

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY, 15 JUNE 2016

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.00pm
Closure: 8.30pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 20 July 2016.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm.

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were 19 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Lynn Borg, Bindoon

(as submitted)

Question A feedback report has been included in the Development attachment that refers to a drop in session held by NBN Co in 2014. It was recorded that attendance was 50 and feedback forms 27, how can you assume by these results that the majority of residents are in favour of a telecom tower on Bell Hill Reserve. 72 submissions and a petition with 142 signatures showing that a large majority of rate payers, plus 5 out of 7 Councillors were against the construction of a telecom tower on Bell Hill Reserve in 2015. Why was this not mentioned in this Development attachment in this agenda?

On page 5 of the agenda it states 'that the application plus additions' is now being presented to Council for its consideration. What does the 'plus additions' apply to in the application?

Answer *The provision of the information was to outline NBN Co's consultation prior to the lodgement of the application/s. At no time was the assumption made that the majority of residents were in favour of the telecom tower as a result of the NBN Co's consultation, as an application is required to undergo the appropriate advertising in accordance with Section 9.4 of the Scheme. The reference to this document and attachment provides an outline of the due diligence which the applicant undertake prior to the lodgement of the application/s, prior to the Shire undertaking their advertising.*

Whilst it is acknowledged that in 2015 an application for a proposed fixed wireless facility was refused by Council, the application submitted in 2016 is considered separate. In the report submitted to Council, the background section provided a basic overview of the history of proposed development on the reserve, which stated that:

'Previously in 2008 Ericsson proposed the development of an 80m lattice structure from which the applicant withdrew and relocated into 'Parkinson's Hill' (opposite to Bell Hill). In 2015, Daly International/Aurecon on behalf of NBN Co. applied to the Shire to develop a 40m monopole and associated infrastructure compound area totalling 90m2. The item was presented to Council at its May 2015 Ordinary Council Meeting where it did not support the officers recommendation on the basis that Council did not want to make an application to the Department of Lands to excise a portion of the Reserve for the purpose of Telecommunications Infrastructure'.

This statement clearly outlines that the 2015 application was refused by Council.

In 2016, the application was revised and as such entertained as a separate application to the previous.

The 'additions' refer to the areas identified for the location of the Telstra and Vodafone infrastructure, which however are still to be applied for by their respective providers.

4.2 Public question time

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

4.2.1 Bevan Francis, Muchea

(as submitted)

Question 1 Under the LGA 1995 please advise the authority/jurisdiction/power the SHIRE OF CHITTERING has over Human living beings as non legal entities without consent (Committee meeting) (I will not be in attendance). The answer you provided at the April 2016 meeting is not relevant/acceptable. There is no reference to living beings (man/woman) in the LGA 1995. In previous correspondence it has been stated the SOC only has authority/jurisdiction/power over persons as per your definition as stated MINUTES FOR ORDINARY MEETING OF COUNCIL WEDNESDAY, 19 AUGUST 2015, Section 5 Part II – General interpretation provisions of Interpretation Act 1984 provides the following: 'person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporated;'

Answer 1 *The answer given at May's OCM was appropriate.*

Question 2 Is a PEPPERCORN LEASE an acceptable form of lease & payment?

Answer 2 *A Peppercorn Lease is an acceptable form of lease and payment if the Council endorses the Shire to enter into a formal lease agreement with a not-for-profit community group for the lease of one of the Shire owned community facilities.*

4.2.2 Janet Pilbeam, Bindoon

(as submitted)

Question 1 As a rate payer I wish to know why a email from Charlie Shaw a Yued Noongar elder was not read out at the council meeting on 18 May 2016 when the matter being discussed was of public interest. We only know the council received the email by a nod from Stephanie Gladman a council employee paid by us the rate payer. I feel this is not good enough, it makes me wonder how many more letters and emails were treated in the same way. I feel the councillors had made up their minds before the meeting so the whole thing was a waste of time. I do not gain or lose anything if the tower goes ahead but I am worried that other important projects could be treated in the same way. The council is paid for by the rate payers please treat us with the respect you wish to receive from rate payers. I request this letter to be read out at the next council meeting.

Answer 1 *The matter was not put to Council as a question for the OCM, as such there was no requirement for it to be read out at the meeting.*

The email from Mr Shaw was received the day before the item was to be presented to Council. The officer, after receiving the request then liaised with the compliance officer from the Department of Aboriginal Affairs (whom Mr Shaw had been in

touch with). Mr Cook from the Department of Aboriginal Affairs in discussing the application, outlined suitable conditions which were compliant with the provisions of the Aboriginal Heritage Act 1972 with respect to disturbing Aboriginal Heritage Sites under Section 5 of the Act without seeking the correct permits and consents under the Act and as such these were included in the conditions of approval in addition to the advice notes regarding this application. It should also be noted that a search of the Department of Aboriginal Affairs' Place Search ascertained that there were no 'Registered Aboriginal Sites', 'Other Heritage Places' or 'Heritage Survey' areas and as such the officer's original recommendation reflected this. The provisions included in the conditions and advice notes should sufficiently address any potential concerns raised regarding aboriginal heritage in the area, which will now be dealt with by the applicant and their representatives during the next phases of the application.

Concerns that Councillors had made up their mind prior to the meeting are ill-founded. It is common practice for elected representatives to prepare their thoughts in the form of a written statement prior to formal debate. This practice occurs at all levels of Government. This particular issue has been ongoing for many months and Councillors had been briefed on numerous occasions regarding the proposal – including representations by members of the local community. It is quite right and proper for Councillors to have formed a view prior to the meeting and to have prepared a statement outlining their reasons for voting in a particular way.

The following questions were asked during the Council meeting:

4.2.3 John Curtis, Bindoon

Question 1 Can the Council support or give funding so that we can have a casino bus?

Answer 1 The Presiding Member took Mr Curtis's question on notice. The Presiding Member did advise that the Shire is currently looking at trying to arrange a bus service weekly for medical appointments that they can't get to otherwise, but this is still in the planning stage.

Question 2 Who came up with the voting process with regard to the STED program?

Answer 2 The Presiding Member advised that Water Corporation were responsible for the voting process as it was their process. The Shire had no involvement.

Question 3 Asked a question a couple of months ago about the disposal of paint; as the Shire's refuse sites will not take it.

Answer 3 Through the Chair; the Chief Executive Officer advised on an alternative option to open the lid of the tins, let the paint dry out, and then dispose of in normal rubbish. The Presiding Member advised that the Shire would not be undertaking to set up a toxic waste facility as it is an enormous expense.

4.2.4 Daryl du Plessis, Bindoon

Question 1 Is the Shire going to put out Expressions of Interest to form a reference group that will look at the options relating to the Bindoon Bypass and how they will impact on community?

Answer 1 The Presiding Member advised that the Council would be meeting next Wednesday [22 June 2016] to formulate a position with regard to the Bindoon Bypass Corridor Options Study presently being undertaken by Main Roads WA.

Through the Chair; Cr Rossouw advised that a reference group was set up last year or year before, and that they looked at what impact the bypass would have on the community. Cr Rossouw further advised that those members who were on that committee were still members so that is possibly where we can start.

4.2.5 Patricia Murrell, Bindoon

Question 1 With regard to item 9.4.1 is there going to be any consideration and if there is when will that start, for what happens to the building after the nine months that the building has been used as a site office, or is it going to be a vacant building for another year or so?

Answer 1 Through the Chair; the Chief Executive Office advised that he will need to discuss further with Council.

Question 2 With it being a site office do they need the whole office or is there still scope for my proposal to create a business centre to be co-located and somehow working with that?

Answer 2 Through the Chair; the Chief Executive Officer advised that he was not sure how much of the facility the contractor will use. The Chief Executive Officer further advised that the Binda Place Redevelopment project will be commencing shortly, and that following further discussions with the contractor he shall have further information that he will provide.

Question 3 With regard to my submission why is there one against included after the closing date?

Answer 3 Through the Chair; the Chief Executive Officer advised that this was not a statutory process and as such, Council could consider submissions received after the closing date. The Chief Executive Officer further advised that the report had made reference to several submissions supporting the proposed use as a business centre.

4.2.6 Lynn Borg, Bindoon

Question 1 At May's Ordinary Council I asked a question which had not been answered.

Answer 2 Through the Chair; the Chief Executive Officer asked if that was the question with regard to "validation testing". The Shire has referred this to the consultants and at the time of this meeting the Shire had not received a response. Once a response has been received the Shire will advise accordingly.

Through the Chair; Cr Rossouw asked Lynn Borg to explain what 'validation testing' is.

Lynn Borg advised that her understanding of validation testing was how many households/premises would be covered by NBN, and this is how they validate what they are saying.

4.2.7 Anne Elliot, Bindoon

Anne Elliot spoke at length with regard to health issues and telecommunication towers.

Question 1 With so much information with regard to health issues, if the Shire of Kalamunda could take into account the health issues, why couldn't Chittering?

Answer 1 The Presiding Member advised that to reach a decision, Council took into consideration all of the relevant issues, including the health issues. Council came to the decision that approving the application was in the best interests of the Shire as a whole.

Through the Chair; the Chief Executive Officer advised that these concerns were addressed in the planning application in detail and that a decision has been made.

Question 2 I have gone through the State Planning Policy and want to know why the Council has ignored so many policy measures?

Answer 2 Through the Chair; the Chief Executive Officer advised that anybody has the right to appeal the decision. The Chief Executive Officer further advised that, to his knowledge, the Friends of Bell Hill have taken the appropriate step to appeal the decision.

4.2.8 Bill Nobes, Bindoon

Question 1 Will the Shire take on the growing of this town regardless of what happens to where the bypass goes?

Answer 1 The Presiding Member and Chief Executive Officer responded in the affirmative.

Question 2 Would the Shire make available 30 acres of land if the right development would go on it?

Answer 2 The Presiding Member advised that unless someone were to submit an official and solid proposal, that the Shire would not be in a position to make any decision.

4.2.9 Silvio Borg, Bindoon

Question 1 My question is with regard to the May Ordinary Council Meeting when the Council gave their reasons for the tower to go ahead, can the Presiding Member remember his reason?

Answer 1 *The Presiding Member advised that he had a lot of reasons which he addressed at length.*

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

5.2.1 Chittering Visitors Centre

Colleen Osborn, Tourism Promotions Officer, addressed Council and spoke on her role at the Chittering Tourist Association.

5.3 Deputations

5.3.1 Item 9.1.1 'Request to Reconsider Conditions to Extractive Industry: Lot 51 (RN 451) Reserve Road, Chittering'

Steve Seward Project Director for Riverside Investments (WA) No 2 Pty Ltd made a deputation against Item 9.1.1 'Request to Reconsider Conditions to Extractive Industry: Lot 51 (RN 451) Reserve Road, Chittering'.

