

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

Wednesday, 28 October 2015

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.04pm
Closure: 9.20pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 18 November 2015.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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

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

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
1.1	SWEARING IN OF COUNCILLORS	1
1.2	ELECTION OF SHIRE PRESIDENT AND DEPUTY PRESIDENT	1
1.2.1	Shire President.....	1
1.2.2	Election of Deputy Shire President	2
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	3
2.1	Attendance.....	3
2.2	Apologies.....	3
2.3	Approved leave of absence	3
3.	DISCLOSURE OF INTEREST.....	3
4.	PUBLIC QUESTION TIME	3
4.1	Response to previous public questions taken on notice	3
4.2	Public question time	4
4.2.1	John Curtis, Bindoon.....	4
4.2.2	Clint O’Neil, Chittering.....	4
4.2.3	Barni Norton, Bindoon.....	5
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	6
5.1	Petitions	6
5.2	Presentations	6
5.3	Deputations.....	6
5.3.1	Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.....	6
5.3.2	Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.....	6
5.3.3	Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.....	6
5.3.4	Item 9.1.7 Proposed Transport Depot: Lot 7 Great Northern Highway, Muceha	6
6.	APPLICATIONS FOR LEAVE OF ABSENCE	7
7.	CONFIRMATION OF MINUTES.....	7
7.1	Ordinary Meeting of Council – 16 September 2015	7
8.	ANNOUNCEMENT FROM THE PRESIDING MEMBER	7
9.	REPORTS.....	8
9.1	DEVELOPMENT SERVICES.....	8
9.1.1	Proposed modifications to Maryville Downs Structure Plan, Stage 12*	8
9.1.2	Moratorium: Scheme Amendments to rezone Town Planning Scheme No 6 and Local Planning Strategy	16
9.1.3	Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering*	19
9.1.4	Section 31 SAT Order: Proposed dwelling at Lot 125 Turtledove Drive, Lower Chittering*	27
9.1.5	Reconsideration of Scheme Amendment No. 54: Rezoning of Lot 300 Settlement Road, Bindoon*	34
9.1.6	Policy Review: Local Planning Policy 7 Outbuildings*	39

9.1.7	Proposed Transport Depot: Lot 7 Great Northern Highway, Muchea*	43
9.2	TECHNICAL SERVICES	50
9.2.1	Purchase of New Backhoe*	50
9.3	CORPORATE SERVICES	53
9.3.1	Financial statements for the period ending 30 September 2015*	53
9.3.2	2014-2015 Annual Report and Setting of Annual General Meeting of Electors*	55
9.3.3	Amendment to Policy 2.12 Purchasing*	57
9.4	CHIEF EXECUTIVE OFFICER	59
9.4.1	Christmas/New Year Closure	59
9.4.2	Shire of Chittering Cats Local Law 2015*	61
9.4.3	Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*	65
9.4.4	Community Housing, Bindoon	69
9.4.5	Chittering Health Centre: Lease of Southern Wing*	73
9.4.6	Social Housing*	76
9.4.7	Mid-West/Wheatbelt Development Assessment Panel Nominations*	79
10.	REPORTS OF COMMITTEES	81
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	81
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	81
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	81
14.	MEETING CLOSED TO THE PUBLIC	82
14.1	Matters for which the meeting may be closed	82
15.	CLOSURE	82

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Chief Executive Officer declared the meeting open at 7.04pm.

1.1 SWEARING IN OF COUNCILLORS

Mr Shane Love MLA, Member for Moore conducted the swearing in of the Councillors who were declared elected by the Returning Officer at the election held on Saturday, 17 October 2015.

The following Councillors made the following declaration, in accordance with the *Local Government Act 1995, s2.29(1)* before acting in the office:

- Donald Munro Gibson
- Gordon Houston
- Aaron King
- Peter James Bentley Osborn
- Michelle Carol Rossouw
- George Tilbury
- Stephen Vallance

I of
having been elected to the Council of the **Shire of Chittering** declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

1.2 ELECTION OF SHIRE PRESIDENT AND DEPUTY PRESIDENT

1.2.1 Shire President

The Chief Executive Officer advised that he had received two nominations for the position of President prior to the Council meeting:

1. Cr Michelle Rossouw
2. Cr Steve Vallance

There being no further nominations the Council members voted on the matter by secret ballot.

The Chief Executive Officer declared Councillor Stephen Vallance as elected Shire President.

Pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*, Councillor Stephen Vallance made the following declaration as elected Shire President, witnessed by Shane Love MLA:

I of
Having been elected to the office of Shire President of the Shire of Chittering declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

The Chief Executive Officer handed the meeting over to the newly elected Shire President, Councillor Stephen Vallance and he assumed the Chair.

1.2.2 Election of Deputy Shire President

The Chief Executive Officer advised that he had received two nominations for Deputy Shire President prior to the Council meeting:

1. Cr Gordon Houston
2. Cr Michelle Rossouw

There being no further nominations the Council members voted on the matter by secret ballot.

The Shire President declared Councillor Gordon Houston as elected Deputy President.

Pursuant to Regulation 13(3) of the *Local Government (Constitution) Regulations 1998*, Councillor Gordon Houston made the following declaration as elected Deputy Shire President, witnessed by Shane Love MLA:

I of
Having been elected to the office of Deputy President of the Shire of Chittering declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were 58 members of the general public in attendance.

The Shire President made a brief speech, thanking everyone for their support and attendance, and welcomed the new Council.

2.2 Apologies

Mr Jim Garrett	Executive Manager Technical Services
----------------	--------------------------------------

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

Nil

4.2 Public question time

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

4.2.1 John Curtis, Bindoon

Question 1: *(as supplied)* Are there any plans to install solar panels on other Council owned buildings?

Answer 1: Yes, Council staff are in the process of developing a solar energy plan for all Council buildings.

Question 2: *(as supplied)* Has Council any plans on installing charging stations for electric vehicles in the Shire?

Answer 2: No, however Council has not given any consideration to this matter in recent times.

The following questions were asked during the Council meeting:

4.2.2 Clint O'Neil, Chittering

(as supplied) Background

In December 2003, the then Water and Rivers Commission published its findings and conclusions on the Marbling Brook catchment hydrogeology, more particularly, the hydrogeological characteristics of the land encompassing the proposed stage 12 structure plan area. The report concluded that the proposed structure plan area is a fragile, environmentally sensitive land form, stating that any abstraction of groundwater had potential to cause significant environmental harm to Marbling Brook. WRC's view is consistent with the view expressed in the Chittering landcare group submission.

In mid 2005, in response to a number of questions posed by the Shire CEO related to subterranean waters under the stage 12 structure plan area, the Department of Water reiterated its view on the fragility and environmental sensitivity of the locality. The EPA has determined that drawing any groundwater from the locality has potential to cause significant environmental harm to Marbling Brook and fresh water aquifers beneath the structure plan area.

The developer, in submissions to the Shire, DoW and EPA, has identified that within the structure plan area there are two sub-artesian bores penetrating through a number of confined aquifer lenses with variable water quality and an uncapped free flowing artesian well that has created an artificial wetland area identified on the structure plan.

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

- a) refer the proposed stage 12 structure plan application to the EPA under the provisions of s38 of the EP Act 1986, or
- b) prohibit the construction of bores and taking of groundwater from the stage 12 structure plan area; and
- c) prior to Council considering any subdivision application that may be submitted, the developer provide independent evidence from a qualified,

practising hydrogeologist, that all bores and free flowing wells in the structure plan area have been decommissioned and sealed in conformity with Australian bore construction standards.

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

Question 2: *(as supplied)* The developer claims that the existing vineyard, granted conditional planning approved in 2001, will be removed in due course. However, as exemplified by the significant number of years it has taken to transfer the sport and recreation reserve to the Shire, adding significant additional development costs to ratepayers, is it reasonable for Council to set a clear and definitive timeline linkage between commencement of any subdivision that may be approved and removal of the vineyard and associated infrastructure?

Answer 2: The Executive Manager Development Services advised that the Shire does not consider the removal of the vineyards to be a statutory requirement nor a timeframe for its removal necessary as it is private infrastructure. The Shire would not object to the vineyards remaining.

4.2.3 Barni Norton, Bindoon

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

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

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

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

Answer 2: The Shire President advised that the question would be taken on notice.

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

Answer 3: The Shire President advised that the question would be taken on notice.

Question 4: *(as supplied)* Cr Rossouw did not state her address when saying the oath. What is the reason this is allowed to happen?

Answer 4: Cr Rossouw advised that she would state her address if it was a requirement by law. Cr Tilbury advised that he had not stated his address for security reasons. The Chief Executive Officer clarified that there was not a requirement for the address to be released.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

A petition containing sixty-five (65) signatures was presented in relation to Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering, requesting that Item 9.1.3 be laid on the table. The Shire President declared the petition duly received.

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering

Sam Young made a deputation in relation to item '9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering'.

5.3.2 Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering

Marnie Giroud made a deputation in relation to item '9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering'.

5.3.3 Item 9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering

Peter Fogarty, Riverside Investments (WA) Pty Ltd made a deputation in relation to item '9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering'.

5.3.4 Item 9.1.7 Proposed Transport Depot: Lot 7 Great Northern Highway, Muchea

Shawn Graham (DSY Engineering) made a deputation in relation to item '9.1.7 Proposed Transport Depot: Lot 7 Great Northern Highway, Muchea'.

Miss DeRosa spoke against the DSY Engineering Deputation, as the owner of the adjacent property. She was advised by the Shire President that unfortunately this was not the correct time to comment, as it was no longer public question time.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council – 16 September 2015

7.1 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 011015

Moved Cr Rossouw / Seconded Cr Gibson

That the minutes of the Ordinary Meeting of Council held on Wednesday, 16 September 2015 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

At the commencement of the meeting the Shire President made a brief speech, thanking everyone for their support and attendance, and welcomed the new Council.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed modifications to Maryville Downs Structure Plan, Stage 12*

Report date	28 October 2015
Applicant	Roberts Day
File ref	18/07/7; P275/13
Prepared by	Brendan Jeans, 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 Plan2. Proposed amended Structure Plan3. Current endorsed Structure Plan4. Draft Bushfire Management Plan5. Local Water Management Strategy6. Consultation Plan7. Schedule of Submissions

Background

Council is requested to consider the application for the proposed modifications to the existing Development Plan (now referred to as a Structure Plan) for Maryville Downs in Lower Chittering.

As a point of clarity, Development Plans are now referred to as Structure Plans.

The current Structure Plan for Maryville Downs was endorsed by Council at its 19 November 2008 Ordinary Council Meeting and endorsed by the Western Australian Planning Commission on 15 May 2009.

The modifications to the Structure Plan applies to Lot 9011 Muchea East Road, referred to as Stage 12 of the Maryville Downs Estate. On the current endorsed Structure Plan for Maryville Downs, Stage 12 is shown as five (5) large lots containing vineyards.

In brief, the modifications to the Structure Plan propose:

1. The creation of thirty-five (35) Rural Residential lots ranging in area from 2 hectares to 10.3 hectares.
2. The construction of an internal 25m road reserve to link between Maine-Anjou Drive on the north boundary and Santa Gertrudis Drive adjoining west.
3. The identification and inclusion of Development Exclusion Zones and Re-vegetation Areas on the Structure Plan to protect and enhance existing water bodies and drainage lines.

The Applicant's justification for modifying the Structure Plan to intensify development of the site is due to the cessation of operation of the vineyards and the underutilisation of the site.

Consultation

The Structure Plan was advertised for a period of twenty-eight (28) days commencing 29 July 2013 and concluding 26 August 2013 by the following methods:

- Letters to likely affected landowners (Consultation Plan – Attachment 6);
- Letters to relevant agencies;
- Advertising sign at the property; and
- Advertisement in the Advocate.

During this period a total of nine (9) public submissions and five (5) agency submissions were received. The submissions have been scheduled and attached to this report (Attachment 6).

The delay in the proposal being considered is due to other matters relating to the Deed between the Shire and the Developer requiring attention prior to the Structure Plan progressing. No changes have been made to the Structure Plan since advertising.

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No. 6

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

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

At the time of lodgement in 2013, Clause 5.8.1 of the Scheme required a Development Plan for subdivision. Now, following Scheme Amendment 52, Clause 5.19 applies and relates to provisions of a Structure Plan. This does not affect the proposal other than for terminology reasons.

Policy Implications

State: Nil

Local: Local Planning Policy No. 16 Roads and Drainage

Local: Local Planning Policy No. 32 Development Plans

The application to modify the Development Plan to increase the number of proposed lots has been dealt with under Section 5.6 of the Policy.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

The Strategy identifies the subject land for 'Rural Smallholdings' development. The land is currently zoned 'Rural Residential' under the Town Planning Scheme, which has been approved by the Western Australian Planning Commission (WAPC). Therefore as the WAPC is the final determining body for zonings, this proposed modification is considered appropriate.

It should be noted the Shire's draft Local Planning Strategy amends the subject land to 'Rural Residential' to reflect the current zoning.

Stage 12 is subject to the 'Maryville – Lower Chittering' Development Area:

9.4 *Maryville and Lower Chittering*

Strategies and Actions

- *To facilitate Maryville as the locality's centre for minor commercial and community and recreational purposes;*
- *To continue the subdivision and development for rural residential and other compatible uses;*
- *To ensure that the road network proceeds to provide essential linkages with other subdivisional areas;*
- *To facilitate the inclusion of Marbling Brook as a main biodiversity corridor and protected waterway.*

It is considered the increased intensity proposed will better facilitate the community and recreational facilities identified in Maryville Downs. The proposed Development Plan provides road linkages with the existing roads.

Site Inspection

Site inspection undertaken: Yes

The site gently slopes down towards Muchea East/Chittering Road from Maine-Anjou Drive. The majority of the site is visible from the three (3) adjoining roads and clearly visible from the Public Open Space, established School and 'Village Centre' lot. The northwest portion contains a pocket of woodland trees with pasture undergrowth and an existing dam in the northwest feeds down to a wetland in the south which is indicated on the plans.

Triple Bottom Line Assessment

Economic implications

The approval of the proposed Structure Plan would result in an additional 30 rural residential properties. This increases the number of rateable properties in the Shire and increase in density of residents to return economic benefits to the locality.

Social implications

Impacts on visual amenity and property devaluation have been raised in the submission period. Whilst property devaluation is not a planning consideration, the Stage 12 site is zoned appropriately for the proposed lot sizes and has been designed to conform with the lay of the land.

