

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY, 21 SEPTEMBER 2016

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.03pm
Closure: 7.53pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 19 October 2016.

SIGNED BY

The person presiding at meeting which minutes were confirmed is the person who signs above

Disclaimer

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

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

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7:03PM.

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

2.1 Attendance

The following elected members were in attendance:

Cr Gordon Houston	President (Presiding Member)
Cr Peter Osborn	Deputy President
Cr Michelle Rossouw	
Cr George Tilbury	
Cr Aaron King	
Cr Don Gibson	

The following staff members were in attendance:

Mr Alan Sheridan	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Ms Bronwyn Southee	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Mr Peter Stuart	Senior Planning Officer
Mrs Natasha Mossman	Executive Support Officer (Minute Secretary)

There were nine (9) members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 John Curtis, Bindoon

Question: Which grievances that were presented to state parliament in 2014 by the President / Council / CEO have not been acted on by the Minister for Water?

Answer 1 Following a search of Council's records we were unable to locate any specific records regarding this matter. For Council to follow-up on your request, you will need to provide more specific information so that we can investigate the matter further. As stated in the Minutes all questions that are taken on notice at Council meetings are responded to in writing and also included in the following Council meeting agenda.

Mr Curtis subsequently wrote to the Shire and provided the following additional information:

The grievances presented to Parliament in 2014 were by Shane Love and were to do with allocation of water and the warehousing of water and other issues in the Shire by water traders or trader on behalf of the then CEO, President and Councillor.

The Shire provided the following response to Mr Curtis:

Further to your letter received by the Shire on 7 September 2016, Shire officers have researched online to find out when Shane Love MP presented his grievances to parliament. This information is readily available for the general public to obtain by visiting www.parliament.wa.gov.au and finding the current or past member that is of interest. By clicking on the "speeches" link we have been able to locate the 'Extract from Hansard' on 26 June 2014, which we have attached for your information. The Minister for Water, Hon Mia Davies, responded to the grievances raised by Shane Love MP at the time. The Shire of Chittering continues to liaise very closely with the Water Corporation with regard to the areas water issues.

4.2 Public question time

Nil

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 9.1.1 Retrospective Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea

Mr Steve Allering from Allering and Associates made a deputation to Council with regard to Item 9.1.1 Retrospective Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea.

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Don Gibson

6.1 NEW MOTION / COUNCIL RESOLUTION 010916

Moved Cr Gibson / Seconded Cr King

That Cr Don Gibson be granted approve leave of absence for the period inclusive of Saturday, 1 October 2016 to Thursday, 10 November 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:14PM

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: Wednesday, 17 August 2016

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020916

Moved Cr Osborn / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 17 August 2016 be confirmed as a true and accurate record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:14PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Tonight is the last Council meeting for the Shire's Manager Human Resources, Karen Parker. Karen will finish up with Council at the end of this month. Karen started work with Council in January 1998, and after spending four years at City of Swan and WAMIA (from 2005), Karen returned to the Shire in 2009.

Karen, will be moving to Mandurah to be closer to her family and will be taking up part-time work as Manager Human Resources/IT Coordinator at the Town of East Fremantle. Karen has advised that this has been a very difficult decision to make as she has very much enjoyed the role and holds the people she works with and the members of Council in the highest regard. We wish Karen all the best for the future and thank her for her hard work and dedication over many years.

I would also like to take this opportunity to express thanks to the Chittering Tourist Association all the volunteers who made the Chittering Wildflower Festival such an amazing event. I attended this event last weekend and was amazed at the displays and the numbers of visitors that this event brought to our region.

9. REPORTS

9.1 DEVELOPMENT SERVICES

At the Ordinary meeting of Council held 20 July 2016, Council resolved to lay item '10.1.3 Retrospective Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea' on the table to allow Council to inspect the site.

9.1 COUNCIL MOTION / RESOLUTION 030916

Moved Cr Tilbury / Seconded Cr Gibson

That item 9.1.1 Retrospective Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea be raised from the table.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:17PM

9.1.1 Retrospective Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea*

Report date	21 September 2016
Applicant	Allerding and Associates
File ref	A3028; P037/16
Prepared by	Peter Stuart, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Locality Plan 2. Application report with plans 3. Stormwater Management Plan 4. Hay Pressing Approval – 2000 5. Transport Depot Approval – 2012 6. Rezoning Enquiry – 1996 7. Schedule of Submissions 8. Images from site visit 9. Extract from <i>Shire of Chittering Local Planning Strategy 2001 – 2015</i> 10. Additional information prepared by the applicant dated 1 September 2016

Executive Summary

Council is requested to consider and determine a retrospective 'Transport Depot' application on the north east corner of Lot 6 (RN 290) Brand Highway, Muchea. In addition to the retrospective element of the application, the applicant has also requested approval for an extended 1ha of gravelled hardstand adjacent the retrospective area for use as a 'Transport Depot'.



Background

Lot 6 (RN 290) is located 800m north of the Muchea townsite and consists of 39.1ha of land (refer Attachment 1). The property is zoned 'Agricultural Resource' in the Shire's *Town Planning Scheme No. 6*. It is also located within the 'Water Prone' Special Control Area and is in relatively close proximity to the Ellen Brook and its floodplain.

Access to the site is gained via Brand Highway and requires crossing of the Brookfield Group Rail Line prior to entering the property.

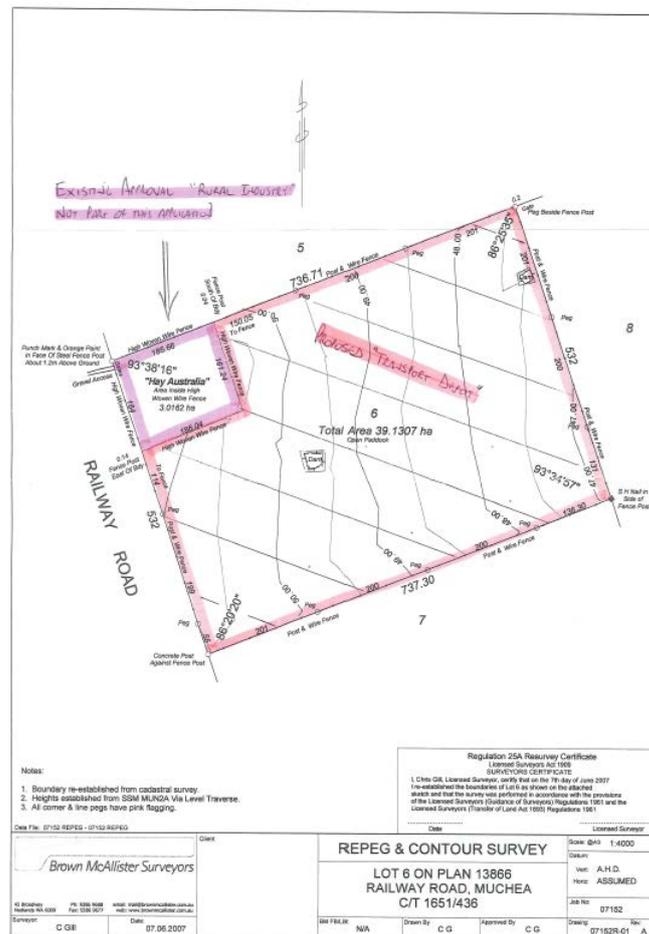
The owners of the property currently undertake operations on the site specifically relating to the parking of cranes used in the construction and mining industries. The applicant, within the application submission, contends that these cranes are compatible with rural uses.

The existing area is currently utilised for the retrospective transport depot land use and is approximately 3ha in area. This area consists of a gravel hardstand area which includes built development such as office, storage building, dome shelter and various designated parking areas for the cranes and associated machinery. In addition to the retrospective land use approval for the 3ha transport depot, the applicant proposing an additional 1ha of gravel hardstand area directly south of the existing area (refer Attachments 2 and 3).

In brief, the portion of the property currently being used for the unauthorised transport depot had received approval for the operation of a 'Hay Pressing' plant (issued June 2000) (refer Attachment 4 Council resolution for 'Hay Pressing') and was used for this purpose until a fire destroyed the business along with its associated buildings in 2012.

Whilst the land use for the 'Hay Pressing' remained over a small portion of the land (see image below), the owners of the land in 2012 applied to the Shire for 'Change of Use' over a large portion of the property for 'Transport Depot', which was conditionally approved by Council at its July 2012 Ordinary Council Meeting (OCM). This development was not commenced and subsequently expired (2014) (refer Attachment 4 Council resolution for Transport Depot).

Although a development application was lodged and Planning Approval granted for a Transport Depot at the site on the larger portion of the site, the land which was leased to Hay Australia as indicated below was excluded from the 'Transport Depot' application and subsequent approval which is where the retrospective transport depot presently occupies.



In November 2012, the Shire issued a Building Permit for the demolition of a shed. It is understood that a number of works took place thereafter in addition to the unauthorised change of use to a 'Transport Depot' in the area which had previously been approved for the 'Hay Pressing' use.

These works and use came to the attention of Shire Officers who contacted the site manager from Lampson (the new tenants) in May 2015, whilst the original owner still owned this property.

In October 2015, the property was sold to Lampson. Further emails and discussion took place between Shire Officers and Lampson regarding the unauthorised development and land use on the site. Following this, Lampson employed Allerding and Associates (the applicant) to prepare a retrospective planning application specifically relating to the land use approval for a 'Transport Depot'.

As far back as 1996 when the property was being used for granite production (and at that time considered a 'non-conforming use'), the owners approached the Shire to undertake a rezoning to a more appropriate zoning associated with the then granite processing land use which was being undertaken at the time. This approach to rezone was not supported in principal by Council as they determined that *'the creation of an industrial area adjacent to Muchea townsite site is not acceptable. There was concern over the presentation of an industrial area along Brand Highway detracting from the overall ambience of the locality'* (refer Attachment 6).

At its July Ordinary Meeting, Council resolved to defer the application pending a site visit along with the applicant. This meeting was undertaken on 2 August 2016, where the applicant reinforced their perspective and planning arguments. At the site meeting, five key points were discussed. These issues mainly revolved

around visual impacts and environmental impacts. Subsequent written information has been supplied addressing these issues. On this basis the applicant has been provided the opportunity to address all concerns raised, and therefore the application has been referred back to Council for determination.

Council's consideration is therefore requested in relation to the application for retrospective approval for the use of a transport depot over a 3ha portion of the land (previously not approved for this land use), in addition to a new application to extend the transport depot land use an additional 1ha directly adjacent the retrospective area.

Consultation

As a 'Transport Depot' is an 'A' use under the Shire's *Town Planning Scheme No. 6*, the application was required to be advertised in accordance with Section 9.4 of the Scheme between 17 March 2016 and 1 April 2016. This process included:

- (i) Sign placed on property advising of development application;
- (ii) Letters sent to nearby landowners;
- (iii) Letters sent relevant agencies;
- (iv) Advertising in the local paper; and
- (v) Advertising on the Shire's website.