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Michelle Rossouw

6.1 COUNCIL RESOLUTION 010616

Moved Cr Tilbury / Seconded Cr Houston

That Cr Michelle Rossouw be granted approve leave of absence for the period inclusive of Saturday, 2 July 2016 to Sunday, 17 July 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting – 18 May 2016

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020616

Moved Cr King / Seconded Cr Osborn

That the minutes of the Ordinary Meeting of Council held on Wednesday, 18 May 2016 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Request to Reconsider Conditions to Extractive Industry: Lot 51 (RN 451) Reserve Road, Chittering*

Report Date	15 June 2016
Applicant	Whelans
File ref	A10698; P088/11
Prepared by	Stephanie Gladman, 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
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Council Minutes (Planning Approval) 27 June 20123. Council Minutes (Deed of Agreement) 18 November 20154. Applicants letter for Reconsideration of Conditions5. Revised Shawmac Technical Note (2016)

Executive Summary

Council's consideration is requested in relation to amending a condition placed on a Development Application for an Extractive Industry approval for the extraction of sand and gravel on Lot 51 Reserve Road, Chittering. It was resolved at Council's 27 June 2012 Ordinary Council meeting (OCM) to approve the application to extract sand and gravel subject to conditions.



Background

On 27 June 2012, Council resolved to grant Planning Approval for an extractive industry at Lot 51 Reserve Road, Muchea subject to several conditions. Condition "m." required the landowner to enter into a Deed of Agreement with the Shire to outline the road upgrade, use and maintenance requirements for Reserve and Yalyal Roads. The Deed of Agreement was established to protect the Shire's assets and ensure adequate upgrade and maintenance of the roads is carried out to an agreed standard.

The upgrade of the road was agreed to be an initial grade to remove ruts and fine material. Due to the low number of truck movements (as per Condition "cc.") for the extractive industry (no greater than four per day), upgrade to a seal standard of over 1km of road was considered excessive.

The road maintenance provisions in the Deed not only include re-grading as and when requested by the Shire, but also included dust mitigation. The maintenance of the road is to be monitored by the Shire; however, the Shire may appoint a consultant at a cost to the applicant.

A number of 'prior to' conditions have been required to be completed by the applicant and have only recently been finalised including a Deed of Agreement pertaining to the ongoing contribution to road maintenance on the roads utilised by the vehicles associated with the extractive industry. This deed was formalised and endorsed by Council at its 18 November 2015 OCM.

In January 2016, the Shire received a request from the applicant to either have Condition "cc." removed or amended to state:

"cc. An average of twenty (20) single truck movements are permitted on a daily basis."

In the supporting documentation accompanying the application for amendment, the application has stated that:

"it is requested that this condition be removed or amended as it restricts the commercial viability of the extractive industry. The Approval was for the extraction of a maximum of 100,000 tonnes per annum (Condition rr). A restriction on the number of truck movements per day contradicts the condition restricting the maximum tonnage."

As outlined in the attached email correspondence during the assessment of the application the Shire requested details of traffic volumes and the number of truck movements per day. In response it was advised that the number of movements would be dependent on market demand and as an estimate there would be an average of 4 movements a day. It was advised by the Shire that the information was required to determine road contribution amounts and there was no mention that the number of movements advised would be restricted by a condition of approval. Therefore Condition cc should not have specified a maximum of 4 truck movements as that was an estimated average amount only.

In accordance with Condition m of the approval, the applicant has now entered into a Road Maintenance Agreement with the Shire, which requires the applicant to maintain and repair Reserve Road to a mutually acceptable standard.

There is also a condition on the Approval (Condition dd), which restricts the hours of operation.

It is considered that Conditions dd, m and rr achieve the same outcome as a restriction on the number of daily truck movements and therefore it is requested that Condition cc be removed from the Approval. If the Shire still considers a restriction on the number of vehicles necessary it is requested that the condition be amended to read as follows:

cc: An average of twenty (20) single truck movements are permitted on a daily basis".

It should be noted that the Deed of Agreement was developed and recently formalised (November 2015 OCM) on the basis that the standard of grading and maintenance was for the movement of 4 vehicles per day in accordance with the Conditions of Approval dated 27 June 2012.

Consultation

The application for the removal/modification to Condition "cc." was referred to the Shire's Executive Manager Technical Services. He advised that due to the proposed increase in heavy traffic that additional conditions be added to ensure that the applicant would upgrade and maintain the road to a more acceptable standard.

These comments have been integrated into the conditions recommended by the Shire Officer.

Statutory Environment

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 of the Regulations sets out 'Deemed Provisions for local planning schemes', which came into effect 19 October 2015. These Deemed Provisions act as part of the Scheme and replace any inconsistent provisions in the Shire's Town Planning Scheme. In this case the Shire's Town Planning Scheme clause relating to an amendment to a Planning Approval has been replaced.

Clause 77 of the Regulations now allows for the local government to consider the amendment of a development approval.

Local: Shire of Chittering Town Planning Scheme No 6

Lot 51 Reserve Road 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.*

A portion of the property is located within the 'Landscape Protection Area' and a smaller portion within the 'Water Prone' Special Control Areas identified by the Scheme.

The intent of the Landscape Protection is Special Control Area is to preserve productive agricultural land and protect the environmental and landscape values. The requirements of the Special Control Area help to achieve this through appropriate siting and minimising extent of clearing.

Local: Shire of Chittering Extractive Industry Local Law 2014

In relation to the Shire of Chittering's *Extractive Industry Local Law 2014* it is reflected under *Section 3.2 Transport of material*, under licencing requirements that:

- (2) *The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of materials from the site.*
- (3) *If a road on a route prescribed under subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.*

Policy Implications

1.5 Execution of documents

Financial Implications

Nil

Strategic Implications

Local: Shire of Chittering Local Planning Strategy 2001-2015

Lot 51 Reserve Road has been identified within the Shire's Local Planning Strategy for potential rural retreat development. The document also originally outlined the extended Perth to Darwin Highway would impact upon the property.

More recently the alignment pertaining the Perth to Darwin Highway has been modified, which should not have an effect on the property.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this amendment request.

Social implications

There are no known significant social implications associated with this amendment request.

Environmental implications

There are no known significant environmental implications associated with this amendment request.

Comment

It is requested that Council reconsider Condition "cc." in relation to the extractive industry development application approval granted at the 27 June 2012 OCM in relation to the extraction of Sand and Gravel on Lot 51 Reserve Road, Muchea.

As part of the original approval (refer Attachment 2) the applicant was required to enter into an agreement pertaining to an ongoing financial contribution towards the maintenance and upkeep of Reserve/Yalyal Road with the Shire (Condition "m."). This Deed of Agreement was supported by Council at its 18 November 2015 OCM. This agreement however was formalised in accordance with the prescribed four vehicle movements per day which was included as Condition "cc." in the approval. No provision for increasing and/or improving the grading and material if there was to be an increase in vehicle movements.

With the applicant proposing a significant increase in heavy vehicle movements (from the original approved 4 per day, to if the application to amend the original approval is supported to 20) an increase in vehicle movements would likely result in higher degradation of this unsealed portion of the road. If Council were to support the increase to 20 vehicles per day, then it is the Shire Officer's recommendation that the Deed be revised to require the applicant to upgrade the road to sealed standard to the satisfaction of the Chief Executive Officer

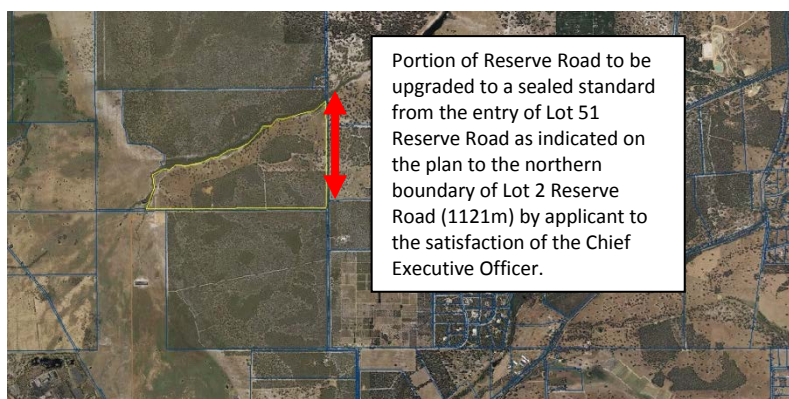
In the report previously presented to Council (18 November 2015) in relation to the Deed of Agreement it was stated that:

"The Shire has also inserted the possible future upgrade of Reserve Road factored into the Deed. This would mean should Reserve Road be upgraded to a sealed standard as a result of another subdivision or development being approved, the road maintenance obligations would cease, however, a road maintenance monetary contribution at \$0.25c per tonne excavated from the site would be required. A bond of \$10,000 would also be held by the Shire at all times in the case that the required works and/or per tonne contribution not be undertaken/paid."

The deed does stipulate in *Clause 4.2 Road Maintenance Contribution Clause 4.2.4* that 'if no fee is stipulated for the road maintenance contribution in the Shire's Fees and Charges then the fee for the purposes of clause 4.2 (2) is \$0.25. subject to review pursuant to clause 4.2 (5)'.

In 2015, the Shire's Fees and Charges pertaining to road maintenance were increased from \$0.25 to \$0.50 and hence this change in fee is included in the revised conditions.

In April 2016, the applicant provided the Shire with a revised Traffic Impact Statement (TIS) pertaining to the increased number of truck movements (i.e. from four to 20) also taking into consideration the proposed subdivision of Lot 2 Reserve Road and the potential impact of dust nuisance.



Based on the comments above, it is recommended that Council support the condition amendment subject to the conditions below.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Osborn / Seconded Cr Gibson

That Council amend the Planning Approval dated 27 June 2012 (P088/11) for the extraction of gravel and sand at Lot 51 (RN 451) Reserve Road, Muchea by:

1. amending Condition "1a." to read as follows:
"1a. This planning consent shall be for a period of six (6) years from the date of issue of the amendment to conditions until 30 June 2022."
2. amending Condition "cc." to read as follows:
"cc. A maximum of twenty (20) single truck movements are permitted on a daily basis."
3. adding the following conditions under Condition "cc."
 - "i. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Reserve Road in the locations as shown in this report (1121m) to the satisfaction of the Chief Executive Officer;*
 - ii. Provide a contribution to the Shire of \$0.50 per tonne excavated from the extractive industry application to the Shire for the maintenance of the Road;"*
4. adding the following new Condition "vv."
"vv. The applicant is to prepare a revised Deed of Agreement (as per Condition "m.") in regards to the upgrade of the road(s) to a sealed standard to be authorised by the Shire President and Chief Executive Officer to sign and affix the Common Seal. There shall be no increase in traffic movements until the deed is signed and road upgraded;"
5. adding the following points to the Advice Note of the approval:
 - "3. This is an amendment to Planning Approval P088/11 granted 27 June 2012, all other conditions in the original approval still stand.*
 - 4. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.*
 - 5. The applicant will be required to apply for and gain approval for an Extractive Industry License prior to any extractive works being undertaken onsite"*

AMENDMENT

Moved Cr Gibson / Seconded Cr King

That the following point 6 be added to the Advice Note:

- "6. That the Shire apply to Main Roads WA to impose a 70km speed limit on Reserve Road."*

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

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030616

Moved Cr Osborn / Seconded Cr Gibson

That Council amend the Planning Approval dated 27 June 2012 (P088/11) for the extraction of gravel and sand at Lot 51 (RN 451) Reserve Road, Muchea by:

