

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY, 17 AUGUST 2016

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.01pm
Closure: 7.58pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 21 September 2016.

SIGNED BY

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

Disclaimer

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.01pm.

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

2.1 Attendance

The following elected members were in attendance:

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

The following staff members were in attendance:

Mr Alan Sheridan	Chief Executive Officer
Ms Bronwyn Southee	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Mrs Natasha Mossman	Executive Support Officer (Minute Secretary)

There were five members of the general public in attendance.

2.2 Apologies

Ms Jean Sutherland	Executive Manager Corporate Services
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2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

3.1 Item 9.1.1 Proposed Scheme Amendment No. 56: Rezone from 'Agricultural Resource' to 'Rural Smallholdings' – Lots 1 and 2 Tea Tree Road, Bindoon

Ms Bronwyn Southee (Executive Manager Development Services) has declared an impartiality interest in this item as she is a former employee of Whelans Pty Ltd.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Daryl du Plessis, Bindoon

Mr du Plessis spoke to council about the public concern regarding the removal of the trees from Binda Place. There is going to be a significant period of time that there will be no shade in the area. Mr du Plessis asked who made the decision to remove the trees as the community deserves to know?

The Shire forwarded the following information to Mr du Plessis on 8 August 2016:

At the Ordinary Council Meeting held on 17 December 2014 Council first resolved to endorse the Binda Place Improvement Plan (Resolution 201214). At the Ordinary Council Meeting held on 16 December 2015 Council resolved to endorse the proposed updates to the Binda Place Improvement Plan (Resolution 181215).

4.1.2 Christopher Waldie, Bindoon

Mr Waldie raised the status of the Bindoon Country Club Estate which has sufficient interlacing reserves to neighbouring properties. Mr Waldie asked if this new ruling applies to Council to ensure that there is clearance around those reserves. Mr Waldie stated that this is going to be huge expense and is Council now obliged to clear their side?

The Shire forwarded the following information to Mr Waldie on 28 July 2016:

The Shire has a three (3) year program for the management of its reserves, which includes the installation of firebreaks and reduction of fuel loads. This has been in place since 2014. Additionally, the Chief Executive Officer and Ranger visited your property on Monday, 25 July 2016 to discuss fire break variations on your property.

4.1.3 John Pilbeam, Bindoon

Mr Pilbeam also made mention of the covenant on trees over 20cm in diameter. Mr Pilbeam asked if Council has made any provision for green waste from these trees. Residents cannot cut down trees and then have nowhere to put them.

The Shire forwarded the following information to Mr Pilbeam on 28 July 2016:

An investigation of the Shire's records has been undertaken. No formal restrictive covenants relating to requirements for tree retention have been located. In relation to the requirement of firebreak instalment on lots 5,000m² and over, the Bush Fires Act 1954 prevails over any covenant or policy for these sites. Green waste can be disposed of at either of the Shire's landfills free of charge. Additionally, the Chief Executive Officer and a Shire Ranger attended your property on Monday, 25 July 2016 to discuss firebreak arrangements with you.

4.2 Public question time

4.2.1 John Curtis, Bindoon

(as submitted)

Question 1: Which grievances that were presented to state parliament in 2014 by the President, Councillor CEO, have not been acted on by the Minister for Water?

Response 1: The Presiding Member took Mr Curtis's question on notice. Through the Chair, the Chief Executive Officer advised Mr Curtis that all questions taken on notice at Council meetings are responded to in writing and also included in the following Council meeting agenda.

Question 2: Can Council put in a written request to the Minister for Water for an extra [additional] subsidy to the subsidy already provided by Council, to help with ratepayers costs and losses involved with STED?

Response 2: The Presiding Member advised that Mr Curtis was talking about two different subsidies; one that Council supported and one that would be a Water Corporation derived subsidy. It would not be an additional subsidy, it would be a separate one. The Presiding Member further stated that he was unsure if the Water Corporation would offer a subsidy. Through the Chair, the Chief Executive Officer asked Mr Curtis to be more specific in what sort of subsidy he was requesting.

Mr Curtis asked what in addition to the subsidy that you [Shire] are going to provide ratepayers for the STED program for the costs of connection and decommissioning of leach drains?

Response: Through the Chair, the Chief Executive Officer advised that the subsidy would cover the full cost of connection to the Scheme. The Chief Executive Officer further advised that Council would look to organize a single contractor who would arrange for the connection of private properties to the sewerage scheme. If sufficient funds are available, it may also be possible to cover the cost of decommissioning of leach drains. This will be explored in further detail as we get closer to the implementation of the scheme in 2018.

Mr Curtis then asked what options has the Council come up with to replace the rubbish bins.

Response: The President asked if this was to replace broken rubbish bins.

Mr Curtis stated that he was asking about having one bin as opposed to two.

Response: The President advised that Council has a system in place where we collect waste and recycling under contract with Avon Waste until 2019. The Shire will not be looking at replacing that service until then. The service will be retendered in late 2018 as the current tender does not expire until 29 May 2019.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr George Tilbury

6.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010816

Moved Cr Rossouw / Seconded Cr Osborn

That Cr George Tilbury be granted approved leave of absence for the period inclusive of Thursday, 18 August 2016 to Tuesday, 13 September 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7. CONFIRMATION OF MINUTES

7.1 Special Council Meeting – 19 July 2016

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020816

Moved Cr Gibson / Seconded Cr Tilbury

That the minutes of the Special meeting of Council for the Election of President and the minutes of the Special Meeting of Council for the Election of Deputy President, both held on Tuesday, 19 July 2016 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7.2 Ordinary Council Meeting – 20 July 2016

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030816

Moved Cr Rossouw / Seconded Cr Osborn

That subject to:

1. Council Resolution 150716, condition 2.a. being amended to read:
 - a. *Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 0.095393 cents in the dollar, with a minimum rate of \$1000.00 be imposed.*
2. Council Resolution 150716, condition 7.b. and 7.c. being amended to read:
 - b. *\$170.00 per annum – for any additional refuse mobile garbage bins (collected fortnightly)*
 - c. *\$140.00 per annum – for any additional recycling mobile garbage bins (collected weekly).*

the minutes of the Ordinary meeting of Council held on Wednesday, 20 July be confirmed as a true and correct record of proceedings.

Advice note

1. Condition 2.a. has been amended from “0.95393” to “0.095393” to reflect the correct rate in the dollar.
2. Conditions 7.b. and 7.c. have been amended as the rate for the type of waste collection service was incorrectly stated.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Scheme Amendment No. 56: Rezone from 'Agricultural Resource' to 'Rural Smallholdings' – Lots 1 and 2 Teatree Road, Bindoon*

Report date	17 August 2016
Applicant	Whelans Pty Ltd
File ref	18/02/26
Prepared by	Peter Stuart, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Declaration	Bronwyn Southee declared an impartiality interest in this item as a former employee of Whelans Pty Ltd
Voting requirements	Simple majority
Attachments	<ol style="list-style-type: none">1. Scheme Amendment document includes, but not limited to:<ol style="list-style-type: none">(i) Locality Plan(ii) draft Structure Plan(iii) Flora and Fauna Survey(iv) Bushfire Management Plan2. Advice received from Department of Planning

Executive Summary

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

The re-initiation of a Scheme Amendment is required to be undertaken by Council as the officers do not have delegated authority.

This proposal was previously considered by Council at its Ordinary Meeting of 18 November 2015, where it was resolved to allow the proposal, name it Amendment 58, and advertise it accordingly.

Subsequent to the gazettal and publication of the *Planning and Development Regulations 2015*, the amendment process is required to begin again. For this reason, this proposal is being entertained notwithstanding the moratorium on Scheme Amendments outside of the Muchea Employment Node.

The majority of this report is identical to that previously considered by Council for clarity and consistency in fact reporting.

Background

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



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

The Scheme Amendment proposes to rezone Lots 1 and 2 from 'Agricultural Resource' to 'Rural Smallholdings' (minimum five hectare lots). The Local Planning Strategy identifies the land for 'Rural Retreat' (minimum 10 hectare lots). The application provides justification for the proposed zone. The applicant has also submitted a draft Structure Plan which indicates the creation of a total of 48 lots; 47 of these approximately five hectares in size and one being the 186 hectare balance lot. The draft Structure Plan also proposes Public Open Space corridors totalling 34 hectares, being 7% of the site, which is to be assessed at that stage.