Environmental implications

The subject site has some environmental features which have been identified. The site gently slopes southwards with a constructed dam in the north and a wetland in the south with poor soil capability. The north-western portion is vegetated woodland with pasture undergrowth. The established vineyards are expected to be removed. The Ellen Brockman Integrated Catchment Group raised concerns to the extent of clearing for the vegetated lots required to comply with the building standards for bushfire protection. The Shire has assessed this and commented below. Based on this, exclusion zones have been recommended to ensure the retention and protection of important natural assets.

Comment

Town Planning Scheme No 6

The proposed modification to the Structure Plan greatly increases the number of lots from five (5) to thirty-five (35), reducing lot sizes to no less than 2 hectares, which meets the minimum lot size for Rural Residential zoned lots. The proposed modification significantly intensifies the development on the land from what is currently endorsed, however it is considered to still meet the objectives of the zone by meeting the demand for rural lifestyle blocks greater than 1 hectare and creating rural residential lots consistent with the Maryville Downs Estate, which maintains the amenity of the locality.

As mentioned previously, the Gazettal of *Scheme Amendment 52* has resulted in the Development Plan provisions in the Scheme being replaced with Structure Plan provisions. The Amendment does not alter the process in dealing with the proposed Structure Plan; only reference to the term.

Local Planning Strategy

The Stage 12 area is identified in the Strategy for 'Rural Smallholdings' and 'Rural Residential'. The subject land is currently zoned 'Rural Residential' under the Town Planning Scheme which is a statutory document in comparison to the Strategy. Further to this the Shire's draft Strategy identifies the site for 'Rural Residential' development, which indicates the appropriateness for the proposed development. The proposed Structure Plan would facilitate rural residential subdivision, further consolidating development within the Maryville Downs Estate and provide a population threshold to increase the viability and support community facilities in the locality.

Local Planning Policy No 32 – Development Plans

The application to amend the Structure Plan is guided by Section 5.6 c) and d) of the Policy. The Applicant has provided justification for the amendments as per Section 5.6 b) of the Policy. The justification being that the winery that utilised the vineyards has now been sold and no longer requires the vineyards. Further to this the current zoning of the land allows for much smaller lots which is consistent with the existing Maryville Downs development. The Structure Plan was advertised in accordance with the Policy.

Consultation

The Structure Plan was advertised for a period of twenty-eight (28) days in 2013. The application was referred to all surrounding landowners and landowners directly affected by the Maryville Downs Structure Plan as per the Consultation Plan (Attachment 5). In total 446 landowners were consulted by letter. At the completion of the advertising period a total of nine (9) public submissions were received, with two of these clearly objecting. The public submissions raised concerns regarding adverse impact on visual amenity, property devaluation and the need for bridle and pedestrian trails. Positive comments were also made on the proposal supporting it for reasons of potential community service development and meeting the demand of property in the Maryville Downs Estate. The Officer's Recommendation includes a widened road reserve to allow for bridle trail access. However the Public Open Space will not be developed as a result of this Structure Plan and subsequent subdivision as noted by many public submissions. The 10 hectare Public Open Space has been vested to the Shire but development of this land for public recreation will be at the cost and responsibility of Council and will inevitably take some time.

The Ellen Brockman Integrated Catchment Group raised a number of concerns of the impacts on the groundwater catchment of the Marbling Brook and likely land degradation due to poor land capability. This has been addressed in the proposed further modifications in the Officer's Recommendation with building exclusion areas and stocking restriction areas.

Roads and Access

The Applicant proposes a 25m road reserve, consistent with existing road reserves in Maryville Downs but inconsistent with the 30m mentioned in *Local Planning Policy No 16 (LPP16)*. It is recommended that the Structure Plan be modified to indicate a 30m road reserve. This would align with *LPP16* and would allow for the development of a bridle trail within the road reserve. The Shire's Executive Manager Technical Services has requested a 10m road widening of Chittering Road be required. The 10m road widening has been included in the Officer's Recommendation to be indicated on the Structure Plan, which would be ceded at subdivision stage.

Land Capability

The Applicant has submitted a Land Capability Map of the Stage 12 area, identifying areas of very low to high capability for conventional septic tank systems. Where possible the building envelopes have been located to avoid the areas of low capability for effluent disposal. Building envelopes which are located in areas not suitable for standard leach drain systems should require Alternative Treatment Units and be clearly identified on the Structure Plan. This is recommended as a modification to the Structure Plan.

Fire Management

The Applicant has provided a Bushfire Management Plan (BMP) for the development of Stage 12 (Attachment 4). The BMP includes a Bushfire Hazard assessment of the site, showing the north-western section as 'Extreme'. Dwellings within these lots would be required to comply with the construction standards *AS 3959-2009*. The Fire Management Plan states these lots have a Bushfire Attack Level (BAL) of 19 as per *Planning for Bush Fire Protection Guidelines Edition 2*.

The Shire's Community Emergency Services Manager has reviewed the BMP and assessed the development would comply with the Bushfire Guidelines.

Local Water Management Strategy (LWMS)

The Applicant submitted a LWMS at the request of the Shire due to the existence of drainage easements and infrastructure within the estate and drainage lines and wetlands on the Stage 12 site. The LWMS has identified the drainage affecting Stage 12, including stormwater runoff from the proposed road, and measures as to how the drainage can be appropriately managed and designed for.

Generally a LWMS provides an overview of surface water management for a proposed development and an Urban Water Management Strategy (UWMS) is later required at subdivision stage to address drainage at a more detailed level.

The Shire recommends the drainage lines be indicated on the Structure Plan.

Concluding comments

As stated above, the proposed modification to the *Maryville Downs Structure Plan* significantly intensifies development on the Stage 12 site. The intensification however fits within the minimum lot sizes for the Rural Residential zone and the proposed design meets the objectives of the zone; in particular not impacting on the rural character. Concerns of amenity and land value were raised in the public submissions. Whilst the site is currently used for extensive grazing and largely not used and the current Structure Plan sets out a few large lots; the proposed modification is consistent with that of Rural Residential development which the site is zoned. The lots are proposed in excess of 2ha, which well exceeds the 1ha minimum for the Rural Residential zone.

In summary, the Officer recommends to support the proposal subject to further modifications:

- Remove reference to cats – The *Cat Act 2011* and Shire Local Law relating to the keeping of cats deals with this. Reference to cats on a Structure Plan is not necessary nor a planning matter.
- Replace building envelopes with building exclusion areas – The intent of building envelopes is to control clearing of vegetation and contain development. The Shire is shifting towards the use of building exclusion zones in developments which are predominantly cleared as a better way of managing development.
- Landscape Protection Area – The existing woodland vegetated area should be retained as much as possible due to the minimal amount of vegetation on the Stage 12 area. The concept of retaining the 'strip' along Santa Gertrudis Drive will assist with this retention and maintain the rural amenity. It is also recommended established remnant vegetation over the site be retained, where possible, from development.
- The 10m road widening of Chittering Road, would be a condition of subdivision and for clarity is recommended to be included on the Plan.
- Bushfire Prone requirements – The Bushfire Management Plan has undertaken assessment on the bushfire hazard and Bushfire Attack Levels (BALs). The woodland vegetated area requires dwellings to be constructed in accordance with the Australian Standards (AS 3959) for bushfire prone areas. It has been a common requirement for this to be a provision on Structure Plans.
- Stocking restriction areas – Advice from the Ellen Brockman Integrated Group and indication from the Land Capability Assessment suggests a need to restrict the stocking of grazing animals in areas unsuitable or fragile to degradation. Identifying such on a Structure Plan would clearly mark where stocking is not permitted or restricted and would address concerns of contamination and degradation.
- Notation of effluent disposal – Similar to the stocking requirement, the notation of Alternative Treatment Units on the required lots is a common requirement for Structure Plans and provides clarity to prospective buyers.
- Drainage lines/easements – The Local Water Management Strategy (LWMS) has delineated drainage lines, water features and proposed stormwater infrastructure. The Officer recommends these be shown on the Structure Plan to protect from future development and alteration.
- 30m road reserve – The road reserves in Maryville Downs are 25m. The Officer recommends this be increased to 30m to allow for the bridle trail within the road reserve and possible future landscaping, if required.
- Bridle Trails – The demand for bridle trails in the Maryville Downs estate has been further emphasised in the public submissions received for this proposal. The Officer recommends the bridle trail be identified on the Structure Plan.

9.1.1 OFFICER RECOMMENDATION

That Council:

1. Adopt the Structure Plan for Maryville Downs Stage 12 subject to the following modifications:
 - a. Remove the 'cat provision';
 - b. Remove 'building envelopes' and replace with 'building exclusion areas', consistent with the Land Capability Assessment, to the satisfaction of the Chief Executive Officer;
 - c. Indicate 'Landscape Protection Area' for strip of woodland vegetation along Santa Gertrudis Drive to retain vegetation from clearing;
 - d. Indicate protection of established remnant trees scattered over the site from development.
 - e. Inclusion of 10m road widening of Muchea East/Chittering Road;
 - f. Insert provision that dwellings shall be required to be constructed to AS3959 as indicated on the Structure Plan;
 - g. Include stocking restriction areas where low capability or risk of inundation is identified;
 - h. Lots not suitable for standard leach drain systems as per the Land Capability Report are to be clearly noted on the Structure Plan as requiring the use of Aerobic Treatment Unit's (ATU's);
 - i. Inclusion of drainage lines/easements consistent with the Local Water Management Strategy;
 - j. Require a 30m wide Road Reserve to include bridle trail access; and
 - k. Identify indicative 'bridle trail/s' on the Structure Plan to the satisfaction of the Chief Executive Officer.
2. Once 1 above is met, authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Structure Plan for Maryville Downs Stage 12.
3. Forward the adopted Structure Plan to the Western Australian Planning Commission for final adoption in accordance with Clause 5.19.5 of the Town Planning Scheme.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That the following two conditions be added:

- l. Develop and construct a trafficable sand track for horse use on the road reserve.
- m. Include the prohibition of bores within the lots subject to Stage 12.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION

AMENDMENT

Moved Cr Houston / Seconded Cr Gibson

That point h. be amended to read:

Lots not suitable for standard leach drain systems as per the Land Capability Report are to be clearly noted on the Structure Plan as requiring the use of the appropriate effluent disposal system, as determined by the Principal Environmental Health Officer of the Shire of Chittering and the Department of Health;

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

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 021015

Moved Cr Rossouw/ Seconded Cr Gibson

That Council:

- 1. Adopt the Structure Plan for Maryville Downs Stage 12 subject to the following modifications:**
 - a. Remove the 'cat provision';**
 - b. Remove 'building envelopes' and replace with 'building exclusion areas', consistent with the Land Capability Assessment, to the satisfaction of the Chief Executive Officer;**
 - c. Indicate 'Landscape Protection Area' for strip of woodland vegetation along Santa Gertrudis Drive to retain vegetation from clearing;**
 - d. Indicate protection of established remnant trees scattered over the site from development.**
 - e. Inclusion of 10m road widening of Muchea East/Chittering Road;**
 - f. Insert provision that dwellings shall be required to be constructed to AS3959 as indicated on the Structure Plan;**
 - g. Include stocking restriction areas where low capability or risk of inundation is identified;**
 - h. Lots not suitable for standard leach drain systems as per the Land Capability Report are to be clearly noted on the Structure Plan as requiring the use of the appropriate effluent disposal system, as determined by the Principal Environmental Health Officer of the Shire of Chittering and the Department of Health;**
 - i. Inclusion of drainage lines/easements consistent with the Local Water Management Strategy;**
 - j. Require a 30m wide Road Reserve to include bridle trail access; and**
 - k. Identify indicative 'bridle trail/s' on the Structure Plan to the satisfaction of the Chief Executive Officer.**
 - l. Develop and construct a trafficable sand track for horse use on the road reserve.**
 - m. Include the prohibition of bores within the lots subject to Stage 12.**
- 2. Once 1 above is met, authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Structure Plan for Maryville Downs Stage 12.**
- 3. Forward the adopted Structure Plan to the Western Australian Planning Commission for final adoption in accordance with Clause 5.19.5 of the Town Planning Scheme.**

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1

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

Report date	28 October 2015
Applicant	Shire of Chittering
File ref	18/01/3
Prepared by	Bronwyn Southee, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council at its Ordinary meeting held 15 July 2015 resolved as follows (Resolution Number 130715):

That Council instructs the Executive Manager Development Services to:

- 1. prepare a report for the introduction of a moratorium on all Scheme Amendments, except those within the Muchea Employment Node, until the LPS has been formalised; and*
- 2. prepare a draft Local Planning Policy in relation to Transport Depots.*

This report recommends that Council resolve to place a moratorium on any future proposed amendments with the intention of rezoning the Shire of Chittering Local Town Planning Scheme No.6 except for land located within the Muchea Employment Node Structure Plan boundaries.

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

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

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

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

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

The intent is for the moratorium to be effective as of 31 January 2016 and would conclude once the new Local Planning Strategy is formally endorsed. The result of the moratorium would be that no new rezoning scheme amendments would be considered for initiation of rezoning of land outside of the Muchea Employment Node during this period, all active scheme amendments would continue to be processed.

Statutory Requirements

State: *Planning and Development Act 2005*
Town Planning Regulations 2009

Consultation

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

Statutory Environment

State: *Planning and Development Act 2005*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

A moratorium on any future proposed amendments to rezone the Shire's current Town Planning Scheme No. 6, should be advertised to alert landowners and developers of the Shire of Chittering's intentions on this matter and to give all interested parties an opportunity to finalise and submit any proposed rezoning scheme amendments to the Shire for consideration prior to the moratorium taking effect. It is recommended that the moratorium take effect from 31 January 2016.

Social implications

There are no known significant social implications associated with this proposal. Whilst developers may be frustrated that scheme amendments will not be entertained until the new Strategy is formalised, this 'freezing' process will ensure that the strategy can progress without interruption.

Environmental implications

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

Comment

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

In order to avoid any potential delays to the finalisation of the Shire's proposed new Strategy, it is considered appropriate for Council to consider placing a moratorium on all future amendments to rezone its current Local Planning Scheme except within the Muchea Employment Node Structure Plan. To allow for a reasonable timeframe for developers and the community to progress any proposed scheme amendment initiations it is recommended that the moratorium not become effective until 31 January 2016.

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

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

9.1.2 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Osborn

That Council:

1. Place a moratorium on any future proposed amendments to rezone the Shire of Chittering Town Planning Scheme No. 6 effective from 31 January 2016 in order to avoid any potential delays to the finalisation of the Local Planning Strategy with the exclusion of the Muchea Employment Node Structure Plan; and
2. Advertise its intention to place a moratorium on any future amendments to the Shire's Town Planning Scheme #6 in local newspapers to give all interested parties an opportunity to finalise and submit any proposed amendments to the Shire for consideration prior to the moratorium taking effect from 31 January 2016.

