

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday, 19 June 2013

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm
Closure: 8.07pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 July 2013.

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.

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* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Azhar Awang	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Ms Danica Kay	Executive Support Officer (Minute Secretary)

There were nine members of the general public in attendance.

2.2 Apologies

Cr Michelle Rossouw

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 Item 9.1.7 - Proposed extractive industry for sand and gravel – Lot 22 Reserve Road, Muchea

Clint O'Neil, 2837 Chittering Road, Chittering

1. Condition 1 identifies a recommended approval until 30 June 2018; advice note 4 identifies a recommended approval until 30 June 2016. To avoid confusion and inconsistency, could Council explain why both approvals would not be valid to 30 June 2018, given the annual reporting requirements?
2. Condition 3 identifies a buffer area of 500 metres. It is my understanding that the establishment of buffer areas around certain activities has been a contentious issue in the recent past.

Can Council explain the functional use of the buffer at this locality, given that extraction can occur within 50 metres of the property boundary and Council is considering further rural residential development in the locality?

3. What surety can Council provide to the licence holder, that any proposed rural residential developments in the locality will not negatively impact on the business operation of the licence holder?

The Shire of Chittering provided the following responses:

1. *Condition 1 is in relation to the Planning Approval (5 years), whilst the advice note is in relation to the Extractive Industry Licence under the Local Law approval for a 2 years period initially with a further extension subject to compliance with the required conditions.*
2. *The local law specifies a minimum distance of 20m from the property boundary. Where there is an existing residence the requirement is for the extractive sites to be no closer than 500m due to noise, dust and other associated nuisance issues associated with this activity.*
3. *Where the proposed extractive Industry is located within close proximity of the proposed Rural Residential development, the extractive industry needs to be no closer than 500m from the proposed rural residential development or existing residence. It is the responsibility of the licence holder to demonstrate that the 500m buffer can be achieved without encroaching the rural residential development as part of its condition of approval. Furthermore as part of the approval process the proposed development is referred to the relevant agencies for comments in regards to their relevant Acts and Legislation.*

4.2 Public question time

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Application for Leave of Absence - Councillors Sandra Clarke and Michelle Rossouw

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010613

Moved Cr Gibson / Seconded Cr Mackie

1. That Councillor Clarke be granted a leave of absence for the period 1 July 2013 to 11 July 2013 inclusive.
2. That Councillor Rossouw be granted a leave of absence for the period 14 June 2013 to 28 June 2013 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary meeting of Council – Wednesday, 15 May 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020613

Moved Cr Mackie / Seconded Cr Clarke

That the minutes of the Ordinary meeting of Council held on Wednesday, 15 May 2013 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Draft Policy: Smoke- Free Outdoor Areas*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Draft Policy: Smoke-Free Outdoor Areas 2. Tobacco Control Grants Scheme 3. Public consultation submissions

Background

Following complaints received from parents attending sporting events about smoking in spectator areas in close proximity to non-smokers including children the Principal Environmental Health Officer circulated a Discussion Paper and Draft Policy relating to Smoke-Free Outdoor Areas to Councillors for comment.

A report was submitted to the Ordinary Meeting of Council on 17 April 2013 in which it was recommended that the Draft Policy be advertised for public comment. Council Resolution was as follows:

"Moved Cr Norton/seconded Cr Mackie

1. That Council:

(a) SUPPORT the advertising of the Draft Policy "Smoke-Free Outdoor Areas" for public comment for a period of twenty-one (21) days in the local paper.

(b) ADVISE all current lease holders of Council's facilities of the Draft Policy "Smoke-Free Outdoor Areas".

2. Following the public consultation period a report is to be PRESENTED to Council for further consideration of the Smoke-Free Outdoor Areas Policy.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0"

Consultation

The Discussion Paper and Draft Policy were advertised in the Advocate local paper on 1 May 2013. Information was also included on the Shire's website in the Public Notices section between 1 May and 23 May 2013 as well as on the Shire's library notice board. Letters were sent to 55 lessees and user groups of Council facilities inviting them to comment on the draft policy.