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

The change to the *Planning and Development (Local Planning Schemes) Regulations 2015* means that Council's previous resolution no longer is valid in terms of the wording to the resolution. Moreover, the amendment is to be renamed as a 'complex amendment'. While a moratorium on spot rezonings is in effect, Council's previous acceptance effectively allows this resubmission to bypass the moratorium.

Advice received from the Department of Planning requested eight (8) modifications to the applicant's report prior to advertising, including modifying the resolution to determine whether the amendment application is a basic, standard or complex amendment. The full list is attached as **attachment 2** to this report.

Further advice received from the Department of Planning has confirmed that Council may refuse to update the wording of the resolution, however the Minister for Planning may force Council to do so. Similarly, the Minister may refuse to allow the Scheme Amendment to proceed. Ultimately this is the Minister's due consideration; it should not influence the Council.

The intent of the complex amendment stream is to, *inter alia*, capture amendments that do not comply with the endorsed strategic planning framework. As this proposal is not identified within the Shire's Local Planning Strategy for 'Rural Smallholdings', the amendment is to be reinitiated as a complex amendment. Furthermore for this same reason, the application cannot be considered a 'basic' or 'standard' amendment.

Consultation

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

There are no modifications required as part of this initiation. Therefore, it is recommended that the resolution include the provision to allow proceeding of consultation without modification.

Internal

Jim Garrett, Executive Manager Technical Services

Jamie O'Neill, Community Emergency Services Manager

Statutory Environment

State: *Planning and Development Act 2005*

Planning and Development (Local Planning Scheme) Regulations 2015

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

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

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

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

The objectives of the 'Rural Smallholdings' zone are:

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

The proposed rezoning meets the objectives of the 'Rural Smallholdings' zone in protecting the landscape values, retaining agricultural land (balance lot proposed) and developing the site in response to the capabilities and constraints. The applicant will be required to demonstrate how the land can be preserved from despoliation and land degradation, and that the land can be used for horticultural purposes. The latter can be achieved by communal gardens, or other similar private uses.

Policy Implications

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

The applicant has submitted a Bushfire Management Plan (BMP) which includes a Bushfire Hazard Assessment and demonstrates the development of the site would comply with SPP3.7. The BMP has been referred to the Shire's Community Emergency Services Manager who has advised that the proposal will comply with the Guidelines, subject to those conditions of the BMP being upheld.

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

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

Policy measures 5.6 (b) (i) through to (x) are to be regarded for rural living proposals. The proposed scheme amendment to rezone to 'Rural Smallholdings' is not considered to conflict with these measures.

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

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

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

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

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

9.8 SMALL RURAL HOLDINGS

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

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

Strategies and Actions

- *Rezoning shall only occur after a comprehensive analysis of the land has been undertaken to ensure suitability of the proposed land uses, and acknowledging the surrounding land uses;*
- *The designated areas adjacent to Bindoon, Blue Plains Road and Maryville shall be the limit of this development;*
- *To permit a limited range of land uses including horticulture, tourist facilities and passive recreation;*
- *Lot sizes shall not be less than 5 hectares with an average lot area of 10 hectares.*

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

Local: Shire of Chittering Local Biodiversity Strategy 2010

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

State: 'Northlink' Bypass

The draft Bindoon Bypass Corridor Options 'A' and 'B' are identified as traversing the subject site. Accordingly, Main Roads' input will be required to determine whether the scheme amendment is compatible with their proposal, should it go ahead at this location.

Site Inspection

Site inspection undertaken: Yes

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

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

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

Comment

Town Planning Scheme

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

As the proposal to rezone the land is considered to meet the objectives of the zone by encouraging more intensive agriculture, the draft Structure Plan responds to the landscape values and allows for the continuation of rural uses appropriate to the capability of the land.

Local Planning Strategy

The current Local Planning Strategy identifies the site for Rural Retreat development due to the poorer soils and progression into agricultural land. The applicant seeks approval to rezone to 'Rural Smallholdings' to allow a greater lot yield to make the development viable (due to internal road construction) and to contain the development to a portion of the site to allow for a balance 'agricultural' lot. The applicant has indicated the land capability does allow for rural small holding type development (supports smaller lot size, groundwater availability and on site effluent disposal) to support the proposed 'Rural Smallholdings' zone and draft Structure Plan.

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

Structure Plan

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

Access

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

Bushfire Management

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

Environment

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

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

Conclusion

It is the Officer's Recommendation that Council accept the required changes to the resolution relating to the proposed Scheme Amendment for 'Rural Smallholdings'. As Council previously considered that, while the proposed rezoning would result in a higher intensity than identified in the Local Planning Strategy; the land is no less capable of supporting the allowable lot size for the zone. Furthermore, it was considered to provide a transition of development in the region with a variety of lot sizes and lifestyle options. In considering this revised resolution, Council is recommended to adopt the correct wording for procedural purposes. Refusing this update will not prevent the continuation of this proposed amendment.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040816

Moved Cr Osborn / Seconded Cr Gibson

That Council modify and update its resolution of 18 November 2015, to state the following:

- 1. pursuant to *Section 75* of the *Planning and Development Act 2005* resolves to initiate an amendment to the *Shire of Chittering Town Planning Scheme No 6* to:
 - a. Rezone Lots 1 and 2 Teatree Road, Bindoon from 'Agricultural Resource' to 'Rural Smallholdings'; and**
 - b. Amend the Scheme Map accordingly.****
- 2. resolves to number the proposed amendment as 'Amendment No 56' to the *Shire of Chittering Town Planning Scheme No 6*.**
- 3. resolves that the Scheme Amendment is a 'complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. the amendment has related development that is of a scale, or will have an impact, that is significant relative to development in the locality;**
 - b. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;**
 - c. the amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area; and**
 - d. 'Rural Smallholdings' is not identified in the Shire Local Planning Strategy for this location.****
- 4. pursuant to *Regulation 37(1)(a)* of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to proceed to advertise the Scheme Amendment without modification, following the receipt of the Western Australian Planning Commission's advice under *Regulation 37(4)*.**
- 5. forwards the Scheme Amendment to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005* prior to advertising.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Local Planning Policy 7 Outbuildings Policy Review*

Applicant	Shire of Chittering
File ref	18/06/0007
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple majority
Attachments	1. Proposed Local Planning Policy 7 'Outbuildings' 2. Existing Local Planning Policy 7 'Outbuildings and Swimming Pools'

Executive Summary

Council's consideration is requested for the endorsement of the amendments to the proposed *Local Planning Policy 7 - 'Outbuildings'* for advertisement under *Town Planning Scheme No 6*.

Background

The Shire has undertaken a review of its existing *Local Planning Policy 7 – Outbuildings and Swimming Pools (LPP7)*.

LPP7 has the function of a guidance document to assist in decision making regarding development applications for outbuildings.

The purpose of the review is to amend the existing *Local Planning Policy 7 - 'Outbuildings and Swimming Pools'* to reflect current day statutory standards. Specifically, the policy is intended to be consistent with the new bushfire regulations *Australian Standard 3959 Construction of buildings in bushfire-prone areas*. Furthermore, the policy has been amended to remove the planning consent requirements for in ground swimming pools. A number of items have also been added for clarification including definitions, objectives and a maximum acceptable design standards table.

Consultation

Under the Shire's *Town Planning Scheme No 6 (TPS6)*, an amended local planning policy is required to be advertised through publishing a notice of the proposed policy once a week for two consecutive weeks. Subsequently, submissions then may be made to the Shire regarding the policy for a minimum period of 21 days.

Statutory Environment

Local: *Town Planning Scheme No 6*

Clause 2.4 of *TPS6* outlines the procedure for making and amending Local Planning Policies.

State: *State Planning Policy 3.1 Residential Design Codes*

All development relating to residential development where a residential density applies within Western Australia is required to comply with *State Planning Policy 3.1 Residential Design Codes (R-Codes)*. The requirements of the R-Codes are outlined through design principles and deemed-to-comply provisions.