The Shire received a total of four submissions during the advertising period. The Schedule of Submissions has been included with this report (refer Attachment 7).

Prior to the item being considered and determined at the July Ordinary Meeting of Council, the applicant requested that Council 'lay the item on the table' and undertake a site inspection, this was considered by Council and it resolved to 'lay the item on the table'. A site inspection was subsequently undertaken on 2 August 2016 by a number of Councillors, the Chief Executive Officer, the Executive Manager Development Services, the applicant, the business manager and an associate of the applicant.

Statutory Environment

Local: *Shire of Chittering Town Planning Scheme No. 6 (TPS6)*

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

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

The property is also contained within the 'Water Prone' Special Control Area (SCA) in the Shire's Town Planning Scheme. Outlined under the 'Relevant Considerations' (*Section 6.3.4*) of the that in considering applications for Planning Approval, the Local Government shall have regard to-

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

The land use being proposed is for a 'Transport Depot' which is defined in Shire's Town Planning Scheme as meaning a:

'premises used or intended for use for the parking or garaging

a) two or more motorised commercial vehicles with or without any number of non-motorised commercial vehicles; or

b) two or more non-motorised commercial vehicles with or without any number of motorised commercial vehicles;

and the use includes the maintenance and repair of vehicles so parked or garaged on the land but not of other vehicles'.

A Transport Depot is classified as an 'A' use under *TPS6*, which requires advertising in accordance with *Clause 9.4* of the Scheme and Council discretion to be exercised in order to approve the use.

Clause 10.2 of the Scheme sets out matters in which Local Government shall consider in determining planning applications.

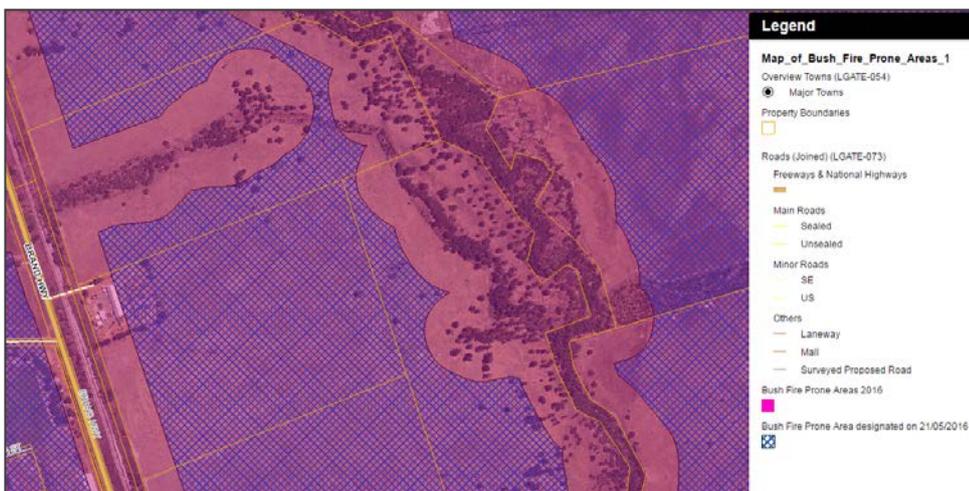
Policy Implications

State: [Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses](#) (Environmental Protection Authority)

The requirements of this guidance statement stipulates the need for transport depots to be located a minimum 200m from 'sensitive' land uses such as dwellings etc. Lot 6 is surrounded by grazing land and is in excess of 200m from the nearest sensitive land use, with the Brand Highway and Brookfield Group Train Line, providing a significant buffer between the retrospective transport depot and the proposed 1ha transport depot and the residential dwellings located within the Muchea townsite area.

State: [State Planning Policy 3.7 Planning in Bushfire Prone Areas](#)

Lot 6 is identified in the Department of Fire and Emergency mapping identifying land considered to be 'Bushfire Prone' as indicated below.



The applicant has undertaken a BAL assessment, which has ascertained that a portion of this site is potentially of high risk, however whilst this contains a structure it is used for the storage of equipment and machinery therefore there is minimal risk to life and safety. Notwithstanding, should the application be granted approval, the building would require a building acknowledgment certificate for unauthorised works which, due to its commercial nature, has fire-fighting and protection measures required to be installed as part of the building for public safety.

Local: Local Planning Policy No. 18 – Setbacks (LLP18)

In accordance with *LLP18*, the required setbacks for land which is zoned 'Agricultural Resource' is:

- *Front – 100m (Highway)*
- *Side – 30m*
- *Rear – 30m*

The applicant has outlined that the existing office building and covered car parking structure is set back from Brand Highway by approximately 90m. The existing tool shed to the north of the large shed is set back from the northern side boundary by 20m, while the main part of the large shed is set back approximately 30m from the northern boundary.

The applicant has requested in relation to the retrospective approval for the transport depot consider the small variations in the setbacks of the existing built structures associated with the land use.

The location of the sheds is consistent with the previous buildings, and in any event does not impact negatively upon the Brand Highway Streetscape, nor does it impact on the amenity in terms of built form upon the neighbouring properties. Accordingly, the setbacks required do not form a part of the reasons for refusal.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

Lot 6 Brand Highway is located in the 'Ellen Brook Palusplain' identified in the Strategy. The aims of this area applicable to the proposal are:

6.4.2 Aims

- *To retain the productive land for broad acre farming but accommodate conversion to intensive horticulture where the landform, soils and water supplies permit;*
- *To retain the productive land for broad acre farming but support limited horticulture where the soils and water supplies permit;*
- *To encourage the change in agricultural practices to reduce phosphates and nitrate fertiliser applications;*
- *To include the recommendations of the Ellen Brook Integrated Catchment Plan as to land uses and nutrient control by encouraging improved land management practices;*
- *To prohibit any non-agricultural development which may contribute to pollution of the surface water or sub-surface water regimes*
- *To apply the recommendations for the Ellen Brook Catchment Management Plan to achieve the objectives and liaise with relevant agencies for any applications for development or change of land use.*

Lot 6 is zoned 'Agricultural Resource' to which Section 8.8 of the Strategy applies:

8.8 Agricultural Resource Area

8.8.1 Description/Location

The majority of the agricultural land falls into this category with the more productive areas being in the eastern and northern parts of the shire. Land to the west, mainly on the Dandaragan Plateau and Ellen Brook palusplain are less productive where there are the deeper leachable sands. On the lower plains, waterlogging constricts the full capacity of the land for pasture.

The heavier soils are associated with the better class of grazing, cropping and horticulture activities.

Lack of water prevents the better land for more intensive and profitable agriculture. When irrigable water becomes available, the land has a high capacity to convert to intensive agriculture.

The aims applicable to the proposal are:

8.8.2 *Aims*

- *To maintain agricultural lands for primary productive purposes*
- *To protect and improve the natural environment, including the landscape quality of the land*
- *To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies*
- *To prevent the loss of productive land to non-agricultural purposes*

In terms of identification for industrial type land uses (i.e. such as a transport depot to this scale would be considered), the property is not identified within the Strategy for this type of use (refer Attachment 9). The strategy does identify this location as a 'hay processing plant' in the industrial nodes section of the report, however the transport depot land use is considerably different to that of a hay processing plant. Specifically because hay processing directly relates to a resource used primarily for feeding animals in a rural context, for example cattle or sheep.

The further development of this site with a transport depot land use and be considered as a more industrial type land use may be considered as 'ad hoc' to the areas specifically identified in the Strategy for industrial type uses more associated with a transport depot and therefore also be in conflict with the strategy objectives of the Agricultural Resource zone.

The aim of the Strategy for industrial type land uses is as follows:

- *To provide for local centres of service and employment*
- *Actively encourage the relocation of businesses to the light industrial area*
- *To ensure that all industrial/light industrial activities conform to best practice in environmental terms.*

State: Muchea Employment Node

The Muchea Employment Node is a State led initiative which has identified this part of the Shire for the strategic development of industrial type land uses due to the proximity to the North Link road extension and the expanding need for this type of land in the northern corridor. The first stage of the Employment Node has recently been rezoned and is currently with the Western Australian Planning Commission for the commencement of the subdivision process.

The industrial type land uses which are seen as being the most compatible and appropriate in this area include those such as transport depots and other industries generally associated with large scale agricultural production. These land uses furthermore are those which if not appropriately sited in a designated industrial zone, can have the potential to cause a range of issues pertaining to noise, amenity and environmental impacts.

A transport depot, such as that which is proposed retrospectively, would be more suitably placed in an area such as the Muchea Employment Node, where similar and complementary land uses are identified for development in the near future.

The purpose of this node is to also consolidate and designate an area for land uses which have previously not been compatible or able to be located within the Shire due to the lack of appropriately zoned land.

This strategic direction has influenced Council's determinations on similar use types outside of the Muchea Employment Node, whereby persons operating without the necessary approvals have been successfully prosecuted.

Site Inspection

An initial site inspection was undertaken by Shire Officers who met with Site Manager to explain the application and background of the site (refer Attachment 8).

Upon entering the site, via Brand Highway the existing land uses and structures contained onsite are well screened by established vegetation between the road and the train line. Generally, visibility of the current land use being undertaken by the owners is only from when the cranes are fully erect and with the tops of the cranes able to be seen from the road (both Brand and Great Northern Highway). The inspection of the site indicated that the property is well managed and tidy with various designated areas for vehicles and employees. Some evidence of hydrocarbon contamination was sighted upon the gravel hardstand area, however was not able to be confirmed as a contaminated site.

Information subsequently supplied by the applicant (Attachment 10 refers) following the site meeting addresses five (5) central issues pertaining to concerns raised. In summary, the applicant has confirmed actions can and have been taken to minimise the visual and environmental impacts. These include additional information identifying environmental engineering solutions. The engineering report does not make mention of when or how the environmental solutions were installed.

The undeveloped portion of the site (not being currently used by the applicant) is relatively flat and cleared of remnant vegetation.

Additional site meetings were held on Friday, 9 September 2016 and Thursday, 15 September 2016. On the latter occasion, the site was found to be generally in good order, well maintained and generally free of hydrocarbon spillage. Some spots were identified, however none significant.

The operators have installed bunding within the main shed, which thereafter helps to contain all used oils until removed from the site.

Triple Bottom Line Assessment

Economic implications

In relation to the economic implications associated with this application, in terms of directly impacting the Shire is minimal. Road access is gained from a road managed by Main Roads Western Australia.

The land use does however provide localised employment, the benefits of which trickle down into the local community.

On the other hand sites that are used without approval are directly competing and taking business from approved uses within the Shire.

Social implications

The existing development from a social perspective may provide long-term benefits in terms of providing localised employment. The land is also screened by vegetation and located a significant distance away from the residential area of Muchea, which minimises any potential conflicts pertaining to vehicle movements, noise and amenity which in the past has resulted in issues between transport depot operators/businesses and the community.

There have, in the past, been times when previous land uses (such as the hay pressing) had created issues with complaints from residents regarding noise etc made to the Shire despite its relatively isolated position from residential and sensitive land uses.

