

**MINUTES FOR  
ORDINARY MEETING OF COUNCIL**

**WEDNESDAY, 15 APRIL 2015**

**Council Chambers  
6177 Great Northern Highway  
Bindoon**

**Commencement: 7.00pm  
Closure: 8.10pm**



**These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 20 May 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.

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\* indicates separate attachments

## **1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS**

The Presiding Member declared the meeting open at 7.00pm.

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

### **2.1 Attendance**

The following members were in attendance:

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

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Azhar Awang	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Ms Karen Dore	Economic Development/Communications Officer (Minute Secretary)

There were 6 members of the general public in attendance at the opening of the meeting, with 2 additional members joining the gallery during the course of the meeting.

### **2.2 Apologies**

Mrs Karen Parker	Manager Human Resources
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### **2.3 Approved leave of absence**

Council has previously approved leave of absence for Cr Barni Norton for the Ordinary Council meeting of 15 April 2015, Cr Norton was however present at the meeting.

## **3. DISCLOSURE OF INTEREST**

Cr Norton declared an Impartiality Interest in item 9.1.3 Proposed Transport Depot – Lot 3 (RN 3907) Great Northern Highway, Muchea as she knows the owners.

## 4. PUBLIC QUESTION TIME

### 4.1 Response to previous public questions taken on notice

#### 4.1.1 John Curtis – Casuarina Close, Bindoon

**Question 2: What interest rate does the Council earn on ratepayers money?**

*Answer 2: The Chief Executive Officer sought clarification as to which interest rate he was referring to and advised that the Executive Manager Corporate Services would be better placed to answer the question and, as such, he took the question on notice.*

*Current investments with Bendigo Bank are earning 2.25%.*

### 4.2 Public question time

#### 4.2.1 Julie Ducevich – Ridgetop Ramble, Bindoon

On behalf of the Friends of Bell Hill Reserve

**Question 1: There appears to be misinformation coming from the Shire Council's Administration Officers, that informs residents that the new Medical Centre can ONLY be connected to the internet via a tower on Bell Hill Reserve. This is rather questionable as the new Medical Centre plans were in progress a considerable time before the present application for the tower on Bell Hill Reserve.**

**Are you aware that the Hon. Shane Love, Member for Moore, was rather surprised at this and that the Medical Centre will be connected via the FIBRE OPTIC CABLE that runs past and through the Town and in his explanation it is a "superior means of connection"?**

*Answer 1: The Chief Executive Officer advised that he was not aware of any Staff member who would be stating such incorrect information. He further advised that it was his understanding that whilst there is a Fibre Optic Cable that runs through town (Bindoon) it is Telstra owned and that NBN had advised it is not available for their (NBN) use.*

*The CEO stated he was not aware of the comments made by Mr Shane Love MLA, or that Telstra could, or would make their Optic Fibre Cable available to the new Health Centre. NBN have advised their main Transit Route (Fibre Optic Cable) does not run through Bindoon.*

*It is agreed that a Fibre Optic connection is considered the best connection available. However, unfortunately Bindoon has not been identified to receive such a service from NBN.*

#### 4.2.2 Patricia Tabor, Wells Glover Road, Mooliabeenee

**Question 1:** I would like to read my question which relates to the provision of medical services in Bindoon.

Due to excessive fees now being charged by the Bindoon medical practice, we have been forced to move to a practice outside the Shire which will accept our Low Income Senior status. We know of at least four families who have done the same thing for the same reason and incidentally, we were charged \$100 by Bindoon Practice to transfer our records.

Why does Council continue to support the Bindoon Practice by supplying premises virtually rent and maintenance free, at ratepayers expense, as well as pay \$20,000 per year for accommodation for the doctor which is periodically used by students. We understand the practice is also reimbursed a further \$270 per week for this accommodation by the University.

Aren't the ratepayers who provide these funds entitled to an affordable medical service? Surely with these benefits, the doctor should be able to operate successfully without charging such high fees and at least accept Pension and Low Income Senior status by bulk billing.

It seems that the only service provided by the Bindoon Practice is self-service. Cannot the Shire at least try to rectify this situation by putting the new Medical Centre, also partially funded by ratepayer funds, out to tender to gauge what other Medical Practitioners are prepared to offer our Community?

These are not just my views, but also the views expressed by quite a number of Bindoon residents. It could well be the general consensus of opinion. Could I suggest that Council take the time and effort to find out if this is the case and not just hand over the new premises to a practice which is not providing an affordable service to ratepayers.

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

## 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

### 5.1 Petitions

#### 5.1.1 Update on Petitions

##### **Proposed NBN Fixed Wireless Facility – Lot 12383 Forrest Hills Parade, Bindoon**

Ref: I1557883

The petition will form part of the public submissions for the proposed NBN Fixed Wireless Facility at Lot 12383 Forrest Hills Parade, Bindoon; with an Officer's report to be presented to the Ordinary Council Meeting on Wednesday, 20 May 2015.

## 5.2 Presentations

Nil

## 5.3 Deputations

Julie Duzevich

Proposed NBN Tower - Bell Hill Reserve, Hidden Gully Reserve and Evergreen Reserve.