The R-Codes recommend that any pre-existing or new Local Planning Policy is consistent with the R-Codes. The following clause within the R-Codes outlines its prevalence over pre-existing Local Planning Policies where inconsistencies occur:

7.2 *Pre-existing Local Planning Policies*

If a properly adopted local planning policy which came into effect prior to the gazettal of the R-Codes is inconsistent with the R-Codes, the R-Codes prevail over the policy to the extent of the inconsistency.

The R-Codes Clause 7.3.1 does not allow for Clause 5.4.3 'Outbuildings' to be varied in a zone containing an R-Code density, without the approval of the WAPC.

Under the R-Codes section 5.4.3 'Outbuildings', the deemed-to-comply requirements vary from the proposed *Local Planning Policy 7 – 'Outbuildings'* requirements for areas only with an R-Code density. The Shire generally allows for larger outbuildings to be constructed due to its location within a mostly rural landscape. The R-Codes does not contemplate rural context such as R 2.5 as it is primarily intended for urban environments where the size and location requirements can be applied consistently.

The proposed *Local Planning Policy 7 – 'Outbuildings'* permits site areas of 70m² to be constructed with a 3m wall height and a 4.5m ridge height as opposed to the R-Codes which stipulate a maximum site area of 60m², a wall height of 2.4m and ridge height of 4.2m is compliant. To this end the policy contains Table 1 allows for outbuildings to be assessed per zone, therefore enabling the Shire to be consistent in its application via a single policy.

The Department of Planning have advised that should the Shire wish to include this policy for R-Coded areas that their approval will be required in accordance with clause 7.3.2.

Policy Implications

Local: *Local Planning Policy No. 7 Outbuildings and Swimming Pools*

The existing policy was adopted to guide the development of outbuildings without the need for planning approval. Additionally, subsequent legislative changes to the State Planning Policy saw a change to the construction of buildings in bushfire prone areas.

Local: *Local Planning Policy No. 18 Setbacks*

Local Planning Policy No.18 'Setbacks' provides measures for building setbacks, therefore it should be noted that *Local Planning Policy No. 7* is to be read in conjunction with *Local Planning Policy No. 18 'Setbacks'*.

Financial Implications

There will be advertising costs associated with the advertising of the proposed *Local Planning Policy 7 Outbuildings*.

Strategic Implications

The amendment of existing *Local Planning Policy No. 7 'Outbuildings and Swimming Pools'* is not considered to impact on the Shire of Chittering's Local Planning Strategy.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The amendment of the policy helps to clarify the Shire's position on persons living in non-habitable buildings.

Environmental implications

The amending of this policy will provide council with the ability to minimise unnecessary land clearing while also being able to provide clarity as to bush fire management.

Comment

Proposed amendments to LPP7

The policy is being updated to reflect current legislation and issues associated with land use are not covered. The amendments to the existing *Local Planning Policy No. 7 'Outbuildings and Swimming Pools'* have been proposed so as to include requirements for bush fire regulations put forward in the new State Planning Policy via Australian Standards as well as removing the requirement for planning consent regarding the construction of in ground pools in Special Control and Rural Residential Zones.

The requirement for in-ground pools has been removed from the current *LPP7* due to the lack of effect on amenity on neighbouring properties. As a result, there remains no planning merit issue with requiring planning approval to construct a pool.

A copy of the proposed Local Planning Policy is attached to this report (see attachment 2).

Endorsement of the proposed policy

If Council resolves to endorse the amended *Local Planning Policy No. 7 'Outbuildings'*, the policy will be advertised through a public notice once a week for two consecutive weeks in the local newspaper. The notice will give the following details:

- (a) where the draft Policy may be inspected;
- (b) the subject and nature of the draft Policy;
- (c) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

For a period of not less than 21 days from the date of the first notice submissions may be made to the Shire. The proposed policy will be referred to the Western Australian Planning Commission for their comment.

After the expiry of the submissions period, the proposed policy will be reviewed in the light of any submissions made. Subsequently, the policy will be put to the next available Ordinary Council Meeting where Council is to resolve to adopt the policy with or without modification, or not to proceed with the policy.

9.1.2 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. resolves to endorse the amended *Local Planning Policy 7 Outbuildings*.
2. in accordance with Clause 2.4 of the *Shire of Chittering's Town Planning Scheme No 6*, publish a notice of the proposed policy once a week for two (2) consecutive weeks in a newspaper circulating in the Scheme Area, giving details of the following:
 - a. where the draft policy may be inspected;
 - b. the subject and nature of the draft policy; and
 - c. in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.
3. advise the Western Australian Planning Commission accordingly and seek the Commission's comments regarding the proposed amendments.
4. pursuant to Clause 2.4 of the *Shire of Chittering's Town Planning Scheme No 6*, after the expiry of the period within which submissions may be made, all submissions will be tabled at the next available Ordinary Council Meeting for its consideration.

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That clause "3.4 Maximum Floor Areas, Wall Height and Ridge Height" be deleted.

CR GIBSON WITHDREW THE MOTION

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That table 1 in clause 3.4 be amended as follows:

Zoning of property	Area	Wall Height	Ridge Height
<i>Agricultural Resource up to 5 hectare</i>	<i>To be assessed on individual basis</i>	<i>To be assessed on individual basis</i>	<i>To be assessed on individual basis</i>
<i>Up to 10 hectare</i>	<i>To be assessed on individual basis</i>	<i>To be assessed on individual basis</i>	<i>To be assessed on individual basis</i>

THE MOTION WAS PUT AND DECLARED LOST 2/4

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That the following clause 3.3.1 be deleted:

"3.3.1 Within the Agricultural Resource zone, non-painted steel wall cladding will only be supported for use on outbuildings where the Shire's officers are satisfied that the reflection will not cause undue impact to neighbouring properties or passing road traffic."

THE MOTION WAS PUT AND DECLARED LOST 1/5

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050816

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. resolves to endorse the amended *Local Planning Policy 7 Outbuildings*.
2. in accordance with Clause 2.4 of the *Shire of Chittering's Town Planning Scheme No 6*, publish a notice of the proposed policy once a week for two (2) consecutive weeks in a newspaper circulating in the Scheme Area, giving details of the following:
 - a. where the draft policy may be inspected;
 - b. the subject and nature of the draft policy; and
 - c. in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.
3. advise the Western Australian Planning Commission accordingly and seek the Commission's comments regarding the proposed amendments.
4. pursuant to Clause 2.4 of the *Shire of Chittering's Town Planning Scheme No 6*, after the expiry of the period within which submissions may be made, all submissions will be tabled at the next available Ordinary Council Meeting for its consideration.

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

9.1.3 Local Planning Policy 29 Sea Containers Policy Review*

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	18/06/0029
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple majority
Attachments	<ol style="list-style-type: none">1. Proposed Local Planning Policy No. 29 - 'Sea Containers'2. Existing Local Planning Policy No. 29 - 'Sea Containers'3. Schedule of submissions

Executive Summary

Council is requested to consider the adoption of the reviewed *Local Planning Policy 29 – Sea Containers*.

Background

The draft Local Planning Policy 29 Sea Containers was first considered by Council at its Ordinary Meeting held on 16 September 2015 where Council resolved as follows:

9.1.4 SUBSTANTIVE MOTION / RESOLUTION 060915

That the Commissioner:

1. *Resolves to endorse the amended Local Planning Policy No 29 Sea Container for advertising purposes only, to allow for consideration by a future Council.*
2. *In accordance with Clause 2.4 of the Shire of Chittering's Town Planning Scheme No 6, publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area, giving details of the following:*
 - a. *Where the draft Policy may be inspected;*
 - b. *The subject and nature of the draft Policy; and*
 - c. *In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.*
3. *Pursuant to Clause 2.4 of the Shire of Chittering's Town Planning Scheme No 6, after the expiry of the period within which submissions may be made, all submissions will be tabled at the next available Council Meeting for its consideration.*

THE COMMISSIONER DECLARED THE SUBSTANTIVE MOTION CARRIED

Following this resolution Council advertised the policy to the public. The results are discussed below and attached.

The Shire has undertaken a review of its *Local Planning Policy 29 – 'Sea Containers' (LPP29)*. The Policy is considered to be outdated and in need of being reviewed. In recent years there has been a large increase in the number of sea containers within the Shire being used by residents for storage and, in some cases, housing. Sea containers have been placed on blocks in full view of the neighbouring properties and adjacent roads, having a detrimental effect on the rural nature of the Shire.