Whilst the above applies, there is potential in the future for more incompatible land uses to be undertaken on the site which may be detrimental to the area from a social perspective, if the land is on-sold. This leads to ad-hoc development and takes away from the purpose of the Muchea Employment Node which is being developed to contain industrial type land uses, which have in the past created a range of social issues for residents in the Shire of Chittering.

This then competes with land which is appropriately zoned and developed specifically for land uses such as transport depots and the like which are more appropriately sited in 'Industrial' zoned land as opposed to land which is zoned 'Agricultural Resource'.

Environmental implications

The retrospective operation of the transport depot without the appropriate measures in place may have resulted in some impact upon the natural environment. The addressing of this matter is critical due to the property being contained within an identified water prone area in *TPS6* and within the Ellen Brook Palusplain in the Strategy.

Leakage of fuels and hydrocarbons from maintenance works has the potential to leach into the nearby Ellen Brockman River if there are no approved mechanisms such as hydrocarbon traps if not adequately planned and developed for. These mechanisms are described by the applicant, however the Shire's Principal Environmental Health Officer has advised that the mechanisms in use are triple cell separators, of which do not satisfy current Australian Standards in relation to hydrocarbon filtering systems. Even if the system was installed at a time that it was considered acceptable, no approvals were given and as such must be assessed and determined on current day standards.

The property has been cleared historically for the likely purpose of animal grazing. There is no evidence of machine storage or usage associated with this clearing.

Comment was sought by Chittering Landcare (refer Attachment 7 Schedule of Submissions). Concerns were identified relating to potential hydrocarbon spillages and the existing and ongoing management of hydrocarbons onsite due to the proximity to the Ellen Brook floodplain associated with the use as a transport depot.

Concerns pertaining to the area's geotechnical qualities have been addressed by an engineering consultant on behalf of the applicant.

Additionally a comparison between known groundwater monitoring bores in the area is not indicated, nor is there detail pertaining to the applicant establishing a monitoring bore to ascertain the levels of hydrocarbons, depth of water tables and nutrients to ensure that no ongoing negative impacts will result in impacting the Ellen Brook flood plain if the application were to be approved.

Poor environmental management practices have the ability to greatly impact the health of the flood plain both in the immediate vicinity and further downstream.

Comment

Consultation

As mentioned the proposal was advertised to surrounding landowners and referral agencies in accordance with *Section 9.4* of the Scheme. A total of four submissions were received. One submission was received from a member of the public, with the remaining three from local and government referral agencies.

Main Roads WA supported the proposal subject to a number of conditions placed on any approval such as the total vehicle movements not exceeding 10 per day and the crossover on Lot 3 being upgraded. Main Roads WA commented that no additional access will be approved.

As access to the site is required to cross the Brookfield Railway, the application was referred to them. In their response, they had no objection to the application subject to a number of conditions being applied, if approved.

Statutory provisions

The application has been dealt with in accordance with the requirements of the Scheme for an 'A' use. The proposal was advertised as per *Clause 9.4* of the Scheme to provide the opportunity for relevant agencies and residents to make comments on the proposal. Following advertising the application is now presented to Council for determination.

Section 10.2, 'Matters to be considered by local government' ascertains a range of matters which the local government is to take into consideration when assessing and ultimately making a decision on Development Applications. From a statutory prospective, the application contravenes *Section 10.2* of the Scheme (via the Deemed Provisions of the *Planning and Development Regulations [Local Planning Schemes] 2015*), particularly in relation to items f, o, w and x, as detailed below.

(f) *any policy of the State*

The *Muchea Employment Node Structure Plan (MENSP)* has been created to contain industrial uses such as transport depots. The Shire has a general presumption against industrial uses, specifically transport depots, outside of the industrial node. The *MENSP* guides industrial development within the Shire in order to make for future provision of services including reticulated water as well as minimise residual impacts upon amenity for surrounding land uses, as well as ensuring that appropriate studies and development is undertaken to ensure minimal environmental impact.

Therefore as the subject property does not fall within the *MENSP*, the development does not comply with this clause.

(o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*

The subject property falls within Clause 6.3 – Ellen Brook Palusplain Special Control Area of *TPS6*, which identifies the site as water prone (Water Prone SCA). In the additional information submitted, dated 30 June 2016 received by the Shire of Chittering on 18 July 2016, the applicant detailed a more comprehensive management plan for future hydrocarbon management. This was referred to the Shire's Principal Environmental Health Officer who subsequently advised that it is sufficient for the purpose of future hydrocarbon management. In the additional information dated and received 1 September 2016, the applicant details that the transport depot utilises a triple cell (oil) interceptor that captures and separates oil waste for offsite disposal. The Shire's Principal Environmental Health Officer has advised that this system is no longer approved by the Water Corporation in sewerred areas, as they do not meet required standards and should also not be approved in non-sewerred areas. The system should be replaced with a modern unit such as a plate separator or alternative that meets current standards. Finally, the site operator has submitted a hydrocarbon spill and response plan, this is a newly created and submitted 'house policy', whereas the incursion applies to, and includes, the unauthorised use to date and future change management of this site.

(w) *the history of the site where the development is to be located;*

As stated above, Shire records indicate that Council in 1996 had concerns regarding the impact on amenity that a rezoning to industrial could potentially have on the nearby townsite particularly in relation to the amenity of the area as identified (attachment 6 refers).

Notwithstanding, a development application was lodged and Planning Approval granted for a Transport Depot at the subject site, albeit on the larger portion of the site. The subject portion of land which was leased to Hay Australia was excluded from the 'Transport Depot' application and subsequent approval. This approval was not commenced and subsequently lapsed. The applicant has contended that this determination is significant to the degree that the subject application is consistent with the lapsed approval.

The previous approval is acknowledged, however the then officer's report failed to take into account the historical record of 1996, as well as the *MENSP* prioritisation. On this basis, the subject application is not considered to be consistent with the intended and historical land use applied and upheld for the site location.

(x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

Whilst the majority of surrounding land uses are of an agricultural nature or buffered through Public Open Space (i.e. Sandown Park) from the residential area of Muchea townsite, the industrial nature of the retrospective and proposed transport depot and the types of vehicles which are stored there do not correlate between land uses nor with the objectives of the zone.

The nature of the transport depot, the bulk and scale of the vehicles utilising the space is more in-line with that found in an industrial type zoned land, which the Muchea Employment Node is identified for.

The isolated nature of the proposed transport depot surrounded by grazing land, is considered ultimately ad hoc, thereby undermining the intent of the Muchea Employment Node, and creating a precedent which can have significant impacts upon the existing amenity values throughout the Shire.

Furthermore the Shire is regularly engaged with the community regarding compliance issues from transport depots. The complaints generally pertain to noise, dust and the impact upon the amenity of the rural areas when numerous heavy vehicles are parked thereby considered as 'industrialising' a rural area, with the placement more suited to appropriately zoned land.

Strategic

- Local

The Local Planning Strategy establishes the fragility of the Ellen Brook Palusplain and the need to protect it from further nutrient export and other impacts from development. It is clear the aims and objectives of the Ellen Brook Palusplain area and Agricultural Resource zoned areas are to maintain productive land, preclude non-agricultural development which would impact on the productive land or waterways and preserve the landscape qualities of the land. The aims are to (*inter alia*):

- (i) *To protect and improve the natural environment, including the landscape quality of the land*
- (ii) *To prevent the loss of productive land to non-agricultural purposes*

The proposed retrospective approval for the transport depot in addition to the proposed extension could be considered being inconsistent the aims of this section of the Strategy.

Whilst the document does identify the land for industrial purposes, specifically 'hay production' (a use in line with Agricultural Resource zoning), not industrial type land uses such as general or light industry which is identified in the Muchea Employment Node area and likely to more compatible zoning for a transport depot land use.

The application for the retrospective approval of the transport depot in addition to the proposed extension could be considered as more in-line with 'industrial type' purposes of a light or general industry zoning category due to the type of vehicles associated with the transport depot being associated with more industrial type land uses and not those associated with utilisation in Agricultural Resource zoned pursuits and as such is not identified in the Shire's Local Planning Strategy for 'Light Industry', which is a document critical in implementing the developmental objectives of the Shire.

Whilst the property is in close proximity to land identified for industrial type uses in the 'future' there is a significant buffer between the property itself and the strategically identified parcels of land. The further intensification of industrial type development on this lot could then be considered inconsistent with the Local Planning Strategy and result in ad hoc development, where the Shire has in the Strategy, outlined areas where they wish to have industrial type land uses developed.

- State

From a State strategic perspective, the industrial type land is identified in the State document referred to as the Muchea Employment Node. Whilst the subject site is located adjacent, it is not within the Node itself, as there is a buffer of land between them. The location of Lot 6 in the future will also be impacted by the Northlink project, which further isolates the industrial type use from those identified within the Node and also the Strategy. In addition to this, the *Muchea Employment Node Structure Plan (MENSP)* has been designed to include all industrial development within its 1,100ha area. By allowing industrial uses to sprawl outside of the *MENSP* area, its effectiveness may be diminished by the establishment of inappropriate precedents for approving land uses outside of the designated appropriate areas.

Overall the retrospective application in addition to the proposed extension of the 'transport depot' could be considered as inconsistent with these documents.

Policy

Whilst the retrospective application for the transport depot and also the proposed extension to the transport depot area are in excess of 200m from the nearest 'sensitive' land use, the use is considered ad hoc relative to the inability to meet the objectives of the Agricultural Resource zone.

Access

Access is provided to the site via Brand Highway, managed by Main Roads Western Australia. The crossover to the property is of a gravel material and requires vehicles (both heavy and light) to cross the Brookfield Group's Railway line. The applicant has taken into consideration the number of vehicle movements in its Traffic Management Plan, which estimates traffic movements from staff vehicles as 10 per day. Main Roads in their advice outlined a number of conditions which would be required to be adhered to if the application were to be approved.

Brookfield Group, whom operate the railway in which the applicant is required to cross to access the site, made comment upon the need for the applicant to comply with specific conditions (if approved). These included the need for the applicant to:

- Enter into a Commercial Level Crossing Licence and an Interface Agreement. This is in accordance with the *Rail Safety National Law 2015* and the fact that the crossing will require ongoing maintenance which Lampson are required to fund.
- Ensure that no vehicles in excess of 28m in length are to cross the crossing as there is insufficient standing room on the west side of the crossing to accommodate larger vehicles. The planning submission and traffic management plan specify vehicles no larger than 28m in length; however the business must comply with this; and
- The applicant operate at all times in accordance with traffic management plan submitted states that all road traffic will stop at the stop sign, there is no higher control we could fit to an installation such as this as the traffic number simply do not justify the upgrade to active protection.

Conclusion

This retrospective application for the transport depot in addition to the proposed extension of this area poses to Council a range of matters for its consideration, which the applicant has been working extensively to address within the Shire.