1. amending Condition "1a." to read as follows:
"1a. This planning consent shall be for a period of six (6) years from the date of issue of the amendment to conditions until 30 June 2022."
2. amending Condition "cc." to read as follows:
"cc. A maximum of twenty (20) single truck movements are permitted on a daily basis."
3. adding the following conditions under Condition "cc."
 - "i. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Reserve Road in the locations as shown in this report (1121m) to the satisfaction of the Chief Executive Officer;*
 - ii. Provide a contribution to the Shire of \$0.50 per tonne excavated from the extractive industry application to the Shire for the maintenance of the Road;"*
4. adding the following new Condition "vv."
"vv. The applicant is to prepare a revised Deed of Agreement (as per Condition "m.") in regards to the upgrade of the road(s) to a sealed standard to be authorised by the Shire President and Chief Executive Officer to sign and affix the Common Seal. There shall be no increase in traffic movements until the deed is signed and road upgraded;"
5. adding the following points to the Advice Note of the approval:
 - "3. This is an amendment to Planning Approval P088/11 granted 27 June 2012, all other conditions in the original approval still stand.*
 - 4. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.*
 - 5. The applicant will be required to apply for and gain approval for an Extractive Industry License prior to any extractive works being undertaken onsite*
 - 6. That the Shire apply to Main Roads WA to impose a 70km speed limit on Reserve Road."*

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/2

9.1.2 Proposed Pylon Sign: Lot 5 (RN 5371) Great Northern Highway, Muchea*

Report date	15 June 2016
Applicant	TPG Town Planning, Urban Design and Heritage
File ref	A3084; P322/15
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Documentation accompanying Development Application3. Original Proposed Signs4. Revised Proposed Signs5. Main Roads Responses

Executive Summary

Council's consideration is requested in regards to an application for temporary planning approval (2 years) to construct two (2) pylon signs on a property located at Lot 5 (RN 5371) Great Northern Highway, Muchea (see Attachment 1). The site is owned and operated by Aussie Modular Solutions (AMS).



The application was due to be presented to Council at the December 2015 Ordinary Council Meeting, however it was withdrawn by the applicant due to the officer not recommending Council support the proposal due to the size and the proposed advertising not being in direct association with the site. The applicant has since revised the plans, modified the layout of the signs and reduced the size of the proposed pylon signs.

Background

Lot 5 (No. 5371) Great Northern Highway, Muchea is zoned 'Agricultural Resource' in the *Shire of Chittering Town Planning Scheme No 6* with an additional use for 'Industry – General Builders Storage Yard'. The business which operates from the site, AMS, undertake the construction, display and sale of modular homes on the subject land. A portion of the property is contained within the Muchea Employment Node for future industrial land uses, whilst the rear of the property is affected by the construction of the Perth to Darwin Highway alignment.

The applicant has sought approval for the construction of two (2) pylon signs located at the front entrance of the property with a 0m setback to the boundary (see below and Attachment 2).



The dimensions of the signs are envisaged to measure 2m x 4m each (8m²) (refer Attachment 3) and are proposed to be affixed to a 2m high pylon from the natural ground level. The proposed signs are advertising a caravan park located in Caversham (Perth Vineyards Holiday Park), who use the modular homes constructed on the property by AMS in the Holiday Park.

In the original application, the applicant justified the need for the large signs measuring 18m² each (3m x 6m) due to the speed at which traffic is travelling on Great Northern Highway. The Shire Officer assessing this application at the time contended the need for the proposed size was unjustified as the proposed signs are located 400m from a major intersection (Great Northern/Muchea East Road), where the traffic is either slowing down to stop at the lights (a reduction in speed from 110kph to 80kph) in a northerly direction, whilst in a southerly direction traffic would be accelerating to 80kph from the traffic lights.

Therefore, based on the above, the applicant has revised the application and has reduced the area of each sign and in addition to this has modified the advertising on the signs to have a greater emphasis on the associated land use of the modular home construction in conjunction with the caravan park.

Consultation

The application was referred to Main Roads Western Australia for its comment on both the original application and the revised application for the proposed signs.

In relation to the original application (2 x pylon signs measuring 3m x 6m (18m² each)) Main Roads advised that they were not supportive of the application however, referral was again sought from Main Roads regarding the revised application (2 x pylon signs measuring (2m x 4m (8m² each)) and advised they were supportive subject to indemnity against compensation being conditioned if approved. They stated (6 May 2016, refer Attachment 6):

'The Notice of Intention to Take (NOITT) is active for 12 months and will be either renewed if the land has not been formally taken or the land will be taken and dedicated as road reserve when the NOITT will lapse, therefore, Main Roads would require an indemnity against any compensation claim arising from the installation of the above signage'.

Statutory Environment

Nil

Policy Implications

State: Planning and Development Act (2005)

State: Land Administration Act 1997, Section 173

*173. No improvements to be made to required land without Minister's approval
While a notice of intention is current in relation to land, a person must not cause the building or making of any improvement to the land to be commenced or continued except with the approval in writing of the Minister.*

Local: Shire of Chittering Signs, Hoardings and Bill Posting Local Law (Draft) 2015

Local: Shire of Chittering Town Planning Scheme No. 6

Zoning

Agricultural Resource

- *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.*

5.11 ADVERTISEMENTS - POWER TO CONTROL

5.11.1 For the purpose of this Scheme, the erection, placement or display of any sign and the use of land or any building for the display of any sign involving non site specific advertising is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.

5.11.4 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display a sign, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

Local: Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993

"Pylon Sign" is an advertisement device and means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added.

Licences and Exemptions

2.1.4 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws the Council may refuse a licence if:

- (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.*

Restrictions

3.1.2 A sign or advertising device including an existing sign shall not be erected or maintained:

- (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign;

Specific Signs

4.9 Pylon Sign

4.9.1 A pylon sign:

- (a) shall be so constructed that no part of the sign shall be less than 2750mm or more than 600mm above the level of the ground immediately under the sign;
- (b) shall not exceed 2550mm measured in any direction across the face of the sign or have a greater superficial area than 4m² ;
- (c) shall not project more than 900mm over any street, way, footpath or other public place;
- (d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) shall not be within 1800mm of the side boundaries of the lot on which it is erected;
- (f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.

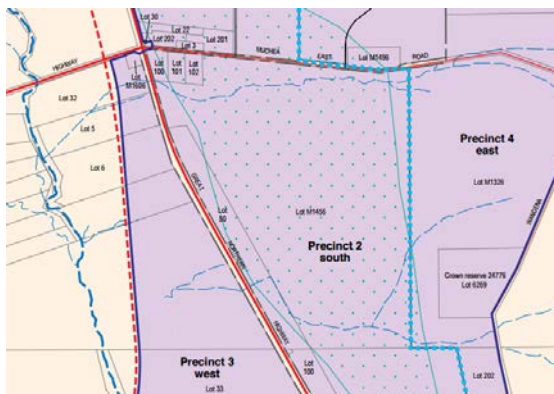
Financial Implications

Nil

Strategic Implications

Lot 5 (RN 5371) Great Northern Highway, Muchea has been identified for future light industrial land uses in the *Shire of Chittering Local Planning Strategy (2001 – 2015)*. A portion of the site is also contained within the *Muchea Employment Node Structure Plan* area.

The image below is an extract from the *Muchea Employment Node Structure Plan* (2011) indicating the portion of Lot 5 as being within the Node and also being impacted by the alignment of the Perth – Darwin Highway. Therefore, the ultimate intension for this site is 'industrial use', which this use is consistent with.



Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

The revised signs now place a greater emphasis on the makers of the modular homes (which are produced where the signs proposed to be located), whilst still promoting the caravan park. Any significant financial implications generated from the proposed signs will predominantly be the caravan park, however those experiencing the caravan park may seek the services of AMS if interested in constructing a modular home.

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

Consultation

As detailed in the Consultation section, Main Roads, following the revised plans and liaison with the applicant, have ascertained their support of the application subject to a condition indemnifying the landowner for claiming compensation arising from the compulsory acquisition of land for the Perth – Darwin Highway.

The Shire's Executive Manager Technical Services was also consulted and advised that whilst he did not have an issue with the location and sign, the concern was that when road users are '*travelling and reading the sign, travellers may only read the first bit and make the assumption that it is the holiday park and turn in (which could become a traffic hazard if they turn suddenly)*'. The change in the design of the images on the sign may help alleviate this (refer to Attachments 3 and 4 indicating original application with the revised).

Shire of Chittering Town Planning Scheme No. 6

Due to the proposed signs advertising a caravan park which is not located within the Shire and it involves non-site specific advertising, approval by Council is required in accordance with *Section 5.11.1* of the Scheme. Whilst the proposed signs have been modified and details more clearly the work of AMS whom manufacture the modular homes on Lot 5, while maintaining the contents specific to the caravan park.

In relation to *Section 5.11.4 Considerations of Applications* in the Scheme, the property owner has been previously granted planning approval for a freestanding advertising pylon sign (specifically relating to the business/land use undertaken onsite) with the dimensions of 6.98m x 2.556m wide (12m²) located 1m from the front boundary of the property. This was approved by Council in October 2011. The signs do, however, indicate the nature in which the modular homes can be applied and are proposed to be located away from the area where the modular homes are currently displayed.

Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993

In relation to *Section 2.1.4* of the local law, the proposed signs advertise a business (caravan park) which uses the modular homes, sold and constructed on the site where the signs are envisaged to be displayed. The signs do however also advertise a caravan park not located in the Shire of Chittering, but another local government authority.

In order for the signs to comply with *Section 2.1.4*, the applicant has modified its contents and the signs refer more closely to the modular homes built onsite, whilst still advertising the caravan park.

Section 3.1.2 states that 'a sign or advertising device including an existing sign shall not be erected or maintained: (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign'.

The property is located around 400m from the major intersection of Great Northern Highway and Muchea East Road which connects to Brand Highway. The majority of traffic would be slowing down to stop at or be beginning to accelerate from the lights. The application has been referred to MRWA for its comment (see Attachment 5).

4.9 Pylon Sign

4.9.1 A pylon sign:

Specifications for Pylon Signs	Proposal – Comments
(a) shall be so constructed that no part of the sign shall be less than 2750mm or more than 600mm above the level of the ground immediately under the sign;	Signs are proposed to sit atop a 2,000mm pylon. Complies
(b) shall not exceed 2550mm measured in any direction across the face of the sign or have a greater superficial area than 4m ² ;	The proposed signs measure 2m x 4m each (8m ²) and therefore requires a significant variation to the policy.
(c) shall not project more than 900mm over any street, way, footpath or other public place;	N/A
(d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;	Applicant has not detailed the type of materials to which the signs will be affixed. Will require them to detail in writing prior to approval.
(e) shall not be within 1800mm of the side boundaries of the lot on which it is erected;	Proposed signs are proposed to be located at the entrance at the property alongside the front boundary facing Great Northern Highway.
(f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.	15m separates the two signs which are located on either side of the entrance to Lot 5 Great Northern Highway

Shire of Chittering Draft Signs, Hoardings and Bill Posting Local Law (2015)

Section 2.2 Exemptions

- (3) Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this local law the local government may refuse a licence if—
- (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.