LPP29 has the function of a guidance document to assist in decision making regarding development applications and the draft policy is intended to better address current needs and the suitable placement of sea containers.

Consultation

Under *Town Planning Scheme No 6 (TPS6)* an amended 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.

Consultation for *LPP29* was undertaken between the dates of 18 September 2015 and 16 October 2015 although late submissions were received. There were two (2) submissions received. The nature of the submissions made was generally concerned with retrospective approvals and how this would affect the community. Further concerns were raised regarding the screening and safety requirements of sea containers. One person suggested that there be more open engagement with the community. A schedule of submissions is attached to this report (see attachment 3).

Statutory Environment

TPS6 has no mechanisms in place to statutorily govern the placement of sea containers. Accordingly, *LPP29* has been developed to provide the Shire with the ability to regulate their placement, length of time of placement, and use abilities.

Policy Implications

Local: *The proposed Local Planning Policy, if approved, would supersede the current LPP29*

Financial Implications

There will be advertising costs associated with advertising of the *Local Planning Policy No. 29 - Sea Containers*.

Strategic Implications

In recent years there has been a marked rise in the use of sea containers as storage facilities throughout the Shire, both regulated and unregulated. This has led to unsightly structures placed throughout the Shire which in turn has given rise to complaints. The current review of the policy intends to allow for greater control and clearer guidelines for the use and placement of sea containers which in turn will improve the look and amenity of the Shire.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

Proposed changes to *Local Planning Policy No 29* would allow a more flexible approach to temporary storage within the Shire whilst improving the living conditions throughout the Shire by gaining greater authority to regulate habitability of the sea containers.

Environmental implications

The proposed *Local Planning Policy No 29* addresses the issues of sea containers being placed on a property in full view of the neighbouring properties and the road by giving clear guidelines to the placement of sea containers.

Comment

The proposed *Local Planning Policy No 29* clarifies the use of sea containers for temporary storage and addresses the issues of placement whilst maintaining the rural character and landscape of the Shire. Accordingly, it is recommended that Council adopt the amended policy for advertising purposes.

9.1.3 OFFICER RECOMMENDATION

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Pursuant to Clause 2.2 of *Town Planning Scheme No 6* resolves to adopt the amended *Local Planning Policy No.29 - 'Sea Containers'*.
2. Pursuant to Clause 2.4.1 of *Town Planning Scheme No 6* resolves to proceed to advertise the amended *Local Planning Policy No.29 - 'Sea Containers'*.

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That clause 3.1 be amended by adding a the following new clause "c)":

"c) *in an agricultural zone over 25hectares.*"

THE MOTION WAS PUT AND DELCARED LOST 2/4

AMENDMENT

Moved Cr Gibson

That clause 3.2(e) be amended by removing "*and shall not be prominently visible from the street*" to read as follows:

"3.2e) *The sea container shall be located at the rear of the buildings.*"

MOTION LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That clause 3.4(b) be amended by replacing "*one 6 metre*" with "*two x 6 metre or one x 12 metre*" to read as follows:

"3.4b) *Permanent use of two x 6 metre or one x 12 metre may be permitted in rural residential, rural small holding and rural retreat zones in accordance with 3.2 above;*"

THE MOTION WAS PUT AND DECLARED LOST 2/4

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060816

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Pursuant to Clause 2.2 of *Town Planning Scheme No 6* resolves to adopt the amended *Local Planning Policy No.29 - 'Sea Containers'*.
2. Pursuant to Clause 2.4.1 of *Town Planning Scheme No 6* resolves to proceed to advertise the amended *Local Planning Policy No.29 - 'Sea Containers'*.

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

9.2 TECHNICAL SERVICES

9.2.1 RFT SC16-003 Assessment: Cleaning Services*

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	04/19/26
Prepared by	Deirdre Dugay, Customer Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Absolute majority
Documents tabled	1. Tender Documentation
Attachments	1. Tender Assessment Matrix

Executive Summary

Council is requested to consider awarding the cleaning contract for Shire buildings and facilities for a period of three (3) years.

Background

The Shire of Chittering cleaning services contract currently contracted to JCT's Creative Solutions expires on 31 August 2016.

An Expression of Interest (EOI) was advertised on Tuesday, 31 May 2016 and closed at 4pm on 16 June 2016, to establish budgetary requirements. After receiving six (6) submissions it was recognised that the value of the three year contract exceeded the \$150,000 tender threshold, under the *Local Government Act 1995, Section 3.57*.

To attract suitable, professional cleaning services, a Request for Tender (RFT) for a three (3) year period from 1 September 2016 to 31 August 2019 was advertised.

The RFT was advertised in the West Australian on 25 June 2016 and closed on 11 July 2016 at 4.00pm. Tenders were opened on Monday, 11 July 2016 at 4:10pm in the presence of Jean Sutherland (Executive Manager Corporate Services), Jim Garrett (Executive Manager Technical Services) and Rick Choules (Building Coordinator).

A total of eight (8) tenders were received. One (1) tender was received after the closing time and was not considered.

The following tenders were received by the closing date and time:

Tenderer	Price (\$) ex GST (Annual)	Price (\$) ex GST (Full contract amount)
OCS Services	\$48,553.88	\$145,661.64
DMC Cleaning	\$50,711.00	\$152,133.00
Du Clene	\$53,823.84	\$161,471.52
Spick & Span	\$55,273.86	\$165,821.58
MI Group	\$72,872.18	\$218,616.54
JCT's Creative Solutions	\$74,314.50	\$222,943.50
Ellenbrook Cleaning	\$122,866.00	\$368,598.00
Chittering Catering	\$304,321.50	\$912,964.50

Consultation

Executive Manager Technical Services
Executive Manager Corporate Services
Building Coordinator
Customer Support Officer Technical Services

Statutory Environment

State: Local Government Act 1995, Section 3.57

Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provisions about tenders.*

State: *Local Government (Function and General) Regulations 1996, Part 4 – Tenders for providing goods or services (s3.57) Regulation 11-24.*

Policy Implications

Local: *2.12 Purchasing Policy*
2.14 Regional Price Preference

Financial Implications

Council has allocated an amount of \$86,500 in the 2016-2017 budget for the provision of cleaning services to Council facilities.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes, with all tenderers prior to submission.

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

Selection panel

The selection panel for assessing the cleaning contract was comprised of Rick Choules (Building Coordinator), Jim Garrett (Executive Manager Technical Services) and Deirdre Dugay (Customer Support Officer Technical Services).

DMC Cleaning, Du Clene and Ellenbrook Cleaning were not assessed due to being non-compliant. Fab Cleaning was also not assessed due to being submitted after closing date.

Chittering Catering submitted the highest priced tender which exceeded the allocated budget.

Spick & Span were not considered due to being a Queensland based company and had no Western Australian based referees or contracts listed.

The three contractors short listed were OCS Services (Perth Based), MI Group (Perth Based) and JCT'S Creative Solutions (Gingin based). JCT'S Creative Solutions have been the cleaning contractor for the Shire of Chittering for the last three years and have constantly performed to the Shires needs and expectations. JCT'S Creative Solutions submission is also within the allocated budget. MI Group currently has cleaning experience with the City of Perth and the submission came within the allocated budget.

Selection criteria

The selection criteria was based on the following:

Description of Criteria	Weighting
(1) Demonstrated experience in completing similar projects/supply similar goods.	40%
(2) Skills and experience of key personnel.	30%
(3) Management Systems.	30%

Qualitative Criteria	
OCS Services	80
MI Group	80
JCT's Creative Solutions	74

Refer to Attachment 1 for Qualitative Criteria Matrix.