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

### 6.1 COUNCIL RESOLUTION 010415

Moved Cr Gibson/ Seconded Cr Mackie

That Cr Norton be granted approved leave of absence for the Ordinary Council Meeting, 20 May 2015.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

## 7. CONFIRMATION OF MINUTES

### 7.1 Ordinary Meeting of Council – 18 March 2015

#### 7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020415

Moved Cr Gibson/ Seconded Cr Mackie

That the minutes of the Ordinary Meeting of Council held on Wednesday, 18 March 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

Nil



## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Proposed Public Event “Bindoon Dirt Drags 2015” – Lot 325 Cook Road, Mooliabeenee\*

<b>Report date</b>	1 April 2015
<b>Applicant</b>	Bindi Bindi Investments
<b>File ref</b>	18/06/0025; A1090; P020/15
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	<ol style="list-style-type: none"><li>1. Emergency Management Plan</li><li>2. Fire Safety Plan</li></ol>
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Locality Plan</li><li>2. Site Plan</li><li>3. Risk Management Plan</li></ol>

#### **Background**

Council has received a Planning Application from Bindi Bindi Investments to conduct a dirt drags event at Lot 325 Cook Road, Mooliabeenee. The event is proposed to be held on Saturday, 18 April 2015 from 8am until 12am (midnight). This is an annual event and has been held at this site for more than ten (10) years. The event entails motorcycle dirt drag racing, burn outs, DJ music, food vendors and overnight camping.

The Applicant has provided the Shire with updated plans for the 2015 event for emergencies.

#### **Consultation**

The property has an additional use right under Schedule 3 of the *Shire of Chittering Town Planning Scheme No 6* for ‘short term entertainment events’. It is not considered further consultation is required.

As a courtesy, the Shire has sent letters to neighbouring properties and advised of the proposed date on which the event is to be held. This allows the neighbours to be aware of the upcoming event.

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

A meeting was held with the applicant on the 25/03/15 to discuss Health requirements for the event, such as sufficient potable water supply and adequate toilet facilities. A final meeting will be held the day before the event to ensure all health requirements have been met.

#### **Statutory Environment**

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

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

### **Policy Implications**

The application has been assessed against the Department of Health Policy *Guidelines for Concerts, Events and Organised Gatherings* and is considered to meet the guidelines

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Site Inspection**

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

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Comment**

No formal complaints have been received by Council from the previous events conducted on-site. Prior to the event a final closed meeting will be held at the Shire offices between the relevant bodies including the WA Police, St John Ambulance, local Voluntary Bush Fire Brigades, Progress Association and the organisers.

Based on the success and compliance of previous dirt drag events at this property, it is recommended that the event be approved subject to conditions.

### **AMENDMENT**

#### **Moved Cr Norton / Seconded Cr Gibson**

#### **That there be the addition of advice note 16**

**Should the Applicant wish to undertake this event in the future, a formal application with all required information as per the *Guidelines*, should be submitted to the Shire at least 4 months prior to the event date to allow sufficient time for administration processes.**

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

**9.1.1 SUBSTANTIVE MOTION/COUNCIL RESOLUTION 030415**

Moved Cr Douglas/ Seconded Cr Rossouw

That Council approve the Bindoon Dirt Drags 2015 public event at Lot 325 Cook Road, Mooliabeenee subject to the following conditions:

1. That this approval shall only apply for Saturday, 18 April 2015.
2. That the following adequate fire prevention measures include:
  - a. No fires being lit on site;
  - b. All boundaries of the subject property shall be cleared at a minimum 3 metre firebreak; and
  - c. The event shall be in accordance with the *Fire Safety Plan*.
3. That all motor racing events shall be supervised by the event organisers and all safety measures shall be the responsibility of the Applicant.
4. The Applicant making satisfactory arrangements for the suppression of dust on Cook Road and neighbouring properties.
5. That satisfactory arrangement being made for:
  - a. Ingress and egress of emergency vehicles; and
  - b. Emergency escape routes (in the event of fire) available for attendees.
6. That no additional clearing of land takes place and that the drainage lines are maintained in their current condition.
7. Provide evidence of adequate public liability insurance being presented prior to the event to the satisfaction of the Chief Executive Officer.
8. That all temporary signage to be placed so as to cause no traffic hazard.
9. That the site clean-up shall be completed within one (1) week of the event and appropriate recycling undertaken.
10. The Applicant shall comply with the event *Risk Management Plan*.
11. The provision of and compliance with a *Traffic Management Plan* to the satisfaction of the Chief Executive Officer. Specific provision to be made for the proponent to supply Cook Road landowners/residents with passes to go through any temporary road closures.
12. The Applicant shall comply with the *Caravan Parks and Camping Grounds Act 1995* and associated Regulations.

**Advice Notes**

1. The Applicant to be advised that compliance will be expected with the *Environmental Protection (Noise) Regulations 1997*.
2. All structures should be in accordance with the Building Code of Australia or otherwise as determined by Council, and all ablution facilities should be provided in accordance with Health Department Guidelines and constructed in accordance with Council requirements.
3. The Applicant to be advised that compliance will be expected with the Department of Health Policy *Guidelines for Concerts, Events and Organised Gatherings*.
4. Vehicular barriers should be provided around the plastic leach drains to both septic systems prior to the commencement of the event.
5. All potable water outlets should be marked 'drinking water'.
6. All non-potable water supplies i.e. ablution blocks should be marked 'water unfit for drinking'.
7. All portable ablutions should be serviced regularly throughout the weekend.
8. Electrician to provide electrical certification forms.
9. The stage lighting providers to apply on a 'Form 2'.
10. With regard to condition 9, all waste should be delivered to the Bindoon Landfill and Recycling Centre.
11. Advise the Applicant that this approval does not constitute a building permit nor a health approval.
12. Adequate crowd control measures should be undertaken in accordance with and to the satisfaction of the Western Australian Police.