THE MOTION WAS PUT AND DECLARED LOST 3/4

9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering*

Report date	28 October 2015
Applicant	Taylor Burrell Barnett Town Planning and Design
File ref	18/07/13
Prepared by	Brendan Jeans, 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 Plan2. Applicant Letter3. Proposed Structure Plan4. Schedule of Submissions5. Bushfire Management Plan6. Traffic Impact Statement7. Local Water Management Strategy8. Consultation Plan9. Development Plan report

Background

Council's consideration is requested for a proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.

Council originally initiated the Scheme Amendment to rezone the land at its 18 February 2015 Ordinary Council Meeting (OCM). This included a draft Structure Plan.

The Structure Plan was advertised in conjunction with the Scheme Amendment. Council at its 15 July 2015 OCM resolved to support the Scheme Amendment to rezone the subject land and defer consideration of the Structure Plan (referred to as Development Plan at the time) seeking the following further information:

1. Amendments to Bushfire Management Plan as specified by the Community Emergency Services Manager.
2. A Traffic Impact Statement (TIS) and/or other relevant information as required by Main Roads WA being undertaken, submitted and satisfied by Main Roads WA.
3. A Local Water Management Strategy (LWMS) being prepared and submitted to the satisfaction of the Department of Water.
4. And any other minor amendments considered required by Shire Officers.

Following the 15 July 2015 OCM, the Applicant has submitted the required information listed above and has modified the Structure Plan as per Shire recommendations, which includes:

- Removal of building envelopes on Residential R2 lots;
- Inclusion of building exclusion zones on Residential R2 lots that adjoin Chittering Rise Estate; and
- Removal of permissible use provisions.

Consultation

The Shire advertised the Scheme Amendment concurrently with the Structure Plan in accordance with the *Town Planning Regulations 1967* and with regard to the *Shire of Chittering Community Engagement Plan 2012*. The advertising period was 42 days concluding on 22 May 2015.

The following methods of consultation were undertaken by the Shire:

- Referral letters to relevant agencies;
- Referral letters to likely affected landowners (Consultation Plan – Attachment 8);
- Two (2) advertising signs at the subject properties;
- The Advocate newspaper advertisement;
- The West Australian newspaper advertisement;
- Shire website advertisement;
- Public Notice Board; and
- Shire Administration office.

The Schedule of Submissions, as previously attached to the Council Agenda for the Scheme Amendment, is attached (Attachment 4) due to the Structure Plan being advertised concurrently and comments made directed at the proposed Structure Plan.

Statutory Environment

State: Planning and Development Act 2005
Town Planning Regulations 1967

Local: Shire of Chittering Town Planning Scheme No. 6

Council supported Lot 2 Reserve Road to be rezoned to “Residential R2” and Lot 9001 Rosewood Drive to “Rural Conservation”.

The objectives of “Residential R2” are:

- *To designate areas for low density residential development in a rural setting in which natural environmental values are conserved as far as possible.*
- *To meet the demand for lifestyle lots with a minimum lot size of 5000m²*
- *To ensure development is sited and designated to achieve an integrated and harmonious character within each estate.*

The objectives of “Rural Conservation” zone are:

- *To maximize the long-term protection and management of significant environment values.*
- *To minimize the fragmentation of, and where deemed relevant, promote ecological linkages between these values.*
- *To ensure that development is compatible, sympathetic and integrated with these values.*
- *To create lot/s that are of sufficient size to sustain the long term protection and management of these values.*
- *Encourage innovative subdivision design, such as consolidated cluster style development, that maximizes the long-term protection and management of these values.*

Lot 2 Reserve Road is located within the ‘Military Considerations (RAAF) Landscape Protection Special Control Area,’ which requires residential buildings to be constructed to the appropriate Australian Standard for aircraft noise and built with non-reflective materials such as Colourbond.

Clause 5.19 of the Scheme was Gazetted on 26 June 2015 and sets out the provisions and statutory process for Structure Plans. Due to the transition from when this application was submitted in February 2015, the process for the Structure Plan (formerly Development Plan) is not affected. The subject Structure Plan complies with the requirements and objectives of the R2 and Rural Conservation Zones.

Policy Implications

State: Planning for Bush Fire Protection Guidelines

The Applicant has submitted a revised Bushfire Management Plan in accordance with the Guidelines and demonstrates the compliance of the proposed development.

State: Liveable Neighbourhoods 2009

This document is an operational policy for the design and assessment of structure plans and subdivisions in residential areas.

The proposed Structure Plan meets the objectives outlined in Liveable Neighbourhoods as it has demonstrated and documented an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving environment for future residents and those visiting the proposed estate.

The smaller lot sizes may also cater for the diverse housing needs of community which is currently not available.

State: Development Control Policy No. 2.3 Public Open Space in Residential Areas (DCP 2.3)

This State Policy sets out the requirements for the provision of public open space in Residential areas as proposed in the Structure Plan. The Structure Plan is compliant with the provision and development of public open space.

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

The Applicant submitted a Development Plan and report (Attachment 9) consistent with LPP 32. The recent Town Planning Scheme changes have resulted in the Plan being referred to as a Structure Plan.

Financial Implications

The maintenance of the proposed road infrastructure and public open space would be the responsibility of Council. However, the public open space will be developed prior to the Shire inheriting it, so the financial implication will be maintenance only.

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject properties fall within the Vegetation Protection Area. Clause 10 of the LPS states:

LANDSCAPE PROTECTION AREAS

This category applies to the Chittering Valley from the southern part of the shire to the northern extremity and to the Gingin Scarp as viewed from Ellen Brook. The intent is to preserve the rural character of the visual aspects of the landscape from undue subdivision and development that may depreciate the scenic value of the Chittering natural environment.

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

Local: Shire of Chittering Local Biodiversity Strategy

The Local Biodiversity Strategy (LBS) identifies the entirety of Lot 9001 to be an Indicative High Conservation Value Area (IHCVA). The intention and objectives of IHCVA's is covered in Section 2.5 of the LBS. The vegetation is mapped as 'Mogumber complex-south' in very good condition and listed as being protected at less than 10% regionally.

Whilst some clearing of native vegetation will be required for the development of the road network within the proposed estate, restrictions as to the amount of vegetation eligible to be cleared for development is restricted to 2,000m² in accordance with the *Shire of Chittering TPS No 6*. This ensures a considerable amount of vegetation on the individual lots is required to be retained.

Further to the above, a large conservation lot comprising 20ha is proposed which ensures a significant portion of remnant vegetation will be retained. This is further constrained through appropriate restrictive covenants.

Local: *Shire of Chittering Strategic Community Plan 2012-2022*

Outcome – Protect Environment

Strategies – Protect and value local environment and biodiversity

Site Inspection

Site inspection undertaken: Yes

The site has been inspected previously for the Scheme Amendment initiation. The Rural Conservation area has also been inspected with the Shire Officers and Applicant's Bushfire Consultant to discuss the required information for the Structure Plan consideration.

Triple Bottom Line Assessment

Economic implications

The public submissions indicated concerns of devaluation of their property. The proposed development would result in 243 residential rateable lots, a reticulated potable water supply service in the Shire outside of the Bindoon townsite area and the upgrade of Reserve Road. These can be considered to be of considerable economic benefit to the Shire. Comments in relation to property devaluation are not a planning consideration in accordance with section 10.2 of *Town Planning Scheme No 6* as it is too subjective.

Social implications

The public submissions received objecting to the proposal made comment of the negative impact the development would have on their lifestyle with increased traffic and unsocial behaviour. It is considered the concerns of impact have been addressed in the Officer's Recommendation with the placement of building exclusion areas (in particular providing a development buffer to Chittering Rise). The likely impact of increased traffic is considered to be less than perceived with higher traffic usage of Reserve Road expected due to the easier and shorter access to the south. The concerns of unsocial behaviour are not considered to be well founded as a result of the proposed residential development.

Environmental implications

The public submissions and submission from the Ellen Brockman Integrated Catchment Group raised strong concerns that the development (particularly Lot 9001) will have significant impact on wildlife habitat and clearing of vegetation identified for conservation. It is considered that the balance lot provided significant vegetation retention in accordance with the objectives of the Local Biodiversity Strategy and the Local Planning Strategy.

Comment

Council resolutions

As covered in the Background of this report, Council initiated the rezoning of the subject land at its OCM held on 18 February 2015 subject to further resolutions requiring a Deed for the community infrastructure, provision of a reticulated potable water supply for the development, a bushfire hazard assessment and avoid multiple conservation lots.

Council at its 15 July 2015 OCM, resolved to support the rezoning but deferred consideration of the Development (Structure) Plan subject to further information including a revised bushfire hazard assessment, a Local Water Management Strategy being provided and a Traffic Impact Statement or other document approved by Main Roads WA to support the development.

The Applicant has provided the requested information (attached to this report) to allow for the consideration of the Structure Plan.

Town Planning Scheme (TPS6)

The Structure Plan submitted meets the application requirements prescribed by *TPS6*. The Applicant has demonstrated how the environmental, servicing and traffic constraints have been addressed in conjunction with the Scheme Amendment to justify support for the rezoning.

The Structure Plan proposes Residential R2 lots in excess of 5,000sqm and Rural Conservation lots in excess of 1ha, with one 20ha Conservation lot, which meets the minimum lot sizes. The road layout provides strong connectivity and would result in additional access/egress options for landowners in the locality and importantly provide an alternative emergency egress route. This 'grid like' layout is supported by Liveable Neighbourhoods, a State Planning document guiding residential development, to provide efficient traffic and pedestrian access and provides for easier emergency management as opposed to loop roads and cul-de-sacs.

The Structure Plan provides for a cluster Rural Conservation development to conform with the zone objectives of the Scheme and set out in the *Local Biodiversity Strategy*. The current Development Plan approved on Lot 9001 (as well as Lot 2) provides for 1ha Rural Residential lots covering the entire site. It is considered the proposed Structure Plan would result in a far better outcome in protecting the conservation value area by limiting clearing and consolidating development. In addition the Applicant proposes a 20ha Conservation lot on the far north side to achieve the biodiversity targets and minimise fragmentation to provide an ecological linkage. Whilst the development of the Rural Conservation site proposes multiple lots, it is inconsistent with Council's Resolution at its 18 February 2015 OCM, however it should be considered for support as it meets the biodiversity targets set in the *Local Biodiversity Strategy* and greatly reduces fragmentation and disturbance of the vegetation to what is currently approved for subdivision on the site.

It is considered the proposed Structure Plan meets the objectives of the Residential R2 and Rural Conservation zones.

Local Planning Strategy

The site is located in the Landscape/Vegetation Protection Area identified in the Strategy. The aims of this area are to protect remnant vegetation and establish biodiversity corridors as a priority. The proposed Structure Plan for the Rural Conservation site (Lot 9001) provides for better retention of vegetation, less fragmentation and a biodiversity corridor in the 20 hectare Conservation lot in comparison to the existing endorsed Development Plan and subdivision approval for Rural Residential development. It is considered the proposed Structure Plan meets the aims of the Local Planning Strategy.

Local Biodiversity Strategy (LBS)

Lot 9001 is entirely vegetated and identified as an Indicative High Conservation Value Area (IHCVA). The LBS rates the vegetation as being in very good condition with less than 10% protected regionally. The LBS aims to achieve a 30% protection target for this specific vegetation complex on Lot 9001. The Applicant previously demonstrated the 30% target could be met however the unknown factor in reaching this target was the level of clearing required for bushfire protection due to the high default fuel load assessment provided in the bushfire hazard assessment. This fuel load assessment has been revised, as requested by Council, with an on-site study and clarifies the fuel load of the site is far less, which would in turn result in less impact on the vegetation and biodiversity values for bushfire protection.

The 20 hectare Conservation lot provides for a strong ecological corridor to the west and northwest IHCVAs. When comparing with the current Development Plan, the proposed Structure Plan results in a better outcome in achieving the targets and objectives of the LBS.

Public Open Space

As previously mentioned in the Council Agenda Report (18 July 2015), the State Development Control Policy 2.3 requires the development of Public Open Space (POS) in residential areas. The Applicant has provided for Public Open Space on the Structure Plan and is committed to developing and ceding the POS to the Shire.

Bushfire Management

Council required the Applicant to provide further detail in relation to the bushfire assessment and management of the site in addition to the resultant clearing for fire protection. The Applicant's Bushfire Consultant has discussed the required changes with the Shire's Senior Planning Officer and Community Emergency Services Manager and revised the *Bushfire Assessment in the Bushfire Management Plan* (BMP - Attachment 5). The main concern of the BMP was the standardised desktop assessment of the bushfire hazard of the site based on topography and vegetation type which is outlined in the Bushfire Guidelines. This rated Lot 9001 as 'Extreme Bushfire Hazard' with a fuel load of '25t/ha or more'. The extent of clearing of vegetation for landowners for bushfire protection (building protection and hazard separation zones) around each dwelling down to '2t/ha' and '6-8t/ha' was perceived to be significant and conflict with the objectives of the zone. The Applicant's Bushfire Consultant has undertaken an onsite fuel load assessment using the DFES fuel load guide and determined the actual hazard of Lot 9001 to be far less; being '8t/ha'. This then greatly reduces the perceived clearing from '25t/ha' to '6-8t/ha' to now a much more acceptable level in minimising impact on the vegetation and provides an accurate measure to what is expected, should the development be approved.

Submissions

The Schedule of Submissions (Attachment 4) has not been altered from the 15 July 2015 Council Report. The Structure Plan was advertised concurrently with the Scheme Amendment and therefore all submissions have been considered with the Structure Plan assessment.

The Shire Officer's responses in the Schedule of Submissions at the time for the 15 July 2015 made note of a number of comments that are relevant to the Development/Structure Plan and proposed development. These comments with officer responses include:

- *Lot sizes too small and not consistent with Chittering Rise estate.*

The Residential R2 and Rural Conservation zones permit 5,000sqm and 10,000sqm minimum lot sizes. Council supported the scheme amendment to rezone to these zones and the proposed Structure Plan does not seek to vary these minimum lot sizes set by the Town Planning Scheme. Chittering Rise is a Rural Residential estate and at the time of approval was subject to a 2ha minimum lot sizes. Whilst lot sizes are different due to different zones, the proposed Structure Plan provides road connection with Chittering Rise.