1. Pricing

Following is the total annual cost supplied by the contractors for undertaking the cleaning contract (cost ex GST):

Company	Total Cost (ex GST)	Additional information
OCS Services	\$48,553.88	<ul style="list-style-type: none"> Well experienced with similar scope of works for the City of Albany & Central Law Courts.
DMC Cleaning	\$50,711.00	<ul style="list-style-type: none"> Non-compliant. Further information was requested and not provided. Pricing schedule not filled out correctly, including no bi-annual and tri-annual costs.
Du Clene	\$53,823.84	<ul style="list-style-type: none"> Non-compliant. Pricing schedule not completely filled out. Omitted the Bindoon toilet block scope.
Spick & Span	\$55,273.86	<ul style="list-style-type: none"> QLD Based company, with no WA based referees.
MI Group	\$72,872.18	<ul style="list-style-type: none"> Has experience with City of Perth.
JCT's Creative Solutions	\$74,314.50	<ul style="list-style-type: none"> JCT's Creative Solutions are one of only two local contractors to submit tenders. JTC's are the current cleaning contractor for the Shire of Chittering and have provided this

Company	Total Cost (ex GST)	Additional information
		<p>service for the past three years.</p> <ul style="list-style-type: none"> • JCT's provide a local service, owner operated and are available for emergency call outs and are able to facilitate the increase in scope of works. • No re-works have been required and a constantly high level of service has been provided to the Shire of Chittering. • Good positive feedback from general public. • Goes over and above scope of works. • Very good at reporting hazards and security issues. • Good record keeping practices. • Always takes that extra step to please the client.
Chittering Catering	\$304,321.50	<ul style="list-style-type: none"> • Limited experience. • No experience with such a large scope of works. • Would need to employ three additional staff to carry out works.
Ellenbrook Cleaning	\$122,866.00	<ul style="list-style-type: none"> • Non-Compliant. No attachments received with submission
Fab Cleaning Services	-	<ul style="list-style-type: none"> • Late Tender – Not Accepted

Basis of recommendation

OCS Services is the evaluation panels recommended tenderer. The basis for this decision is as follows:

- OCS Services has the capacity to undertake the work;
- OCS Services have a large amount of experience in cleaning contracts;
- The tendered price of \$145,661.64 (excluding GST) for the three year period is competitive and represents the best value for money.

Amendments to contract

OCS Services requested that consideration be given to incorporating the following amendments into the contract:

Clause 1.9.17 Please insert the following sub-clause (8):

"(8) In the event the Principal is in breach of any material provision of the Agreement, if such breach is capable of remedy, the Contractor may issue a notice to the Principal requiring such a breach to be rectified within a period of 30 days from the date of such notice. If the breach has not been remedied in accordance with the notice or if such breach is not capable of remedy, the Contractor may forthwith terminate the Agreement."

Clause 1.9.17(7) Please delete the word 'complete' and replace with 'reasonable'

New Clause 1.9.18 OCS requests payment within 30 days of receipt of invoice.

New Clause 1.9.19 OCS requests the addition of the following new clauses:

Limitation of Liability:

- a) *The Contractor's liability is reduced proportionately to the extent that any such loss or damage was caused or contributed to by any negligent act, omission or default of the principal or the employees or agents of the Principal.*
- b) *The Contractor shall not be liable for any indirect, consequential, special or economic loss, cost liability, damage or expenses howsoever arising.*
- c) *To the extent permitted by law, the aggregate liability of the Contractor to the Principal, whether in contract, tort (including negligence) or otherwise, will be limited to two times the contract sum.*

New Clause 1.9.20 Force Majeure

A Party will not be in breach or be liable to the other party under this agreement if it fails to perform or is delayed in the performance of an obligation as a result of an event beyond its reasonable control, including but not limited to strikes, industrial disputes, fire, flood, act of God, war, insurrection, vandalism, sabotage, invasion, riot, national emergency, piracy, hijack, acts of terrorism, embargoes or restraints, extreme weather or traffic conditions, temporary closure of roads, legislation, regulation, order or other act of any government or government agency.

The Affected Party must notify the other party as soon as practical of any anticipated delay or failure caused by an Event.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070816

Moved Cr Gibson / Seconded Cr Osborn

That Council:

- 1. Award the tender for the amount of \$145,661.64 from OCS Services for the provision of cleaning services for the Shire's buildings and facilities in accordance with the scope of works for a three year period (1 September 2016 to 31 August 2019).**
- 2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Cleaning Services contract.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY**

Cr Osborn [on behalf of Council] thanked the Shire's current cleaning contractor [JCTs Creative Solutions], and that it was sad to see a local person loose a contract.

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 July 2016*

Report Date	17 August 2016
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Attachments	1. Bank reconciliation for period ending 31 July 2016 List of accounts paid for July 2016

Executive Summary

Council is requested to endorse the bank reconciliation and list of accounts paid for the period ending 31 July 2016.

Background

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

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

The Statement of Financial Activity is not presented for the month of July 2016 as we are experiencing issues with our accounting software program. Support has been requested from IT Vision and the issue is currently being investigated. It is anticipated that the report for July will be presented at the September 2016 Ordinary Council meeting.

The bank reconciliation and list of accounts paid for the period ending 31 July 2016 are hereby presented for Council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Nil

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Council is requested to accept the bank reconciliation and list of payments as presented.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080816

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. endorse the list of payments:**
 - a. PR3766, PR3786**
 - b. EFT 12874 - EFT 12948**
 - c. Municipal Fund Cheques 14098 – 14110**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund Cheques 529 – 537****Totalling \$723,802.85 for the period ending 31 July 2016.**
- 2. receive the bank reconciliation for the period ending 31 July 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Cats Amendment Local Law 2015*

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	19/04/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Absolute majority
Attachments	<ol style="list-style-type: none">1. Statewide and Local Public Notices (published 11 May 2016)2. Copy of letter to Minister for Local Government (ref O1671082)3. Copy of letter to Joint Standing Committee on Delegated Legislation (ref O1671066)4. Shire of Chittering Cats Local Law 2015 (changes in red)5. Shire of Chittering Cats Amendment Local Law 2016 (with track changes and without)

Executive Summary

Council's consideration is requested to adopt the *Cats Amendment Local Law 2015*.

Background

At its meeting held on 18 May 2016, Council resolved (resolution 150516) to advise the Joint Standing Committee of Delegated Legislation [JSCDL] that Council would undertake the process to amend the Shire of Chittering Cats Local Law 2015 as requested in their correspondence dated 11 May 2016.

Advertisement of the proposed local law 'Cats Amendment Local Law 2016' was commenced, in order to seek community comment.

Consultation

The Shire placed statewide (*The West Australian*) and local (*The Advocate*) notices on 11 May 2016 (Attachment 1). The Shire sent a letter to the Minister for Local Government on 11 May 2016 (attachment 2) and the JSCDL (attachment 3).

In accordance with the Shire's *Community Engagement Plan 2012* the public notice was also published:

1. Facebook (14 May 2016)
2. Website ('Have your say' and 'Public notices' – 11 May 2016)
3. Keep me posted (June 2016)
4. eChatter (June 2016)
5. Chatter (June 2016) – published in the *Northern Valleys News*
6. Public notice board (administration)

The Shire received a response back from the Senior Legislation Officer at the Department of Local Government and Communities and their submission is included under "Comment".

The Shire's Rangers also reviewed the draft amendment local law and their comments are also included under "Comment".

Statutory Environment

State: Local Government Act 1995, Section 3.12 "Procedures for making local laws"

3.12. Procedure for making local laws

(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.

State: *Cat Act 2011*

Cat Regulations 2012

Cat (Uniform Local Provisions) Regulations 2013

Local: *Cats Local Law 2015*

Policy Implications

Nil

Financial Implications

There will be costs incurred for the gazettal of the local law in the *Government Gazette* and also for publishing a notice in the statewide and local newspapers. Costs will be charged to account 04082 Govn – Advertising.

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 Minister for Local Government was provided with a copy of the amendment local law (attachment 2) for comment.

The state-wide advertising inviting submissions concluded on Thursday, 30 June 2016.

The Act provides that after the last day for submissions the Council is to consider any submissions received and cause a report of the review to be prepared and considered by the Council.

There was one submission received from the Department of Local Government and Communities [DLGC]. The DLGC advised *“The Department was unable to identify any major issues with the draft local law. Some minor drafting comments are provided below”*.