Comment

The applicant has modified the proposed signs from the original by reducing it in size, with the format of the images on the sign modified to have a greater emphasis on 'AMS' (the business who manufacture the modular homes onsite, which is undertaken on Lot 5 as building 'Quality Holiday Cabins', with the details of the holiday park remaining. Whilst the signs have been modified from the previous application and the modular homes are offered for sale from the premises, the proposed advertising signs have a clear emphasis of the caravan park i.e. through contact details etc.

This therefore requires Council's consideration in varying the development provisions within the Shire's existing and draft local laws.

Section 4 - Requirements for Particular Signs

4.10 Pylon Sign

A pylon sign:

Requirement	Proposed
(a) shall not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately under the sign;	Proposed pylon which the signs are proposed to be attached is 2m in height. The height of the sign overall and pylon is 2m
(b) shall not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m ² ;	Area of the each proposed sign is 8m ² (2m x 4m). The total area of both signs is 16m ² . A variation to the applicable size would need to be supported.
(c) shall not project more than 900mm over any street, way, footpath or other public place;	Proposed signs are located 22m from the bitumen road side.
(d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;	Applicant has not provided the details.
(e) shall not be within 1,800mm of the side boundaries of the lot on which it is erected; and	Proposed signs are located alongside the front boundary of the property.
(f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.	Complies.

Conclusion

Whilst the proposed signs comply with the majority of the provisions within the existing and draft Shire of Chittering Signs, Hoardings and Bill Posting Local Law, a variation is still required due to its size. The existing local law (Section 4.9 (b) and draft (Section 4.10 b)) stipulates a pylon sign requiring an area of 4m², the proposed signage is envisaged to be 8m² (2m x 4m each). In 2011, Council approved a pylon sign measuring 12m² for the advertising of AMS.

This would mean, if the application were to be approved that the property would have signage fronting the road totalling 30m².

The applicant has requested that the approval be for a temporary period of two years and has also reduced the size of the signs (from the original application for two signs measuring 3m x 6m (18m² each)) to the revised application for two signs measuring 2m x 4m (8m² each) and modified its content.

Considering the above, it is recommended that Council approve the application, subject to conditions.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040616

Moved Cr Gibson / Seconded Cr Houston

That Council approve the application for a temporary period of two (2) years for two (2) proposed Pylon Signs (2m x 4m each) on Lot 5 (RN 3571) Great Northern Highway, Muchea subject to:

- 1. The development is to be in accordance with the approved plans.**
- 2. The applicant is to construct the pylon signs including frame and sign from a frangible material.**
- 3. The applicant indemnifies Main Roads WA against any compensation claim arising from the installation of the above signage.**
- 4. The applicant indemnifies the Shire of Chittering against any compensation arising from the installation of the sign and any other compensation associated with the sign after installation.**

Advice Note

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.3 Waste and Recycling Survey*

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	31/01/0004
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Waste and Recycling Kerbside Survey results

Executive Summary

Council is requested to receive the results from the Waste and Recycling Survey which was conducted in January 2016.

Background

A report to Council in November 2015 indicated significant improvements in the recovery rate of recyclable materials and the diversion of waste from landfill following the introduction of the kerbside waste and recycling service in September 2014. In the report it was advised that a community survey would be undertaken after approximately one year of operation. The survey would be aimed at determining satisfaction levels with various elements of the service with the aim of identifying areas for improvement and providing a better service. The outcome of the survey was to be reported to Council.

An online questionnaire survey was conducted in January 2016 to gauge the satisfaction levels of residents with the Shire's waste and recycling service which commenced in September 2014. The survey indicated a high level of satisfaction with various elements of the service however there were some areas requiring improvements. This report will summarise the results of the survey, make comments where appropriate, and offer possible solutions to issues raised.

Consultation

Avon Waste
Shire of Chittering residents/ratepayers

Statutory Environment

Waste and Resource Recovery Act 2007 (WAAR Act)
Waste and Resource Recovery Regulations 2007 (WAAR Regulations)

Policy Implications

[Western Australian Waste Strategy](#)

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.

Comments

There were 118 surveys completed with the majority being completed on line through the Survey Monkey facility. This is a very low response rate but nevertheless still provides an indication of the views of residents. Following is the results of the survey for each question and comments by the Principal Environmental Health Officer.

Question 1: In which area of Chittering do you reside?

The majority of respondents (34.7%) reside in rural residential estates in Lower Chittering followed by Bindoon rural (18.6 %), Bindoon townsite (17.8%) and Muchea townsite (9.3%). The high proportion of respondents from estates in Lower Chittering reflects the population concentration in the Shire and may have some influence over the level of acceptance of the kerbside collection system due to demographic factors.

Question 2: With regard to the kerbside waste and recycling service do you consider that you have received enough information regarding correct waste and recycling practices?

While the majority of respondents were happy with the information provided others required additional information. There are still improvements which can be made but it is gratifying to note that the information provided satisfied almost 86% of respondents. Comments on the lack of information during the roll-out phase and Christmas/New Year period are noted. Changes to collections over this period were shared through the Shire of Chittering's normal channels. Improvements in the provision of information from Avon Waste will be investigated.

Question 3: How satisfied are you with the options you have to dispose of your waste and recyclable materials?

Almost 80% of respondents were satisfied or somewhat satisfied with options to dispose of waste and recycling material. Only 10% were dissatisfied.

In this question, a recurring theme is introduced whereby respondents are saying that the recycling bin should be emptied more frequently. This will be discussed further in ensuing questions. Much of the negative criticism is based upon a lack of knowledge regarding the service and the desire to keep the system as it was previously. When the waste and recycling service was introduced there appeared to be substantial criticism but after having undertaken the survey it indicates that people have either changed their views or those that complained were only ever part of a minority.

Another recurring theme introduced in the feedback to this question is the provision of a bulk verge side collection. This will also be discussed later in the report.

Question 4: How satisfied are you with the current service collection provided by Avon Waste?

It is pleasing to note that the vast majority (86%) are satisfied or somewhat satisfied with the service provided by Avon Waste.

There are a range of issues raised in the survey many of which can be brought to the attention of Avon Waste. Another recurring issue is that people are confused about tip fees – what is charged for and what isn't (material that is accepted using the tip pass versus what they have to pay for). The information on the Shire's website can be amended to make this clearer. Many people would like a bulk rubbish collection. This would cost a considerable amount of money which would have to be added proportionally to their rates. Of course, most people would not wish to pay for this additional service. Many people are happy to take their bulk rubbish to the tip and don't want additional services (some don't want any service). At the end of the day, the Shire will never make everyone happy. The survey so far indicates that the Shire provides an effective kerbside waste and recycling service for a reasonable cost that the majority of residents are satisfied with albeit that there are still improvements that can be made.

Question 5: Is your 240 litre waste bin (red lid) adequate for your weekly household needs?

79.7% of respondents reported that their waste bin was adequate with only 20.3% reporting that it was inadequate.

Question 6: If you answered 'no' to Q5, how often do you have more household waste than your (red lid) bin can hold?

Of the 20.3% of respondents reporting that their waste bins were inadequate 36.7% reported their bins were inadequate on a weekly basis, 23.3% fortnightly, 20% occasionally, and 16.7% said hardly ever.

Overall, it could be deduced that the 240 litre waste bins are adequate for domestic waste for most residents.

Question 7: If you have excess waste, what do you do with it?

Although most people (79.7%) say they have enough capacity in their weekly waste bin there are 20.3% who say they do not. 36.7% of these respondents experience the shortfall in capacity weekly. This would be expected because there will always be properties that generate more waste than the average e.g. larger families. As these are in the minority it is not considered to be a major issue. There is always the option of taking excess rubbish to the landfill sites using their tip passes. Another option is to provide an additional waste service bin (currently \$170 per annum) but most ratepayers would not want to pay for an extra bin and the cost cannot be waived. The cost of providing a larger bin (e.g. a 360litre bin) could be investigated in conjunction with Avon Waste but once again, there would have to be an increased cost for the service. Avon Waste does not provide free services and all costs are written into the contract.

The Waste Authority would not subsidise the cost of a larger bin as it is trying to reduce waste to landfill. Larger recycling bins (360litre) do meet the Waste Authority criteria under the Better Bins Program but only a \$4.00 subsidy is offered per bin. The information received in question 7 indicates that most people are still able to use the Shire kerbside waste service by stockpiling excess rubbish for the following week or taking it to the landfill site. Unfortunately, 5.3% put excess waste into their recycling bin which is an education issue that needs to be addressed.

Question 8: Is your 240 litre recycling bin (yellow lid) adequate for your fortnightly needs?

55.1% of respondents said that the recycling bin was adequate however a significant proportion (44.9%) said the recycling bin was not adequate. This is a significant deviation from the waste bin results. The option of weekly recycling collection is an option but, once again, would entail additional costs. It is possible that additional capacity could be achieved in the recycling bins by crushing plastic bottles and cardboard packaging and packing the bins more densely. Alternatively, homeowners could purchase an additional recycling bin for \$140 per year.

Question 9: If you answered 'no' to Q8, how often do you have more household recycling than your (yellow lid) bin can hold?

Of those that reported that the recycling bin was inadequate, most advised that this occurred fortnightly (almost 62%).

Question 10: If you have excess recyclable materials what do you do with them?

Most respondents advised that they stockpile their uncollected recyclables at home (65.4%) or use their tip pass to take it to the landfill site (30.8%). Residents may not be aware that recyclables placed in the correct location at the landfills site do not attract a fee. Unfortunately 21.5% put their excess recyclables in their waste bin which is an issue that needs further educational input.

There have been many comments regarding the confusion about tip charges. This matter will be discussed with the Executive Manager Technical Services with a view to resolving the issues where possible. However, it must be understood that tip charges are necessary to cover operational costs at the landfill and that people cannot expect free tipping as in bygone eras.

Question 11: On average, how often do you go to the landfill site (Bindoon or Muchea?)

The results indicate that most people only go to the landfill site occasionally or monthly. The tonnages and traffic volume at the landfill sites have decreased markedly, as expected, post the introduction of the kerbside service. Many residents are pleased not to have to go to the landfill site because of the new service. When they do, it is mainly to dispose of larger items which do not fit into their domestic bins.

Question 12: If you do go to the landfill site, do you separate materials for recycling?

It is noted that over 93% of residents are sorting recyclable materials at the landfills. This, along with the kerbside recycling service, has dramatically improved the Shire's diversion rate from landfill from about 3.5% in 2012/13 to about 30% in 2014/15. Another reason for the improvement is increased vigilance by staff at the landfill and ongoing education regarding correct separation of materials.

Question 13: If you do separate materials, what do you separate?

The survey indicates that residents are very diligent with their recycling practices and display a high level of awareness of the range of materials that can be recycled.

Question 14: What do you do with Household Hazardous Waste (HHW) (i.e. poisons, acids, pesticides)?

As expected, it is obvious that residents are not sure what to do with Household Hazardous Wastes (HHW). This matter was raised in the report submitted to Council in August 2015 in relation to the Avon Region of Council's Strategic Waste Management Plan. The lack of facilities for proper HHW disposal was noted as a key activity for the working group.