13. Penalties for breach of planning approval are described under Section 233 of the *Planning and Development Act 2005 (as amended)*.
14. The Applicant has the right of review to the State Administrative Tribunal should they be aggrieved by Council's decision. Such a review should be lodged within twenty-eight (28) days of Council's decision.
15. The Applicant is advised that the proposal has been forwarded to the Local Government Insurance Services for Risk management assessment and feedback.
16. Should the Applicant wish to undertake this event in the future, a formal application with all required information as per the *Guidelines*, should be submitted to the Shire at least 4 months prior to the event date to allow sufficient time for administration processes.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1

At the Ordinary meeting of Council held 16 July 2014, Council resolved to lay item '9.1.2 Request to revise Deed - Stage 11 Maryville Downs Estate, Lower Chittering' on the table.

**PROCEDURAL MOTION / COUNCIL RESOLUTION 040415**

**Moved Cr Gibson/ Seconded Cr Clarke**

**That item '9.1.2 Proposed Variations to Deed of Agreement – Maryville Downs' be raised from the table.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**9.1.2 Proposed Variations to Deed of Agreement – Maryville Downs\***

<b>Report date</b>	2 April 2015
<b>Applicant</b>	RobertsDay
<b>File ref</b>	04/10/22
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	1. Deed of Agreement dated 27 October 2008
<b>Attachments</b>	1. Request for Variations dated 3 March 2015 and Council Minutes for Item 9.1.2 - 16 July 2014 2. Revised Deed dated 30 January 2015

**Background**

Council previously considered variations to the Deed at its 16 July 2014 Ordinary Council Meeting with the Officer Recommendation and Council Resolution as follows:

**"9.1.2 OFFICER RECOMMENDATION**

**Moved Cr Douglas/ Seconded Cr Mackie**

1. *That subject to Council receiving the certificate of titles for the 10ha POS site, Council endorse the following modifications to the Deed of Agreement dated 27 October 2008 for Stage 11 of Maryville Downs Estate:*
  - a. *Remove 'Clause 7 – Payment of Contribution for Community Fund'.*
  - b. *Amend 'Clause 1 – Ceding of Land for POS/Conservation Area' requiring the 46ha Public Open Space lot to be ceded as a condition of the subdivision (first stage) of Stage 11.*
  - c. *Insert the negotiated details relating to the contributions for the construction of McGlew Road, more specifically the Applicant funds no less than 90% and the Shire funds up to 10%, but no more than \$80,000.*
  - d. *Amend 'Clause 6 – Standard of Construction of Road' to be swale drainage rather than piped drainage and include the upgrade of the Muchea East/McGlew Road intersection.*
2. *Council Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement with the modifications set out in 1 above.*
3. *All costs associated with the Deed of Agreement shall be borne by the Applicant.*
4. *Council advises the Applicant of the above.*

**COUNCILLOR MOTION/COUNCIL RESOLUTION – 040714**

**Moved Cr Rossouw / Seconded Cr Gibson**

**That item 9.1.2 lay on the table until the applicant has submitted the certificate of titles for the 10ha POS site.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0"**

Following the 16 July 2014 Ordinary Council Meeting, the Applicant subdivided the 10ha Public Open Space (POS) land as a 'Reserve' for public recreation and was issued by Landgate on 11 November 2014. This Reserve is currently unallocated but will be vested to the Shire upon request from the Department of Lands.

As the Certificate of Title for the 10ha POS has been issued, the Applicant has now met this obligation of the Deed, and allows Council to 'raise the item from the table' to consider the variations to the Deed from the 16 July 2014 Ordinary Council Meeting.

### **Consultation**

Executive Manager Development Services  
McLeods Barristers and Solicitors

### **Statutory Environment**

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

### **Policy Implications**

*1.5 Execution of documents*

### **Financial Implications**

The inclusion in the Deed of a road contribution by the Shire of up to a maximum of \$80,000 or 10%, whichever is lesser. Provisions will be made to include in Council's 2015/16 Budget provisions.

The Applicant bears all costs associated with the Deed.

### **Strategic Implications**

Nil

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### *Economic implications*

All costs associated with the Deed are borne by the Applicant.

#### *Social implications*

There are no known significant social implications associated with the Deed.

#### *Environmental implications*

There are no known significant environmental implications associated with the Deed.

### **Comment**

The Shire considers the Applicant's requests in the letter (Attachment 1) to be reasonable. Response to each variation in respect to the revised Deed (Attachment 2) is listed below:

- 1) *The Draft Deed proposes the introduction of some new clauses to the original Deed, which are not required or supported by the landowners.*

Response: Noted

- 2) *Background point 1 – The Shire of Chittering Council has resolved to support a more recent variation to the Deed at their Ordinary meeting held on the 16 July 2014 (copy attached) which needs to be reflected in the modified Deed.*

Response: The purpose of this agenda report is for Council to make a determination on the proposed variations to the Deed from the 16 July 2014 Ordinary Council Meeting. Council at that meeting resolved to “lay the item on the table”.