The following are suggested amendments and consequential amendments to the local law from the DLGC:

TABLE 1: DLGC comments

COMMENTS	OFFICER RECOMMENDATION
<p><u>Minor edits</u> The following minor edits are suggested:</p>	
<ul style="list-style-type: none"> Remove the capitals from all instances of “Local Law” except where it appears in citations 	Accepted and completed
<ul style="list-style-type: none"> Clause 3 – while this clause is effective in its current format, it is suggested that the Shire can simplify the clause as follows: This local law amends the <i>Shire of Chittering Cats Local Law 2015</i> as published in the <i>Government Gazette</i> on 8 December 2015. 	Accepted and completed
<ul style="list-style-type: none"> Clause 4 <ul style="list-style-type: none"> Remove the capital from “Clause”; and Split the two amendments into paragraphs as follows: In clause 3.7(1)(b)- <ul style="list-style-type: none"> (a) delete “control” and replace with “effective control”; and (b) delete “(keeper)”. 	Accepted and completed
<ul style="list-style-type: none"> Clause 6 – the deletion of Schedule 2 should be moved to a new clause after clause 8, to ensure that all amendments happen in numerical order. 	Accepted and completed
<ul style="list-style-type: none"> Clause 7 – in both the clause title and body, replace “Clauses” with “Clause” 	Accepted and completed
<ul style="list-style-type: none"> Clause 8 – The phrase “at the beginning of the clause” is vague. It would be preferable to rephrase the clause as follows: In clause 8.1(2) replace “Any person” with “Unless otherwise specified, any person”. 	Accepted and completed
<ul style="list-style-type: none"> Clause 9 – The replacement Schedule should include a replacement Schedule title and bracketed reference to clause 8.2. Alternatively, clause 9 can be reworded as follows: Clause 4 is amended as follows: 	Accepted and completed

COMMENTS	OFFICER RECOMMENDATION
<p>(a) delete item 1; and (b) in item 3, delete “3.7(3)” and replace with “3.8”.</p>	

The Shire’s Rangers suggested the following amendments:

TABLE 2: Rangers comments

COMMENTS	OFFICER RECOMMENDATION
<p><u>Minor edits</u></p> <p>With the removal of S2.2(1) under Schedule 4, do we need “Part 2”; but then how would be police “Part 5”</p>	<p>Clause 2.2(1) had to be removed from Schedule 4 as the clause did not appear in the local law.</p> <p>Clause 5.1(3)(a) and (b) are to be deleted, therefore Clause 5.1 would now appear as:</p> <p>5.1 Designation of Cat Prohibited Areas</p> <p>(1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 1.</p> <p>(a) The local government shall make available to the public the list of lands designated as Cat Prohibited Areas after consideration of any submissions received under subclause 5.1 (3).</p> <p>(2) In designating land for the purposes of section 5.1 the local government shall have regard to clause 2.1.</p>
<p>Under “Part 5”, clause 5.1(1)(a) it refers to clause 5.1(3) which is now scheduled for deletion under our local law.</p>	<p>Clause 5.1(1)(a) be amended by deleting “under subclause 5.1(3)”.</p>
<p>I think there is a typo under clause 8.2(1) of the local law “the purposes of 30 of the <i>Cat Regulations 2012</i>.”</p>	<p>Clause 8.2(1) be amended by inserting “Regulation” before “30”.</p>
<p>Amend Clause 3.7(1)(b)</p> <p>(1) <i>Every permit is issued subject to the following conditions—</i> (b) <i>each cat shall be contained on the premises unless under the control of a person (keeper);</i></p> <p>This should be changed as it applies to both a cattery or additional cat. For a cattery the cats need to be contained as outlined in clause 3.7(1)(b). The issue is that with this condition it also applies for an additional cat permit (all cats). If someone has two cats they do not need to contain cats on the premises. If they get approval for an additional cat then <u>all cats</u> must be contained on the property.</p>	<p>Clause 3.7(1)(b) be amended to read:</p> <p>“(b) each cat shall be contained within the cattery unless under the effective control of a person;”</p>

Process of Local Law Adoption

Advice from the Department of Local Government received refers to S3.13 of the Local Government Act which provides that the local government cannot make a local law that would be significantly different from what it first proposed. In this instance, the suggested changes are in line with the JSCDL request and minor amendments that have been made do not change the legal effect/obligation of the clauses / local law, so should be acceptable.

Officers consider that amendments listed above are of a minor nature and do not significantly change the original proposed local law. Therefore, it is proposed that the Department of Local Government suggested amendments be made and that the local law be adopted.

A copy of the proposed 'Shire of Chittering Cats Amendment Local Law 2016' inclusive of the amendments is attached (attachment 5).

A copy of the principal local law 'Shire of Chittering Cats Local Law 2015' highlighting the changes the Amendment Local Law makes (shown in red), is also attached (attachment 4).

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090816

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1. Receive the submission from the Department of Local Government and Communities in respect of the Shire of Chittering Cats Amendment Local Law 2016.**
- 2. By Absolute Majority decision adopt the Shire of Chittering Cats Amendment Local Law 2016 inclusive of the amendments as outlined in Table 1 and Table 2 of this report.**
- 3. Publish a copy of the adopted local law in the Government Gazette.**
- 4. Give a copy of the adopted gazetted local law to the Minister for Local Government and Communities.**
- 5. After the local law has been published in the Government Gazette, give statewide public notice as per the *Local Government Act 1995, Section 1.7* advising:
 - a. The title of the local law;**
 - b. Summarising the purpose and effect of the local law;**
 - c. Specifying the day on which the local law comes into operation; and**
 - d. Advising the location of copies where the local law may be inspected or obtained.****
- 6. Supply copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within ten (10) working days of the gazettal publication date of the local law.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY**

9.4.2 Chief Executive Officer Leave Request

Report date	17 August 2016
Applicant	Alan Sheridan
File ref	22/10/110
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Attachments	Nil

Executive Summary

Council is requested to approve the leave for the Chief Executive Officer. Council is also requested to authorise the Shire President to approve leave for the Chief Executive Officer in order to avoid unnecessary reports to Council regarding simple administrative matters.

Background

The Chief Executive Officer requires leave from 7 September 2016 to 9 September 2016 (inclusive).

Consultation

Shire President

Statutory Environment

State: *Local Government Act 1995*

Policy Implications

Local: *3.14 Appointment of an Acting Chief Executive Officer*

Financial Implications

It is general practice that the Acting Chief Executive Officer's salary would be adjusted to reflect the higher duties.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Not applicable

Social implications

Not applicable

Environmental implications

Not applicable

Comment

In accordance with clause 9.1 of the Chief Executive Officer's employment contract, requests for leave are to be approved by Council.

As per *DA1 Acting Chief Executive Officer* the Chief Executive Officer will appoint an Acting Chief Executive Officer for this period and any future periods of leave and will inform Council accordingly.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100816

Moved Cr Rossouw / Seconded Cr Osborn

That Council:

- 1. approve leave for the Chief Executive Officer for the period commencing Wednesday, 7 September 2016 and ending on Friday, 9 September 2016.**
- 2. authorise the Shire President to approve requests for leave by the Chief Executive Officer.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.3 Deed of Variation to Contract of Sale: Lot 62 Great Northern Highway, Bindoon*

Report Date	17 August 2016
Applicant	Shire of Chittering
File ref	A9502; 04/18/79
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Attachments	1. Deed of Variation

Executive Summary

Council is requested to enter into a Deed of Variation to the Contract of Sale with Retirees WA for a portion of Lot 89 Koomal Street, Bindoon (formerly known as Lot 62 Great Northern Highway, Bindoon).

Background

At the Ordinary Meeting of Council held 20 August 2014, Council resolved the following:

<p><i>Moved Cr Mackie/ Seconded Cr Douglas</i></p> <ol style="list-style-type: none"><i>1. That the offer of purchase by Retirees WA Inc for portion of Lot 62 Great Northern Highway, Bindoon, otherwise known as Lot A, be accepted by Council subject to the following conditions;</i><ol style="list-style-type: none"><i>a) A Contract of Sale be prepared by Council's solicitors (McLeods) and executed by the purchaser and Council which contains the conditions of sale as outlined in the report 9.1.4 Independent Living Units.</i><i>2. That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract of Sale and any other associated sale transaction documents for portion of Lot 62, otherwise known as proposed Lot A Great Northern Highway, Bindoon.</i><i>3. That the funds from the sale of the proposed Lot A be allocated with priority to development of the Lot 62 and any excess to be put into the development of Binda Place.</i> <p style="text-align: center;"><i>THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0</i></p>

The Deed was originally entered into to allow Retirees WA to progress their project prior to the subdivision being completed, and new titles being issued.

In accordance with the Deed of Agreement a deposit of \$265,000 was paid on the 28 October 2014, with the balance due on final settlement.