Question 15: Do you undertake any of the following activities at home to reduce waste?

The survey response suggests that residents are environmentally aware and actively undertake a range of options to avoid or reduce landfilling of waste materials.

Question 16: Do you have any other comments or suggestions regarding waste and recycling in the Shire of Chittering?

A broad range of issues have been raised in the survey some of which have been repeated from previous questions. The issues can be categorised into common themes as below:

- Complaints about the range and cost of landfill fees
- Complaints about the cost of the kerbside service
- Comments that they don't want a compulsory kerbside service
- Confusion about what tip passes can and can't be used for
- Preference for a weekly recycling collection
- Lack of information on recycling
- Suggestions for a bulk verge collection or skip bins
- Improved HHW disposal options

These issues require further discussion amongst relevant staff and Avon Waste to determine potential solutions and associated costs.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050616

Moved Cr Houston / Seconded Cr Gibson

That Council:

- 1. Receives the Kerbside Waste and Recycling Survey.**
- 2. Authorises the Principal Environmental Health Officer to investigate the key issues raised by respondents to the Kerbside Waste and Recycling Survey in collaboration with Shire staff and Avon Waste with a view to determining the feasibility of possible solutions including financial viability and contractual issues.**
- 3. Requests a further report to be submitted to Council following the investigation as per Condition 2.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

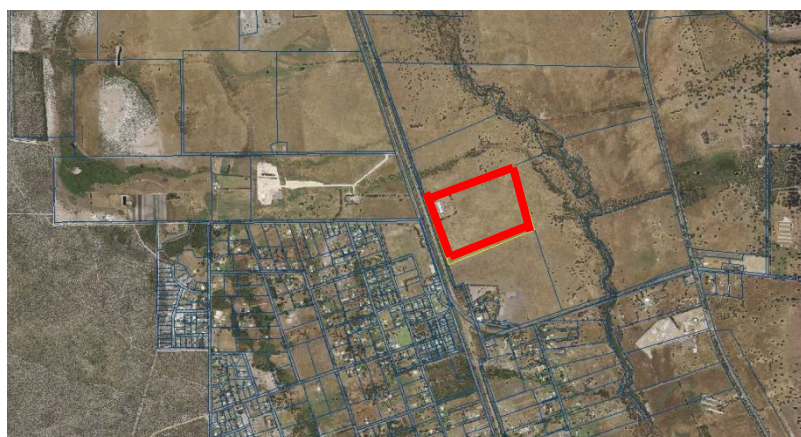
The applicant (Allerding and Associates) contacted the Shire on 10 June 2016 and requested that this item be removed from the agenda and to be presented at the July 2016 Ordinary Meeting of Council.

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

Report date	15 June 2016
Applicant	Allerding and Associates
File ref	A3028; P037/16
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Locality Plan 2. Application report with plans 3. Stormwater Management Plan 4. Hay Pressing Approval – 2000 5. Transport Depot Approval – 2012 6. Rezoning Enquiry – 1996 7. Schedule of Submissions 8. Images from site visit 9. Extract from Shire of Chittering Local Planning Strategy 2001 - 2015

Executive Summary

Council's consideration is requested for a retrospective planning approval application for a 'Transport Depot' on the north east corner of Lot 6 (RN 290) Brand Highway, Muchea. The applicant has also requested approval for an extended 1ha of gravelled hardstand adjacent the retrospective area for use as a 'Transport Depot'.



Background

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

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

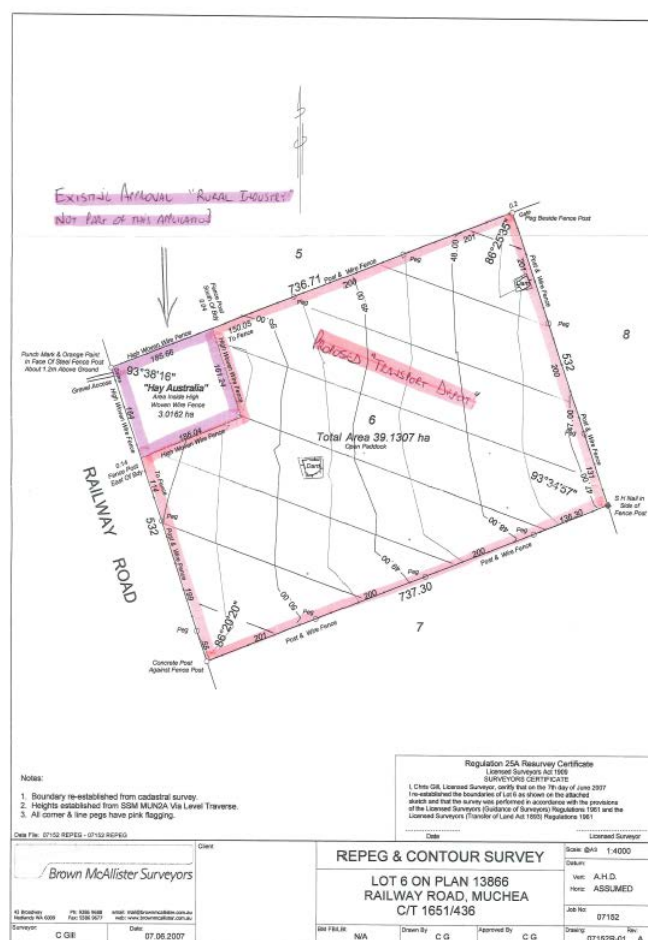
The owners of the property currently undertake operations on the site specifically relating to the parking of cranes used in the construction and mining industries.

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

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

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

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



Also in 2012, the outbuilding used for the 'Hay Pressing' was destroyed by fire.

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

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

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

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

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

Consultation

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

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

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

Statutory Environment

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

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

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

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

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

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

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

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

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

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

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

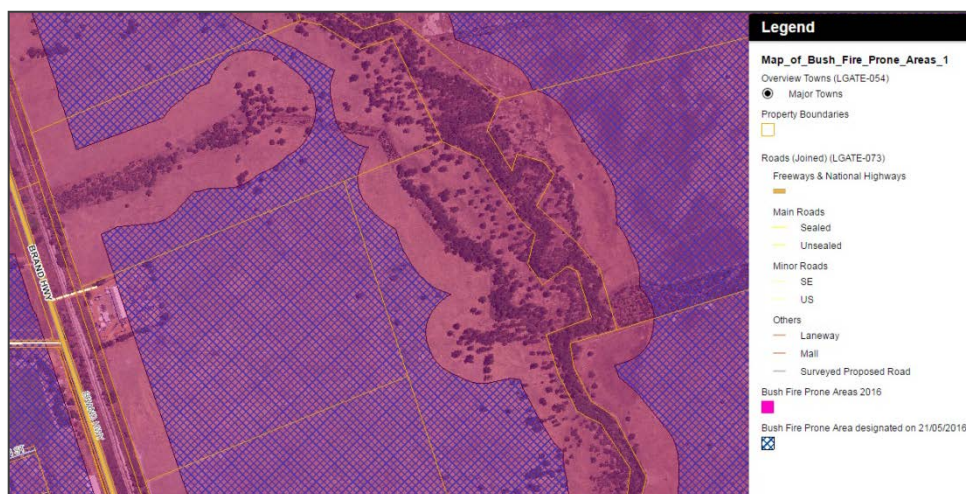
Policy Implications

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

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

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

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



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

State: [Local Planning Policy No. 18 – Setbacks \(LLP18\)](#)

In accordance with *LPP18*, the required setbacks for land which is zoned 'Agricultural Resource' is:

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

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

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

Financial Implications

Nil

Strategic Implications

Shire of Chittering Local Planning Strategy 2001-2015

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

6.4.2 Aims

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

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

8.8 Agricultural Resource Area

8.8.1 Description/Location

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

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

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

The aims applicable to the proposal are:

8.8.2 Aims

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

In terms of identification for industrial type land uses (i.e. such as a transport depot to this scale would be considered), the property is not identified within the Strategy for this type of use (refer Attachment 9). The strategy does identify this location as a 'hay processing plant' in the industrial nodes section of the report, however the transport depot land use is considerably different to that of a hay processing plant.

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

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

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

Muchea Employment Node

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

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

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

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

Site Inspection

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

Upon entering the site, via Brand Highway the existing land uses and structures contained onsite are well screened by established vegetation between the road and the train line. Generally, visibility of the current land use being undertaken by the owners is only from when the cranes are fully erect and with the tops of the cranes able to be seen from the road (both Brand and Great Northern Highway). The inspection of the site indicated that the property is well managed and tidy with various designated areas for vehicles, employees etc.

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

Triple Bottom Line Assessment

Economic implications

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

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

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

Social implications

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

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

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

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

Environmental implications

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

Leakage of fuels and hydrocarbons from maintenance works has the potential to leach into the nearby Ellenbrockman River if there are no approved mechanisms such as hydrocarbon traps if not adequately planned and developed for.

The property has been cleared historically for the likely purpose of grazing.

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

Further detail pertaining to the area's geotechnical qualities is identified as missing from the information provided to understand the permeability and lateral movement of water from the bio-retention basins proposed. Furthermore with no formal design information provided on the retention areas which is critical to ascertain their ability to cope with rainwater events and prevent hydrocarbons further entering the Ellen Brook catchment.

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

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

Comment

Consultation

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

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

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

Statutory Provisions

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

Section 10.2, 'Matters to be considered by local government' ascertains a range of matters which the local government is to take into consideration when assessing and ultimately making a decision on Development Applications. From a statutory prospective, the application contravenes Section 10.2 of the Scheme, particularly in relation to items j, m, o and p, as detailed below.

(j) *the compatibility of a use or development within its setting taking into consideration any Special Control Area.*

Whilst the applicant has taken into consideration the land being contained within the Water Prone SCA with the provision of the Stormwater Management Plan, its level of detail regarding management of hydrocarbons have not been adequately addressed. Nor has input in regards to ongoing monitoring of groundwater quality been taken into consideration. Furthermore, the permeability of the unsealed hardstand may result in the incursion of hydrocarbons entering freely into the Ellen Brook flood plain. This applies to the unauthorised use to date and future management of this site.

(m) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*

As above.

(o) *the preservation of the amenity of the locality;*

Whilst the property is well setback from Brand Highway, due to the Brookfield railway and some 800m from the Muchea townsite, the impact on the amenity of the area through the industrialisation of the lot is a considerable point of consideration.

As far back as 1996, Council records indicate that Council had concerns regarding the impact on amenity that a rezoning could potentially have on the nearby townsite particularly in relation to the amenity of the area as identified in Attachment 6.

The applicant has previously withdrawn an application for this site and Council has previously refused applications for transport depots due to its impact on the amenity of rural areas. Furthermore the Shire is regularly engaged with the community regarding compliance issues from transport depots pertaining to noise, dust and the impact upon the amenity of the rural areas when numerous heavy vehicles are parked and are considered by some as 'industrialising' a rural area, with the placement more suited to appropriately zoned land.

(p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

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

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

The isolated nature of the proposed transport depot surrounded by grazing land, could be considered as ribboned development and ultimately ad hoc to meeting with the objectives of the scheme and zone which is largely undeveloped.