Whilst the transport depot is located away from sensitive land uses, which minimises the potential for conflict between the applicants business undertaking and residents, the 'use' of the portion of the land for a transport depot is in conflict with the objectives of the 'Agricultural Resource' zone, with the type of vehicles being 'stored' on the site (cranes) more associated with more industrial type activities and land uses such as those pertaining to mining and construction.

This site has historically been constrained from as far back as 1996, when the previous landowners approached Council to rezone the land to something more appropriately aligned with industrial, however this was not supported by Council due to concerns with the impact on amenity etc (see attachment 6.)

More recent land use approvals such as Hay Production is more associated to an activity carried out and more compatible with the objectives of the existing zone of the land. Whereas the transport depot land use, particularly with the cranes does not.

From an environmental perspective, the applicant in undertaking these activities without appropriate approvals may have impacted upon the Ellen Brockman floodplain. Details and design of the retention basins catering for stormwater runoff are described only within the information provided in the engineering report, however it does not provide figures or conclusions that the ground is not contaminated, rather it provides a plan describing how planting can remove 50% of the nutrients from the stormwater. The engineering report further discusses oil and hydrocarbon storage, however distances itself from describing in detail whether the system actually complies. The issue of hydrocarbon filtering is described by the applicant, although the Shire's Principal Environmental Health Officer has described the system as inadequate in reference to current day standards. Henceforth the environmental damages remain unknown.

The previous land use, in Hay Production is unlikely to have had the same effect as a transport depot due to the seasonality of production and the lack of heavy vehicles required to sit for extended periods of time whilst not in use, unlike that of the applicant's proposal. Where, with the downturn in mining and largescale building construction jobs, the machinery may remain idle for a significant period of time with the potential for leakage of fuels etc due to the reduced capacity for usage.

Relative to consistency of decision making, Council have, since the introduction and application of the Muchea Employment Node strategy, admonished and refused transport depot uses throughout the shire, outside of the Node. Furthermore, Council has demonstrably had concerns with the industrialisation of the lot. Therefore, the previously approved, but now lapsed, application is the anomaly in the decision making.

In light of the above, and as a result of additional concerns raised during the consultation process, the application is recommended to be refused. Moreover, it is recommended that the landowner is directed to cease all operations and remove the offending vehicles within 21 days of this notice.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Osborn

That Council:

1. Refuses the application for the retrospective Transport Depot (3ha) and proposed Transport Depot on Lot 6 (RN 290) Brand Highway, Muchea due to:
 - a. The retrospective land use and proposed transport depot and type of vehicles utilising the site do not meet with the objectives of the property's 'Agricultural Resource' zone under the provisions of the *Shire of Chittering Town Planning Scheme No 6*.
 - b. The retrospective approval and the proposed addition to the transport depot is more suited for the Muchea Employment Node which has been strategically identified and planned for industrial land uses such as transport depots.
 - c. Insufficient evidence has been provided in relation to historical hydrocarbon spillage and impact upon the Ellen Brockman floodplain due to:
 - i. the unsealed nature of the existing and proposed hardstand areas; and
 - ii. the triple cell interceptors are not capable of sufficiently separating hydrocarbons from stormwater.
 - d. The proposal does not meet the objectives of the Agricultural Resource zone in the following ways:
 - i. heavy vehicles more associated with industrial and metropolitan development are parked on unsealed hardstand areas potentially resulting in the degradation of land and also impact on the Ellen Brockman floodplain area; and
 - ii. over industrialisation of agricultural land.
 - e. Approval of such would set an undesirable precedent to retrospectively support the unauthorised transport depots in inappropriate locations such as Agricultural Resource land rather than industrial zoned sites.
 - f. The proposal is inconsistent with the Shire's Local Planning Strategy, particularly in relation to Section 7 'Geographical Plains' 'ELLEN BROOK PALLUS PLAIN' which aims in detail -
"To prohibit any non-agricultural development which may contribute to pollution of the surface water or sub-surface water regimes."
2. Directs the Landowner to remove all unauthorised vehicles and plant off the site within 21 days of this determination notice.

Advice Note

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

9.1.1 ALTERNATIVE RECOMMENDATION

Moved Cr Osborn / seconded Cr King

That Council:

1. Approves the application for the retrospective Transport Depot (3ha) and proposed Transport Depot on Lot 6 (RN 290) Brand Highway, Muchea for a period of 5 years until 30 September 2021, subject to:
 - a. Prior to the issue of a Building Acknowledgement Certificate, the following shall be submitted to and approved by the Shire:
 - i. The office building and associated staff parking areas are to be made to comply with the *Disability Services Act 1993* and *Disability Services Regulations 2004* in relation to the accessibility as shown on the building applications plans;
 - ii. A landscaping plan is to be submitted to the satisfaction of the Shire, consisting of the following:
 - (i) Maintenance of the existing bushland surrounding the development; and
 - (ii) Areas surrounding the building and carpark, with particular attention to the future intended expansion area;And is to include existing and proposed landscaping surrounding the site;
 - iii. The hydrocarbon separation and management system shall be upgraded to comply with the recommendations contained within the Department of Water's *Water Quality Protection Note 28 (2013)*;
 - iv. A detailed report by an appropriately qualified consultant that identifies and details any existing hydrocarbon spillage points and remediation strategies required; and
 - v. The wash down and repairs station being upgraded to comply with the submitted Stormwater Management Plan dated 1 September 2016;
 - b. Prior to the issue of an Occupancy Permit, the following measures are to be undertaken and completed to the satisfaction of the Shire:
 - i. The staff and visitor parking areas are to be constructed in accordance with Condition "a.i." and *Australian Standard AS 2890.1*;
 - ii. The existing crossover onto Brand Highway shall be designed and upgraded in accordance with the standards and specifications of Main Roads WA within six (6) months of the date of this approval. (Main Roads WA);
 - iii. Approval being sought from the Public Transport Authority for the design and upgrades to the existing crossover onto Brand Highway (Main Roads WA);
 - iv. Landscaping is to be installed and completed in accordance with the approved plan submitted in accordance with Condition "b.ii."; and
 - v. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1* (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.
 - c. All stormwater generated on-site shall be retained on-site and no discharge of pit-water off-site shall occur.
 - d. In order to minimise impacts on the existing and future amenity of the locality, the following measures are to be undertaken and maintained for the period of approval:
 - i. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby properties;
 - ii. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise; and
 - iii. The visibility of the boom cranes are to be reduced to ensure that all booms are kept in

the lowered position when not in use.

- e. No wash down or major service/repairs to vehicles other than those directly associated with the business is permitted on site.
 - f. No vehicles greater than 28 metres in length are to access or egress from this property.
2. Authorises officers to commence legal action against the landowner for contravention of the *Town Planning Scheme No 6* for commencing land use without approval.

Advice notes

1. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
2. Council has granted temporary approval on the basis that the Muchea Employment Node will be established within the next five (5) years. The ultimate intention for uses such as this is to be located within the Muchea Employment Node and not on Agricultural Resource zoned land.
3. The Shire recommends that all buildings constructed for the purposes of this use be certified to ascertain compliance with the Building Code of Australia and the National Construction Code. Certification is to be undertaken by an appropriately qualified building surveyor at the applicant's expense.
4. In relation to Conditions "b.ii." and "b.iii.", the Shire recommends liaising with Brookfield, Public Transport Authority and Main Roads WA regarding the requirements for the level crossing.
5. The proprietors of the property are advised of the requirement to enter into a Commercial Level Crossing Licence and Interface Agreement. This is in accordance with the *Rail Safety National Law 2015* and that the crossing will require ongoing maintenance which the proprietor is required to fund.

9.1.1 AMENDMENT / COUNCIL RESOLUTION 040916

Moved Cr Gibson / seconded Cr King

That the following Condition 2 be removed:

"Authorises officers to commence legal action against the landowner for contravention of the Town Planning Scheme No 6 for commencing land use without approval."

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

7:43PM

AMENDMENT

Moved Cr Gibson /

That condition 1 be amended to read:

"Approves the application for the retrospective Transport Depot (3ha) and proposed Transport Depot on Lot 6 (RN 290) Brand Highway, Muchea for a period of 10 years until 30 September 2026, subject to:"

MOTION LAPSED FOR WANT OF A SECONDER

7:44PM

9.1.1 ALTERNATIVE RECOMMENDATION / COUNCIL RESOLUTION 050916

Moved Cr Osborn / seconded Cr King

That Council:

1. Approves the application for the retrospective Transport Depot (3ha) and proposed Transport Depot on Lot 6 (RN 290) Brand Highway, Muchea for a period of 5 years until 30 September 2021, subject to:
 - a. Prior to the issue of a Building Acknowledgement Certificate, the following shall be submitted to and approved by the Shire:
 - i. The office building and associated staff parking areas are to be made to comply with the *Disability Services Act 1993* and *Disability Services Regulations 2004* in relation to the accessibility as shown on the building applications plans;
 - ii. A landscaping plan is to be submitted to the satisfaction of the Shire, consisting of the following:
 - (i) Maintenance of the existing bushland surrounding the development; and
 - (ii) Areas surrounding the building and carpark, with particular attention to the future intended expansion area;And is to include existing and proposed landscaping surrounding the site;
 - iii. The hydrocarbon separation and management system shall be upgraded to comply with the recommendations contained within the Department of Water's *Water Quality Protection Note 28 (2013)*;
 - iv. A detailed report by an appropriately qualified consultant that identifies and details any existing hydrocarbon spillage points and remediation strategies required; and
 - v. The wash down and repairs station being upgraded to comply with the submitted Stormwater Management Plan dated 1 September 2016;
 - b. Prior to the issue of an Occupancy Permit, the following measures are to be undertaken and completed to the satisfaction of the Shire:
 - i. The staff and visitor parking areas are to be constructed in accordance with Condition "a.i." and *Australian Standard AS 2890.1*;
 - ii. The existing crossover onto Brand Highway shall be designed and upgraded in accordance with the standards and specifications of Main Roads WA within six (6) months of the date of this approval. (Main Roads WA);
 - iii. Approval being sought from the Public Transport Authority for the design and upgrades to the existing crossover onto Brand Highway (Main Roads WA);
 - iv. Landscaping is to be installed and completed in accordance with the approved plan submitted in accordance with Condition "b.ii."; and
 - v. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1 (Cat. P)*. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.
 - c. All stormwater generated on-site shall be retained on-site and no discharge of pit-water off-site shall occur.
 - d. In order to minimise impacts on the existing and future amenity of the locality, the following measures are to be undertaken and maintained for the period of approval:
 - i. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby properties;
 - ii. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise; and

- iii. The visibility of the boom cranes are to be reduced to ensure that all booms are kept in the lowered position when not in use.
- e. No wash down or major service/repairs to vehicles other than those directly associated with the business is permitted on site.
- f. No vehicles greater than 28 metres in length are to access or egress from this property.