Amongst other conditions in the Deed, Retirees WA were required pursuant to clause 7 (e) of the Deed to ensure:

“(e) that commencement of surveying, site planning, building applications and associated planning must be commenced within 6 months of Acceptance; and”

An incomplete Planning Application was received on the 9 December 2015 and returned 22 December 2015 due to the lack of information.

No formal completed applications have been received or approved at the time of writing this report.

Consultation

McLeods Barristers & Solicitors

Retirees WA - Meetings were held on 23 February 2016 and 21 July 2016, to discuss this matter, at which Retirees WA agreed to enter into a Deed of Variation so that the dates could be reset, and for the final settlement to take place as soon as possible.

Council (A verbal update was provided by the former CEO prior to his departure and the Acting Chief Executive Officer in April 2016).

Statutory Environment

Nil

Policy Implications

Local: *1.5 Execution of Documents*

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

This proposal will allow for the development of Independent Living Units to create much needed alternative housing options for the Chittering community.

Environmental implications

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

Comment

Retirees WA have stated they had not progressed the project as they were waiting for the new title to be issued. This inaction defeated the purpose of the Deed, which was to provide surety that they could proceed with the development even though the title had not issued.

Due to delays with the issuing of the new titles the Shire has not met its obligation under the Deed in that the titles were not issued within 12 months. However, this point is somewhat moot, as mentioned above, Retirees WA had not complied with clause 7 (e) of the Deed.

The Certificate of Title (Vol 2892/ Folio428) for Lot 89 Koomal Street, Bindoon (formerly a portion of Lot 62), has now been issued, and is available for settlement, subject to the execution of a Deed of Variation to reset timeframes for the completion of the project.

The timeframes have been extended to coincide with the planned installation of the Septic Tank Effluent Disposal System due for completion in Bindoon towards the end of 2018.

The proposed Deed of Variation will vary the terms of the contact so that:

- a) "settlement of the sale of the land shall occur within 30 days of the Variation Date";
- b) "that commencement of surveying, site planning, building applications and associated planning must be commenced within 6 months of the Variation Date";
- c) "that construction of the first five (5) units must commence on or before 28 February 2018, or such other date as agreed by the parties in writing";
- d) The reference to the definition of 'Variation Date' in clauses 4(b), 7 (c) and 7 (f) will be taken as referring to the definition of Variation Date contained in clause 1.1 of this Deed.

It is recommended that in order for this development to progress Council enters into the Deed of Variation to Contract of Sale.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110816

Moved Cr Rossouw / Seconded Cr Gibson

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Variation to Contract of Sale for Lot 89 Koomal Street (formerly a portion of Lot 62 Great Northern Highway, Bindoon) with Retirees WA.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.4 Endorsement of Landscape Plans: Binda Place Redevelopment Project*

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	04/19/25
Prepared by	Alan Sheridan, Chief Executive Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Attachments	1. Proposed Tree Species List 2. Landscape Plans

Executive Summary

The purpose of this report is to obtain Council endorsement for the Landscape Plan associated with the Binda Place Redevelopment project.

Background

The construction phase of the Binda Place Redevelopment Project commenced on 4 July 2016 and is scheduled for completion on 22 January 2017. The project is to be delivered in three separable portions starting at the northern end of the precinct. Weather permitting; Stage 1 (from the Old Medical Centre to the north) will be substantially completed by 26 August 2016.

Council is requested to endorse the Landscape Plan for the project, which has been developed by landscape architects (ecoscape) and which has considered input provided by both Council and the Parks and Gardens Reference Group. The vision for the street, as developed by the reference group, was to: *“activate the space, link it to the wetland/park, create a ‘striking’ streetscape and provide seating / shade along the footpath”*.

The Parks and Gardens Reference Group gave consideration to species of trees which were considered suitable for the project. A scoring criteria was developed and the list of potentially suitable species was provided to the architect. A copy of the species list and scoring criteria is provided at Attachment 1.

Following discussion with Council and the landscape architect, a more focused brief for the Landscape Plan has been developed which incorporates the following principles:

- A strong, unique and consistent theme
- A landscape theme which is environmentally correct
- A predominance of endemic, native species
- Colour all year round through mass plantings of native plants and shrubs
- A tourist attraction which stimulates visitation and economic development
- Shade for seating and walkways

The vision is to create something for Bindoon which is distinct and which is different from urban streetscapes in and around Perth; an environment which showcases native trees and plants which are local to the area and to create a unique streetscape which is in flower all year round.

The attached planting plans (refer Attachment 2) deliver on that vision and are provided for the endorsement of Council. As part of the project it is intended to install irrigation to assist with the development of plants (some of which will be planted outside of the normal planting period) and to replant with infill planting as necessary during the planting season in mid-2017.

Consultation

As indicated above, the Parks and Gardens Reference Group was consulted in the early stages of the project. That group developed a vision for the project which has since been expanded to provide further advice and guidance to the architect. Tree species have been chosen from the list of suitable species as prepared by the group however, the number of species has restricted to four in order to create a consistent theme and to maximise the use of native species.

David Kaesehagen, Managing Director at Ecoscape advised that the themes for the plantings are based on the following:

- **Strength and character:** Externally along the Great Northern Highway edge of Binda Place a strong spine of white stemmed trees dominated by the Powder-bark Wandoo (*Eucalyptus accedens*) interspersed with the white barked red flowering form of Broad Leafed Paperbark (*Melaleuca viridiflora*). The garden beds are mass planted with colourful groundcover and small shrub species which flower over the four seasons.
- **Shade and colour:** Internally along the shop front footpath medium height shade trees are proposed using grafted Flowering Gum (*Eucalyptus ficifolia*) which provides a strong colour accent. Flower colours range from oranges to pinks to reds. These are complimented by the garden bed planting of low shrubs and ground covers which flower in different seasons in the year.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The landscape planting is part of the Binda Place Redevelopment project and is already funded.

Strategic Implications

Local: Chittering Strategic Community Plan 2012-2022

- Built Environment: Infrastructure for Future Lifestyle Choices
Outcome – Local and Central Activity Areas Supporting Community Needs
 - Strategy – create options to enhance growth, redevelopment activity, and the individuality of local areas.
 - Key Priority – build and create local hubs.
- Outcome – Local and Central Activity Areas Supporting Community Needs
 - Strategy – provide a regional and central area providing recreation, employment, housing and service choices.
 - Key Priority – continue to develop Bindoon as the Regional Centre.
 - Key Priority – redevelopment of Binda Place as an attractive, inviting and functional main street environment.

- Economic: Prosperity for the Future
Outcome – Economic Growth
 - Strategy – seek investment for local business growth.
 - Key Priority – promote Chittering as a sound place to invest.
 - Strategy – facilitate local service growth.
 - Key Priority – plan and promote local hubs – retail, home businesses.

Local: Chittering Economic Development Strategy 2015-2025 (endorsed 23 February 2015)

- Key Strategic Direction One: Enabling Infrastructure
Main Street Revitalisation – Hub Creation
Implement the Binda Place Improvement Plan.
 - To encourage new development and investment.
 - To increase attractiveness as a place to invest and live.

- Key Strategic Direction Four: Economic Precincts
Construction of a Great Northern Highway heavy traffic bypass road
Facilitate the formation of a network of affected local businesses and collate research undertaken in other locations to assist with the development of a future Plan.
 - Chittering needs to be on the ‘front foot’ and have a plan in place to offset any negative social / economic

Site Inspection

A number of site inspections have been undertaken in the development of the Binda Place Upgrade plans.

Triple Bottom Line Assessment

Economic implications

The key deliverables of this project in relation to economic benefit are an improved streetscape (landscaping and street furniture) and the creation of a promotable precinct.

Social implications

The key deliverables of this project in relation to social benefit are improved access, efficiency and safety for both vehicles and pedestrians. Socially, an additional outcome will be the activation of the place.

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

Environmental implications

The landscaping plan reinforces and promotes the attractiveness and uniqueness of the local environment through mass plantings which are based on endemic native species.

Comment

The Landscape Plan associated with the Binda Place Project will significantly improve the streetscape, making the town site into a more attractive precinct for local residents, tourists and potential investors.