Statutory Environment

Tobacco Products Control Act 2006

Products Control Regulations 2006

Policy Implications

The acceptance of the Smoke-Free Outdoor Areas policy would benefit all those that attend a Council owned facility including club managers, patrons, staff and the general public by reducing the harmful effects of smoking in outdoor areas. It will provide some level of control in outdoor areas not currently covered in existing legislation and policy.

Financial Implications

There would be costs to be borne by the Shire with the provision of purchasing, installation and maintenance of suitable signage and butt disposal bins. It would not be Shire responsibility to empty bins in leased areas. These costs have been estimated as \$5,000. It is recommended that this amount be included in the 2013/2014 budgetary deliberations. However, there is also the possibility of obtaining funding through the Tobacco Control Grants Scheme (details attached).

Strategic Implications

The acceptance of a Smoke-Free Outdoor Areas Policy would be regarded as a pro-active public health strategy by Council, to mitigate the harmful effects of side-stream cigarette smoke on innocent bystanders, and help control environmental littering and pollution.

Site Inspection

Site inspection undertaken: Chinkabee Complex

Triple Bottom Line Assessment

Economic implications

The tobacco industry causes widespread sickness, disease and death in the community resulting in the expenditure of vast financial resources by the health industry. Any means of preventing people from smoking will have a beneficial economic impact. The Smoke-Free Outdoor Areas Policy would encourage smokers to quit by signalling that they can have a harmful affect on others in close proximity.

Social implications

Cigarette smoking has become largely unacceptable by the community. The acceptance of a Smoke-Free Outdoor Areas Policy would be well-supported by the community and would be a further step towards combating the harmful effects of smoking and encouraging people to quit.

Environmental implications

Cigarette butts are a major source of littering and contaminate land and waterways. They are also a major cause of fires.

Comment

Five submissions were received and copies are attached to this report (attachment 3). The submissions are summarised below:

Organisation	Comments	Officers comments
St. John's Community Care	Supports policy. Envisages problem with policing of policy.	Council officers will not get involved with policing the policy as they have no legal power other than under the Smoking in Enclosed Public Buildings Regulations which covers indoor areas, outdoor eating areas and children's playgrounds.
Resident	Strongly supports policy. Was involved with Targa West which was QUIT sponsored.	
Chittering Valley Progress and Sporting Association Inc. (Lower Chittering Hall)	Totally supports policy and if possible designated smoking areas should be under cover. Have issues with butts around Lower Chittering Hall. Has concerns that Council will not monitor the policy and asks - who will?	The policy was not intended to provide covered areas. See above regarding monitoring question. The policy relies on the cooperation of clubs and patrons but no enforcement

Organisation	Comments	Officers comments
		action can be taken on offenders.
Bindoon Sporting and Recreation Association Inc. (Chinkabee Complex)	Members do not have an issue with current arrangements. No complaints have been made to the Committee. No-smoking signs have been installed around basketball courts following complaints. Areas currently being used by members are minimal with majority of areas designated non-smoking. A more restrictive policy would impact on the enjoyment experienced in the social atmosphere. The committee decided that the designated smoking areas would be the front and rear verandas.	The use of the front and rear verandas conflicts with the Shire’s existing Policy on “Smoking, Other Drugs and Alcohol” which does not allow smoking within five metres of entrances to buildings or ten metres from an air conditioning unit. (see references below) * The draft Smoke-Free Outdoors Areas Policy also places the same restrictions regarding distances from entrances and air-conditioners.
Country Women’s Association	Agree with policy but some members have concerns about restrictions. The Town Hall and Chinkabee should have designated areas for smokers. However the policy would be difficult to implement in public open spaces, e.g. parks and ovals. Events in public open places should be promoted as smoke-free events.	It is agreed that it will be difficult to monitor the situation in public open spaces e.g. parks and ovals however the provision of designated smoker’s areas is still recommended. It is expected that the concept will be gradually accepted by smokers. The provision of butt bins will also encourage smokers to use the designated smoking areas.