Advice notes

1. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
2. Council has granted temporary approval on the basis that the Muchea Employment Node will be established within the next five (5) years. The ultimate intention for uses such as this is to be located within the Muchea Employment Node and not on Agricultural Resource zoned land.
3. The Shire recommends that all buildings constructed for the purposes of this use be certified to ascertain compliance with the Building Code of Australia and the National Construction Code. Certification is to be undertaken by an appropriately qualified building surveyor at the applicant's expense.
4. In relation to Conditions "b.ii." and "b.iii.", the Shire recommends liaising with Brookfield, Public Transport Authority and Main Roads WA regarding the requirements for the level crossing.
5. The proprietors of the property are advised of the requirement to enter into a Commercial Level Crossing Licence and Interface Agreement. This is in accordance with the *Rail Safety National Law 2015* and that the crossing will require ongoing maintenance which the proprietor is required to fund.

THE ALTERNATIVE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:45PM

9.1.2 Masterplan for the Superlight Aircraft Club of Western Australia*

Report date	21 September 2016
Applicant	Superlight Aircraft Club of Western Australia
File ref	A11658; P065/16
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Original Masterplan by Applicant 3. Amended Masterplan by Applicant

Executive Summary

Previously, Council's consideration was requested to formalise the existing and ongoing land use of Lot 1009 Bindoon – Dewar's Pool Road by the Superlight Aircraft Club of Western Australia (SLACWA) for the purposes of an airstrip and approval of existing and future hangar's associated with the land use. This section of land was formerly a part of the Catholic Agricultural College's landholding but has now been subdivided and in the ownership of the SLACWA. The property has been historically used as an airstrip as early as the 1940's. The applicant now wishes to amend previous plans put forward to council and hence formalise the use of this parcel of land for the intended purpose at present and into the future.



Background

Lot 1009 Bindoon - Dewar's Pool Road, Bindoon consists of around 52 ha and is located 10km north of the Bindoon Townsite via Great Northern Highway, as the crow flies.

The property is zoned Agricultural Resource and is within the 'Landscape Protection Special Control Area'.

This parcel of land was previously a part of the landholdings belonging to the Catholic Agricultural College, with the applicant utilising the airstrip for a number of years. A search of the Shire's Municipal Inventory, under the landholdings of the Catholic Agricultural College indicates that an airstrip was being utilised as early as the 1940's this area has recently been granted a separate title and is now owned by SLACWA.

Existing infrastructure on the site is an airstrip measuring 1,400m in length, setback 124m from Bindoon – Dewar's Pool Road. In addition to the airstrip there are 31 hangars of various sizes; some of which do not have formalised planning approval. These are located presently within an enclave of remnant vegetation on this portion of the property.

Surrounding land uses are predominantly farming including the grazing of sheep, cattle and crops.

The SLACWA does not operate on a weekday due to restrictions from the Royal Australian Air Force and is only available for members to utilise. This is a recreational club only, with no commercial flights operating from the airstrip.

The applicant's members intend in the future to undertake the construction of an additional 23 allotments measuring 20m x 20m to be used for the development of hangars for the utilisation of their members (at their cost), however, the design layout of the pads would be in accordance with the Masterplan. The amended Masterplan does not increase the number of allotments, rather it alters the layout so as to avoid clearing of vegetation as well as to reduce the amount of fill required to level the ground. Allotments 39, 43 and 47 have now been placed to the left, adjacent to allotments 37, 40, 44 and 48. In this same area, the amended Masterplan illustrates an allotment for 'future development' that has been set aside.

Because this application was previously determined by Council, Shire officers do not have the delegation to determine this amendment, despite its minor nature.

Accordingly Council's consideration of this application is twofold. Firstly, Council determination is requested in order to formalise the ongoing land use layout associated with the activities currently undertaken. Secondly, Council's consideration is requested for the delegating of future, minor changes to the Masterplan, should such changes be requested.

Consultation

No consultation was undertaken for this minor amendment.

Statutory Environment

Lot 1009 is zoned 'Agricultural Resource' under the provisions of *TPS No. 6*. The objectives of the zone are as follows:

- *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 formalisation of the use of the existing activities undertaken on the lot was previously defined as 'Airfield' under *TPS No. 6*. Airfield means:

premise used in connection with the operation of aircraft, including occasional and seasonal use of temporary facilities for the purposes associated with agriculture.

Airfield is an 'A' use under *TPS No. 6* which means that 'that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval after giving special notice in accordance with clause 9.4'. Council's previous approval for the use means that the subject application relates to the building density and use intensity of the revised proposal. This differs from an application for a use of the property as an "airfield", as this has previously been approved and conducted.

This application, as described above, is not considered to increase the intensity of the development as it relates to a reconfiguration only. On this basis, the reconfiguration is recommended to be approved.

Policy Implications

Local: Local Planning Policy No. 18 – Setbacks

The proposed exterior facing allotments were previously considered in accordance with *Local Planning Policy No. 18 – Setbacks*. As no additional building bulk is proposed for the exterior facing allotments, the policy intent is considered to be upheld.

Financial Implications

Nil

Strategic Implications

There are no strategic implications arising from this amendment.

Site Inspection

No

Triple Bottom Line Assessment

Economic implications

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

Any economic benefits will be as a directed towards local businesses within the Bindoon township with members and visitors spending money during their time utilising the airstrip. As it is on private property, owned by the organisation no maintenance by the Shire is required.

Social implications

There are no known significant social implications associated with this proposal. The existing airstrip has operated in its current capacity for a number of years and is located at a distance from many sensitive land uses such as rural residential estates.

This site provides a service to recreational light aircraft users, in an area which is heavily restricted by the Royal Australian Air Force in the Perth area. As such, the recreational users are restricted to the operation of their aircraft. As the airfield is just inside restricted airspace R155 (RAAF training airspace) which is normally active Monday to Thursday from 8am until 5pm, and Fridays from 8am until 3pm, pilots from the club cannot operate in this airspace during the week during those hours.

Environmental implications

The land is generally already cleared of any native vegetation, with the area surrounding the airstrip utilised for cropping and animal grazing purposes.

The justification provided for this application states that the modification of lot layouts will enable the retention of an existing mature tree, as well as minimise any cut and fill. Therefore, this modified layout has a lesser environmental implication than that previously approved.

Comment

The amendment to the Masterplan does not illustrate a significant difference to the original Masterplan previously approved Council as the number of additional allotments has not changed. Therefore, there should be no added implications. In advance of further minor amendments, it is requested that Council allow determination to be delegated to the Chief Executive Officer, per the adopted delegations schedule as amended 27 July 2016. The reason for this resolution is to ensure any future minor works can be expedited through the planning process.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060916

Moved Cr Tilbury / Seconded Cr Gibson

That Council:

1. Grant planning approval for the amendment to the proposed Masterplan for the Superlight Aircraft Club of Western Australia at Lot 1009 Bindoon-Dewar's Pool Road, Bindoon subject to those same conditions of approval dated 20 July 2016; and
2. Delegates any further, similar minor amendments concerning the Superlight Aircraft Club to the Chief Executive Officer.

Advice Note:

Noise levels will have to comply with the *Environmental Protection (Noise Regulations) 1997*.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:46PM

9.1.3 Proposed Scheme Amendment No. 54: Rezoning of Lot 300 (RN 45) Settlement Road, Bindoon from 'Agricultural Resource' to 'Rural Smallholdings'*

Report date	21 September 2016
Applicant	Thomas James
File ref	18/02/25
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Council Minutes (28 October 2015) 2. Schedule of submissions

Executive Summary

Council is requested to consider Scheme Amendment No. 54 which is intended to appropriately rezone the site to Rural Smallholdings to allow the site to be subdivided into two lots. On this basis, the application was previously considered and initiated by Council, where after the application was subsequently advertised to the community and relevant State Government authorities. Council is accordingly requested to endorse the rezoning.

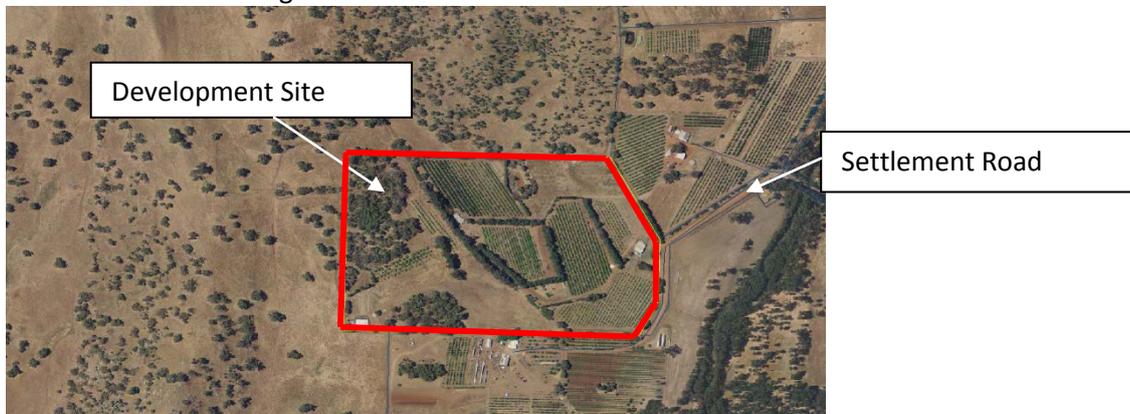


Figure 1: Lot 300 (No. 45) Settlement Road, Bindoon

Background

The subject proposed Scheme Amendment was adopted by Council for advertising purposes on 28 October 2015. The resolution coincided with the period when Town Planning Regulations 1967 and Model Scheme Text were revoked and *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015)* which came into effect on 19 October 2015.

The Department of Planning subsequently advised the Shire that whilst it is not required that the Scheme Amendment be re-initiated, a classification and a brief explanation for the classification was required to be presented to Council before proceeding with the Scheme Amendment advertising process. This was presented to Council for its information on 18 May 2016.

Consultation

As the application has been classified as a 'standard' amendment in accordance with the *Regulations 2015*, consultation in the form of public advertisement was undertaken following Council's initiation of the Scheme Amendment. During consultation a total number of ten submissions were received including two public submissions. These submissions are tabled in attachment 2. The general consensus for the proposal was positive although a number of authorities raised concerns regarding the property's use as an orchard. This use may compromise the groundwater and therefore it was suggested the applicant should undertake soil and ground water investigations. There was also a call for the bushfire management plan to be revised as that which was submitted did not apply the current methodology of Policy Measure 6.4 of *State Planning Policy 3.7 Planning in Bushfire Prone Areas (Guidelines)*. One submission from the public was not in favour of the amendment stating that such a change would increase traffic, noise and dust as well as threatening security to the area. The same submission stated that all property owners should be afforded the chance to amend their property so as to preserve equality and provide each land owner with equal opportunity for economic gain.