- 3) *In order to incorporate the modifications as set out in the 16 July 2014 resolution of Council clause 18.1 (a) (10 ha POS) and clause 19 (Cash Payment for Community Fund) need to be deleted, and the Caveat withdrawn.*

Response: Noted. The Shire agrees the 10ha POS and Community Fund obligations of the Deed have been met and can be deleted. The caveat should now only be applied over the Stage 11 land.

- 4) *As the 10 ha POS has been created and ceded to the Shire of Chittering Lot 651 now Lot 9011 does not need to form part of the Deed and reference to Maryville Wines Pty Ltd can be removed.*

Response: As above.

- 5) *Clause 18.2 – to be modified with the inclusion of ‘stage 11’ as follows: ‘....within six months of the Owners applying to Landgate for new titles to be issued in respect of the stage 11 land’.*

Response: Noted and is part of the revised Deed prepared by McLeods.

- 6) *Item 4 (3) – to be modified in accordance with the Council resolution of 16 July 2014 as follows: ‘swale drainage is to be installed/constructed for the length of McGlew Road to the specifications and satisfaction of the Shire of Chittering’.*

Response: Noted and is part of the revised Deed prepared by McLeods.

- 7) *Clause 6 – A Reserve Bond does not form part of the Original Deed and does not form part of the 16 July 2014 Resolution of Council. We seek the deletion of this clause, as there are no grounds for its inclusion in the Deed and will not be supported by the landowners.*

Response: Noted and agreed a reserve bond is not necessary as a maintenance bond at time of subdivision for the road construction would be required by the Shire as part of the clearance of subdivision.

- 8) *Clause 7 – This clause seeks to introduce an obligation on the landowners in addition to the conditions of subdivision approval for Stage 11 and the Original Deed. In addition as per clause 6, this clause does not form part of the 16 July 2014 Resolution of Council. If stage 11 does not proceed the upgrading of McGlew Rd will not occur. We seek deletion of this clause, as there are no grounds for its inclusion in the Deed and will not be supported by the landowners.*

Response: Noted and agreed on the same reasons as above.

- 9) *Clause 12 – To be reworded given the deletion of the Reserve Bond. Clauses a, b and c to make reference to the construction contract for McGlew Road with 5% of the value of the contract being held for the defect’s period.*

Response: Noted and agreed.

- 10) *Clause 21 – We question the need for this clause given the property is subject to a caveat as detailed in clause 22.*

Response: Noted. The clause relating to not disposing of the property is a standard clause in a Deed and clearly outlines that the owners shall not sell/transfer the property.

- 11) *Why is there a need to reference the Original Deed. Given the landowner commitments with respect to Lot 651 have been fulfilled there should simply be one Deed which sets out the remaining commitments with reference to Lot 650 and the subdivision approval for stage 11.*

Response: Noted. Should Council resolve the following matter the Deed will be revised.

The Applicant has met Council's request for the issue of Title for the 10ha POS land to allow for consideration of the variations from the 16 July 2014 Ordinary Council Meeting (attachment 1). It is now recommended that the item be raised from the table and the variations, including the recent request for variations, to update the Deed be considered favourably by Council to allow for the progress and consideration of the Development Plan for Stage 12 of Maryville Downs.

#### AMENDMENT

Moved Cr Rossouw / Seconded Cr Mackie

That the words "Bridle Trail" be added after "POS" in point 1.b

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

#### 9.1.2 SUBSTANTIVE MOTION/COUNCIL RESOLUTION 050415

Moved Cr Rossouw/ Seconded Cr Douglas

That Council:

1. Endorse the following modifications to the Deed of Agreement dated 27 October 2008 for Stage 11 of Maryville Downs Estate:
  - a. Remove 'Clause 7 – Payment of Contribution for Community Fund'.
  - b. Amend 'Clause 1 – Ceding of Land for POS/Bridle Trail/Conservation Area' requiring the 46ha Public Open Space lot to be ceded as a condition of the subdivision (first stage) of Stage 11.
  - c. Insert the negotiated details relating to the contributions for the construction of McGlew Road, more specifically the Applicant funds no less than 90% and the Shire funds up to 10%, but no more than \$80,000, whichever is the lesser.
  - d. Amend 'Clause 6 – Standard of Construction of Road' to be swale drainage rather than piped drainage and include the upgrade of the Muchea East/McGlew Road intersection.
2. Advise McLeods Barristers and Solicitors when finalising the revised Deed dated 2015 to remove the following:
  - a. Clauses relating to 10ha POS as this has now been completed.
  - b. Clauses relating to the Community Fund as this has now been completed.
  - c. Amend Item 4 (3) as per 1(d) above.
  - d. Clauses relating to the Reserve Bond.
  - e. Caveat relating to previous Lot 651 (now Lot 9011) as 2(a) and (b) above applicable to that land have now been completed and do not need to form part of the Deed.
3. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement with the modifications set out in condition 1 above.
4. Advise the Applicant that all costs associated with the Deed of Agreement shall be borne by the Applicant.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0



### 9.1.3 Proposed Transport Depot – Lot 3 (RN 3907) Great Northern Highway, Muchea\*

<b>Report date</b>	31 March 2015
<b>Applicant</b>	DSY Engineering
<b>File ref</b>	A3344; P101/14
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	1. Catchment Management Plan
<b>Attachments</b>	1. Locality Plan 2. Application details 3. Schedule of Submissions 4. Site Photos

#### Background

Council is requested to consider the proposed Transport Depot at Lot 3 (RN 3907) Great Northern Highway, Muchea.