- *Significant increase in traffic and impact on public safety.*

The number of proposed lots would result in increased traffic, as indicated in the Traffic Impact Statement. However the development is predominantly accessed and serviced by Reserve Road as most traffic would be from a south direction. Whilst the speeds of the roads are not determined with a Structure Plan, the impact on public safety is not considered to be an issue due to the requirement for appropriate pedestrian access.

- *Impact on wildlife and vegetation clearing.*

It is considered the impact on wildlife and vegetation is greatly reduced in comparison to the current endorsed Development Plan and subdivision approval of Lot 9001. The Applicant proposes the creation of a large 20 hectare Conservation lot and clustering of the Rural Conservation lots to minimise environmental impacts. The current approval of the Rural Residential subdivision on Lot 9001 would result in greater clearing and fragmentation, having a greater impact on the biodiversity values.

- *High fire risk.*

The *Bushfire Management Plan* (BMP) identifies Lot 9001 as extreme, however with the implementation of the Australian Standards for building in bushfire prone areas, the bushfire risk can be mitigated to an acceptable level. The change in zoning and proposed new Structure Plan to replace the previous approvals actually introduces the requirement for the development to be designed to the bushfire prone standards. Previously this was not required for the development or landowners. The proposal provides for better fire management and protection.

- *Increased crime.*

Whilst it cannot be assumed the proposed development will result in increased crime activity, it is acknowledged the area lacks police and crime prevention services. The increase in population drives the demand for such services, similar to education and health services.

It is the Officer's Recommendation that the submissions objecting and raising concerns of the proposal are better addressed and achieved with the proposed Structure Plan. The increase in the number of lots is significant however is supported by the zones Council previously supported. Furthermore the result of such development provides indirect benefits of potable water supply services and developed recreational public open space in the locality.

Concluding comments and recommendations

As mentioned in the Background of this report, Council's consideration of the Structure Plan was subject to the Applicant providing further information. The Applicant has provided the information required, being a Traffic Impact Statement to the satisfaction of Main Roads WA, a revised Bushfire Management Plan providing an on-site fuel load assessment and a Local Water Management Strategy submitted to the Department of Water. The Shire has reviewed these documents and is satisfied there are no outstanding issues.

Point 4 of Council's Resolution of the 15 July 2015 OCM noted 'changes as required by the Shire'. The following minor amendments have been made at the request of the Shire:

- Removal of building envelopes on Residential R2 lots;
- Preference for building exclusion areas (as indicated in the Applicant's letter – Attachment 2); and
- Removal of permissible land uses due to conflict with the Town Planning Scheme.

In further review, the Officer recommends a modification to include the requirement of AS3959 (construction standards in bushfire prone areas) be inserted as a provision on the Structure Plan.

9.1.3 OFFICER RECOMMENDATION

That Council:

1. Adopt the Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering with the following modification:
 - a. Insert Provision stating the requirement for dwellings to be built in accordance with AS3959.
2. Authorise the Shire President and Chief Executive Officer to sign and seal the adopted Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.
3. Forward the adopted and executed Structure Plan to the Western Australian Planning Commission.

9.1.3 COUNCIL MOTION / COUNCIL RESOLUTION 031015

Moved Cr Houston / Seconded Cr Tilbury

That the item 9.1.3 "Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering" be laid on the table.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.4 Section 31 SAT Order: Proposed dwelling at Lot 125 Turtledove Drive, Lower Chittering*

Report date	28 October 2015
Applicant	J & S Ortin
File ref	A11300; P267/14
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Council Minutes 15 July 2015

Background

An application was presented to Council at the Ordinary Meeting held on the 15 July 2015 requesting retrospective approval for the conversion of an outbuilding (10a) to a dwelling (1a). Council resolved to refuse this application as per the resolution below.

1. Refuse the retrospective approval for the conversion of the outbuilding (P118/11) to a Dwelling (P267/14) on Lot 125 Turtledove Drive, Lower Chittering for the following reasons:
 - a. the proposal is inconsistent with Local Planning Policy No. 27 in the following ways:
 - i. Does not meet the objective to 'ensure an adequate standard of residential accommodation'.
 - ii. Policy Statement 5.1 states 'Living in sheds is prohibited'.
 - iii. policy Statement 5.7 states 'Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities'.
 - b. the proposal contravenes Clause 5.8.3 of the Scheme:
'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council'.
 - c. Approval of such would set an undesirable precedent to retrospectively support the unauthorised conversion of a structure approved and designed for the purpose of storage only.
 - d. Approval of such would contradict the Statutory Declaration made by the landowners stating 'no intentions to reside in the shed' which was provided for the Shire to vary 5.2(b) of the Local Planning Policy No 7 in approving a shed on a vacant property.
2. Direct the landowner to remove all building works necessary for the outbuilding (P118/11) to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.
3. Approve the Garage Extension (P268/14) to the outbuilding subject to the following conditions:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.
 - b. Structure shall not be used for residential habitation.
4. Approve the 'Lean To addition (P268/14) to the outbuilding subject to the following condition:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.
5. That the approvals granted in 3 and 4 are subject to the fulfillment of Points 1 and 2 above.

Following Council's refusal, the applicant appealed the decision to the State Administrative Tribunal (SAT), where it was determined that the Shire of Chittering was to reconsider its refusal (based on planning grounds only) under a Section 31 Reconsideration.

Council's reconsideration once again is requested under Section 31 of the SAT Act for a proposed conversion of an outbuilding (10a) to a dwelling (1a) at Lot 125 Turtledove Drive, Lower Chittering.

The Applicant is requesting SAT and Council to approve the building as a dwelling due to the construction standard meeting Class 1a (dwelling) building standards and the high quality design of the building suitable as a residence.

The Applicant submitted additional information through the process of SAT which further establishes aspects of the build which meet the necessary standards for a dwelling from a planning perspective.

Consultation

Not applicable

Statutory Environment

State: State Administrative Tribunal Act 2004

The Applicant lodged a review of the decision with SAT as per Section 20 of the Act, following Council's resolution of 15 July 2015.

SAT have directed Council to reconsider its decision on the proposal as per Section 31 of the Act.

Local: Shire of Chittering Town Planning Scheme No. 6

The objectives of the Rural Residential zone in the Shire of Chittering Town Planning Scheme No. 6 (Clause 4.2.6) are:

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

In the Rural Residential Zone, the *Town Planning Scheme No. 6* makes provision for Planning Approval under Section 5.8.3 that:

'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council.'

This section also states what aspects Council shall have regard to for residential development:

- (a) the colour and texture of external building materials;*
- (b) building size, height, bulk, roof pitch;*
- (c) setback and location of the building on its lot;*
- (d) architectural style and design details of the building;*
- (e) relationship to surrounding development; and*
- (f) other characteristics considered by the Council to be relevant.*

Dwelling houses and ancillary buildings shall be constructed of non-reflective materials (excluding glazed areas).'

Policy Implications

Local: Local Planning Policy No. 7 Outbuildings and Swimming Pools
Local Planning Policy No. 27 Living in Sheds

Both policies as outlined below clearly identify that an 'outbuilding' is considered a 'non-habitable structure' and furthermore that living in an 'outbuilding' would not be supported by the Shire.

LPP No. 7 Outbuildings and Swimming Pools:

"Outbuilding" means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling or other building, but does not include a water tank or animal feed bin.

Section 5.2 c) Outbuildings appurtenant to a dwelling will not be approved on vacant Townsite or Rural Residential properties unless a simultaneous Building Licence Application for a dwelling has been lodged with the Local Government.

LPP No. 27 Living in Sheds

The Council has previously expressed concern that people living in sheds do so in sub-standard conditions

5.1 *Living in sheds is prohibited.*

As the subject building was approved and built as a Class 10a, it has been assessed as such within the parameters of the Shire of Chittering's Local Planning Policies and Town Planning Scheme No. 6.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes.

Triple Bottom Line Assessment

Economic implications

Should the application be approved, the landowners will benefit with an asset on their property.

However, from a Shire perspective conversions of a Class 10a Outbuilding to Class 1a Dwelling may create a number of compliance issues. Additionally, compliance issues pertaining to the conversion of outbuildings (10a) to dwellings (1a) has the ability to exhaust planning, building and compliance officers time and also Council resources.

Social implications

The conversion of a Class 10a Outbuilding to a Class 1a Dwelling, may have the ability to create an undesirable precedent within the Shire, as this has been previously discouraged. In the past, residents whom have been living in sheds (10a Outbuildings) have been identified for compliance issues, as living in sheds does not comply with the provision of the *Local Planning Policy No. 24 Living in Sheds*.

Furthermore, the design of outbuildings is generally not associated with residential uses (i.e. few windows, eaves etc) and may result in poor outcomes from an amenity and architectural perspective.

Environmental implications

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

Comment

Due to the Shire's provisions contained within *Local Planning Policy No. 7 Outbuildings and Sheds* and also *Local Planning Policy No. 27 Living in Sheds* in addition to the Shire's Town Planning Scheme which clearly outlined that the Shire would not be supportive of residents living in outbuildings, Council in its July meeting resolved to refuse the application. It was also noted that the conversion may create an undesirable precedent for land use and development within the Shire of Chittering.

Following the July resolution and during the review process, discussions held with SAT made clear the need for the Shire to consider the application on its merits and solely on planning grounds within the planning framework. The previous reports to Council providing reasons to refuse the conversion have been questioned by SAT. A number of points leading to the Section 31 reconsideration include:

- *Local Planning Policy No. 27 Living in Sheds* clearly prohibits the occupation of sheds. It does not prohibit the conversion of a shed or change the use of a building to a dwelling. Thus, due to the submission of additional documentation by the Applicant post mediation which was submitted to SAT, it demonstrated that the building was able to meet the standards of a 1a Dwelling. The additional information, which included documentation from a licensed building surveyor enabled the Shire to possibly entertain the conversion of a 10a to a 1a from a planning perspective.
- The proposal should be considered on its merits on planning grounds alone (as elaborated in 31a).
- Is the proposed design and built standard something the Shire would support due to the lack of policy guidelines.

The difficulty with the Officer's recommendation to revoke the Shire's previous decision (July 2015) is that it may create an undesirable precedent from a planning perspective within the Shire, particularly in relation to the type of desirable built form expected in many rural residential estates. This is particularly relevant in instances where outbuildings have been built to a 10a standard and the owner may envisage for a future conversion to a residential Class 1a standard dwelling, however due to the standard it has been built to, it may be difficult to convert.

In this case, the Applicant was able to provide a clearly documented history of all works undertaken to indicate that the outbuilding was built to a Class 1a dwelling standard. They also engaged the services of a private building surveyor who was able to certify that the outbuilding was able to meet the standard requirements for a dwelling.

It is the Officer's Recommendation that Council revoke the decision to refuse the application with the following responses to the reasons:

1. The Shire's Living in Sheds Policy does not explicitly prohibit obtaining approval to convert a structure for the purpose of a dwelling; it merely prohibits the occupation of a non-habitable structure.
2. The definition of a dwelling in the Residential Design Codes mentions a structure that is 'adapted' and 'designed for habitation'. The Applicant is seeking approval to do such.
3. The standard of the structure is acceptable for residential accommodation as it meets the considerations set by the Town Planning Scheme and does not conflict with the objectives of the Residential Design Codes.
4. The shed is not currently being occupied but has been improved to a dwelling standard for occupation. This does not contravene Clause 5.8.3 which states that residential use is only permitted in a building approved by Council for that purpose.

Although the officer is recommending approval on the basis that the proposal complies with the general requirements of *Town Planning Scheme No 6* and ancillary policies. It should be brought to Councils attention that the landowner was aware that the shed (10A) was not permitted to be converted, no approvals were sought during the unauthorized conversion process, therefore, whilst the Officer is recommending planning approval, Council could also consider prosecuting the landowner for contravening the provisions of *Town Planning Scheme No 6* by undertaking works without approval.

Note: Sections 218 and 223 of the Planning and Development Act provides that a person who-
(a) Contravenes or fails to comply with the provisions of a town planning scheme; or
(b) Commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under the scheme,
is guilty of an offence.

Penalty: \$50 000 and a daily penalty of \$5000. AMD 21 GG 3/4/09

Prosecution proceedings of this nature may provide some disincentive for other landowners to undertake similar unauthorised works.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041015

Moved Cr Gibson / Seconded Cr Houston

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* considers the revocation of resolution number 040715 “Retrospective Planning Approval for Conversion of Shed to Dwelling – Lot 125 Turtledove Drive, Lower Chittering” of the Ordinary Meeting of Council held on 15 July 2015:

- 1. Refuse the retrospective approval for the conversion of the outbuilding (P118/11) to a Dwelling (P 267/14) on Lot 125 Turtledove Drive, Lower Chittering for the following reasons:**
 - a. the proposal is inconsistent with Local Planning Policy No. 27 in the following ways:**
 - i. Does not meet the objective to ‘ensure an adequate standard of residential accommodation’.**
 - ii. Policy Statement 5.1 states ‘Living in sheds is prohibited’.**
 - iii. Policy Statement 5.7 states ‘Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities’.**
 - b. the proposal contravenes Clause 5.8.3 of the Scheme:**
‘Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council’.
 - c. Approval of such would set an undesirable precedent to retrospectively support the unauthorized conversion of a structure approved and designed for the purpose of storage only.**
 - d. Approval of such would contradict the Statutory Declaration made by the landowners stating ‘no intentions to reside in the shed’ which was provided for the Shire to vary 5.2(b) of the Local Planning Policy No 7 in approving a shed on a vacant property.**
- 2. Direct the landowner to remove all building works necessary for the outbuilding (P118/11) to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.**
- 3. Approve the Garage Extension (P268/14) to the outbuilding subject to the following conditions:**
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.**

- b. Structure shall not be used for residential habitation.*
- 4. *Approve the 'Lean To addition (P268/14) to the outbuilding subject to the following condition:*
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.*
- 5. *That the approvals granted in 3 and 4 are subject to the fulfilment of Points 1 and 2 above.*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051015

Moved Cr Gibson / Seconded Cr Houston

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* revokes resolution number 040715 "Retrospective Planning Approval for Conversion of Shed to Dwelling – Lot 125 Turtledove Drive, Lower Chittering" of the Ordinary Meeting of Council held on 15 July 2015:

- 1. *Refuse the retrospective approval for the conversion of the outbuilding (P118/11) to a Dwelling (P 267/14) on Lot 125 Turtledove Drive, Lower Chittering for the following reasons:*
 - a. the proposal is inconsistent with Local Planning Policy No. 27 in the following ways:*
 - i. Does not meet the objective to 'ensure an adequate standard of residential accommodation'.*
 - ii. Policy Statement 5.1 states 'Living in sheds is prohibited'.*
 - iii. Policy Statement 5.7 states 'Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities'.*
 - b. the proposal contravenes Clause 5.8.3 of the Scheme:*
'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council'.
 - c. Approval of such would set an undesirable precedent to retrospectively support the unauthorized conversion of a structure approved and designed for the purpose of storage only.*
 - d. Approval of such would contradict the Statutory Declaration made by the landowners stating 'no intentions to reside in the shed' which was provided for the Shire to vary 5.2(b) of the Local Planning Policy No 7 in approving a shed on a vacant property.*
- 2. *Direct the landowner to remove all building works necessary for the outbuilding (P118/11) to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.*
- 3. *Approve the Garage Extension (P268/14) to the outbuilding subject to the following conditions:*
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.*
 - b. Structure shall not be used for residential habitation.*
- 4. *Approve the 'Lean To addition (P268/14) to the outbuilding subject to the following condition:*
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.*
- 5. *That the approvals granted in 3 and 4 are subject to the fulfilment of Points 1 and 2 above.*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.4 OFFICER RECOMMENDATION

Moved Cr Houston/ Seconded Cr Gibson

That Council approve the Retrospective Planning Approval for Conversion of Shed to Dwelling at Lot 125 Turtledove Drive, Lower Chittering subject to the following conditions:

1. A minimum 120,000L rainwater tank shall be connected to the dwelling for potable water supply.
2. All plumbing facilities shall be approved for connection to an approved effluent disposal system.
3. Roofing shall be maintained as a pre-painted or Colorbond material.