Statutory Environment

State: *Planning and Development Act 2005*

Planning and Development (Local Planning Scheme) Regulations 2015

Part 5 of the Regulations sets out the process and requirements for scheme amendments, the Regulations separates scheme amendments into three types: basic, standard and complex. The proposed amendment is considered to be a "standard" amendment as it meets the following criteria:

- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.*

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

The *Local Planning Strategy 2001-2015* (the "LPS") places the subject site within the Rural Living/Rural Residential Precincts. The aims for this precinct include providing a safe and pleasant rural living environment and providing a range of lot sizes. Development of the site in accordance with Rural Residential standards is consistent with these objectives.

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

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

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

The objectives of the 'Rural Smallholdings' zone are:

- *To preserve productive land suitable for intensive horticulture and other compatible productive rural uses in a sustainable manner;*
- *To protect the landform and landscape values of the district against despoliation and land degradation.*
- *To provide lots with a minimum size of 5ha.*

Ultimate development of the site, should it be rezoned, is capable of consistency with these objectives. The site is bound on three sides by existing/approved small rural development and the proposed zone would remain harmonious with the rural character of the area. The quality of existing vegetation and other environmental values will be assessed prior to subdivision and subdivision design can respond to protecting these. There is sufficient land available to maintain a minimum lot size of over 5ha as well as protecting the existing predominant land use.

Policy Implications

State: *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)*

The subject site is a designated bushfire prone area on the Map of Bushfire Prone Areas. A Fire Statement submitted with the outline development plan provides an initial assessment of likely bushfire issues for the site and states that the property in question has a “low bushfire attack level (BAL) and low fire risk across a majority of the site”(p.9).

SPP3.7 provides a range of requirements for planning processes where a moderate BAL applies, as follows:

- 6.3 Any strategic planning proposal to which policy measure 6.2 applies is to be accompanied by the following information prepared in accordance with the Guidelines:
- a) (i) the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines. BHL assessments should be prepared by an accredited Bushfire Planning Practitioner; or
 - (ii) where the lot layout of the proposal is known, a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. The BAL Contour Map should be prepared by an accredited Bushfire Planning Practitioner; and
 - b) the identification of any bushfire hazard issues arising from the relevant assessment; and
 - c) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

This information can be provided in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

The subdivision outline plan identified in the Bushfire Management Strategy provides for a battle-axe lot configuration. However, the Shire’s Community and Emergency Services Manager (CESM) has advised that this will not comply. This reinforces the Department of Fire and Emergency Services (DFES) response. In reply the applicant has revised a layout. Although notwithstanding, this proposal is for the scheme amendment and any future related subdivision will be subject to the meeting of the fire management strategy requirements. Accordingly, it will be recommended to the Department of Planning (DoP) that modifications be made to the BMP to bring it into line with the newly proposed subdivision design.

Local: *1.5 Execution of Documents*

Financial Implications

Nil

Strategic Implications

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

The site is located within a small lot rural area and rezoning would be a logical consolidation of the prevailing development pattern. Subdivision – facilitated through rezoning – would also create an opportunity to improve local road connections, particularly in regard to bushfire planning requirements as this may become a condition of any subdivision approval to upgrade access to the lots. These are both key considerations in the “Strategies for Progressive Development” outlined in the *Local Planning Strategy*. In view of these considerations and the surrounding land uses, rezoning of the subject site at this stage is not

likely to prejudice the current review of the *Local Planning Strategy*, or be inconsistent with future settlement goals.

Local: *Shire of Chittering Local Biodiversity Strategy 2010*

There is some existing vegetation on site however the *Local Biodiversity Strategy* does not identify the site as a "Local Natural Area" nor a "High Conservation Value Area". Clearing throughout the site is not extensive and thought to be limited to parkland cleared tree therefore; it is not thought to have a significant impact on vegetation or habitat for native fauna. Further environmental studies will not be required to assess the environmental assets of the site.

There is an established citrus orchard on the subject site, whilst this is not identified in the *Local Biodiversity Strategy* due to it not being native vegetation, it is considered to be significant to the Shire of Chittering's visual amenity and would be recommended to be retained by the future landowners wherever possible.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The proposed amendment has completed a period of advertising to both public and private stakeholders. One concern raised from the Department of Fire and Emergency Services was the need to submit a revised Fire Management Plan that takes the current methodology into consideration. Excluding this, there were no major objections. In addition to this, the proposed rezoning is consistent with the *Local Planning Strategy*. Therefore the proposed Scheme Amendment for rezoning of Lot 300 (RN 45) Settlement Road, Bindoon, from 'Agricultural Resource' to 'Rural Smallholdings' is recommended to be approved.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070916

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. Pursuant to *Section 75 of the Planning and Development Act 2005* Council recommends that Amendment No 54 to *Town Planning Scheme No 6* be approved subject to the following modification:
 - a. The Bushfire Management Strategy being updated to comply with Department of Fire and Emergency Services' standards.
2. Authorises affixing the Common Seal to *Town Planning Scheme No.6 Amendment No 58* documents, and that the Amendment be referred to the Western Australian Planning Commission and Minister for Planning and Disability Services for consideration of final approval.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:46PM

9.1.4 Proposed Scheme Amendment No. 59: Rezoning from 'Agricultural Resource' to 'Special Use–Tourist Development' - Lot 4 Great Northern Highway, Bindoon*

Report date	21 September 2016
Applicant	Harley Dykstra Pty Ltd
File ref	18/02/28; SA 59
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Schedule of submissions

Executive Summary

Council's consideration is requested to endorse a Scheme Amendment to rezone Lot 4 Great Northern Highway, Bindoon, from 'Agricultural Resource' to a 'Special Use' site for the purpose of Tourist Development. The intent of the Scheme Amendment is to reflect its current and historical use, while also allowing the site to develop in accordance with tourism based uses, rather than agricultural. The proposed amendment has undergone consultation through public advertisement and is now being considered for final endorsement by Council.



Background

Lot 4 Great Northern Highway, Bindoon is comprised of 1.73ha of land and is currently zoned 'Agricultural Resource' in the Shire's *Town Planning Scheme No. 6*. An "Additional Use" is also contained on the property for 'Hotel'. At present the Scottalian Hotel operates from the property.

The property falls within the 'Landscape Protection' Special Development Control Area.

The applicant's report originally sought a Scheme Amendment for a "Special Use" for "Tourist Accommodation" in accordance with the *Shire of Chittering Town Planning Scheme No. 6*. This has however been modified to be consistent with the "Tourist Development" definition in accordance with the Model Text Provisions in the recently gazetted *Planning and Development (Local Planning Schemes) Regulations 2015*.

Provided the Scheme Amendment is endorsed and subsequently approved, the applicant will be required to separately submit a development application to develop tourist accommodation such as chalets and a small caravan park on the site.

Council's consideration is requested to endorse the Scheme Amendment. The Scheme Amendment would be considered as a 'Complex Amendment' due to the property not being identified for such a use within the Shire's *Local Planning Strategy* and therefore the amendment being considered 'inconsistent with the local planning strategy for the Scheme that has been endorsed by the Commission' (Section 34).

Importantly, while this Scheme Amendment is treated as a complex amendment, the application was initiated for the site for the following reasons:

- 1) The lot is under 2ha, therefore could never be used for agricultural purposes;
- 2) There is an existing 'additional use' on the lot for a hotel;
- 3) The strategy is outdated and is currently being reviewed; and
- 4) The new strategy has a strong focus on tourism developments within the Shire of Chittering.

Consultation

As the initiation was supported by Council and the WAPC, consultation with private and public stakeholders was undertaken in accordance with the *Planning and Development Regulations 2015* so as to collect feedback in relation to the proposal and guide further decision making.

After a period of advertisement, a total of ten submissions were lodged including one submission from a member of the public. No objections were raised by the public. Recommendations were made to relocate or underground the Western Power distribution feeder, provide adequate buffers to adjacent rural land as well as to submit a Bushfire Management and Drinking Water Quality plan. Additionally, it was also suggested the applicant take into consideration the risk of contamination from surface and subsurface flow.

Statutory Environment

State: *Planning and Development (Local Planning Schemes) Regulations 2015*

The 'Scheme Amendment' for the change of use is considered a 'Complex' amendment under Section 34 of the Planning Regulations. *A complex amendment means any of the following amendments to a local planning scheme:*

- a) *an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.*

State: *Planning and Development Act (2005)*

75. Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) *prepared by the local government, approved by the Minister and published in the Gazette; or*
- (b) *proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.*

81. Proposed scheme or amendment to be referred to EPA

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) written notice of that resolution; and
- (b) such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Local: Shire of Chittering Town Planning Scheme No. 6 (TPS No. 6)

Lot 4 is zoned 'Agricultural Resource' under *TPS No. 6*. The objectives of the zone are:

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

Initially, the proponent applied the Shire definition of "Tourist Accommodation" as part of their application as this was consistent with the requirements of the time.

"Tourist Accommodation" is defined within the Deemed Provisions as meaning 'a building or group of buildings forming a complex, designed for the accommodation of short-stay guest and which provides onsite facilities for the convenience of guests and management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period and excludes those uses more specifically defined elsewhere'.

With the introduction of the *Planning and Development Regulations (Local Planning Schemes) 2015*, the definition was required to be updated to match the Deemed Provisions, which renames and redefines the requested special use as follows:

'Tourist Development' which the proposed Scheme Amendment initiation aims to achieve means 'a building, or group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide:

- a) short term accommodation for guests;
- b) onsite facilities for the use of guests; and
- c) facilities for the management of the development.

This definition is consistent throughout the State and better captures the intent of the subject property's future intended land use.

As there is no zoning for 'special use' without the Scheme outside of Schedule 5, only the abovementioned use(s) can be approved on the lot.

Policy Implications

State: SPP 3.7 Planning in Bushfire Prone Areas
SPP 2.5 Rural Planning Policy (Draft)

In relation to the requirements of *SPP 3.7*, the applicant has provided documentation relating to Bushfire Hazard Assessment as an appendix to the initiation report (Attachment 2). The documentation provides an initial assessment of likely bushfire issues for the site and layout envisaged if the application was approved, 'Special Use' applied over the lot and subsequent Development Application lodged and approved.

In relation to *SPP 2.5* it is stated that *'rural land may be suitable to accommodate facilities that serve a regional or sub-regional catchment. This could include facilities such as sporting or entertainment venues, places of worship, prisons, cemeteries and landfills'*.

Financial Implications

Nil

Strategic Implications

Under the current *Shire of Chittering's Local Planning Strategy 2001 - 2015*, the property is not identified for a specific future 'Special Uses' nor 'Rezoning' for tourism based activities. Despite this, Lot 4 Great Northern Highway, Bindoon is positioned ideally for those travelling along either the Great Northern Highway/Bindoon-Moora Road and wanting a place to rest and potentially stay overnight. The existing land use of the 'hotel' aligns closely with the proposed 'Special Use'. If the Scheme Amendment is subsequently endorsed and approved, the 'Special Use' approved has the potential to create a tourist hub for those exploring Chittering and beyond in addition to providing economic stimulus for the Bindoon townsite.

Further to the above, the subsequent development of tourist chalets (pending the endorsement and approval of the Scheme Amendment and development application) has the ability to provide a much needed service to the community and potentially attract people to stay and enjoy all that there is to offer in the Bindoon townsite and surrounding areas.