Lot 3 is located on the western side of Great Northern Highway just north of Old Gingin Road intersection as per the Locality Plan (Attachment 1). The Applicant currently operates a Rural Industry business at the property known as 'DSY Engineering' which is conducted in the shed and compound area. This business involves welding and maintenance on sheep and cattle crate trailers and other associated rural equipment.

The Applicant seeks approval to construct a hardstand of approximately 8,000m<sup>2</sup> to the south of the existing business site as per the site plan. The application, including hardstand on the neighbouring lot, was initially submitted back in 2013 but did not progress due to Main Roads upgrade requirements resulting in the proposal being financially unviable. The Applicant has since revised the application to the current proposal, reducing the area of hardstand significantly, and has received support from Main Roads to use the existing access without the need for significant highway upgrades (attachment 3). As can be seen on the aerial map, the Applicant commenced some site works back in 2013/14 but was advised by the Shire to cease until approval is granted.

The Applicant wishes to use the hardstand area for parking of trailers and equipment associated with the existing business on the property and if the opportunity arises on occasions, park commercial vehicles associated with the business consistent with a Transport Depot. The Applicant has been advised the current temporary storage of transportable buildings and sea containers on the hardstand area must be removed.

#### Consultation

The proposal was advertised for 21 days, concluding 30 May 2014, in accordance with Clause 9.4.3 of the Shire's Town Planning Scheme. This resulted in:

- Referral letters to adjoining and nearby landowners;
- Referral letters to the following agencies:
  - (i) Ellen Brockman Integrated Catchment Group Inc.;
  - (ii) Department of Water;
  - (iii) Main Roads WA;
- Advertisement in *The Advocate* newspaper on 21 May 2014
- Placed public notice on the Shire's notice board outside Bindoon Library from 19 May until 11 June 2014.
- Published on the Shire's website on 19 May 2014.

The submissions received have been listed in the Schedule of Submissions (attachment 3).

## Statutory Environment

State: *Planning and Development Act 2005*

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

Lot 3 is zoned 'Agricultural Resource'. The objectives of this zone are:

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

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

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 is not applicable to this development.

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

*means premises used or intended for use for the parking or garaging of:*

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

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

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

### Policy Implications

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

The buffer for a transport depot set by these Guidelines is 200m. The nearest residence is approximately 300m.

### 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 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 existing natural vegetation and connecting areas to provide for biodiversity corridors;
- To protect and enhance the rivers, lesser flow lines and wetlands as a measure to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria;
- 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 protect and enhance the Chandalla wetlands from further degradation;
- To encourage and support change of land uses to agro forestry and alley farming;
- 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.
- To limit subdivision and development in the Muchea Townsite to retain low occupation density.
- To ensure the System 6 - Darling Range lands are protected from inappropriate development and land uses unless specific approval is obtained from the Department of Environment

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.*

#### **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*
- *To allow agro-tourism and eco-tourism to develop in the rural areas*
- *To allow for the subdivision of non-productive land or areas of vegetation worthy of preservation in sustainable lot sizes under conservation covenants in accordance with WAPC Policy*
- *To protect and revegetate streamlines to provide for biodiversity corridors.*

#### **Site Inspection**

Site inspection undertaken: Yes

The access to Great Northern Highway and hardstand were inspected with photos taken (Attachment 4).

#### **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

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**

##### Development of site

The proposal requires the construction of a gravel hardstand utilising the existing access for Lot 3. The Applicant also intends to improve the drainage basin located at the front of the property with drainage swales to effectively control all stormwater on site. The Applicant has also engaged Chittering Landcare for tree planting for the purposes of screening the hardstand area.

##### Consultation

Consultation was undertaken in May 2014. At this time Main Roads WA advised they would not support further development of the site without a Traffic Impact Statement requiring upgrades and alternative access options. In November 2014 the Applicant and Main Roads met to discuss access options and Main Roads provided a revised submission supporting the proposal subject to vehicle movements not exceeding 10 per day. Following the consultation in May, the Applicant engaged the Ellen Brockman Integrated Catchment Group (EBICG) to assist in the preparation of the Catchment Management Plan required for the development. No objections were received from the public. Council should note the submission from EBICG was prior to the preparation of the Catchment Management Plan which now addresses their concerns.

### Town Planning Scheme and Strategy

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 4.4.3 of the Scheme to provide the opportunity for relevant agencies and residents to make comments on the proposal. Following advertising the Shire is now presenting the proposal to Council for consideration.

The Applicant has provided a Catchment Management Plan 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 also minimal 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 addressed the requirements for the Water Prone SCA.

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.

### Agricultural Resource Zone

The proposal does not generally meet the objectives of the zone however the proposed land use is listed as an 'A' use in the Scheme and can be considered for approval by Council following consultation. It is considered the proposal will not adversely impact the landscape values of the property or locality due to the low activity of movements, existing associated business and its location in close proximity to the Muchea Employment Node.