Advice Note:

This Planning Approval does not constitute a Building Permit. A retrospective Building Application (BA13 Form) is required prior to occupancy.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Tilbury

That Council directs staff to investigate and seek legal advice with regards to the landowner undertaking unauthorised works.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061015

Moved Cr Houston / Seconded Cr Gibson

That Council approve the Retrospective Planning Approval for Conversion of Shed to Dwelling at Lot 125 Turtledove Drive, Lower Chittering subject to the following conditions:

1. A minimum 120,000L rainwater tank shall be connected to the dwelling for potable water supply.
2. All plumbing facilities shall be approved for connection to an approved effluent disposal system.
3. Roofing shall be maintained as a pre-painted or Colorbond material.

Advice Note:

This Planning Approval does not constitute a Building Permit. A retrospective Building Application (BA13 Form) is required prior to occupancy.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.5 Reconsideration of Scheme Amendment No. 54: Rezoning of Lot 300 Settlement Road, Bindoon*

Report Date	28 October 2015
Applicant	Land Insights
File ref	18/02/25; 18/07/11; A1463
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment documents dated Nov 2014 2. Request letter and revised draft Structure Plan

Background

Council originally considered and refused the initiation of the Scheme Amendment for rezoning Lot 300 Settlement Road, Bindoon at its 18 February 2015 Ordinary Council Meeting. The reasons for refusing the initiation to rezone the property from 'Agricultural Resource' to 'Rural Smallholdings' were:

- To preserve agricultural resource; and
- Battleaxe designs are not supported.

Since the refusal of the initiation the Applicant has liaised with Shire Officers to discuss and assess any options the client may have for reconsideration. The Shire's advice for any reconsideration to be entertained is for the proposal to address Council's reasons for refusal.

The Applicant has finalised a request for reconsideration. The proposed zoning has not altered, due to being consistent with the Local Planning Strategy, however the draft Structure Plan has been revised (Attachment 2).

The proposed lot layout aims to shift away from the battleaxe design. The Applicant has widened the previous access leg for the rear lot and have aimed to provide water supply from existing bores to both proposed lots to allow for agricultural production.

Council's reconsideration of the proposed Scheme Amendment to rezone Lot 300 Settlement Road, Bindoon to 'Rural Smallholdings' is requested.

Consultation

Consultation of the Scheme Amendment shall occur in accordance with the *Town Planning Regulations 1967* should Council determine to initiate the scheme amendment. This requires the scheme amendment to be referred to the Environmental Protection Authority for consent to advertise for a period of forty two (42) days. The Structure Plan will be advertised in conjunction with the Scheme Amendment.

Statutory Environment

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

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

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

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

The objectives of the 'Rural Smallholdings' zone are:

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

The subject land is located within the 'Landscape Protection Special Control Area' which sets out planning considerations of retaining native vegetation, preventing deterioration of quality land and protecting landscape values.

The Applicant has submitted a draft Structure Plan, regulated by Clause 5.19 of the Scheme, to support the Scheme Amendment.

Policy Implications

State: *Planning for Bushfire Guidelines 2010*

The Applicant has provided a bushfire hazard assessment, which identified low to moderate fire risk over the site. This risk is acceptable to allow development as per the guiding principles of the Guidelines.

Local: *Local Planning Policy No 32 Development Plans*

The Applicant submitted a draft Structure Plan with the Scheme Amendment for initiation for the 18 February 2015 Ordinary Council Meeting. As of June 2015 following the gazettal of Scheme Amendment 52, it is now referred to as a Structure Plan. The level of detail in the draft Structure Plan for the purposes of the Scheme Amendment is considered to be acceptable.

Financial Implications

The proposed Scheme Amendment is not considered to create any financial implications on Council.

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject land is identified for 'Rural Smallholdings' development. The aims of Rural Smallholdings development in the Shire include:

Aims

- *To maximise the productive capacity of good soils*
- *To allow for rural environment around nominated service centres*
- *To include stringent conditions for protection and reparation of watercourses and wetlands*
- *To provide a working rural living presentation around the centres*
- *To allow for eco-tourism and agro tourism and special developments appropriate to rural production*
- *To allow for a range of lot sizes befitting the landform constraints with an average minimum lot size of 10 hectares and an absolute minimum lot area of 5 hectares*
- *All subdivision and development shall complement land capability analysis, protection of natural streamlines and remnant vegetation and clearly demonstrate the availability of water*
- *To minimise vehicular access to highways or regional roads*
- *Prior to rezoning of land for Small Rural Holdings the following matters shall be addressed:*
 - *Access to Great Northern Highway and the management of increased traffic*
 - *The potential conflict between agricultural production and Rural Smallholdings*
 - *The 'Linear Valley Greenway' in the Avon Arc Sub-Regional strategy, the general presumption against closer rural subdivision in this vicinity and the need to consider protection of land along the river if subdivision is supported*
 - *Land capability and water availability to sustain intensive agriculture on Rural Smallholdings.*

The land is located within the 'Chittering Valley Geographical Unit' which aims at protecting productive land for broad acre farming, supporting intensification where water is available, preventing land degradation and preserving landscape values.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

There are no known economic implications as a result of this proposal.

Social implications

There are no known social implications that would arise as a result of this proposal.

Environmental implications

There are no known environmental implications as a result of this proposal. No clearing of remnant vegetation is required and the Applicant has attempted to retain existing agricultural activities in the best interest of the landowner to continue operations.

Comment

Town Planning Scheme No 6

The proposed rezoning and draft Structure Plan is consistent with the objectives of the 'Rural Smallholdings' zone as the revised proposed lot layout aims to preserve the continuation of the existing agricultural activities, does not result in land degradation and meets the minimum lot size set by the Scheme.

Local Planning Strategy

Lot 300 is identified in the Shire's Local Planning Strategy for 'Rural Smallholdings' development and is maintained in the Shire's draft Local Planning Strategy (2013). The strategies of the geographical location and zone precinct supports the intensification of agricultural uses where land capability and water availability permits. It is considered the proposed zone facilitates these objectives.

Structure Plan

The Structure Plan (previously Development Plan) meets the standard set out by the Shire's Local Planning Policy No 32. The lot layout has been amended from when Council considered the initiation of the scheme amendment at the 18 February 2015 OCM with providing bore water supply/infrastructure to both lots as a priority. It is considered the advertisement of the Structure Plan to relevant agencies will provide further detail for Council's consideration.

Access

Settlement Road is mostly constructed of gravel with the exception of approximately 300m from the Great Northern Highway entrance which is bitumen sealed. The proposed zoning does not result in additional access requirements.

Fire management

The Applicant has provided a Bush Fire Hazard Assessment for the site which indicates some remnant vegetation of moderate hazard. The only non-compliant aspect is the distance of Settlement Road exceeding the desired maximum 600m. The distance to Great Northern Highway is 890m. The Applicant proposes to address this by requiring dwellings to be constructed to a higher standard than the BAL Assessment of the site. This proposed solution will be further assessed in advertising and considering the adoption of the Structure Plan.

Concluding comments

It is the Officer's recommendation that Council reconsider the proposed rezoning favourably. The reasons that Council refused the initiation of the rezoning have been addressed and the rezoning should be supported for the following reasons:

1. The proposed Rural Smallholdings zone is consistent with the Shire's Local Planning Strategy.
2. The proposed zone allows for the continuation and intensification of the existing agricultural activities being undertaken on the land.
3. The draft Structure Plan has been modified to:
 - a. Provide bore water supply to the rear lot;
 - b. Maintain sufficient bore water supply for the front lot with existing orchards; and
 - c. Shift away from the 'skinny' access leg originally proposed.

It is recommended that Council support the proposed Scheme Amendment to rezone the land to Rural Smallholdings given the above comments and due to Council's reasons of refusal relating to the Structure Plan and not the proposed zone. The Structure Plan would be advertised concurrently with the Amendment. The consideration of the Structure Plan and report to Council will then factor in community

and public comments/advice in regards to the proposal and allow for a more informed determination of its suitability.

9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071015

Moved Cr Gibson / Seconded Cr Vallance

That Council:

- 1. In pursuance of Section 75 of the *Planning and Development Act 2005*, support the initiation of the amending of the *Shire of Chittering Town Planning Scheme No 6* by:
 - a. Rezoning Lot 300 Settlement Road, Bindoon from 'Agricultural Resource' to 'Rural Smallholdings'; and**
 - b. Amend the Scheme Map accordingly.****
- 2. Numbers the proposed amendment as 'Amendment No 54' of the Shire of Chittering *Town Planning Scheme No. 6* and forwards to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, prior to advertising in accordance with the *Town Planning Regulations 1967*.**

THE MOTION WAS PUT AND DECLARED CARRIED 4/3

9.1.6 Policy Review: Local Planning Policy 7 Outbuildings*

Report date	28 October 2015
Applicant	Shire of Chittering
File ref	18/06/0007
Prepared by	Janice Billen, Compliance Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Local Planning Policy 7 Outbuildings 2. Existing Local Planning Policy 7 Outbuildings and Swimming Pools

Background

The Shire has undertaken a review of its *Local Planning Policy No.7 Outbuildings and Swimming Pools*. The original Policy was approved by Council in 2008 and is now considered to be outdated and in need of review.

As part of this policy review, there were a number of inconsistencies identified with local and state planning legislation such as underground swimming pools being required to obtain Planning Approval. It was also identified that unsuitable structures such as transportables and dongas were also being used as outbuildings, in these instances it has been considered to be negatively affecting the amenity of the rural residential character of the shire, by industrialising rural residential lots with unsightly buildings which are not fit for purpose.

Additionally there have been instances where outbuildings have been used as residential accommodation which due to its building classification is considered unsuitable for human habitation. This is due to an outbuilding being built to a different standard (class 10a structure) to a dwelling (class 1a). Clearly outbuildings do not reach the standards required for a dwelling and conversion of an outbuilding from a class 10a to a class 1a building should not be supported.

This policy seeks to additionally address the issue of secondhand materials being used in the construction of outbuildings. This has resulted in the structure giving a poor and dilapidated appearance which adversely affects the streetscape and amenity of the Shire.

The key changes to the policy are as follows:

Section 1.0 Definitions

- Adding 'building envelope', 'and removing building clearing area to reflect current terminology.
- Adding Shire – meaning Shire of Chittering
- Adding 'Residential Design Codes' in reference to State Planning Policy 3.1
- Adding 'Attached' meaning that a structure is structurally joined to dwelling
- Adding 'Carport' meaning a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable
- Adding 'Combined Floor Area of Outbuilding' for the purpose of this policy is the total floor area of all the outbuildings located on the subject land.
- Adding 'Combined Roof Area of Outbuilding' for the purpose of this policy is the total roof area of all outbuildings located on the subject land.
- Adding 'Detached' means that no part of a structure is joined to any part of another structure.
- Adding 'Earthworks' means the movement of earth on land which is carried out in conjunction with the construction of a structure or independently and exceeds 0.5m in height at any given point.

- Adding 'Garage' means any enclosed roofed structure, other than a carport, designed to accommodate one or more motor vehicles provided for the sole use of the dwelling and designed to be integrated with the dwelling. Garages that are included under the main roof of the residence are not subject to this policy.
- 'Enclosed' means an area bound on three or more sides by a permanent wall and covered in a water impermeable material.
- Adding 'Garden Shed' means a prefabricated steel structure with a maximum floor area of 10m², and a maximum wall height of 1.7m and a maximum ridge height of 2.1m.
- Adding 'Integrated' means that a garage or outbuilding is constructed of a similar roof pitch, colours, materials and design in reference to the existing dwelling's roof pitch, colours, materials and design.
- Adding 'Lean to' means a structure with a single sloping roof that is structurally attached to an existing building. Lean to's that are attached to an outbuilding are subject to this policy.
- Adding 'Scheme' means the Town Planning Scheme No. 6 as amended.
- Adding 'Ridge Height' means the maximum vertical distance between the finished floor level and the finished roof height directly above.
- Adding 'Wall Height' means the maximum vertical distance between the finished floor level and the finished wall height directly above.
- Adding 'Substantially Commenced' means the commencement of the approved development either by way of undertaking associated earthworks, construction, placement or otherwise of the approved development.
- Adding 'Detached Patios' means unenclosed structure covered in a water impermeable material, detached from the dwelling.
- Adding Table 1 to show maximum acceptable design standards in relation to 'R' codes and zoning.

Design requirements 2.4

- Use of secondhand materials is prohibited
- Use of Dongas and transportable structures for storage is prohibited.

Section 2.9

The conversion of an outbuilding (class 10a) to a dwelling (class 1a) is not supported.

- The removal of use of second-hand materials – this is to improve the amenity of the area.
- Use of dongas and transportable buildings for use as storage is not supported again to improve the amenity of the area
- Change of use from class 10a outbuilding to class 1a dwelling not supported
- Removal of in-ground swimming pools from policy.