The Shire’s Policy on “Smoking, Other Drugs and Alcohol’ includes the following:

- The policy applies to staff, volunteers and visitors to the Shire as well as to activities conducted on and in Shire premises or on behalf of the Shire.
- Smoking is prohibited in all Council owned/leased buildings.
- Smoking is not permitted within five metres of entrances to buildings or ten metres from an air-conditioning unit.

Although there were only a small number of responses to the community consultation, the majority of respondents were in favour of the draft policy. The main concerns were with regard to the monitoring/policing of the situation when smokers do not smoke in the designated areas. With regard to this, the policy is not intended to be a forceful demonstration against the harmful effects of smoking or to reprimand smokers for non-compliance. Rather, it is intended to provide designated areas where smokers can go where they will not affect others and to provide bins for cigarette butt disposal. The policy therefore is based upon the concepts of provision and encouragement as opposed to heavy-handed enforcement.

The comments of the Bindoon Sporting and Recreation Association Inc. do not agree with mainstream public opinion (see notes below *) and their endorsement of the use of the front and rear verandas at the Chinkabee Complex clearly does not comply with existing Council Policy or the intention of the proposed Smoke-Free Outdoor Areas policy. This is all the more reason for the provision of appropriately designated smoking areas to be identified.



* There is strong public support for better and more wide-reaching tobacco control activities. A survey of residents in NSW found overwhelming support for smoking restrictions in the following areas:

- 92 % support bans in children's playgrounds
- 85% support bans outside workplace doors/entrances
- 80% support bans in sports stadiums
- 69% support bans in outdoor dining areas
- In addition, 65% say they would avoid places where they may be exposed to other peoples smoke.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION - 030613

Moved Cr Gibson / Seconded Cr Norton

That:

- (1) Council endorses the Policy – Smoke-Free Outdoor Areas.**
- (2) The requirements of the policy be progressively implemented in 2013/2014 after consultation with lessees/club representatives as to the appropriate location for designated smoking areas.**
- (3) Council authorises the Principal Environmental Health Officer to apply for grant funding from the Tobacco Control Grants Scheme to offset the cost of installing signs and cigarette disposal bins at Council's facilities.**
- (4) Council authorises a provisional sum of \$5,000 be listed in the 2013/2014 budget for implementation of the policy in case the above grant application is not successful.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Proposed amendment to Development Plan: Lots 3 and 4 Maddern Road, Lower Chittering*

Applicant	Statewest Planning
File ref	18/07/5
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Proposed Development Plan 3. Existing Development Plan

Background

Council is requested to consider the application to the proposed amendments to the Development Plan for Lot 3 and 4 Maddern Road, Lower Chittering.

The current Development Plan was endorsed by Council at its 22 February 2006 Ordinary Council Meeting and endorsed by the Western Australian Planning Commission on 24 March 2011. The proposed amendments do not result in an increase or decrease to the number of lots and maintains the required lot sizes for Rural Residential development. The proposed amendments are predominantly for the purpose to improve the lot and road layout, and improve the alignment of the Public Open Space to 'capture' the area of environmental significance.

Consultation

The application was not advertised or referred to agencies as the proposed amendments to the Development Plan do not result in an increase in the total number of lots.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

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

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

Clause 5.8.1 of the Scheme applies to the proposal:

5.8.1. Requirement for a Development Plan

Subdivision shall be generally in accordance with an Outline Development Plan prepared in accordance with Council policy or any subsequent variation approved by the Council and the Western Australian Planning Commission.