### Access

The proposal indicates no additional movements from the existing business will occur which is currently approximately 10 movements per day. Main Roads initially objected due to the proposal resulting in additional movements accessing the highway from an existing 'rural' crossover. After their submission to the Shire, Main Roads had further discussions with the Applicant where it was resolved to revise their submission to support the proposed Transport Depot to utilise the existing access arrangement subject to no more than 5 heavy vehicles and in total no more than 10 vehicle movements per day is exceeded and the requirement to bitumen seal the crossover.

### Final comments

It is considered the proposed Transport Depot for Lot 3 can be supported with regard to the Town Planning Scheme, Local Planning Strategy and submissions for the following reasons:

1. The hardstand is located adjacent to an existing industrial use and therefore does not look out of place.
2. The Transport Depot will use the existing access to Great Northern Highway which is supported by Main Roads WA.
3. The proposal does not require clearing of remnant vegetation or removal of productive land.
4. The Applicant engaged EBICG to prepare a Catchment Management Plan. The submission of this Plan meets the requirements of the Special Control Area of the Scheme, which addresses drainage concerns and controls all stormwater through vegetated swales to a vegetated drainage basin. EBICG have not recommended the need for hydrocarbon traps.
5. 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 and water contamination.
6. No objections were received in the public advertising period.

In addition to point 5 above, the Shire has liaised with the Applicant regarding the existing transportable structures stored on the constructed hardstand area. The Applicant is currently undertaking repairs on the transportable buildings as part of the existing business. The Shire has advised the Applicant that works to and storage of the transportable buildings on site falls within the 'General Industry' and 'Storage' definitions in *Town Planning Scheme No 6* and is not permitted as part of a 'Transport Depot' use or permitted by the Scheme in the Agricultural Resource zone. The Applicant has accepted this advice and will further liaise with the Shire to resolve this as soon as possible by formalising as 'Additional Uses' through a Scheme Amendment. The Shire acknowledges the Applicant's business has slowly diversified from the existing approval on the land which dealt solely with rural products.

It is the Officer's Recommendation that Council support the proposed transport depot as per below.

#### **9.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060415**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council grant Planning Approval for the Transport Depot at Lot 3 (RN 3907) Great Northern Highway, Muchea subject to the following conditions:**

- 1. There shall be no more than 5 heavy vehicle movements in or out within any hour period and no more than 10 vehicle movements per day.**
- 2. Parking of vehicles and/or trailers shall be within the approved hardstand area.**
- 3. Any trailers used for the transport of stock shall be washed off-site prior to being parked on-site.**
- 4. Hardstand shall be constructed in accordance with the submitted details (attachment 2); subject to required setbacks.**
- 5. The development hours of operation shall comply with the *Environmental Protection (Noise) Regulations 1997*. Traffic movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.**
- 6. The following setbacks for the hardstand shall apply:**
  - a. 30m from the rear boundary; and**
  - b. 50m from the highway.**
- 7. The Applicant shall upgrade the crossover to the satisfaction of Main Roads WA prior to commencement of transport depot operations.**
- 8. The access road to the hardstand shall be bitumen sealed to the satisfaction of the Chief Executive Officer.**
- 9. The maximum speed on the internal access road and hardstand area shall be 20km/hr and be sign-posted on site.**
- 10. The Applicant shall comply with the *Catchment Management Plan* for the site.**
- 11. The hardstand area shall be constructed to a gravel type standard (dieback free) with stormwater management measures to contain stormwater as per the submitted details and *Catchment Management Plan* to the satisfaction of the Chief Executive Officer prior to commencement of transport depot operations.**
- 12. The Applicant shall undertake vegetation screening of the hardstand along the front and rear boundaries and maintain this vegetation screening for a minimum of two (2) summer seasons to the satisfaction of the Chief Executive Officer.**
- 13. The hardstand shall be maintained at all times to minimise dust emissions to the satisfaction of the Chief Executive Officer.**
- 14. All stormwater runoff and drainage to be directed through vegetated swales to the drainage basin constructed and stabilised with planting to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations.**
- 15. Storage of any products being transported is not permitted.**
- 16. On site servicing, tyre rotation, refuelling and wash down facilities are not permitted on site.**

17. If the development (the subject of this approval) is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
18. Where an approval has lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

**Advice Notes**

1. In regard to Condition 7, the Applicant shall forward a copy of any approval and documentation relating to the crossover and access arrangements to the Shire prior to commencing the Transport Depot.
2. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**9.2 TECHNICAL SERVICES**

Nil



## 9.3 CORPORATE SERVICES

### 9.3.1 Financial statements for the period ending 31 March 2015\*

<b>Report date</b>	2 April 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Financial Statements for period ending 31 March 2015
<b>Attachments</b>	1. Statement of Financial Activity for period ending 31 March 2015 Bank reconciliation for period ending 31 March 2015 List of accounts paid for March 2015

#### Background

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

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

The statement of financial activity for the period ending 31 March 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 31 March 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 070415**

**Moved Cr Norton/ Seconded Cr Mackie**

**That Council:**

1. endorse the list of payments:
  - a. PR3475
  - b. PR3476
  - c. EFT 10704 - EFT 10849
  - d. Municipal Fund Cheques 13859 – 13878
  - e. BPV50 – BPV50
  - f. Direct Debits and Transfers as listed
  - g. Trust Fund Cheques 446 - 452Totalling \$1,290,571.95 for the period ending 31 March 2015.
2. receive the bank reconciliation for the period ending 31 March 2015.
3. receive the financial statements for the period ending 31 March 2015.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

### 9.3.2 Unbudgeted Expenditure – Edmonds Place Alternative Treatment Unit (ATU)

<b>Report date</b>	8 April 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A9565
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### Background

Council is requested to consider the authorisation of unbudgeted expenditure to install new ATU beds to be located on Edmonds Reserve.