The added tourism component adds economic viability for the town centre as well as the subject property itself should the Bindoon bypass be approved and constructed. The bypass has the potential to remove significant passing traffic from the area, therefore the potential for the Scottalian to increase tourism attraction and visibility is imperative to the economic prosperity for the town.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

The proposed 'Special Use' over this site has the potential to create an opportunity to encourage visitors to stay in the Bindoon locality and further support local businesses in the area. Visitors to the Shire, particularly to the Bindoon area have few opportunities for accommodation at present and therefore their valuable tourist dollar is not expended as broadly as it potentially could. This 'Special Use' therefore if initiated and approved may provide an impetus to create opportunities for employment to local residents in addition to businesses within the townsite which may benefit from those staying and utilising the proposed development as their base to explore the Shire of Chittering and further into the Wheatbelt.

Social implications

It is considered that this proposal will have positive social implications, as there is limited accommodation in the Bindoon area and its surrounds.

The hotel currently only has limited accommodation and whilst it is located on Great Northern Highway it is dislocated from the main Bindoon town centre therefore, patrons that drink at the hotel have limited accommodation options currently, as do travellers, this proposal should it be supported will ultimately provide further accommodation within the Shire.

Environmental implications

There are no known significant environmental implications associated with this proposal. The applicant noted in their accompanying initiation report that the property has been largely cleared from previous activities with small strands of remnant vegetation existing onsite.

Comment

The application for the endorsement of a Scheme Amendment to include a 'Special Use' Tourist Development should be supported by Council as:

- A broad 'Special Use' will complement the already existing 'Additional Use' for the 'Hotel' currently onsite; and
- Provide an opportunity to intensify tourist development near the Bindoon townsite – which at present is currently lacking (subject to the 'Special Use' and subsequent 'Development Application' being lodged and approved with the Shire);
- There were no objections to the proposal following a period of consultation with public and private stakeholders.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080916

Moved Cr Gibson / Seconded Cr King

That Council:

1. pursuant to Section 75 of the *Planning and Development Act 2005* resolves to endorse an amendment to the Shire of Chittering Town Planning Scheme No.6 to:
 - a. Rezone Lot 4 Great Northern Highway, Bindoon from 'Agricultural Resource' to 'Special use - Tourist Development';
 - b. Amend Schedule 5 - Special Use by inserting site specific conditions for Lot 4 Great Northern Highway, Bindoon as per below;

No.	Description of Land	Special Use	Conditions
5	Lot 4 Great Northern Highway, Bindoon	Tourist Development	1. All development and use shall be subject to an Application for Planning Approval. 2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

- c. Delete Additional Use A5 from Schedule 3 - Additional Uses; and
- d. Amend the Scheme Map accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:47PM

9.2 TECHNICAL SERVICES

9.2.1 Dedicate Land as Road Reserve Muchea to Bindoon: Great Northern Highway upgrade*

Report date	21 September 2016
Applicant	Main Roads WA
File ref	28/05/0002
Prepared by	Deirdre Dugay, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Correspondence from Main Roads Western Australia and land dealing plans

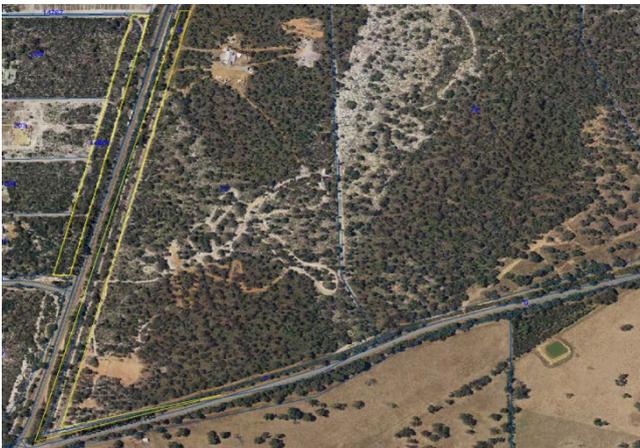
Executive Summary

Council is requested to dedicate the land that is subject to the Main Roads Land Dealings Plans 1560-183-1, 1560-184-1, 1660-155 to 1660-157 as a "Road Reserve" and to provide consent to cancel Reserve 48484, relinquish the management order, and for the reserve to be dedicated as a road reserve pursuant to Section 56 of the *Land Administration Act 1997*.

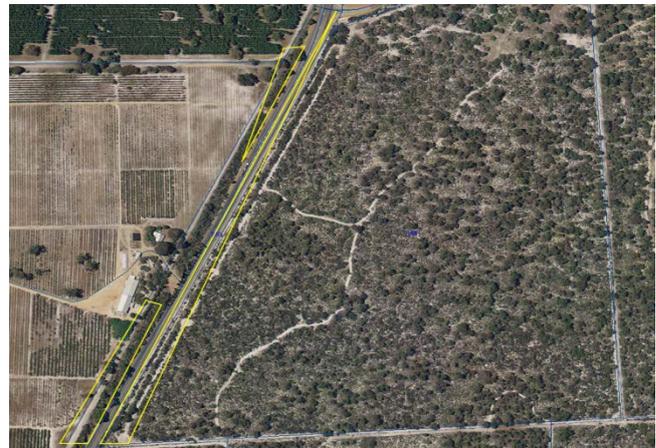
If Reserve 48484 cannot be dedicated prior to the commencement of construction works, Council provide consent for MRWA and its contractors, to enter onto the Reserve to carry out any works that are required as part of the project.

Background

The Shire of Chittering has received a letter from MRWA (Attachment 1) with the Land Dealing Plan (N° 1560-183-1, 1560-184-1, 1660-155 to 1660-157) depicting the private land required in the Shire of Chittering for the Great Northern Highway upgrade, for Councils consideration to dedicate as Road Reserve.



1560-183-1



1560-184-1



1660-155



1660-156



1660-157

When land is resumed by MRWA for the purpose of widening of existing state road reserves or construction of a new state road or highway, it is a requirement under the *Land Administration Act 1997* that the local authority which these state road reserves pass through is dedicated as Road Reserve by that local authority.

MRWA will be the regulator and responsible for maintenance of the dedicated road reserve.

MRWA will also be re-aligning the highway between Muchea North and Chittering in the same stage of the project.

MRWA has approached the registered land owners as per the Land Dealing Plan and formal acquisition is being finalised with the affected land owners.

One of the land parcels that will be affected by the dedications, is Reserve 48484, being Lot 14764 on Deposited Plan 34420 (Reserve). The Reserve is set aside for the purpose of 'Public Recreation' with a management order granted in favour of the Shire.



Reserve 48484

It is proposed to dedicate the whole of the Reserve. As the management body of the Reserve, Council is requested to provide consent to cancel the Reserve, relinquish the management order, and for the reserve to be dedicated as a road reserve.

If Reserve 48484 cannot be dedicated prior to the commencement of construction works, that Council provide consent for MRWA and its contractors, to enter onto the Reserve to carry out any works that are required as part of the project.

Consultation

MRWA has been dealing with land holders to acquire the land for the Northlink project.

Statutory Environment

State: Land Administration Act 1997

Under section 56 of the *Land Administration Act*, Council would be required to issue a resolution for the "Dedication of the land the subject of Main Roads Land Dealings Plan N° 1560-183-14, 1560-184-1, 1660-155 to 1660-157 as a road reserve."

56. Dedication of land as road

- (1) *If in the district of a local government —*
 - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or*
 - (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
- (2) *If a local government resolves to make a request under subsection (1), it must —*
 - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

- (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
 - (a) *subject to subsection (5), by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses*

Policy Implications

Nil

Financial Implications

MRWA will indemnify the Shire of Chittering against any costs/or claims that may arise as the result of the road dedication as can be seen in the correspondence received from MRWA.

Strategic Implications

Nil

Site Inspection

No

Triple Bottom Line Assessment

Economic implications

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

Social implications

The new highway will improve road safety on Great Northern Highway through the Shire of Chittering by upgrading sections of the Great Northern Highway that are below the standard for heavy vehicles.

Environmental implications

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

Comment

It is recommended that Council resolve to dedicate the land in Land Dealings Plan N° 1560-183-1, 1560-184-1, 1660-155 to 1660-157 as a Road Reserve and to provide consent to cancel Reserve 48484, relinquish the management order, and for the reserve to be dedicated as a road reserve.

If Reserve 48484 cannot be dedicated prior to the commencement of construction works, Council provide consent for MRWA and its contractors, to enter onto the Reserve to carry out any works that are required as part of the project.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090916

Moved Cr Tilbury / Seconded Cr Gibson

That Council:

1. Resolve to dedicate the lands that is subject of the Main Roads Land Dealings Plan N° 1560-183-1, 1560-184-1, 1660-155 to 1660-157 as a "Road Reserve" pursuant to Section 56 of the *Land Administration Act 1997*.
2. Resolve to cancel Reserve 48484, relinquish the management order, and for the reserve to be dedicated as a road reserve.
3. Provide consent for MRWA and its contractors, to enter onto the Reserve to carry out any works that are required as part of the project, if Reserve 48484 cannot be dedicated prior to the commencement of construction works.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:47PM

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 July 2016*

Report Date	21 September 2016
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity for period ending 31 July 2016

Executive Summary

Council is requested to receive the Statement of Financial Activity for period ending 31 July 2016.

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 was not presented for the month of July 2016 at the August Ordinary Meeting of Council as we were experiencing issues with our accounting software program.

The bank reconciliation and list of accounts paid for the period ending 31 July 2016 were presented at the July meeting.

Consultation

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

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Nil

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 receive the Statement of Financial Activity for the period ending 31 July 2016.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100916

Moved Cr Gibson / Seconded Cr King

That Council receives the Statement of Financial Activity for the period ending 31 July 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:47PM

9.3.2 Financial statements for the period ending 31 August 2016*

Report Date	21 September 2016
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity for period ending 31 August 2016 Bank reconciliation for period ending 31 August 2016 List of accounts paid for August 2016

Executive Summary

Council is requested to receive the Statement of Financial Activity for the period ending 31 August 2016, and bank reconciliation and endorse the list of accounts paid for the period ending 31 August 2016.

Background

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

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

The statement of financial activity for the period ending 31 August, bank reconciliation and list of accounts paid for the period ending 31 August 2016 are hereby presented for Council's information.

Consultation

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

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Council is requested to receive the monthly statement of financial activity and bank reconciliation and endorse the list of payments as presented.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110916

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1. endorse the list of payments:**
 - a. PR3791, PR3792**
 - b. EFT 12949 - EFT 13063**
 - c. Municipal Fund Cheques 14111 – 14126**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund Cheques 538 - 541****Totalling \$903,198.89 for the period ending 31 August 2016.**
- 2. receive the bank reconciliation for the period ending 31 August 2016.**
- 3. receive the Statement of Financial Activity for the period ending 31 August 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:48PM

9.3.3 Chittering Community Bus Service*

Report date	21 September 2016
Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Lisa Kay, Community and Club Development Officer (CCDO)
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Draft Shire of Chittering Policy 6.6 Community Bus Transport Service

Executive Summary

Council is requested to endorse the Shire of Chittering Community Bus Service as a trial project for a period of 12 months from October 2016 – October 2017 and adopt the related Shire of Chittering Policy 6.6 Community Bus Transport Service.

