion not considered to enable further workshops to be undertaken on the Plan.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Christmas/New Year Office Closure

Applicant	Shire of Chittering
File ref	13/02/29
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council has a policy for the authorisation of the Council Administration office (including Technical Services, Bindoon Library and Depots) to close over the Christmas and New Year period.

The policy states:

The Administration centre will be closed for business from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day.

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Bindoon and Muchea landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas/New Year period.

In 2015, New Year's Day falls on a Thursday which would mean that staff would be required to return to work on Friday 2 January 2015.

It is proposed that the Council Administration offices (including Technical Services, Bindoon Library and Depots) close at 3pm on Wednesday 24 December 2014 and re-open at 8.30am on Monday 5 January 2015.

This will be a total of seven (7) days, made up of three (3) public holidays (Christmas Day, Boxing Day and New Year's Day) and four (4) annual leave days.

This proposal is for an additional one day office closure.

Consultation

Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Nil

Policy Implications

3.15 Christmas / New Year Closure of Council Facilities

Financial Implications

This proposal would see a reduction in the Annual Leave Liability for staff.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

There would be minimal social implications as the office closure would be advertised to the community in the month leading up to the Christmas period.

Environmental implications

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

Comment

As per Council, policy, with the timing of Christmas in 2014, staff will be required to attend their workplace from Monday 22 December to Wednesday 24 December 2014. The office will close at 3pm on Wednesday 24 December 2014.

It is not expected that the additional day of closure will cause any concern to the community as the Shire does not undertake vehicle licensing and it is a quiet time for other Council operations.

The proposed closure of the Administration centres will be advertised on the office doors, the Shire's website and Facebook, on the notice boards at the Administration Centre and Post Office and in the local newspapers (Northern Valley News and The Advocate).

It is requested that Council support the Officer's recommendation.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131014

Moved Cr Mackie/ Seconded Cr Clarke

That Council authorise the closure of the Shire's Administration Centre (including Technical Services, Bindoon Library and Depot sites) from 3pm on Wednesday 24 December 2014 and re-open at 8.30am on Monday 5 January 2015.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.4.2 Minutes of the Special Electors Meeting 15 September 2014*

Applicant	Shire of Chittering
File ref	13/02/27
Prepared by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Special Electors meeting held on 15 September 2014 (including Officer Comments in relation to the Special Electors meeting)

Background

A Special Electors Meeting was held on 15 September 2014 in accordance with section 5.28 of the *Local Government Act 1995*.

The purpose of the meeting was to discuss:

- (1) The size of rate rises into the future
- (2) The encouragement and support of volunteers in the Shire
- (3) The transparency, accuracy and accountability of Shire communications

Consultation

A councillor workshop was held on the Friday, 3 October 2014 to review the minutes from the Special Electors Meeting.

Statutory Environment

Local Government Act 1995, Sections 5.28, 5.32 & 5.33

Policy Implications

Comment is provided in attachment 1.

Financial Implications

Comment is provided in attachment 1.

Strategic Implications

Comment is provided in attachment 1.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal as it deals with accepting Special Electors Meeting minutes.

Social implications

There are no known significant social implications associated with this proposal as it deals with accepting Special Electors Meeting minutes.

Environmental implications

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

Comment

The following motions were passed at the Special Electors meeting held on Monday, 15 September 2014

3.1 The size of rate rises into the future

ELECTORS' MOTION 3.1.1

Moved Steve Vallance / Seconded Ian Wheeler

That until and unless an agreement is reached with the Chittering electors the Chittering Shire Council will ensure that all future rate rises will be limited to and will not exceed the CPI of the previous year.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.1.2

Moved Mark Penketh / Seconded Gordon Carter

All future budgets will have transparency in reporting on income and expenditure in order to allow the community to better understand the level of costs being associated to cost centres.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.1.3

Moved Clint O'Neil / Seconded Gordon Carter

That Council, as a matter of urgency, develops and implements a community servicing policy that clearly identifies:

1. That prior to Council's consideration of entering into outsourced community service contracts, Council will fully engage and consult with ratepayers on the scope and nature of the proposed service contract and identify the financial implications on ratepayers.
2. That ratepayer funded in-house Shire staff, equipment and resources will always be the first preference for the provision of community servicing.
3. In the event that (2) above cannot be reasonably satisfied (with justification) then as a second preference Council engages the services of local businesses, either alone or as a consortium, to undertake the community service works.
4. In the event that (2) and (3) cannot be reasonably satisfied (with justification) that Council advertises for outsourced community servicing and that where only one tender submission is received, Council withdraws the tender and fully re-examines the scope and nature of the community servicing proposal.
5. That any outsourced community service contracts are limited to a one year rolling renewal and subject to conditions, inclusive of budget constraints.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

3.2 The encouragement and support of volunteers in the Shire

ELECTORS' MOTION 3.2.1

Moved Steve Vallance / Seconded Ian Wheeler

Council is to actively encourage and support activities undertaken by community volunteers in the Shire of Chittering.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.2.2

Moved Steve Vallance / Seconded Wendy Gellard

Any task previously done by volunteers and taken over by Shire employees will be done to at least the same standard as the volunteers maintained.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.2.3

Moved Steve Vallance / Seconded Maurus Ward

The Council, not Councillors, will not interfere with the running and management of groups within the Community.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.2.4