This expenditure is to bring the current ATU's up to the required standard. This is due to the fact that the original beds were constructed in and around gum trees which has caused the problem with root matter getting into the system and blocking it up.

To rectify this, a new reticulation area of 1,000 square metres fitted with the approved dripper line system needs to be established. This bed will be located at the very southern end of Edmonds Place, well away from where current activities on the reserve are held. The three ATU units that will drain into the bed are half of the Community Housing Units and all of the Senior Housing units.

#### Consultation

Building Co-Ordinator

#### Statutory Environment

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

#### Policy Implications

Nil

#### Financial Implications

No allowance had been made for this expenditure in the 2014-2015 budget.

This proposal will have no effect on the bottom line of the budget as the expenditure will be offset by transfers from the Community & Seniors Housing Reserves.

#### 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 quote received from N & M Russell Plumbing and Gas is \$9,171.81 (ex GST). The project will also involve the use of Council's plant to remove the grass from the area and to install the dirt to stop any storm water from entering the drains. Fencing will also be required to be installed around the new beds.

N&M Russell	9,171.81
Council Plant	865.00
Council Man-hours	1,213.19
Fencing Materials	750.00
<b>TOTAL ESTIMATED PROJECT COST:</b>	<b>\$12,000.00</b>

**9.3.2 OFFICER RECOMMENDATION / COUNCIL RECOMMENDATION 080415**

**Moved Cr Mackie/ Seconded Cr Clarke**

**That Council:**

- 1. authorise the unbudgeted expenditure of \$12,000.00 from Job 36000 (Edmonds Place reserve) to install new ATU beds at the southern end of Edmonds Place Reserve.**
- 2. authorise the transfer of \$3,273.00 from the Community Housing Reserve and \$8,727.00 from the Seniors Housing Reserve to the Municipal Account.**

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

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Local Government Ordinary Elections 2015

Report date	31 March 2015
Applicant	Shire of Chittering
File ref	13/06/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	<b>Absolute Majority</b>
Documents tabled	Nil
Attachments	Nil

#### Background

The next local government ordinary elections are being held on Saturday, 17 October 2015. The Western Australian Electoral Commission has written to the Shire (ref I1556901) advising that the Commission is again available to assume responsibility for these elections, should the Shire of Chittering wish to retain the postal voting method.

Postal elections have been available to Western Australian Local Government since 1995, and in a short period have become the preferred way that elections are conducted by country Councils.

#### Consultation

Nil

#### Statutory Environment

State: *Local Government Act 1995*

#### 4.19 **The returning officer**

*The principal electoral office of a local government is that of returning officer.*

#### 4.20 **CEO to be returning officer unless other arrangements are made:**

- *Subject to this section the CEO is the returning officer of a local government for each election.*
- *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for—*
  - (a) an election; or*
  - (b) all elections held while the appointment of the person subsists*

*\*Absolute majority required*

- An appointment under subsection (2) –*
  - (a) is to specify the term of the person's appointment; and*
  - (b) has no effect if it is made after the 80th day before an election day.*
- A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time and if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government election or elections.*

*\*Absolute majority required*

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

[Section 4.20 amended by No 64 of 1998 s.19(1); No 49 of 2004 s.16(4) and 32(1)-(4).]

#### **4.61 Choice of methods conducting the election**

- (1) The election can be conducted as a–  
“**postal election**” which is an election at which the method of casting votes is by posting or delivering them to an electoral officers on or before election day; or  
“**voting in person**” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide\* to conduct the election as a postal election.  
\*Absolute majority required
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

[Section 4.61 amended by No 64 of 1998 s.25; No 49 of 2004 s.16(4) and 32(5).]

#### **Policy Implications**

Nil

### Financial Implications

The estimated cost provided by the Electoral Commission for them to conduct the postal election is \$20,000.00 (excluding GST), which has been based on the following assumptions:

- 3,800 electors
- response rate of approximately 35%
- four vacancies; and
- count to be conducted at the offices of the Shire of Chittering
- appointment of a local Returning Officer
- standard Australia Post delivery service to apply.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising)
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- any additional postage rate increases by Australia Post.

These costs will be included in the 2015/2016 Annual Budget.

### Strategic Implications

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Comment

There are two methods for conducting local government elections, this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the Western Australian Electoral Commission.

There are two significant benefits for the elections to be conducted as a postal election:

1. It increases the voter turnout
2. It removes Shire of Chittering staff from the process (the Returning Officer is appointed by the Commission) therefore creating independence and impartiality.

Having an external person appointed by the Electoral Commission as the Returning Officer creates separation and provides independence to the process.

Other benefits that have been quoted for postal elections are:

- It is easier for electors to vote
- It assists new candidates as all electors get the profile of all candidates
- There is a perception that the playing field is more level for sitting Councillors versus nominated candidates and that the success of being elected is not correlated to previous experience.