It is envisaged that a precinct will be created that can be actively promoted as a destination for visitors, new residents and investors.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120816

Moved Cr Rossouw / Seconded Cr Gibson

That Council endorse the proposed Landscape Plan for the Binda Place Redevelopment Project.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10. REPORTS OF COMMITTEES

10.1 Chittering Bushfire Advisory Committee – 12 July 2016

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Attachments	<ol style="list-style-type: none">1. "Unconfirmed" draft minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 12 July 20162. The Constitution of the Chittering Fire Service

Executive Summary

Council is requested to receive the unconfirmed draft minutes of the Chittering Bush Fire Advisory Committee (CBFAC) for the meeting held on 12 July 2016.

Background

At meeting of the CBFAC held on Tuesday 12 July 2016 there were three recommendations made during the meeting:

4.1 COMMITTEE RECOMMENDATION

Moved Gordon Carter / Seconded Peter Hall

That the Chittering Bushfire Advisory Committee recommends to Council to appoint:

1. *the following as Bushfire Control Officers:*
 - a. *Steve Browne and Max Brown representing Lower Chittering VBFB;*
 - b. *Peter Hall and Arthur Blewitt representing Muchea VBFB;*
 - c. *Matthew Whelan representing Bindoon VBFB;*
 - d. *Kim Haeusler and Greg Cocking representing Wannamal VBFB; and*
 - e. *Gordon Carter and David Wilson representing Upper Chittering VBFB.*
2. *The following as Deputy Chief Bush Fire Control Officers:*
 - a. *Ian Hollick, South Deputy Bush Fire Control Officer;*
 - b. *Greg Cocking, North Deputy Bush Fire Control Officer; and*
 - c. *Phillip Humphry, Central Deputy Bush Fire Control Officer*

THE MOTION WAS PUT AND DECLARED CARRIED 12 / 0

5.1 COMMITTEE RECOMMENDATION

Moved Gordon Carter / Seconded Peter Hall

That the Chittering Bushfire Advisory Committee (CBFAC) recommends to Council that the CBFAC membership be updated as follows, effective from 1 July 2016:

Members	Deputies
Cr Michelle Rossouw	Cr George Tilbury
Chief Executive Officer	Nil
Community Emergency Services Manager / Chief Bush Fire Control Officer	Manager Human Resources
Deputy Chief Bush Fire Control Officer Southern Region Ian Hollick	Nil
Deputy Chief Bush Fire Control Officer Northern Region Greg Cocking	Nil
Deputy Chief Bush Fire Control Officer Central Region Phillip Humphry	Nil
Muchea Brigade Peter Hall	Arthur Blewitt
Lower Chittering Brigade: Steven Brown	Max Brown
Upper Chittering Brigade Gordon Carter	David Wilson
Bindoon Brigade Matthew Whelan (Captain)	Nil
Wannamal Brigade: Kim Haeusler	Nil
Incident Support Brigade: Janice Billen	Nil

THE MOTION WAS PUT AND DECLARED CARRIED 12 / 0

9.3 COMMITTEE RECOMMENDATION

Moved Gordon Carter / Seconded Steve Browne

That the Chittering Bushfire Advisory Committee (CBFAC) recommends to Council that the Council endorses the Chittering Volunteer Bushfire Brigade Constitution.

THE MOTION WAS PUT AND DECLARED CARRIED 11 / 1

Consultation

Chittering Bush Fire Advisory Committee

Statutory Environment

State: *Local Government Act 1995, Section 5.8, 511*
Bush Fires Act 1954, Section 67

Local: *Shire of Chittering Bushfire Brigades Local Law 2012*

Policy Implications

Nil

Financial Implications

To repeal a local law the Shire will need to advertise statewide and local public notice that they are going to repeal. This has been included in the Shire's 2016/17 Annual budget under GL 1060320 for undertaking the repeal of the *Bushfire Brigades Local Law*.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

10.1 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 130816

Moved Cr Gibson / Seconded Cr Tilbury

That Council:

1. receives the unconfirmed draft minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday 12 July 2016 as a true and accurate record of proceedings.
2. appoint:
 - a. the following as Bushfire Control Officers:
 - i. Steve Browne and Max Brown representing Lower Chittering VBFB;
 - ii. Peter Hall and Arthur Blewitt representing Muchea VBFB;
 - iii. Matthew Whelan representing Bindoon VBFB;
 - iv. Kim Haeusler and Greg Cocking representing Wannamal VBFB; and
 - v. Gordon Carter and David Wilson representing Upper Chittering VBFB.
 - b. the following as Deputy Chief Bush Fire Control Officers:
 - i. Ian Hollick, South Deputy Bush Fire Control Officer;
 - ii. Greg Cocking, North Deputy Bush Fire Control Officer; and
 - iii. Phillip Humphry, Central Deputy Bush Fire Control Officer.

3. updates the Council Committee and Advisory Groups booklet with:

Members	Deputies
Cr Michelle Rossouw	Cr George Tilbury
Chief Executive Officer	Nil
Community Emergency Services Manager / Chief Bush Fire Control Officer	Manager Human Resources
Deputy Chief Bush Fire Control Officer Southern Region • Ian Hollick	Nil
Deputy Chief Bush Fire Control Officer Northern Region • Greg Cocking	Nil
Deputy Chief Bush Fire Control Officer Central Region • Phillip Humphry	Nil
Muchea Brigade • Peter Hall	Arthur Blewitt
Lower Chittering Brigade: • Steven Brown	Max Brown
Upper Chittering Brigade • Gordon Carter	David Wilson
Bindoon Brigade • Matthew Whelan (Captain)	Nil
Wannamal Brigade: • Kim Haeusler	Nil
Incident Support Brigade: • Janice Billen	Nil

4. endorses the Chittering Volunteer Bushfire Brigade Constitution.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.2 Audit Committee – 9 August 2016

Report date	17 August 2016
Applicant	Shire of Chittering
File ref	04/02/0002
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. "Unconfirmed" minutes of the Audit Committee meeting held on 4 February 2015 2. Proposal from Moore Stephens

Executive Summary

Council is requested to endorse the appointment of existing auditors, Moore Stephens, for a further three (3) year term from 1 July 2016 to 30 June 2019.

Background

A meeting of the Audit Committee was held on 9 August 2016, where there was one formal recommendation to Council as follows:

6.1 OFFICER / COMMITTEE RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Gibson

That the Audit Committee recommends to Council the appointment of Mr DJ Tomasi (registered auditor number 15724), Mr G Godwin (registered auditor number 310219) and Mr Wen-Shian Chai (registered auditor number 229761) of Moore Stephens, as auditors for the Shire of Chittering for a period of three (3) years expiring 30 June 2019 at the quoted fees as listed:

<i>Year Ended</i>	<i>Fee</i>	<i>Travel</i>	<i>GST</i>	<i>Total (inc GST)</i>
<i>30 June 2017</i>	<i>\$21,000</i>	<i>\$ 400</i>	<i>\$2,140</i>	<i>\$23,540</i>
<i>30 June 2018</i>	<i>\$21,500</i>	<i>\$ 450</i>	<i>\$2,195</i>	<i>\$24,145</i>
<i>30 June 2019</i>	<i>\$22,000</i>	<i>\$ 500</i>	<i>\$2,250</i>	<i>\$24,750</i>

*THE MOTION WAS PUT AND DECLARED CARRIED 6 / 0
BY AN ABSOLUTE MAJORITY*

Consultation

Shire of Chittering Audit Committee
Chief Executive Officer
Executive Support Officer

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

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

10.2 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 140816

Moved Cr Rossouw / Seconded Cr Osborn

That Council:

1. receives the unconfirmed minutes of the Audit Committee meeting held on the 9 August 2016.
2. appointment of Mr DJ Tomasi (registered auditor number 15724), Mr G Godwin (registered auditor number 310219) and Mr Wen-Shian Chai (registered auditor number 229761) of Moore Stephens, as auditors for the Shire of Chittering for a period of three (3) years expiring 30 June 2019 at the quoted fees as listed:

Year Ended	Fee	Travel	GST	Total (inc GST)
30 June 2017	\$21,000	\$400	\$2,140	\$23,540
30 June 2018	\$21,500	\$450	\$2,195	\$24,145
30 June 2019	\$22,000	\$500	\$2,250	\$24,750

THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY



11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 7.58pm.

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