Moved Steve Vallance / Seconded Graeme Donaldson

That people contacting Shire officers will have calls and emails and requests for meetings responded to, not merely acknowledged.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.2.5

Moved Jan Stagbouer / Seconded Graeme Donaldson

That the number of staff employed in executive and administrative positions be reduced immediately to reflect the lack of assets in the Shire of Chittering and to allow funds to be put aside to pay for these assets in the future.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

3.3 The transparency, accuracy and accountability of Shire communications

ELECTORS' MOTION 3.3.1

Moved Steve Vallance / Seconded Mike Savy

The accuracy and relevance of Shire Minutes is to be a major assessment area of the CEO's Key Performance Indicators.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 3.3.2

Moved Lee Martin / Seconded Lois Jones

That Council hold a meeting in the Bindoon Town Hall to discuss the similar items that have been raised and discussed at this meeting tonight.

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

ELECTORS' MOTION 4

Moved Bob Rogers / Seconded Maurus Ward

That a vote of no confidence be moved, in the ability of the Chittering Shire Council to provide governance required to manage:

1. the size of rate rises into the future
2. the encouragement and support of volunteers in the Shire
3. the transparency, accuracy and accountability of Shire communications

THE MOTION WAS PUT AND DECLARED CARRIED
BY A SHOW OF HANDS

Additional comment has been provided in attachment 1.

Moved Cr Norton/ Seconded Cr Douglas
Amendment to point 13.

hold a community meeting in the Bindoon Town Hall prior to 24 December 2014 to discuss the items that have been raised at the special electors meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
AND FORMED PART OF A SUBSTANTIVE MOTION

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141014

Moved Cr Douglas/ Seconded Cr Clarke

That Council:

1. receive and note the motion 3.1.1.
2. subject to community priorities, give consideration to future proposed rate increases when reviewing its Corporate Business Plan.
3. receive and note the motion 3.1.2.
4. amend its future Annual Budgets to provide a greater level of information in relation to various income and expenditure line items.
5. receive and note motion 3.1.3.
6. receive and note motion 3.2.1.
7. receive and note motion 3.2.2.
8. receive and note motion 3.2.3.
9. receive and note motion 3.2.4.
10. receive and note motion 3.2.5.
11. receive and note motion 3.3.1.
12. receive and note motion 3.3.2.
13. hold a community meeting in the Bindoon Town Hall prior to 24 December 2014 to discuss the items that have been raised at the special electors meeting.
14. receive and note motion 4.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

Advice Note

That it be noted that the following items have been actioned to date;

1. Workforce Plan (review)
2. Sports and Recreation plan (review)
3. A communication workshop for Council staff
4. Budget transparency
5. Long term financial plan
6. Corporate business plan

9.4.3 Appointment of Authorised Officers

Applicant	Shire of Chittering
File ref	13/05/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

A review of authorised Officers has been undertaken which has identified the need to include, amend and remove certain authorised persons.

Consultation

Executive Manager Development Services
Manager Human Resources

Statutory Environment

Building Act 2011, Section 96(3)
Bush Fires Act 1954, Section 38
Cat Act 2011, Section 48(1)
Dog Act 1976 & Regulations
Litter Act 1979 & Regulations
Local Government Local Laws
Local Government Act 1995, Sections 3.39, 9.10, 9.11 & 9.15
Local Government Act 1995, Sections 3.28 & 3.29
Planning and Development Act 2005 & Regulations

Policy Implications

The CEO has delegated authority to appoint authorised persons (DA34 and DA62).

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Whilst the CEO has delegated authority (excluding TPS #6) to make such appointments it is felt that there should be a council minute.

Council is requested to endorse the Officer Recommendation.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151014

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. endorse the appointment of Alison Reliti, Catherine Choules, Glenis Glead, Grace Pritchard, Sophie Lee, Lynette Prendergast, Tracy Berryman-Seery, Tresa White and Veronica Robinson as Registration Officers under the *Cat Act 2011*.
2. endorse the appointment of Gary Tuffin, Azhar Awang, Brendan Jeans, Mark Johnston and Janice Billen as authorised officers under the *Shire of Chittering Town Planning Scheme No 6*.
3. endorse the appointment of Sam Neale as an authorised officer to represent the Shire of Chittering under the *Building Act 2011, Section 96(3)*.
4. approve the removal of Glenn Sargeson and Sam Neale as authorised officers under the *Dog Act 1976 and Regulations*.
5. approve the removal of Kelly Ford from the Register of Authorised Officers.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
BY AN ABSOLUTE MAJORITY VOTE

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Norton asked when will the sea container and water tank policies be reviewed?

The Executive Manager Development Services took the question on notice.

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

PROCEDURAL MOTION / COUNCIL RESOLUTION 161014

Moved Cr Norton / Seconded Cr Mackie

That Council consider new business of an urgent nature

THE MOTION WAS PUT AND CARRIED 5/0

13.1 COUNCILLOR MOTION / COUNCIL RESOLUTION 171014

Moved Cr Norton/ Seconded Cr Rossouw

That Council undertake a budget review in January 2015.

THE MOTION WAS PUT AND CARRIED 5/0

Moved Cr Norton

That Council undertake an informal budget review before the end of December 2014

MOTION LAPSED FOR WANT OF A SECONDER

14. MEETING CLOSED TO THE PUBLIC

15. CLOSURE

The Presiding Member declared the meeting closed at 8.19pm.



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