Consultation

Under the Shire of Chittering's Town Planning Scheme No. 6, an amendment to a local planning policy is required to be advertised through publishing a notice of the proposed policy once a week for two consecutive weeks. Subsequent submissions may be made to the Shire regarding the policy for a minimum period of 21 days in accordance with Section 2.4.1 of the Scheme.

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No. 6

Section 2.2 of the Town Planning Scheme Allows for the Creation or Amendment of a Local Planning Policy, whilst Section 2.4 allows for the Making or Amendment of a Local Planning Policy.

Policy Implications

This draft amended Local Planning Policy (LPP No. 7 Outbuildings), if approved, would supersede the existing Local Planning Policy No. 7.

Financial Implications

There will be advertising costs associated with advertising of the Local Planning Policy No.7 Outbuildings.

Strategic Implications

Since the original Local Planning Policy No. 7 was approved by Council, the Shire has experienced a significant increase in residents and landowners illegally occupying outbuildings as a residence and using them as a primary residence.

Furthermore, there has been limited to no guidance on appropriate outbuilding size for zones. This has resulted in oversized sheds being constructed in residential and rural residential zones creating an industrial appearance rather than the intended residential and rural appearance and amenity. There has also been a significant increase of the use of unsightly second hand materials in the construction of outbuildings in addition to the use of dongas and transportables for storage.

These outbuildings in varied states of quality, colour, size and location have however created issues for residents with many citing the visual impact of the outbuildings as greatly affecting the rural landscape and character of the area.

By conducting a review of the policy, it allows for greater control and clearer guidelines for the use and visual impact of outbuildings within the Shire which in turn may mitigate issues regarding outbuildings as a dwelling on the amenity

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The amended Local Planning Policy No. 7 provides greater guidance and direction to those proposing to lodge an application for an outbuilding providing a more detailed analysis of the appropriate size, siting and extent of outbuilding within the Shire which may in turn reduce the visual impact of outbuildings in the Shire. This policy is intended to provide clear direction for landowners when developing within the Shire, it is also intended that this policy will result in the reduction of compliance issues regarding the use of outbuilding as a dwelling and negatively impacting the amenity of the area.

Environmental implications

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

Comment

The review of the existing Local Planning Policy No. 7 proposes to enable a clear and concise outline of the expectations of utilising outbuildings as a means of storage within the Shire, particularly in relation to the appropriate siting and location on differently zoned areas. This may then reduce the impact of the use of outbuildings from a visual amenity point of view, allowing the Shire to maintain the rural character and landscape which is an expectation of those already living and considering living in the Shire.

Additionally provision has been made to address concerns pertaining to the use of outbuildings as a dwelling

9.1.6 OFFICER RECOMMENDATION

That Council:

1. Resolves to adopt the amended Local Planning Policy No.7 Outbuildings; and
2. In accordance with Clause 2.4 of the *Shire of Chittering's Town Planning Scheme No 6*, advertise draft policy for public comment and then return the draft policy to Council for final consideration following the public comment period.

9.1.6 COUNCIL MOTION / COUNCIL RESOLUTION 081015

Moved Cr Houston / Seconded Cr Gibson

That the item 9.1.6 "Policy Review: Local Planning Policy 7 Outbuildings" be laid on the table.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.7 Proposed Transport Depot: Lot 7 Great Northern Highway, Muchea*

Report date	28 October 2015
Applicant	S Graham and S Crawford
File ref	A3344; P184/15
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Staged site Plan 3. Application report with plans 4. Schedule of Submissions 5. Catchment Management Plan 6. Consultation Plan

Background

Council's consideration is requested for a proposed transport depot at Lot 7 Great Northern Highway, Muchea.

In 2013 the Applicant submitted an application for a transport depot on Lot 7, which sought approval for hardstand over the entirety of the property (except for a 100m buffer from the highway for future access). The application was advertised to the public and relevant agencies; at which point Main Roads WA required a Traffic Impact Statement and significant upgrades to access from Old Gingin Road. The Applicant tried to progress this with Main Roads WA but unfortunately could not meet an outcome and the application did not proceed.

The Applicant, whom owns adjoining Lot 3 Great Northern Highway, was granted planning approval for a transport depot on Lot 3 at the 15 April 2015 Ordinary Council Meeting. This approval was for a 1 hectare hardstand area and was to be used in conjunction with the existing business being conducted on Lot 3. The Applicant has commenced construction of the hardstand but not commenced operating.

The Applicant has now resubmitted the 2013 application but has modified the approach. The application presented to Council, in summary, proposes the following:

- Construction of gravel hardstand in a staged format;
- Access through Lot 3 to Great Northern Highway;
- Maximum of up to 10 movements per day in total including Lot 3; and
- Maintain vegetation screening recently planted on rear boundary.

The application differs from the 2013 application only by way of staging hardstand areas and capping vehicle movements up to 10 per day.

Consultation

The revised application was advertised in accordance with Clause 9.4 of the Town Planning Scheme for a period of 14 days concluding 18 September 2015. This process included:

- Advertising sign at the property;
- Display at the Shire Administration Office;
- Letters to adjoining and nearby landowners (Attachment 6 - Consultation Plan); and
- Letters to the relevant agencies being Main Roads WA and the Ellen Brockman Integrated Catchment Group (EBICG).

The Shire received 2 public submissions and 1 agency submission. The Schedule of Submissions has been included with this report (Attachment 4).

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No. 6

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

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

The subject property is located within the 'Water Prone Area – Ellen Brook Palusplain' and 'Military Considerations (RAAF)' Special Control Areas.

The relevant points of the Planning Requirements of the 'Water Prone Area' SCA are:

6.3.3 Planning Requirements

The Local Government will impose conditions on any Planning Approval relating to-

- (d) *any land use that may contribute to the degradation of the surface or sub-surface water quality.*
- (f) *damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.*

The Planning Requirements of the 'Military Considerations' SCA relate to the construction of dwellings only, which does not apply to this development.

A 'transport depot' is defined as:

means 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 listed as an 'A' use in the 'Agricultural Resource' zone, which means:

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

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

The buffer for a transport depot set by these Guidelines is 200m. The nearest residence is approximately 80m from the boundary of Lot 7. The submitted plan has imposed the 200m buffer on the proposed transport depot area.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

Lot 3 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 3 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*

Site Inspection

Site inspection undertaken: Yes

The site is flat and cleared for grazing. The site is clearly visible from Great Northern Highway and Old Gingin Road. There are no visible features on the site, however the landowner has undertaken tree planting on the rear boundary.

Triple Bottom Line Assessment

Economic implications

The public submissions raised concerns of property devaluation as a result of the proposal being approved. Comments in relation to property devaluation are not a planning consideration in accordance with section 10.2 of *Town Planning Scheme No 6* as it is too subjective.

Social implications

The public submissions raised objections to the proposal due to the perceived adverse impact it would create on lifestyle from noise, dust, visual amenity and traffic. These concerns have been conditioned accordingly as part of the officer's recommendation.

Environmental implications

The Catchment Management Plan outlines the environmental characteristics and natural drainage features of the site, mentioning the high groundwater table and high risk of inundation, and ways to adequately manage development on site.

Comment

Proposed development of site

The proposal requires the construction of a gravel hardstand utilising the existing access through Lot 3 as indicated on the site plan. The Applicant's Catchment Management Plan prepared for Lot 3, relates to the proposed drainage of the Stage 1 hardstand area, where runoff is directed to an existing vegetated basin at the front of Lot 3. The Applicant has advised the stormwater management measures for stages 2, 3 and 4 are subject to the resumption of land by Main Roads for the Perth to Darwin Highway. The Applicant has also engaged Chittering Landcare for tree planting for the purposes of screening the hardstand area.

Consultation

As mentioned the proposal was advertised to surrounding landowners and two agencies. Two public submissions received objected to the proposal outlining concerns of dust, noise and safety impact on current lifestyle, enjoyment and use of private property.

Main Roads WA supported the proposal subject to 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.

Town Planning Scheme

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.

The Applicant has provided a Catchment Management Plan (CMP) prepared by the EBICG which is required by the Scheme as the site is located within the Water Prone SCA. Nutrient export into the groundwater is minimised due to no refuelling or wash down facilities proposed and the low number of movements and activity on the hardstand proposed. It is considered the Applicant has provided sufficient associated drainage detail for the Stage 1 area however the CMP has not been revised for the other stage areas on Lot 7 and therefore the development of hardstand and operation of transport depot on Lot 7 in Stages 2, 3 and 4 cannot be considered.

Local Planning Strategy

The Strategy further 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 property is also located adjacent to the Muchea Employment Node.

Without a Catchment Management Plan assessing and addressing the proposed development on Lot 7 beyond Stage 1, it is difficult for the Shire to assess if the objectives set out in the Strategy can be addressed. It is noted the property is located on the Palusplain which is subject to possible waterlogging.

Access

The Applicant proposes that truck movements for the proposal in conjunction with the existing operations on Lot 3 will not exceed 10 movements per day. This has been reiterated by Main Roads WA as a condition of their support as mentioned above. The Applicant has not objected to this limitation. Main Roads WA are also in the process of resuming land for the purposes of the Perth to Darwin National Highway which would result in at least 2 hectares being resumed.

Final comments

It is considered the proposed Transport Depot for Stage 1 on Lot 7 can be supported with regard to the Town Planning Scheme, Local Planning Strategy and submissions for the following reasons:

1. The Transport Depot will use the existing access to Great Northern Highway which is supported by Main Roads WA subject to no greater than 10 total movements per day over Lot 3 and 7.
2. The proposal does not require clearing of remnant vegetation or loss of substantial productive land.
3. The Applicant has prepared a Catchment Management Plan to meet the requirements of the Scheme for the Stage 1 area, which addresses drainage concerns and manages stormwater appropriately. A Catchment Management Plan for stages 2, 3 and 4 would be required and submitted with a future application to be assessed.
4. No other storage, vehicle maintenance or refuelling is proposed to occur on site, which reduces intensity of activity on site and associated impacts such as noise.
5. The Applicant has met the 200m generic buffer for transport depots and planted trees to screen from view from the nearest dwelling to minimise adverse amenity impacts.
6. The area of Stage 1 relative to capacity of vehicles parked will not adversely impact the area.

The Shire notes the objections received. The visual impact from residences can be minimised with tree planting (including established tree planting) and noise is regulated by the *Environmental Protection (Noise) Regulations 1997*. Further to this, the movements are to be limited to a maximum of 10 per day over both Lots 3 and 7.

It is the Officer's Recommendation that Council support the proposed transport depot however only for Stage 1 area being 1 hectare. It is expected once Main Roads WA have formalised the resumption of land for the Perth to Darwin National Highway, the Applicant will then be in a position to prepare a Catchment Management Plan for stages 2, 3 and 4 and provide stormwater design accordingly.

9.1.7 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Gibson

That Council:

1. Approve stage 1 of the Transport Depot at Lot 7 Great Northern Highway, Muchea subject to the following conditions:
 - a. A Landscaping Plan being submitted and approved by the Shire to address screening of hardstand/parking areas visible from the road/s prior to the commencement of the development.
 - b. Landscape screening to be established (within 3 months of this approval) and approved to the satisfaction of the Chief Executive Officer prior to commencement of development. The Landscaping is to be permanently maintained to the satisfaction of the Chief Executive Officer.
 - c. No wash down or major service/repairs is permitted on site.
 - d. No more than 10 vehicle movements per day are permitted.
 - e. Access shall be via adjoining Lot 3 Great Northern Highway, Muchea only unless otherwise approved by Main Roads WA.
 - f. Dust shall be managed onsite and not visibly exit the property boundaries as a result of movements associated with the transport depot.
 - g. Compliance with the Catchment Management Plan at all times.
2. Defer consideration of proposed stages 2, 3 and 4 until further details can be obtained and provided by the Applicant in a separate application regarding an appropriate Catchment Management Plan and associated design details.

AMENDMENT

Moved Cr Houston / Seconded Cr Osborn

That there be the addition of an Advice Note stating:

Noise levels are to be in accordance with the Environmental Protection Noise Regulations 1997.

THE AMENDMENT WAS PUT AND DECLARED LOST 3/4

AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That Point 1B be altered to read 6 months.

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

Reason:

The reason for the amendment was to allow for planting to occur in the cooler months.

9.1.7 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 091015

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1. Approve stage 1 of the Transport Depot at Lot 7 Great Northern Highway, Muchea subject to the following conditions:**
 - a. A Landscaping Plan being submitted and approved by the Shire to address screening of hardstand/parking areas visible from the road/s prior to the commencement of the development.**
 - b. Landscape screening to be established (within 6 months of this approval) and approved to the satisfaction of the Chief Executive Officer prior to commencement of development. The Landscaping is to be permanently maintained to the satisfaction of the Chief Executive Officer.**
 - c. No wash down or major service/repairs is permitted on site.**
 - d. No more than 10 vehicle movements per day are permitted.**
 - e. Access shall be via adjoining Lot 3 Great Northern Highway, Muchea only unless otherwise approved by Main Roads WA.**
 - f. Dust shall be managed onsite and not visibly exit the property boundaries as a result of movements associated with the transport depot.**
 - g. Compliance with the Catchment Management Plan at all times.**
- 2. Defer consideration of proposed stages 2, 3 and 4 until further details can be obtained and provided by the Applicant in a separate application regarding an appropriate Catchment Management Plan and associated design details.**

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.2 TECHNICAL SERVICES

9.2.1 Purchase of New Backhoe*

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jim Garrett, Executive Manager Technical Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Quotes and documentation
Attachments	1. Qualitative Criterion

Background

Council is requested to consider the purchase of a new Backhoe as per the 2015-20126 Budget to replace the current Shire Backhoe (Volvo).

As part of the Council's annual Plant Replacement Program, quotes were requested through the WALGA Preferred Suppliers arrangement, to supply one new licensed Backhoe.

Four suppliers were requested to supply quotes for one new Backhoe and a price for the current Volvo Backhoe offered as a trade.

The table below shows the net outlay (excluding GST):

Supplier	Purchase Price	Trade In	Net Outlay
JCB Construction Equipment Australia	\$165,500	\$28,000	\$137,500
WesTrac Pty Ltd	\$167,900	\$31,500	\$136,400
Komatsu Australia Pty Ltd	\$185,240	\$29,000	\$156,240
Hitachi Construction Machinery Australia Pty Ltd	\$178,000	\$20,000	\$158,000

A qualitative criterion was conducted to assess the quotes as can be seen in the attachment.