An application for subdivision of land in these zones is to be accompanied by an Outline Development Plan prepared in accordance with Council policy which indicates and addresses the following but is not limited to:

- Lot sizes, dimensions and identification of building envelopes or building exclusion areas;*
- Areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc, as may be considered appropriate;*
- Strategic firebreaks;*
- Any Catchment Management Plan recommendations;*

- (e) Any part of the natural environment which is required to be protected from degradation or required for landscape protection;
- (f) An assessment of the presence and impacts of Dieback in consultation with Council and the appropriate State government environmental agency and the ability of the subdivision design and works to mitigate against the spread and effect of Dieback;
- (g) Any facilities which the purchasers of the lots will be required to provide (eg. Their own potable water supply, liquid or solid waste disposal, etc);
- (h) Areas where conventional septic tanks may not be suitable;
- (i) The description of adjoining land(s) and their uses;
- (j) Remnant vegetation and any land affected by rare and endangered flora and fauna;
- (k) Location of watercourses, drainage lines and areas of inundation and the distance of any infrastructure from these.
- (l) Identify the area/s that need to comply with an approved Environmental Management Plan.

Policy Implications

Shire of Chittering Local Planning Policy No 32 – Development Plans

Section 5.6 of the Policy outlines Council's requirements for an amendment to a Development Plan:

5.6 Amendment

- a) Any amendment to a Development Plan requires endorsement of the Council and WAPC and Council adoption;
- b) Where the amendment does not increase the number of proposed lots an application to vary a Development Plan is to be accompanied by a statement of the reason for the change;
- c) Where the amendment increases the number of proposed lots an application to vary a Development Plan is to be accompanied by a submission that addresses:
 - i) available water supplies and the capacity of other required utility services;
 - ii) any landform or vegetation constraints;
 - iii) the attitude of existing nearby landowners and residents to the proposed increase in density;
 - iv) the additional demand for community amenities arising from the increased population;
 - v) the additional motor traffic generated by the increased population;
- d) In considering an amendment to a Development Plan that increases the number of proposed lots the Council may:
 - i) advertise the amendment in accordance with the requirements of the Scheme;
 - ii) request the applicant to remedy any identified deficiency in relation to road, utility or community infrastructure resulting from the needs of the increased population, prior to approval of the amended Development Plan.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

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

Shire of Chittering Town Planning Scheme No 6

The proposed amendments to the Development Plan do not alter the lot sizes or increase the number of lots. The amendments are considered minor to further compliment the site by realigning boundaries and the roads, and maintain the objectives of the zone and compliance with the Scheme.

Local Planning Policy No 32 – Development Plans

The application to amend the Development Plan is guided by Section 5.6 c) and d) of the Policy. The Applicant has provided justification for the amendments as per Section 5.6 b) of the Policy.

Proposed Amendments

In brief, the Applicant proposes the following amendments to the Development Plan:

- (i) Relocate the Public Open Space along the watercourse alignment in the south-west area.
- (ii) Shift the boundary between Lots 78 and 79 to retain the existing dam on one property.
- (iii) Reorientate the boundary between Lots 96 and 97 from north-south to east-west to provide for building envelopes in areas requiring minimal clearing.
- (iv) Adjust road alignments to accommodate the topography of the site.

The predominant reason for the proposed amendments is to improve the road and lot layout to compliment the site and improve the alignment of the Public Open Space.

Noted changes

It has been noted that the proposed Development Plan does not map areas subject to revegetation. The endorsed Development Plan indicates and maps the areas subject to revegetation. The proposed Development Plan indicates revegetation as a requirement but does not map where it is to be undertaken, effectively removing any requirement to revegetate. It is recommended that the Development Plan be modified to include the areas for revegetation as previously endorsed by Council.

It has also been noted that the building envelopes in Stage 1A of the development have been relocated. It is understood that this is proposed to minimise clearing as is the case with the other building envelopes in future stages, however Stage 1A is completed and it is considered appropriate to maintain the original locations of the building envelopes to avoid any inconsistencies.