**9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090415**

**Moved Cr Mackie/ Seconded Cr Gibson**

**That Council:**

1. **declares, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required.**
2. **decides, in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

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



## 10. REPORTS OF COMMITTEES

### 10.1 Chittering Bush Fire Advisory Committee – 3 March 2015\*

<b>Report date</b>	31 March 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	09/02/4
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. "Unconfirmed" Chittering Bush Fire Advisory Committee Minutes, 3 March 2015

#### **Background**

A meeting of the Chittering Bush fire Advisory Committee (CBFAC) was held on Tuesday, 3 March 2015. There were no recommendations made during the meeting.

#### **Consultation**

Chittering Bush Fire Advisory Committee

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

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

##### Social implications

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

##### Environmental implications

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

**Comment**

During the CBFAC meeting the Presiding Member made a presentation to Karen Parker (Manager Human Resources) on behalf of the committee for all her support. Karen expressed how she enjoyed working with the volunteers and thanked everyone for the gift and certificate.

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

**10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100415**

**Moved Cr Rossouw/ Seconded Cr Norton**

**That Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 3 March 2015.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

## 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Australian Medical Association – Chittering Multipurpose Health Centre Lease

*Cr Gibson has provided the following comments*

*Advice received from the Australian Medical Association indicates that this method of advertising will reach many potential lessees of our new facility. As a regional asset, the new building and services will attract clients from adjacent shires, making it financially attractive to progressive practitioners.*

#### **Chief Executive Officer's Comment**

Council informally considered this matter on the 18 March 2015 after meeting with the Doctor and Practice Manager. Discussion was held in regards to the difficulties rural practices are having attracting and retaining doctors locally. It was generally agreed (5/1) by the Councillors present, that the new health facility (Northern wing only) should be offered to the current doctor.

A recent survey of a number of surrounding rural local governments has indicated that it has become necessary for many (LGs) to become involved in the provision of GP services by way of providing incentives/subsidies.

According to a recent study published in the Australian Association Press (AAP):

*“WA has a shortage of 950 doctors, and has fewer doctors per head of population than anywhere else in Australia, a report says.*

*The study, commissioned by Curtin University, has called for an urgent program to train more medical students in the state to meet the needs of the rapidly growing population.*

*It highlights several recent studies, which confirmed WA continued to have the lowest levels of doctors in Australia despite having the fastest-rising population.*

*Health consultant Dr Felicity Jefferies, a former executive director of the WA Country Health Service, said the challenges facing WA's health service included:*

- *a current shortage of 950 doctors*
- *a reliance on 1150 more overseas-trained doctors than the national average*
- *fewer doctors overall per head of population than the rest of Australia*
- *fewer GPs per head of population than the rest of Australia*
- *fewer medical students and doctors in training per head of population than the rest of Australia*
- *more overseas-trained doctors per head of population than the rest of Australia*

*The university has proposed the opening of a Curtin Medical School in 2016 — subject to government approval and Australian Medical Council accreditation — including a \$60 million commitment from the college.”*

Once the draft lease document for the new health centre has been finalised, a report will be presented to Council for its formal consideration.

**11.1 COUNCILLOR MOTION**

Moved Cr Gibson / Seconded Cr Norton

That Council require the Chief Executive Officer:

1. to provide the Australian Medical Association with the terms of the proposed lease of the new medical centre, including the possible provision of accommodation in Bindoon; and
2. request the Australian Medical Association to advertise for a suitable compliant doctor in their monthly journal.

**THE MOTION WAS PUT AND DECLARED LOST 2/5**

Cr Douglas foreshadowed an alternative motion.

**ALTERNATIVE MOTION**

Moved Cr Douglas / Seconded Cr Mackie

That Council resolve to offer the lease on the North wing of the new Multipurpose Health Centre to the practice currently providing medical services to the Community from the existing Medical Centre.

**COUNCILLOR AMENDMENT**

Moved Cr Gibson / Seconded Cr Norton

That the lease be offered providing that the current incumbent agrees to the terms of the lease and the operating times required by Council.

**THE AMENDMENT WAS PUT AND DECLARED LOST 2/5**

**COUNCILLOR AMENDMENT**

Moved Cr Mackie / Seconded Cr Clarke

That a Point 2 be added to Cr Douglas' alternative motion;

Direct the CEO to prepare a lease document satisfactory to Council, for the North wing of the new Multipurpose Health Centre to be presented to an Ordinary Council Meeting.

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

**COUNCILLOR AMENDMENT**

Moved Cr Norton / Seconded Cr Gibson

That the substantive motion be split into two separate motions

**THE AMENDMENT WAS PUT AND DECLARED LOST 2/5**

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 110415**

Moved Cr Douglas / Seconded Cr Mackie

That Council;

1. Resolve to offer the lease on the North wing of the new Multipurpose Health Centre to the practice currently providing medical services to the Community from the existing Medical Centre.
2. Direct the Chief Executive Officer to prepare a lease document satisfactory to Council, for the North wing of the new Multipurpose Health Centre.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/2**

Cr Norton and Cr Gibson requested that their names be recorded as having voted against the motion.

**12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

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

Nil

**14. MEETING CLOSED TO THE PUBLIC**

**14.1 Matters for which the meeting may be closed**

Nil

**15. CLOSURE**

The Presiding Member declared the meeting closed at 8.10pm.



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