Consultation

Jim Garrett, Executive Manager Technical Services
Siva Govender, Works Manager
Grahame Hedditch, Backhoe operator

Statutory Environment

Regulation 11 of the *Local Government (Function & General) Regulations 1996* states;

1. **When tenders have to be publicly invited**
 - (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) **the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or**

As mentioned above the quotations were provided via the WALGA Preferred Supplier Service Program, therefore it was not necessary to call tenders.

Due to the value of the quotes received, approval is sought from Council as the Delegation to the Chief Executive Officer only allows for purchases up to \$100,000.

Policy Implications

Local: 2.12 Purchasing

It is to be noted that there is an agenda item at 9.3.3 which increases the tender threshold to \$150,000 as per amendments to the *Local Government (Functions and General) Regulations 1996*.

The calling of these quotes was done prior to the implementation of the amended Regulations.

Financial Implications

In the 2015-2016 budget, a net outlay of \$137,000 has been allocated to purchase the new backhoe.

Strategic Implications

The provision of appropriate, reliable and safe equipment is essential for staff to be able to deliver on the Shire's planned services and projects.

Site Inspection

Nil

Triple Bottom Line Assessment

Economic implications

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

Social implications

More efficient road construction and maintenance works will assist in having a safer road network.

Environmental implications

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

Comment

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

The current Volvo Backhoe was purchased in February 2009 and has done 3,560 hours.

Parts and Repairs for the current backhoe:

2013-2014	\$19,475
2014-2015	\$17,895
2015-2016	\$ 3,025 (as at September 2015)
Total parts & repairs	\$40,395

The Works Manager and Plant Operator tested the JCB Backhoe on 13 October 2015 and the CAT Backhoe on 14 October 2015. The plant operator also tested the Komatsu backhoe at a field day held on the 7 September 2015. The Works Manager has commented that the Caterpillar Backhoe had better digging power, easier controls to operate the machine and operator comfort.

A evaluation matrix was conducted through the WALGA Preferred Supplier arrangement and can be seen in the attachment.

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

9.2.1 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Tilbury

That Council:

1. Award the purchase of one new licensed Backhoe to Westrac for a net outlay of \$136,400 excluding GST; and
2. Authorise the Chief Executive Officer to sign the purchase order for the purchase of one new Backhoe as stated in Point 1 above.

THE MOTION WAS PUT AND DECLARED LOST 2/5

9.2.1 COUNCIL MOTION / COUNCIL RESOLUTION 101015

Moved Cr Gibson / Seconded Cr King

That Council defer all capital expenditure on major equipment pending the review of the equipment replacement program, budget and cost reduction program.

THE MOTION WAS PUT AND DECLARED CARRIED 4/3

Reason: Council believed that there was not enough supporting information to justify the purchase.

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 30 September 2015*

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 30 September 2015
Attachments	1. Statement of Financial Activity for period ending 30 September 2015 Bank reconciliation for period ending 30 September 2015 List of accounts paid for September 2015

Background

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

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

The statement of financial activity for the period ending 30 September 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 30 September 2015 are hereby presented for Council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111015

Moved Cr Rossouw / Seconded Cr King

That Council:

- 1. endorse the list of payments:**
 - a. PR3617**
 - b. PR3623**
 - c. EFT 11495 - EFT 11616**
 - d. Municipal Fund Cheques 13959 – 13977**
 - e. Direct Debits and Transfers as listed**
 - f. Trust Fund Cheques 473 - 478**

Totalling \$779,698.78 for the period ending 30 September 2015.
- 2. receive the bank reconciliation for the period ending 30 September 2015.**
- 3. receive the financial statements for the period ending 30 September 2015.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 2014-2015 Annual Report and Setting of Annual General Meeting of Electors*

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Shire of Chittering 2014-2015 Annual Report, Financial Statements and Audit Report

Background

The *Local Government Act 1995* requires a local government to prepare an Annual Report each financial year and to hold an Annual General Meeting of Electors.

The Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The annual audit was undertaken during August 2015 by Mr Plinio Bresciani from Moore Stephens (previously known as UHY Haines Norton). The audit report was signed off by the Shire's auditor Mr David Tomasi on 14 September 2015 and received in this office on 14 September 2015.

Mr Tomasi will meet with the Audit Committee in the New Year to discuss any queries relating to the 2014-2015 Annual Report and financial statements.

Consultation

Chief Executive Officer

Statutory Environment

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

Policy Implications

Nil

Financial Implications

The Annual Report and Financial Statements will be printed in house.

There will be costs associated with advertising of the Annual Report and giving public notice of the Annual General Meeting of Electors. There will also be a charge for the hire of the hall (\$150).

These costs have been included in the 2015-2016 budget.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

To meet the legislative requirements, the Annual General Meeting must be held by 23 December 2015.

It is recommended that Council accepts the 2014-2015 Annual Report and Financial Statements and confirms the date for the Annual General Meeting of Electors as Tuesday, 1 December 2015.

9.3.2 OFFICER RECOMMENDATION

Moved Cr Gibson/ Seconded Cr Rossouw

That Council:

1. Pursuant to Sections 5.54 and 5.55 of the *Local Government Act 1995*, accepts the Annual Report and Financial Statements for the 2014-2015 financial year.
2. Convenes the Annual General Meeting of Electors at 6.00pm on Tuesday, 1 December 2015 at the Bindoon Hall.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Tilbury

That the venue for the Annual General Meeting of Electors be altered to one in Lower Chittering.

THE AMENDMENT WAS PUT AND DECLARED LOST 3/4

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121015

Moved Cr Gibson/ Seconded Cr Rossouw

That Council:

1. Pursuant to Sections 5.54 and 5.55 of the *Local Government Act 1995*, accepts the Annual Report and Financial Statements for the 2014-2015 financial year.
2. Convenes the Annual General Meeting of Electors at 6.00pm on Tuesday, 1 December 2015 at the Bindoon Hall.

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

9.3.3 Amendment to Policy 2.12 Purchasing*

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Policy 2.12 Purchasing 2. Departmental Circular 16-2015

Background

Council is requested to consider adopting the amendments recommended to Councils existing Policy 2.12 Purchasing.

Amendments to the *Local Government (Functions and General) Regulations 1996* were published in the Government Gazette on 18 September 2015 and took effect from 1 October 2015.

The key amendment was that the tender threshold has been increased from \$100,000 to \$150,000.

Consultation

Chief Executive Officer

Statutory Environment

State: *Local Government Act 1995*

Local Government (Functions and General) Regulations 1996

Policy Implications

Local: *2.12 Purchasing*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal

Social implications

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

Environmental implications

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

Comment

To ensure that Councils policy is in line with current regulations, it is recommended that the amendments to the Policy be adopted.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131015

Moved Cr Houston / Seconded Cr Rossouw

That Council:

- 1. adopt the amended Policy 2.12 Purchasing as presented.**
- 2. update the Shire of Chittering Policy Register accordingly.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Christmas/New Year Closure

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	13/02/31
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council is requested to note the Christmas/New Year closure period for 2015-2016.

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

The Christmas/New Year closure is a practice that has been occurring for several years as per the current Council Policy 3.15.

It is proposed that the Council Administration offices (including Technical Services, Bindoon Library and Depots) close at 3pm on Thursday, 24 December 2015 and re-open at 8.30am on Monday, 4 January 2016.

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 141015

Moved Cr Houston / Seconded Cr Osborn

That Council notes the closure of the Shire's Administration Centre (including Technical Services, Bindoon Library and Depot sites) from 3pm on Thursday 24 December 2015 and re-open at 8.30am on Monday 4 January 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Shire of Chittering Cats Local Law 2015*

Applicant	Shire of Chittering
File ref	19/04/2
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Cats Local Law 2015 2. Submissions from the Department of Local Government

Background

At the Ordinary Council meeting held on 17 June 2015 Council resolved:

“That Council:

- 1. Adopt the proposed Shire of Chittering Cats Local Law 2015 as contained in the attachment for advertising purposes, subject to the following amendment:*
 - That with reference to provision 3.7.1 (b) of the Local Law, the words ‘contained on the premises’ be deleted and the word ‘kept’ inserted.*
- 2. Pursuant to Section 3.12 of the Local Government Act 1995 the Shire give statewide public notice that it intends to make the Shire of Chittering Cats Local Law 2015 as contained in the attachment:*

PURPOSE: *The purpose of this local law is to provide Council under the proposed Shire of Chittering Cats Local Law 2015 with measures in addition to those under the Cat Act 2011 to control the keeping of cats.*

EFFECT: *The effect of this local law is to control the number of cats that can be kept and places where cats can be kept.”*

The Shire gave statewide public notice by advertising in the Weekend West Australian (1 July 2015); and local public notice by advertising in The Advocate (1 July 2015).

Copies of the draft Local Law were sent to the Honourable A J Simpson MLA, Minister for Local Government.

Copies of the draft local law were made available on the Shire’s website, administration centre and Bindoon Library.

Consultation

Executive Management Team
Councillors

Statutory Environment

Section 3.12 of *Local Government Act 1995* states;

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

- (3) *The local government is to—*
- (a) *give Statewide public notice stating that—*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice—*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section—*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Policy Implications

Local: 1.5 Execution of documents

Financial Implications

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

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The Shire only received one submission on the proposed local law being from the Department of Local Government and Communities. A copy of this submission is attached and the amended Local Law.

It is noted that at the Ordinary Meeting of Council held on 17 June 2015, Council resolved to amend the local law so that in provision 3.7.1 (b) of the Local Law, the words 'contained on the premises' be deleted and the word 'kept' inserted. However, in the comments from the Department they asked for this phrase to be clarified. Upon researching other approved Cat Law Laws, we have suggested to keep the phrase to the original wording.

In relation to the schedules of prohibited and restricted areas, the Department commented that the areas are to be specified in the schedules. The list of properties is very lengthy and may unnecessarily complicate the Local Law, therefore we suggest progressing with the local law with blank tables to adopt the local law to enable the Shire to control cat numbers. If Council believes they are required they can be introduced at a later date.

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

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

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

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

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151015

Moved Cr Rossouw / Seconded Cr Tilbury

That Council:

1. Adopts the proposed *Shire of Chittering Cats Local Law 2015* incorporating the changes as recommended by the Department of Local Government and Communities.
2. Publishes the *Shire of Chittering Cats Local Law 2015* in the Government Gazette.
3. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the *Shire of Chittering Cats Local Law 2015*.
4. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice of the *Shire of Chittering Cats Local Law 2015*:
 - a. stating the title of the local law; and
 - b. summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. advising that copies of the local law may be inspected or obtained from the local government's office.

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

9.4.3 Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*

Applicant	Shire of Chittering
File ref	19/04/0004
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Signs, Hoardings and Bill Posting Local Law 2015 2. Submissions from the Department of Local Government

Background

At the Ordinary Council meeting held on 17 June 2015 Council resolved:

“That Council:

- 1. Adopt the proposed Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015 as contained in attachment 3 for advertising purposes.*
- 2. Pursuant to Section 3.12 of the Local Government Act 1995 the Shire give statewide public notice that it intends to make the Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015 as contained in attachment 3:
PURPOSE the purpose of which is to provide for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme No 6 provisions.
EFFECT the effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.”*

The Shire gave statewide public notice by advertising in the Weekend West Australian (1 July 2015); and local public notice by advertising in The Advocate (1 July 2015).

Copies of the draft Local Law were sent to the Honourable A J Simpson MLA, Minister for Local Government.

Copies of the draft local law were made available on the Shire’s website, administration centre and Bindoon Library.

Consultation

Executive Management Team
Councillors

Statutory Environment

Section 3.12 of *Local Government Act 1995* states;

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

- (3) *The local government is to—*
- (a) *give Statewide public notice stating that—*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice—*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section—*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Policy Implications

Local: 1.5 Execution of documents

Financial Implications

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

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The Shire only received one submission on the proposed local law being from the Department of Local Government and Communities. A copy of this submission is attached and the amended Local Law. Following the final adoption of the local law the Shire must publish it in the Government Gazette, and give a copy to the Minister for Local Government. The final adoption of the local law will be duly signed by the Chief Executive Officer and the Shire President and sealed as a matter of course. In addition, the Joint Standing Committee on Delegated Legislation requires copies to be signed by the Chief Executive Officer and Shire President.

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

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

9.4.3 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Houston

That Council:

1. Adopts the proposed *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015* incorporating the changes as recommended by the Department of Local Government and Communities.
2. Publishes the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015* in the Government Gazette.
3. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*.
4. pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice of the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*:
 - a. stating the title of the local law; and
 - b. summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. advising that copies of the local law may be inspected or obtained from the local government's office.

9.4.3 COUNCIL MOTION / COUNCIL RESOLUTION 161015

Moved Cr Gibson / Seconded Cr Houston

That item 9.4.3 "Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015" be laid on the table.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.4.4 Community Housing, Bindoon

Report date	28 October 2015
Applicant	Shire of Chittering
File ref	03/01/0010
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council holds 14 homes in Edmonds Place, Bindoon comprising 8 seniors units (Lot 123) and 6 family units (Lot 1023). The homes were developed under joint venture agreements with the Department of Housing (DoH).

Under the arrangement Council provided land as its contribution towards the project, and the DoH constructed the homes. DoH's interest in the properties is secured by way of a caveat over the properties.

The former Council had raised concern about the management of its community housing and requested that the CEO investigate options for outsourcing the property management.

Consultation

Council
Access Housing (Service Provider)
Foundation Housing (Servicer Provider)

Discussions have also been held with the Northern Growth Alliance (Chittering, Dandaragan and Gingin) members about undertaking a regional approach to the management of the community housing. Whilst there was interest in the idea, unfortunately this approach would not currently be suitable to the other members as Dandaragan is currently not responsible for any community housing, and Gingin is currently reviewing its situation with an external organisation.

Statutory Environment

State: Local Government Act 1995

Section 3.58 of the Local Government Act – Disposing of Property

(1) *In this section –*

dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

State: Local Government (Functions & General) Regulations 1996, section 30 states:

30. *Dispositions of property to which section 3.58 of Act does not apply*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if—*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and—*
(i) *its market value is less than \$5000; and*

- (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
- (b) *the land is disposed of to a body, whether incorporated or not—*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
- (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth;*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
- (d) *it is the leasing of land to an employee of the local government for use as the employee's residence;*
- (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*
- (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- (g) *it is the leasing of residential property to a person.*

It appears that the majority of the Community Housing Services Providers in this industry are not-for-profit organisations. Therefore, section 3.58 of the *Local Government Act 1995* may not need to be complied with in relation to the proposed disposal.