Strategic

- Local

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

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

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

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

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

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

- State

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

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

Policy

Whilst the retrospective application for the transport depot and also proposed extension to the transport depot area are in excess of 200m from the nearest 'sensitive' land use, the use could be considered as ad hoc with the appropriateness in its ability to meet the objectives of the Agricultural Resource zone.

Access

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

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

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

Conclusion

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

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

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

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

From an environmental perspective, the applicant in undertaking these activities without appropriate approvals and studies may have impacted upon the Ellen Brockman floodplain, with details and design of the retention basins catering for hydrocarbon runoff not indicated in the information provided in the Stormwater Management Plan. The previous land use, in Hay Production is unlikely to have had the same effect as a transport depot due to the seasonality of production and the lack of heavy vehicles required to sit for extended periods of time whilst not in use, unlike that of the applicant's proposal. Where, with the downturn in mining and largescale building construction jobs, the machinery may remain idle for a significant period of time with the potential for leakage of fuels etc due to the reduced capacity for usage.

9.1.4 OFFICER RECOMMENDATION

That Council refuse the application for the retrospective Transport Depot (3ha) and proposed Transport Depot on Lot 6 (RN 290) Brand Highway, Muchea due to:

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

Advice Note

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

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 May 2016*

Report Date	15 June 2016
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 31 May 2016
Attachments	1. Statement of Financial Activity for period ending 31 May 2016 Bank reconciliation for period ending 31 May 2016 List of accounts paid for May 2016

Executive Summary

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

Background

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

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

The statement of financial activity for the period ending 31 May 2016, financial statements, bank reconciliation and list of accounts paid for the period ending 31 May 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

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 monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060616

Moved Cr Tilbury / Seconded Cr Houston

That Council:

1. endorse the list of payments:
 - a. PR3700, PR3710, PR3722
 - b. EFT 12522 - EFT 12745
 - c. Municipal Fund Cheques 14073 – 14087
 - d. Direct Debits and Transfers as listed
 - e. Trust Fund Cheques 516 - 523Totalling \$1,426,724.12 for the period ending 31 May 2016.
2. receive the bank reconciliation for the period ending 31 May 2016.
3. receive the financial statements for the period ending 31 May 2016.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Schedule of Fees and Charges 2016-2017*

Report date	15 June 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	Absolute Majority
Documents tabled	Nil
Attachments	1. Draft Schedule of Fees and Charges 2016-2017

Executive Summary

Council is requested to review the proposed Shire of Chittering Fees and Charges Schedule for the 2016-2017 financial year.

Background

Each year a local government authority is required to impose a Schedule of Fees and Charges as part of the annual budget process. Reviewing the schedule prior to budget adoption allows Council the time to consider the proposed fees and charges separate to assessing the budget, allowing more time for review. Also as the 2016-2017 budget will not be adopted prior to 30 June 2016, adoption of the 2016-2017 Schedule of Fees and Charges in June will allow them to take effect from 1 July 2016.

Consultation

Executive Manager Technical Services
Executive Manager Development Services
Manager Human Resources
Principal Environmental Health Officer
Ranger
Community and Club Development Officer
Councillors Workshop (18 May 2016)

Statutory Environment

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

The schedule of fees and charges, when adopted, sets the level of revenue items contained within the budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal

Social implications

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

Environmental implications

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

Comment

An updated Schedule of Fees and Charges is submitted to Council for adoption and inclusion in the budget for the 2016-2017 financial year.

The majority of the fees and charges have remained the same as previous years, however proposed amendments have been made to some and these are listed below:

General Purpose Funding

- Rating Enquiries have been increased to reflect cost. This fee has not been increased since 2014.

Governance

- A new fee for the provision of agendas and minutes on an USB has been included.

Community Amenities

- Individual fees for Development Plans/Structure Plans and Scheme Amendments have been deleted and replaced with a new 'Scheme Amendment/Structure Plan' fee.

Engineering

- Inclusion of a fee for a Wheelie Bin Towing Bracket

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070616

Moved Cr Rossouw / Seconded Cr Gibson

That Council adopt the Schedule of Fees and Charges as presented for the financial year 2016-2017, with all Fees and Charges to come into effect as of 1 July 2016.

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

9.3.3 Sundry Debtors Write Off

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	12/05/0001
Prepared by	Veronica Robinson, Customer Service Officer Rates/Debtors
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to consider writing off three (3) Sundry Debtor Accounts totalling \$1,672.68.

Background

From time to time invoices are sent to users of the landfill site. Follow up of these invoices occurs on a monthly basis and debtors are sent statements, 7 day letters and final demands. No response has been received from these outstanding debtors therefore we are requesting that Council consider writing off these debts as the expense of recovering the money through a Debt Collection Agency would not be economical.

Consultation

Executive Manager Corporate Services
Executive Manager Technical Services

Statutory Environment

State: *Local Government Act 1995, Section 6.12(1) (c)*

Policy Implications

Nil

Financial Implications

This proposal would result in a loss of revenue of \$1,672.68, however would reflect a more accurate position of Council's receivables.

Council has a provision for doubtful debts of \$3,685.00 in the 2015/2016 Annual Financial Statements.

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 following table is a list of the outstanding Sundry Debtors and the action taken to recover each debt.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
418	9044 9190 9279	23.03.2011 28.07.2011 07.10.2011	1,585.68	These invoices relate to unpaid landfill royalties and charges. #9044 12.05.2011 – Overdue Notice 20.05.2011 – Final Notice #9190 & 9279 03.02.2012 – Overdue Notice 04.04.2012 – Final Notice	The Debts originated in 2011 and relate to unpaid landfill royalties and skip bins. The Debt collection process has been followed and the debt has been partly paid. The majority of the debt relates to legal fees for the recovery of the debt. Recommencement of recovery is unlikely to result in the balance of payment of this debt.
841	10973	18.06.2015	37.00	This invoice relates to unpaid landfill charges. 08.09.2015 – Overdue Notice 14.10.2015 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
228	11307 11316	27.10.2015 17.11.2015	25.00 25.00	This invoice relates to unpaid landfill charges. 14.01.2016 – Overdue Notice 29.01.2016 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
TOTAL BALANCE FOR WRITE OFF			\$1,672.68		

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080616

Moved Cr Rossouw / Seconded Cr Osborn

That Council write off the following Sundry Debtor invoices totalling \$1,672.68 (including GST):

- 1. Debtor 418 - \$1,585.68**
- 2. Debtor 841 - \$37.00**
- 3. Debtor 228 - \$50.00**

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

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Leasing (Disposal) of Property: 21 Binda Place, Bindoon

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	A9531; 08/01/1
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to consider the additional information, as outlined in this report, regarding the proposed use of 21 Binda Place as a local business centre. There are costs associated with the proposal and Council will need to consider whether the overall benefits to the local community justify this level of expenditure. An alternative short term use has been identified associated with the construction of Binda Place (as a project site office). While the proposed business centre use has merit, the alternative use as a project site office will result in significant project savings to Council and is recommended as the preferred use at this time.

Background

Following instructions from Council, the Chief Executive Officer sought expressions of interest for the use of the former Bindoon Medical Centre (21 Binda Place). At the conclusion of the advertising period, two expressions of interest were received; one from Trish Murrell and one from the Chittering Arts Society. Following consideration of the submissions Council, at the Ordinary Council Meeting held on 16 March 2016, resolved the following:

COUNCIL RESOLUTION 190316

Moved Cr Rossouw / Seconded Cr Osborn

That Council, prior to accepting the submission from T Murrell for Lot 21 Binda Place, Bindoon:

- 1. Obtain an independent rental market valuation.*
- 2. Place a public notice advising of the proposed disposal of Lot 21 Binda Place, Bindoon in accordance with Section 3.58 of the Local Government Act 1995.*
- 3. At the conclusion of the submission period a further report be presented for Council's consideration detailing the entire financial implications and any submissions received.*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

The submission from Trish Murrell involved transforming the building for use as a business centre with reception, 3 serviced offices, a serviced hot desk and a conference/training room. Services would initially include internet, printer, receptionist (25 hours per week), on-line booking system, telephone and co-location of information relevant to small business. Fees would be charged for the use of the facility with rates being similar to others operating in the area (e.g. Gingin CRC and Toodyay CRC). The stated goal is to cover costs and reinvest back into the centre to enhance/build services.

The proponent indicated that a new company structure would be created to manage the centre. The submission indicated that Northern Valley Tax and Business Services would initially rent one of the three offices, with the remaining two being available for rent to other businesses. It was also proposed that community groups would have access to the facility through use of the conference / training room (and that this would be reflected in an ongoing rent subsidy). The Chittering Chamber of Commerce was mentioned as one such group. Several letters of support accompanied the submission.

The proponent has requested Council assistance in the form of:

- Two years rent free – to enable start up, promotion and cosmetic changes so that the building would be suitable as a business centre.
- Provide support through promotion to existing contacts.
- Provide carpet laying throughout the building.

In accordance with the Council resolution a formal valuation was obtained from Independent Valuers of Western Australia. The valuation indicated that the “as is” market rental value for the subject property is \$13,900 pa (excluding GST), or \$270 per month (rounded to the nearest \$10).

It is not entirely clear from the proposal, exactly what the proponent is seeking from Council in terms of direct costs associated with the building conversion and fit-out. It has since been confirmed that the proponent is only seeking for Council to cover the cost of floor coverings (estimated at \$6,720). All other building conversion and fit-out costs will be covered by the proponent.

By way of background, the total cost of building conversion is estimated at \$15,200 comprising:

- Carpets - \$6,720
- Painting - \$6,000
- Plumbing - \$500
- Demolition - \$2,000

Building fit-out costs (chairs, desks, tables, storage) are estimated at a further \$9,700 comprising:

- Reception Area - \$4,260
- Conference Room - \$1,420
- Offices - \$3,000
- Kitchen - \$1,000

Consultation

In accordance with the Council resolution, the Shire placed an advertisement in the local newspaper “*Bullsbook/Gingin Advocate*” on 13 April 2016 advising that Council is proposing to offer the premises to Patricia Murrell for the purpose of a business centre on a two year free lease. The notice also included information relating to the recent market valuation for the subject property. Notices were also placed on:

- Website (‘Public notices’ and ‘Have your Say’ pages)
- Facebook
- Public notice board

Public comments were required by 4 May 2016. At the conclusion of the comment period the Shire received:

- one comment in favour
- two comments against (one received after the deadline)

In favour

The submission in favour of the proposal stated:

"...would contribute to the economic development of the Bindoon community by enabling small and start-up businesses access to professional office space and services.

....suitable for small group training, visiting consultants such as Business Local (SBDC) and a meeting place/base for the Chittering Chamber of Commerce.

In the future there are many options to explore, including a business incubator, resource centre, even co-locating the office of the Shire Economic Development Officer.

...has the potential of becoming an integral part of the Bindoon & Chittering business community."

Against

The submission received against the proposal and within the time frame stated:

"...the person that asked for this two year lease already has an existing business, Northern Valley Tax/accountant, in Bindoon. There is no reason for a shire to sponsor a local existing business with a two year free lease.

...she holds office at 27B Binda Place Bindoon. It is not in the interest of the community to take an existing business from one office away based on an incentive of two year free lease.