The service will run as below:

- (i) Tuesday weekly
- (ii) pick up time 8am at Chinkabee Complex
- (iii) returning to Bindoon at 3pm (5 hour duration in metro area)
- (iv) Alternate destination each week between Joondalup and Midland town centres.

Background

The *Shire of Chittering Age Friendly Community Plan* identified transport issues for elderly residents as being problematic, with no public and/or community transport services to Perth and other regional centres. This issue spans the Wheatbelt area and has been identified as the standout deficiency restricting people's mobility and connection to health care providers and medical facilities within the metropolitan area. An identified strategy of the *Age Friendly Community Plan* was to investigate and advocate on regional transport issues that impact on the ability of people to age in place.

Similarly the *Shire of Chittering Youth Strategy* identified that local transportation is a significant issue, with no real public transport facilities where people without their own vehicles are strongly disadvantaged throughout the region.

The Community Bus proposal has stemmed from the above strategies as a 12 month trial project to determine the suitability and need for a community transport option to the metropolitan centres of Midland and Joondalup. It is proposed that this service be a free courtesy service to the metropolitan area for any resident within the Shire of Chittering. Children aged 16 and under will need to be accompanied by an adult / guardian. The driver will be volunteer driver registered with the Shire of Chittering.

Consultation

On 1 July 2016 the Shire commenced a month long survey via Survey Monkey for expressions of interest in a '*proposed Community Bus Service to Joondalup and Midland City Centres*'. Information on the survey was disseminated via the Community Organisation email listings, Shire Website, the Shire Facebook page and various Community Networks on Facebook.

There were many positive messages on all Facebook sites about the proposed bus service. As at 1 August 2016, 32 responses to the survey were received with the following results:

- The preferred day is Tuesday (75%) with the other weekdays receiving similar levels of interest at approximately 25%.
- Preferred pick up time from Bindoon is 8am (53%) followed by 9am (44%). Responses also indicated that one day a week would not be enough and school hours would be good.
- The preferred duration of time in the metropolitan centre was 5 – 6 hours (59%) followed by 3 – 4 hours (34%). Most responses highlighted that this did not include travel time.
- Preferred metropolitan destination between Midland and Joondalup was spread evenly between both Metro centres.
- Maximum affordable cost if there was a charge for the service came in around \$5 - \$10.
- Other suggestions or concerns identified that many respondents would like there to be several bus stops along the way and potentially for some residents the ability to be picked up from home would improve mobility issues. There were also concerns on what would happen if someone missed the bus once in the Metro area. Many respondents also suggested an alternation between Joondalup and Midland each week.

The Department of Transport was consulted to determine driver licensing requirements. As the Shire would be providing a courtesy bus service and the volunteer drivers would be registered as a volunteer with the Shire, there will be a requirement that these drivers hold an F Class extension and the appropriate class of license for the Community Bus (being either MR or HR).

Expressions of interest for volunteer drivers will be undertaken during September 2016. These drivers would need to have the appropriate licenses as above.

The Department of Transport was also consulted with regard to Vehicle Plate requirements for the Community Bus for the proposed service. As the Community Bus Service is a courtesy bus that is not charging passengers a fee, then there are no requirements for special License plates for the Bus, however should the Shire at any stage start charging any fees for the service (including if this was just to cover costs) then there would be a requirement for the Bus to have license plates for a Charter Bus Service.

Due to the proximity to Bullsbrook and the likelihood that the service would drive through this area, it may be a consideration to extend the courtesy bus to residents in the City of Swan Rural Place area of Bullsbrook. CCDO discussions with City of Swan staff have highlighted transport issues similar to those experienced by Shire of Chittering Residents. If this was to occur there would need to be some consideration as to compensation from the City of Swan, however this would need to be considered along with licensing requirements surrounding courtesy buses v's a chartered bus service that charges passengers.

An administrative procedure will be developed in line with the related policy for the Community Bus Service and will be provided to volunteer drivers of the service.

Statutory Environment

Nil

Policy Implications

A draft policy has been developed and is tabled with this report.

Financial Implications

The Community Bus Proposal has been factored into the 2016 - 2017 Budget.

Strategic Implications

- *Social: Building a Sense of Community – Improved services to community, strengthened social connections and Active communities.*
- *Access: Local transport and access solutions – Access to local and central services, Safe access.*
- *Economic: Prosperity for the future – Economic growth, Chittering a Place to visit.*
- *Governance: Strong leadership – Stakeholder engagement.”*

The Shire of Chittering Community Bus Service aligns with strategic actions identified within the Wheatbelt Blueprint 2015, particularly in relation to liveable and connected communities.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Financial implications that may arise from the endorsement of the Shire of Chittering Community Bus Service are encapsulated within existing and projected Corporate Business planning budgets.

Social implications

This service will value add to the Shire of Chittering by providing an essential service for residents who require a transport solution to the Metropolitan area.

Environmental implications

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

Comment

Connectivity to services and amenity within the Metropolitan area is essential for our elderly, youth and disadvantaged residents without a means of transport or appropriate licences and has been highlighted as a priority within Age Friendly and Youth Strategy planning processes.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120916

Moved Cr Tilbury / Seconded Cr King

That Council:

- 1. Endorse the Shire of Chittering Community Bus Service as a trial project for a period of 12 months from October 2016 to October 2017.**
- 2. Adopt the Shire of Chittering Policy 6.6 Community Bus Transport Service.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:48PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Christmas/New Year Office Closure

Report Date	21 September 2016
Applicant	Shire of Chittering
File ref	13/02/33
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to note the Christmas/New Year closure period for 2016-2017, from Friday, 23 December 2016 to Tuesday, 3 January 2017.

Background

Council *Policy 3.15 Christmas/New Year Closure of Facilities* states:

“The Administration centre will be closed 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”

Consultation

Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Nil

Policy Implications

Local: *3.15 Christmas/New Year Closure of Council Facilities*

Financial Implications

Nil

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 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

It is proposed that the Council Administration offices (including Technical Services, Bindoon Library and Depots) close at 3pm on Friday, 23 December 2016 and re-open at 8.30am on Tuesday, 3 January 2017.

This will be a total of six (6) days, made up of three public holidays (Christmas Day, Boxing Day and New Year's Day) and three (3) annual leave days.

The proposed closure of the Administration centre 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 130916

Moved Cr King / Seconded Cr Gibson

That Council notes the closure of the Shire's Administration Centre (including Technical Services, Bindoon Library and Depot sites) from 3pm on Friday, 23 December 2016 to 8.30am on Tuesday, 3 January 2017.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:49PM

9.4.2 Endorsement of Chittering Signage Suite*

Report date	21 September 2016
Applicant	Shire of Chittering
File ref	18/07/0012; 04/19/25
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Shire of Chittering Signage Proposal

Executive Summary

Council's consideration is requested to endorse the Chittering Signage Suite.

Background

A Signage Audit was undertaken in September 2011 by Kirkgate Consulting, on behalf of "Discover Golden Horizons" (a regional tourism initiative of Central Midlands Voluntary Regional Organisation of Councils).

For Chittering the outcomes of this Audit (which focused on tourism signage) were several recommendations where replacement, renewal or improvement was required. Since 2013 the Shire's locality signs and tourism boards have been updated, along with the addition of trails signage, which has addressed these recommendations satisfactorily.

However, this did not address the issue of the different styles of facility / location signage throughout the Shire. The Chittering Signage Suite, based on our September 2012 branding document, will provide a number of complementary signage options which can be utilised when new facilities are created or existing facilities are upgraded.

Consultation

Shire of Chittering Executive Staff
Council
Community (through the initial branding process)

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should the Chittering Signage Suite be endorsed by Council there are no direct financial implications. The costs of the proposed signage will be included within individual project budgets.

Strategic Implications

With reference to the *Chittering Economic Development Strategy 2015-2025* (endorsed 23 February 2015);
Key Strategic Direction Two: Business Support and Growth

ACTION

Signage – undertake an audit and create a plan for the removal / replacement / updating of signage throughout the Shire.

OUTCOME

Clear, concise, up-to-date signage to raise the visual profile of Chittering.

Site Inspection

Should the Chittering Signage Suite be endorsed by Council site inspections will be undertaken in relation to individual projects.

Triple Bottom Line Assessment

Economic implications

It could be reasonably expected that through the efficient use of signage and branding the profile of the area would be lifted, assisting with enabling the promotion of Chittering as a place for investment.

Saad Darwazeh, Founder Prisma Marketing & Communication *“Signage is one of the proven marketing methods. You can get your brand in front of the audience and communicate your message. Custom signage is helpful in popularizing your brand or your corporate identity.”*

Social implications

Efficient signage and branding will assist with the placemaking and activation of Chittering.

Village Well *“Placemaking is the art and science of making authentic, vibrant, and resilient places that are valued by their communities and admired by visitors.”*

Environmental implications

Nil

Comment

According to Caitlyn Horose (CommunityMatters®) *“Place Branding can attract and retain people, support the economy, stimulate demand and strengthen civic pride”.*

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140916

Moved Cr Rossouw / Seconded Cr Osborn

That Council endorse the Chittering Signage Suite.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:50PM

10. REPORTS OF COMMITTEES

10.1 Local Emergency Management Committee: Thursday, 25 August 2016*

Report date	21 September 2016
Applicant	Shire of Chittering
File ref	09/02/1
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Attachments	1. "Unconfirmed" draft minutes of the Chittering Local Emergency Management Committee meeting held on Thursday, 25 August 2016

Executive Summary

Council is requested to receive the unconfirmed draft minutes of the Chittering Local Emergency Management Committee (LEMC) for the meeting held on 25 August 2016.

Background

At the LEMC meeting held on Thursday, 25 August 2016 there were no formal recommendations made during the meeting.

Consultation

Chittering Local Emergency Management Committee

Statutory Environment

State: *Local Government Act 1995, Section 5.8, 511*
Emergency Management Act 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150916

Moved Cr Rossouw / Seconded Cr Osborn

That Council receives the unconfirmed minutes of the Chittering Local Emergency Management Committee meeting held on Thursday, 25 August 2016 as a true and accurate record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:51PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Tilbury asked the Presiding Member if he could give the meeting an update with regard to the extraordinary election.

The Presiding Member informed the meeting that the Shire has three candidates for the upcoming election, which is on Friday, 14 October 2016 closing at 6pm. The successful candidate will be named immediately after the election. There are three good candidates running for Council and their term will expire on 19 October 2019. The successful candidate will be sworn in at the Ordinary Council meeting scheduled for 19 October 2016.

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 7:53PM.

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