Policy Implications

Nil

Financial Implications

The operating costs for the Community Housing over the last four years has been:

	<u>Expenditure</u>	<u>Income</u>	<u>Surplus/(Deficit)</u>
2011/12	\$69,835	\$31,885	(-\$37,950)
2012/13	\$51,396	\$34,388	(-\$17,088)
2013/14	\$48,533	\$42,950	(-\$5,603)
2014/15	\$58,974	\$42,263	(-\$16,711) (Abnormal cost ATU upgrade \$6,000)
		Subtotal deficit	(-\$77,272)

The operating costs for the Senior Housing over the last four years has been:

	<u>Expenditure</u>	<u>Income</u>	<u>Surplus/(Deficit)</u>
2011/12	\$44,279	\$44,500	\$221
2012/13	\$43,129	\$45,490	\$2,361
2013/14	\$58,636	\$56,098	(-\$2,538)
2014/15	\$65,026	\$55,688	(-\$9,338)
		Subtotal deficit	(-\$9,294)
		Total deficit	(-\$86,566) over last four years

If Council elects to proceed with the Registration of Interest process there will be legal costs associated with the drafting of a Management Agreement by Councils Solicitors.

Strategic Implications

Managing Community housing is not considered core business for the Shire, should the services be outsourced it will free Council resources to concentrate on other services.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

There is a need for affordable rental community housing within the shire.

It is anticipated that should Council elect to outsource this service the current service levels will be improved upon by having a dedicated professional housing provider managing the properties.

Environmental implications

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

Comment

There are a number of service providers available to undertake the management of the Community Housing, and there are various Tenancy Management Models, some of which include the following;

Community Housing model

This model is a 'low risk / low return' model for the Shire. Property management is passed to the property manager, who retains all rental income derived from the units. In return, the property manager pays all outgoings in relation to the units; including rates, insurances, and all maintenance costs with the exception of structural maintenance or replacement which remains the responsibility of the owner.

Fee for Service model

This model is a 'medium risk / medium return' model for the Shire. Property management is passed to the property manager, who acts in a similar manner to a conventional real estate agent. The property manager performs all tenancy and property management services on behalf of the owner (the Shire). Rent collections are held in a trust account, and all expenses associated with the units are either paid directly by the owner, or by the agent (from the trust account) on the owner's behalf.

Mixed model

Alternatively, the Shire can negotiate variations on the models described above, to add or remove services according to the Shire's requirements. For example, if the Shire wished to continue to utilise its Works Department for some maintenance activities, this could be accommodated, and any management proposal costed accordingly

It is recommended that “*Registration of Interest*” be called to provide the following tenancy property management services:

- Personal attendance of the property manager to visit the tenants for signing of any documentation (both initial and continuing through the term of the contract);
- Provision of all tenancy management services, including:
 - debt management,
 - rent setting and calculations,
 - dealing with neighbourhood complaints,
 - undertaking all property inspections
 - management of vacant property turnover,
 - allocation of new tenants in partnership with the Department of Housing’s Northam office;
- Prompt and timely attendance to maintenance issues, especially emergency/urgent issues; (response time to be included in their submission)
- Regular mowing and gardening service at the front of the units only (The rear yards are currently the responsibility of tenants).

It is recommended that Council request the Chief Executive Officer to call for “*Registration of Interest*” (ROI) for property management proposals from Community Housing Management Providers, and have Council’s solicitors prepare a draft Property Management Agreement for inclusion in the ROI.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 171015

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. Request that the Chief Executive Officer prepare a Registration of Interest for the management of the Shire’s community housing, and have Council’s solicitors prepare a draft Property Management Agreement;**
- 2. Place a statewide notice calling for Registration of Interest for the management of the Shire’s community housing, with a closing date of not less than 14 days;**
- 3. Notify all existing community housing tenants of the proposal; and**
- 4. Receive a further report at the close of the Registration of Interest for Council’s consideration.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.5 Chittering Health Centre: Lease of Southern Wing*

Report date	28 October 2015
Applicant	Shire of Chittering
File ref	04/18/0004
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Lease – Southern Wing 2. Draft Lease – Common Area

Background

Practical completion for the construction of the Chittering Health Centre was issued 23 July 2015.

Western Australia Country Health Services (WACHS) who provided a contribution of \$600,000 towards the construction of the building via Southern Inland Health Initiative (SIHI) funding (Royalties for Regions) have requested a lease for the Southern Wing of the building.

The lease for the Northern Wing of the building was granted to Jupiter Health & Medical Services (JHMS) at the August 2015 Ordinary Council Meeting.

After extensive negotiations with WACHS draft lease documents have been prepared by Council's solicitors for Council's consideration.

Consultation

Council
Western Australia Country Health Services

Statutory Environment

State: Local Government Act 1995

Section 3.58 of the Local Government Act – Disposing of Property

(2) *In this section –*

dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

State: Local Government (Functions & General) Regulations 1996, section 30 states:

30. *Dispositions of property to which section 3.58 of Act does not apply*

(3) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(4) *A disposition of land is an exempt disposition if—*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and—*

(i) *its market value is less than \$5000; and*

(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

(b) *the land is disposed of to a body, whether incorporated or not—*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
- (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth;*
 - (ii) **a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or**
 - (iii) *another local government or a regional local government;*
- (d) *it is the leasing of land to an employee of the local government for use as the employee's residence;*
- (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*
- (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- (g) *it is the leasing of residential property to a person.*

Therefore, section 3.58 of the *Local Government Act 1995* does not need to be complied with in relation to the proposed lease.

Policy Implications

Local: 1.5 Execution of documents

Financial Implications

After lengthy negotiations WACHS has offered to pay an annual rental of \$24,960 pa.

In addition they are responsible for all outgoings and operational expenses, excluding the cost of insuring the building.

Total loan repayments for the building equal \$51,671 for 2015/16, reducing over time as repayments are made.

A fixed loan at 4.4% on \$637,359 has been taken over a period of 20 years to assist fund the construction of the building.

Estimated annual maintenance costs are expected to be \$28,000 (includes surrounds) of which a large portion will be reimbursed by the tenants. Estimated real cost to Council \$15,000.

Annual insurance costs 2015/16 (Building) \$4,460.

Total estimated cost to Council \$ 71,131pa (Loan repayments & Maintenance).

50% of the expected total costs \$35,565 (Southern wing).

Based on the offer made by WACHS, Council will be subsidising the operation of the Southern Wing by approximately \$15,605 pa.

A valuation report has been provided by Landgate which placed a market rental value of between \$200 to \$250 per square metre, plus GST, plus outgoings. Total estimated income \$54,000 (\$200) to \$67,500 (\$250) pa for half the building.

Strategic Implications

Shire of Chittering Community Strategic Plan - Social: Building a Sense of Community

Strategy: *Advocate for local health and youth services.*

- *Construction of a multipurpose health centre facilitating current and additional services.*
- *Increased facilities and number of medical services available within the Shire for residents of all ages.*

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The need for greater medical services was identified in Council's Strategic Corporate Plan:

"Council's priority for the next ten years should be on providing better medical facilities for a growing and ageing population."

Environmental implications

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

Comment

To deal with the common/shared areas (Waiting Area, Reception, Public Toilets, Staff Toilet & Staff Room) of the building a third lease has been prepared. This has been introduced for the benefit of the two tenants (JHMS and WACHS) to provide a mechanism for them to fairly deal with the operating costs associated with the common area and also a formal mediation process, if required. The rent and use of the common areas has been factored into the two main leases (Northern/Southern Wing).

The proposed term of the lease to WACHS is 5 years, with an option for a further 5 years, all other proposed terms and conditions are contained within the draft lease (Attachment 1).

It is recommended that Council endorse the lease as presented, and authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the lease.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 181015

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. Resolves to accept the offer from Western Australia Country Health Services (WACHS) as detailed in the report, and authorise the Chief Executive Officer to conclude all required negotiations to finalise the lease agreement.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Lease documents for the Chittering Health Centre for the Southern Wing.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.6 Social Housing*

Report Date	28 October 2015
Applicant	Shire of Chittering
File ref	03/01/0010
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Email from Government of WA Housing Authority

Background

Council has in the past indicated support for a portion of the Lot 62 Great Northern Highway subdivision to be made available for Social (low income) housing. In 2014 a Memorandum Of Understanding was signed with the Department of Housing for the provision of a purpose built dwelling for a family with two disabled children, however this was cancelled as the family left the district.

Past surveys and the Shire's and Department of Housing Waiting List for Senior Housing demonstrate the need for low rental Senior Housing.

Currently there are fourteen (14) applications on the Senior Housing Wait List dating back to 2007. There are no applicants on the Shire's Wait List for family housing, however, the Department of Housing in Northam now manage the rental application process and the Shire is not generally made aware of any applications until we notify the Department of a pending vacation.

The Government of Western Australia Housing Authority have recently announced a \$560 million social housing investment package (SHIP) which aims to halve the number of seniors and families with children on the Housing Authority's Priority Waitlist before 30 June 2017, by delivering 1,000 new social housing dwellings across the state.

The Housing Authority is interested in working with Local Governments who have land available to develop new social housing dwellings and have called for submissions on Tenders WA (closing 3 November 2015).

The Housing Authority has informed staff that if this deadline is too hard to meet, given that the new Council will meet for the first time on 28 October 2015, the Authority would be keen to receive an expression of interest through the affordable housing stream.

The Property Management agencies that have met with staff to discuss the management of the Shire's current social housing have also indicated interest in building additional dwellings on Shire owned land.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The financial implications are unknown at this point in time.

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

The Shire's Strategic Community Plan identifies the following:

Built Environment: Infrastructure for Future Lifestyle Choices					
Our Vision: our communities will have a built environment and infrastructure that builds on our amenity and livability providing local centres, housing and recreation choices, whilst ensuring that our assets are sustainable.					
Outcome	Strategies	Key Priorities	Links	Timeframe	Partners
Housing choice	Plan for the provision of residential growth and changing needs	Focus on land use planning providing: <ul style="list-style-type: none"> - Diverse housing - Aged - Farm/rural - Retail - Employment (industrial node, retail, local business) 	Lot 62 Development Plan	Ongoing	Private Developers/ Builders WAPC

Surveys undertaken in the past indicate that there are a number of senior residents / extended retired family members who would like to retire and / age in place but do not have the financial means to purchase suitable property in the Shire or rent through the private sector.

Environmental implications

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

Comment

Council is requested to provide guidance to staff on:

1. Whether the Council desires to explore the opportunities to provide additional social housing in Bindoon by providing the land for the housing to be built on, with the cost of building the dwellings to be met by the Housing Provider; and
2. If supportive of the concept does Council require staff to:
 - a. Submit a tender for SHIP funding package; and / or
 - b. Submit a proposal through the Housing Authority's Affordable Housing Stream; and / or



- c. Investigate the provision of social housing through Social and Community Housing Property Management agencies.

9.4.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 191015

Moved Cr Houston/ Seconded Cr Osborn

- 1. That Council directs the Chief Executive Officer to investigate methods the Shire of Chittering can provide Social Housing on Lot 62 Great Northern Highway, Bindoon by:
 - a. Submitting a proposal for Social Housing Investment Package (SHIP) funding; and if not successful;**
 - b. Investigate the submission of a proposal to provide the land for social housing through the Housing Authority's Affordable Housing Stream and by Social and Community Housing Property Management agencies.****
- 2. All submissions must include instruction that the Shire will provide the land only and all costs associated with the building of the dwellings are to be met by the Housing Provider.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.7 Mid-West/Wheatbelt Development Assessment Panel Nominations*

Report date	28 October 2015
Applicant	Development Assessment Panels, Government of WA
File ref	18/01/0005
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Letter dated 8 October 2015 – Department of Planning (ref I1564568) 2. DAP FAQs September 2011

Background

The Shire has received correspondence from the Department of Planning requesting to be notified of Council's representation to the Mid-West/Wheatbelt Development Assessment Panel.

The current DAP members who were appointed by the Shire are:

1. Local Members
 - a. Cr Barni Norton
 - b. Cr Robert Hawes
2. Alternate Local Members
 - a. Cr Michelle Rossouw
 - b. Cr Don Gibson

A Development Assessment Panel (DAP) is an independent decision-making body comprised of technical experts and elected local government representatives. These panels will determine development applications made under local and region planning schemes, in the place of the original decision maker.

Each Development Assessment Panel consists of five panel members, three being specialist members and two local government councillors. The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

Development Applications with an estimated cost of equal to or more than \$7 million must be determined by a Development Assessment Panel and cannot be determined by a Local Government or the Western Australian Planning Commission.

Where the estimated cost is between \$3 million and \$7 million the Applicant may choose to have the application determined by the Development Assessment Panel or the Local Government or the Western Australian Planning Commission. Local Governments can also refer applications to the Development Assessment Panel if they fall within this threshold.

Consultation

Chief Executive Officer

Statutory Environment

State: *Planning and Development (Development Assessment Panels) Regulations 2011, Regulation 24*

Policy Implications

Nil

Financial Implications

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment. Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular – State Government Boards and Committees Circular (2010/02)*.

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's consideration is requested to nominate four elected members of Council, comprising two members and two alternate members to sit on our local DAP (which is Mid-west/Wheatbelt).

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

The Department of Planning have requested that nominations be received by Friday, 30 October 2015. Following receipt of all local government nominations the Minister for Planning will consider and may appoint nominees for up to a two year term, expiring on 26 April 2017.

9.4.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 201015

Moved Cr Tilbury / Seconded Cr Rossouw

That Council nominates the following Councillors for consideration of appointment by the Minister for Planning as Mid-West/Wheatbelt Development Assessment Panel Members:

- 1. Local Members**
 - a. Cr Vallance
 - b. Cr Houston
- 2. Alternate Local Members**
 - a. Cr Gibson
 - b. Cr Osborn

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

PROCEDURAL MOTION

Moved Cr Gibson / Seconded Cr King

That Council considers items of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

Cr Gibson requested that a cost reduction programme of the organisation be undertaken by the Chief Executive Officer to be reported back to Council by the November meeting.

The Chief Executive Officer requested direction and guidance as to what matters are to be covered, and was there any particular areas of concern. Furthermore, stated that it would not be possible to provide a report of any substance in that timeframe.

Council agreed to extend the deadline to the December meeting, and stated that the review needs to cover everything across the organisation, and that there are no guidelines as to what it should cover, other than cost reductions generally.

COUNCIL MOTION / COUNCIL RESOLUTION 211015

Moved Cr Gibson / Seconded Cr King

That Council direct the Chief Executive Officer to draft a significant cost reduction program, to be tabled at the December 2015 Meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

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 9.20pm.



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

Office hours: Monday to Friday
8:30am - 4:30pm