...two year free lease destroys other businesses and gives a precedent that cannot be followed by local investors and distorts the free market of renting commercial properties.

...have no objections if this two year free lease is an incentive for a long term lease contract, for example two year rent free if she signs a ten year lease, with guarantees that she will stay ten years.

We assume that she also has to pay all the outgoings, like rates, water usage, electricity and insurance. If not, this deal is even worse."

The submission received after the closing date stated:

"Not so long ago, this building was the subject of a public campaign centred around a business owner's (local doctor) lease conditions on the building.

The applicant is an existing business owner who will start a new business entity to manage the centre. All income from the centre, will be paid to the applicant. (At this stage there has been no list of charges made available). Most business owners expect not to be in profit in the short term, why is this business any different?

Applicant does not state the level of support required from the Shire to promote the centre. (Appropriate support would be in line with that offered to other local business – no more, no less).

...can see the benefit to some larger businesses, I'm not sure there would be so much for many of the smaller home run businesses as the reason they can keep their rates down is due to not having extra overheads such as renting office space and equipment.

...appears that the applicant is suggesting a reduced rent payment to cover any free time offered to community groups. At the stated rental value of \$13,900 per annum, how much of a reduction is the applicant expecting? Does the applicant anticipate a problem in breaking even running the centre if the stated rental value was charged?

In light of the lead up to the last council elections, with an overwhelming push by ratepayers and some of the new councillors to reduce costs, I find it incredible to now hear that the Shire is planning on giving away an income that could be used in other areas of the Shire running costs.

We have ratepayers crying foul over damage to roads and properties from the recent rain, road works being delayed because of this damage, residents complaining about the lack of general maintenance and an overwhelming feeling that there is little return for the rates paid. Is it really a responsible move to give away the opportunity to earn a little income which could be used towards maintenance programs or any other areas needing attention due to a lack of funds."

Statutory Environment

State: *Local Government Act 1995, Section 3.58*

Policy Implications

1.13 Asset Management – Infrastructure Assets

Financial Implications

While Council has obtained a valuation for the subject property, the market for such product within the Bindoon Town Centre, given the specific nature of the building and the current fit-out is considered weak. The fact that only two responses were received via the Expression of Interest process is probably an indication of the current state of the market. However, this could only realistically be tested via a suitable leasing campaign.

Given the specific nature of the existing fit-out, any leasing arrangement would have to take account of the cost of converting the building for an alternative use. This can be provided for by way of a rent-free incentive, which is common practice - even for new commercial office developments. Rent free periods of six months are quite common if a tenant is signing up to a longer term lease (typically five years with a five year option). Rent free periods of up to 12 months are also becoming more common as the market continues to soften.

For commercial leases, building conversion costs and floor coverings are usually something which the owner is responsible for (but this does vary widely and is market driven). However, an owner will not usually undertake such works until a commercial lease is in place. The provision of furniture (i.e. the internal fit-out) is something which the tenant is usually responsible for.

The proposal, as it currently stands, is for the proponent to undertake the conversion and fit out the existing building (estimated to cost around \$18,000) and for Council to fund the floor coverings (approximately \$7,000). In recognition of the start-up costs, the proponent is seeking for the building to be provided rent free for the first two years with no guarantee of returns after the initial rent free period.

Additionally, the proponent is asking Council to consider the benefit to the community and to local business from having a functioning business centre which provides a low cost alternative and permanent office for up to three businesses and hot desk arrangements for other start-up operators/entrepreneurs. The centre is also intended to provide a training/conference facility for the local business community and community groups (in return for an ongoing rental concession). The proponent is happy to meet with Council to discuss the proposal further if the Council considers this necessary.

An alternative short term use has also been identified for the building which will save Council significant funds associated with the construction of the Binda Place Project. All tenders for the Binda Place project included substantial costs associated with mobilisation and the provision of a project site office. Given its location, 21 Binda Place would be well situated to serve this need. It is estimated that Council would save around \$40,000 in project costs if 21 Binda Place were made available for use as a project site office for up to 12 months commencing in July 2016. This is equivalent to three years of rental at a full commercial rate.

It is recommended that Council consider this alternative use as a more beneficial allocation of resources in the short term.

Strategic Implications

The arrangement which is being proposed in this particular instance is quite unique. It would be more common for a Council to enter into such arrangements with an established community based group (such as the local Chamber of Commerce).

In this case, the proponent has suggested that it is more appropriate to establish a new company structure with a single director and shareholder and that the stated purpose of the company structure is to ensure that the costs involved in running the centre are covered and to overcome issues associated with the changing and volunteer nature of community groups.

Should Council wish to proceed, the formal details associated with the proposed arrangements would need to be negotiated and agreed with all parties. Ultimately, these details should be included in an appropriate lease agreement (say 5 years with a 5 year option).

Strategic Community Plan 2012-2022

- *Built environment: Infrastructure for future lifestyle choices*

Outcome	Local and central activity areas supporting community needs
Strategy	<ul style="list-style-type: none"> • Create options to enhance growth, redevelopment, activity and the individuality of the local areas <ul style="list-style-type: none"> ○ Build and create local hubs – by local needs • Provide a regional and central area providing recreation, employment, housing and service choices <ul style="list-style-type: none"> ○ Continue to develop Bindoon as the Regional Centre ○ Redevelopment of Binda Place as an attractive, inviting and functional main street environment
- *Economic: Prosperity for the future*

Outcome	Economic growth
Strategy	<ul style="list-style-type: none"> • Facilitate local service growth <ul style="list-style-type: none"> ○ Plan and promote Local hubs – retail, home businesses • Support local businesses <ul style="list-style-type: none"> ○ Promote local businesses

Site Inspection

Site inspection undertaken: Yes

Independent Valuers of Western Australia undertook an inspection of the property on 30 March 2016 for the purpose of calculating the value of the property.

Triple Bottom Line Assessment

Economic implications

The economic implications are related to:

- a. The direct financial costs as outlined in this report.
- b. The potential benefit to the local business community and local economy resulting from the creation of a local business centre.
- c. Potential cost savings associated with the alternative 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

It is recommended that Council give consideration to the alternative use as outlined in this report.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090616

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

- 1. Thank the proponent for their time and effort in preparing the proposal to lease 21 Binda Place, Bindoon.**
- 2. Advise the proponent that Council has decided not to proceed with the proposal at this time.**
- 3. Allocate the building for use as a project site office associated with the Binda Place Project.**
- 4. Note that the allocation of 21 Binda Place as a site office will save Council \$40,000 in project costs.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Land Swap: St Johns Ambulance

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	03/01/7
Prepared by	Alan Sheridan, Chief Executive Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council is requested to re-consider the financial implications of the proposed land swap and to consider an alternative arrangement which is based on a simple land disposal, together with a deferred payment arrangement.

Background

Council first received correspondence from St John Ambulance in April 2013 proposing a land swap which would enable them to build a new sub-centre closer to the Chittering Health Centre. The proposed new site also includes new training facilities, on-site accommodation and the ability for ambulance vehicles to drive in and out of the facility without the need for reversing, which is the preferred method of operation.

As part of the proposed land swap, the existing St John Ambulance facility (land plus improvements) would be transferred to Council. The proposed deal would involve Council paying \$105,000 to St John Ambulance for a parcel of land, including a house and shed, for which it has no identified use. As Council is seeking to rationalise its existing assets and reduce costs, such an arrangement would be at odds with this direction.

At the Ordinary Council Meeting held on 17 February 2016, Council resolved the following:

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190216

Moved Cr Tilbury / Seconded Cr King

That Council instructs the Chief Executive Officer to prepare a business plan in accordance with Section 3.58 of the Local Government Act 1995 (in) relation to the proposed land swap between the Shire of Chittering and St John Ambulance Chittering/Gingin and present the plan for endorsement.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

There is no point preparing a business case if Council does not support the proposed arrangement, at least in principle.

It is suggested that an alternative approach be developed which would see Council transfer the new lot to St John Ambulance (which would allow for the construction of their new facility) and for St John Ambulance to accept responsibility for disposing of its existing asset. Upon disposal of its existing asset, St John Ambulance would make a deferred payment to Council for the land. It is suggested that the terms of this arrangement could be drafted into a document which is legally binding on both parties.

The proposed arrangement has a number of advantages for Council:

- The transaction becomes a simple land disposal on commercial terms with a deferred payment arrangement (as opposed to a land swap).
- Council does not end up with an aging asset which it would then have to either dispose of, or spend money renovating/upgrading/maintaining (and identifying a suitable use).
- The risk associated with disposal of the property remains with the current owner rather than being transferred to Council.

The problem for St John Ambulance is that the construction of their new facility relies on the \$105,000 which would have been made available via the proposed land swap. From recent discussions with St John Ambulance, the new facility will cost in the vicinity of \$500,000 to \$600,000.

However, there may be options for overcoming this obstacle. One option might be for the organisation to sell the property and lease it back for a period of time while their new facility is under construction. Such arrangements are quite common for residential sales, however the property in question may not be attractive to a prospective buyer under such an arrangement. The downside here is that the organisation will have to pay lease costs which will eat into the funds available for the new facility.

A second option is for Council to provide a loan to the organisation and for that to be paid off at the same time as the deferred payment on the land. The risk for St John Ambulance (and to an extent, Council) is the ability to raise the necessary revenue from the disposal of their existing premises.

There are other important issues for Council to consider in regard to this proposal:

- As with many volunteer organisations, St John Ambulance is experiencing difficulty in recruiting and retaining volunteers. At present the organisation relies on a relatively small number of dedicated volunteers to sustain the service. The availability of a new facility, including modern training rooms and accommodation, will assist in the recruitment and retention of volunteers and in the sustainability of this vital service.
- The presence of a new facility, in close proximity to the new medical centre, will also present a positive image that the town and community has confidence in, and is investing in, its future. This, combined with other initiatives such as the redevelopment of Binda Place, the NBN and the proposed sewerage scheme, will underpin the future development of the town and allow for other important initiatives to proceed, such as the proposed independent living units.
- It is unlikely that the existing St John Ambulance facility could be disposed of for its assessed market value of \$380,000. The current valuation was obtained in February 2015 and is very much out of date, however a more current market valuation would also impact on the value of Council's land. The situation for St John Ambulance, which is seeking to generate approximately \$100,000 from the transaction to contribute to their new facility, would be similar. However, the real value of a property can only be tested by putting it on the market.

In light of the above, it is suggested that Council might ultimately consider offering the land to St John Ambulance at a discounted rate (depending on value which is realised on the disposal of their existing property) and providing a loan facility on favourable terms.

Consultation

St John Ambulance Chittering/Gingin

Statutory Environment

State: Local Government Act 1995, section 3.58 Disposing of Property

This proposal is exempt from section 3.58 (under section 30 of the Functions and General Regulations), should Council elect to proceed with the project.

Policy Implications

Nil

Financial Implications

The valuation for the existing St John Ambulance centre being Lot 8, 6152 Great Northern Highway, Bindoon is \$380,000 (3,786sqm – hardiplank clad house and steel clad shed) and the valuation for the proposed new site being Lot 'C' of portion of Lot 62 Great Northern Highway, Bindoon is \$275,000 (1,914sqm – serviced land). As a result, the proposed land swap would require a payment of \$105,000 payable to St John Ambulance Chittering/Gingin.

The proposed alternative would involve a transfer of land (Lot C) to St John Ambulance and a deferred payment to Council for the land. The deferred payment arrangement will allow St John Ambulance time to construct the new facility and dispose of their existing asset. Funds generated from the disposal would be used to pay Council for Lot C, with the balance going to the construction of the new facility. Regardless, St John Ambulance would require the cash component of the proposed transaction "up-front". There are options available to Council to assist in this regard.

Strategic Implications

Local: Chittering Strategic Community Plan 2012-2022

In moving the local ambulance centre closer to the new medical centre and enabling them to build a new purpose built centre will impact the community in a positive way and also address the following topics in the Strategic Community Plan:

<i>Access to local services:</i>	<i>Improve services to community</i>
	<i>Advocate for Local Health and Youth Services</i>

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The proposal has an indirect economic impact in that local construction activity would be generated during the construction of the new facility. In addition, the new infrastructure will contribute, in a very positive way, to the infrastructure enhancements which are proposed for Bindoon in the very near future including: NBN, Binda Place Upgrade, proposed sewerage scheme and the future independent living development.

Social implications

The delivery of a new facility will assist with the sustainability of a vital essential service for the local community. The social implications of not having this service available for the community are significant. It is therefore in the Council's interest to assist St John Ambulance with the delivery of this project.

Environmental implications

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

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100616

Moved Cr Gibson / Seconded Cr King

That Council:

- 1. Endorse the Chief Executive Officers' actions in initiating further discussions with St John Ambulance Chittering/Gingin with a view to identifying an alternative proposal which delivers the same outcome but which avoids the Council taking over an asset for which it has no identified use.**
- 2. Note that a further report will be provided to Council regarding this matter in due course.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.3 Fleet Management Services*

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	23/01/1
Prepared by	Alan Sheridan, Chief Executive Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Uniqco implementation proposal

Executive Summary

Council is requested to consider a proposed Fleet Management Services contract being offered by Uniqco as outlined in this report.

Background

Councillors will recall a recent presentation by Mr Grant Andrews on 4 May 2016 regarding Fleet Management. By way of background, Uniqco are Fleet Management specialists that have worked extensively with Local Governments throughout Australia over many years. Their client list includes 104 local government authorities, 4 state government agencies and 4 private companies.

Uniqco is also the Institute of Public Works Engineering Australia (the peak professional body for public works engineering) partner in delivering the IPWEA Systems Plus Plant and Vehicle Management Program including development of the best practice Plant and Vehicle Management Manual and associated training programs and workshops. The company web site is www.uniqco.com.au.

Council's 2015/16 fleet program included the change-over of a number of fleet items including five light vehicles, crew cab truck, water truck and road broom. Overall, the fleet is in good shape, with no major purchases programmed for 2016/17. The only items included on the current program for 2016/17 are the Toro mower (business case under preparation) and the change-over of seven light vehicles. The light vehicle change-overs have been placed on hold (and not included in the draft budget) pending Council's consideration of the proposed consultancy.

Uniqco's Fleet Management implementation proposal for the provision of services to Council over the next 12 months is attached (refer Attachment 1). Mobile plant and equipment represents a significant investment for Council. The purpose of the consultancy is to deliver best practice whole of life cycle plant and fleet management. This is not to say that Council's Fleet has been poorly managed in the past. It is simply a recognition that with modern plant and fleet management systems, policies and practices, improvements can be made. The purpose of this approach is to deliver:

- Management of mobile assets over its whole of lifecycle;
- Accountabilities and governance regardless of ownership of plant assets (own, hire or lease);
- Line of sight from the fleet to organisational service delivery outcomes to rate payers;
- Communication and relationships with internal and external service providers;
- Financial risk management in both capital and recurrent spend;
- Operator training and OHS risk; and
- Application of both the on road and maintenance Chains of Responsibilities.

Benefits and outputs are summarised in the proposal. However, a fundamental tool in implementing improved fleet systems is to collect relevant data from a number of sources and to upload the data to cloud based software systems for interrogation, reporting and benchmarking. The data can also be used to assist with fuel rebate claims, FBT reports and asset accounting purposes (fair value assessment).

To be more specific, some of the direct benefits include:

- Potential cost savings through strategic management of mobile assets
- Lower financial risk - major mechanical overhaul, selling too early (too much depreciation)
- Lower OH&S risk - maintenance records, on road risk of overload etc
- Cost savings for staff in gathering information on FBT (this is automated)
- Cost savings for staff in gathering and calculating data for fuel tax reports (provided as part of the reporting system)
- Cost savings in valuing the fleet assets (fair value statement) every year this is part of the service
- Environmental reporting

The proposed fee for undertaking these services over the next 12 months is \$30,000 (excluding GST) to be paid in arrears in monthly instalments as per page 9 of Attachment 1. The project schedule is detailed on page 10 of Attachment 1 which includes the delivery of the first KPI report within three months, a second KPI report in six months (which will identify savings) and monthly KPI reports commencing after six months (representing the commencement of the operational phase of the project).

Consultation

Councillors (workshop 4 May 2016)

Statutory Environment

State: Local Government (Functions and General) Regulations 1996 - Regulation 11

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000.

State: Local Government Audit Regulations 1996 – Regulation 17

The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal controls and legislative compliance.

General comments

The recent release by the Department of Local Government of the MyCouncil Website and the publishing of a comparative financial performance indicator (FHI – refer note below) signals a greater focus on local government accountability and performance into the future. Regardless of current measures already in place, there will need to be a greater focus on Integrated Planning, Asset Management Planning, operational and capital savings and efficiencies and alternative sources of revenue. The proposed project will form part a suite of systems and controls which assist in delivering that outcome.

Note: A Financial Health Indicator (FHI – refer note below) has been established for each local government based on each Shire's financial ratios. Recently published data shows that the Council is performing very well in this regard, achieving a score of 94 out of 100 for last financial year. The FHI is a measure of a Local Government's overall financial health and is a weighted average of the seven financial ratios that Local Governments are required to calculate annually. An FHI result of around 70 indicates sound financial health and the maximum achievable result is 100.

Policy Implications

2.12 Purchasing Policy

Purchasing value between \$10,001 and \$30,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$10,001 and \$30,000. At least two verbal or written quotations are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

In this case there is only one supplier capable of providing the goods and services as specified.

Financial Implications

The proposed consultancy is valued at \$30,000 (excluding GST). For budgeting purposes, this has been allowed for in the draft 2016/17 budget.

Strategic Implications

Chittering Strategic Community Plan 2012-2022

- *Governance: Strong Leadership*

Outcome	Sustainable Organisation
Strategy	<ul style="list-style-type: none">• Maintain an efficient and capable organisation<ul style="list-style-type: none">○ Develop Financial, Asset, Workforce and IT Plans.○ Service Plans.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

In terms of financial return, Council will recall, from the briefing 4 May, that the anticipated return on investment is around 4 to 1 through the implementation of improved fleet management practices. That is, a projected return to Council of \$120,000 per annum. This has since been confirmed with Uniqco.

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

It is recommended that Council award a contract to Uniqco for the provision of Fleet Management Services as outlined in this report.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110616

Moved Cr Gibson / Seconded Cr Houston

That Council, subject to adoption of the 2016/17 budget, authorise the Chief Executive Officer to award a contract to Uniqco for the provision of Fleet Management Services to the value of \$30,000 (excluding GST).

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.4.4 Registration of voting delegates to the 2016 Annual General Meeting of WALGA

Report date	15 June 2016
Applicant	WALGA
File ref	14/01/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

Council's consideration is requested to determine the voting delegates for the 2016 Annual General Meeting for the Western Australian Local Government Association (WALGA). The Annual General Meeting will be held on Wednesday, 3 August 2016 during the Local Government Convention at the Perth Convention and Exhibition Centre in Perth.

Background

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Monday, 4 July 2016.

Consultation

Councillors

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

It is recommended that Council appoints voting delegates and proxy voting delegates for the 2016 Annual General Meeting of WALGA.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120616

Moved Cr Gibson / Seconded Cr Rossouw

That Council appoints the following as voting delegates for the 2016 Annual General Meeting of WALGA to be held on Wednesday, 3 August 2016:

- 1. Cr Vallance and Cr Houston as voting delegates; and**
- 2. Cr Osborn as proxy voting delegate.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.5 Delegated Authority Register*

Report date	15 June 2016
Applicant	Shire of Chittering
File ref	13/05/0001
Prepared by	Danica Kay, Executive Assistant
Supervised by	Alan Sheridan, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register

Executive Summary

Council's consideration is requested to endorse the revised Delegated Authority Register.

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The 2015 review was presented to Council on 17 June 2015.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register and the 2016 Register is now presented for Council to review.

Consultation

Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services
Executive Manager Corporate Services
Manager Human Resources

Statutory Environment

Local Government Act 1995 s5.46 – Register of, and records relevant to, delegations to CEO and employees:

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

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

A list of amendments made to the Delegated Authority Register is listed below:

Delegation Number	Delegation Title	Suggested changes
DA10	Engaging Contractors	Increase the amount to \$150,000 to be in line with the <i>Local Government (Functions and General) Regulations 1996</i>
DA11	Entering in to contracts	Increase the amount to \$150,000 to be in line with the <i>Local Government (Functions and General) Regulations 1996</i>
DA20	Tenders / Quotations	Increase the amount to \$149,999 to be in line with the <i>Local Government (Functions and General) Regulations 1996</i>
DA38	Demolition Permits	Amended to be current staff names
DA39	Building Permits	Amended to be current staff names
DA40	Building Orders	Amended to be current staff names
DA41	Extension of Period of duration of an occupancy permit or building approval certificate	Amended to be current staff names
DA45	Authority to commence prosecutions	Amended to be current staff names
DA47	Subdivision	Delete points 3i) and 3ii)
DA52	Ordering Thresholds	Include the words 'within purchasing policy' after 'limits stated'
DA53	Occupancy permits or building approval certificates	Amend to be current staff names
DA54	Authority to appoint authorised persons – building	Amend to be current staff names

The intention for the amendment to the Subdivision delegation DA47 is for Officers to have delegated authority to recommend supporting or opposing subdivisions of any lot number to the WAPC for the following reasons;

- The strategic basis why subdivisions should be supported or not has already been determined by Council through previous planning processes including the Local Planning Strategy, Scheme amendments and structure planning process, so all concerns regarding design, lot size, water management, environmental management etc. has already been determined at previous stages. Subdivisions cannot be supported by the local authority if they do not comply with these 'parent' documents, therefore, it is considered unnecessary to refer subdivisions through to Council as the site has already been determined as appropriate as part of previous processes.

- In addition to this, officers have 45 days to complete subdivision referrals as we only have monthly council meetings it makes it very difficult for Officers to turn the item around within that time if it is a complex subdivision.

The Council, as delegator, is required to review its delegations annually.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130616

Moved Cr Houston / Seconded Cr Gibson

That Council endorse the Delegated Authority Register 2016 as attached.

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

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.30pm.

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