Concluding comments

It is considered the proposed amendments to the Development Plan are not significant and provide a better result in reducing impact on the land and improving the allocation of Public Open Space area.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040613

Moved Cr Norton / Seconded Cr Gibson

That Council:

- (1) endorses the Amended Development Plan for Lots 3 and 4 Maddern Road, Lower Chittering subject to the following modifications:**
 - (a) that revegetation areas shall be mapped on the Amended Development Plan as per the previously endorsed Development Plan.**
 - (b) That Lot 57 to be modified as Council does not support battle-axe lots.**
- (2) authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Amended Development Plan.**
- (3) forwards the endorsed Amended Development Plan to the Western Australian Planning Commission for approval and endorsement.**

Advice Note:

That the WAPC and the applicant be advised to continue Guernsey Rise through to the intersection of Maddern South Road to the satisfaction of the Chief Executive Officer.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.3 Section 70A Notification and Grant of Easement WAPC 146568: Lot 9001 Morley Road, Lower Chittering*

Applicant	Chittering Enterprises Pty Ltd
File ref	18/03/70
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Section 70A Notification documents 2. Draft Deposited Plan 76946

Background

On 31 October 2012 the Western Australian Planning Commission granted a subdivision approval for Lot 9001 Morley Road, Lower Chittering subject to a number of conditions. The subdivision is for thirty-one (31) lots as part of the Chittering Retreat Estate.

Conditions 8, 9 and 10 of the subdivision approval requires a notification in the form of a Section 70A notification, pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notifications is to advise the landowner there is no reticulated water supply, no reticulated sewerage service and that the land is subject to a Fire Management Plan.

An easement for access for fire fighting purposes (strategic firebreak) is required over the lots consistent with the approved Fire Management Plan.

There is no delegation in place for the Shire's Administration to authorise the Shire of Chittering to affix the Common Seal, hence the report to Council to formally request the Common Seal to be affixed.

Consultation

Not applicable

Statutory Environment

Transfer of Land Act 1893 (as amended)

Policy Implications

Execution of documents

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

In order to satisfy Conditions 8, 9 and 10 of the subdivision approval, the Applicant is to provide a Section 70A Notification and Grant of Easement Notification of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

As this is a formality, it is recommended that Council supports the authorisation of the Chief Executive Officer and the Shire President to affix the Common Seal as a requirement of the subdivision clearance.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 050613

Moved Cr Gibson / Seconded Cr Norton

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the following:

- (1) Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to no reticulated water supply, lot being subject to a Fire Management Plan and no reticulated sewerage service on Deposited Plan 76946.
- (2) Grant of Easement Notification of the *Transfer of Land Act 1893* (as amended) relating to the access for fire fighting purposes on Deposited Plan 76946.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

PROCEDURAL MOTION

Moved Cr Hawes / Seconded Cr Clarke

That item 9.1.4 'Proposed Change of Use: Respite Retreat – Lot 111 (RN 138) Valley View Drive, Chittering' be raised from the table as further consultation has been undertaken.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.4 Proposed Change of Use: Respite Retreat – Lot 111 (RN 138) Valley View Drive, Chittering*

Applicant	Northern Compassion Incorporated
File ref	A3046; P003/13
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Council Minutes 17 April 2013 Item 9.1.4 2. Schedule of Submissions 3. Additional Information Provided by Applicant

Background

The above matter was previously considered by Council at its Ordinary Council meeting held on 17 April 2013, whereby Council resolved as follows:

COUNCILLOR MOTION / COUNCIL RESOLUTION – 070413

Moved Cr Mackie / Seconded Cr Clarke

That item 9.1.4 'Proposed Change of Use: Respite Retreat – Lot 111 (RN 138) Valley View Drive Chittering' LAY ON THE TABLE to enable further public consultation to be undertaken.

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

Below is a transcript of the agenda report of that meeting:

“Background

Council’s consideration is requested for the proposed Respite Retreat to be established at Lot 111 (RN 138) Valley View Drive, Chittering.

The Applicant proposes to develop the Respite Retreat in stages, the first stage of which will be a nine (9) bedroom dwelling for the accommodation of six (6) to eight (8) patients, one (1) case worker and one (1) support staff (cooking, cleaning and caretaking of the grounds). This application does not seek approval for the proposed dwelling at this time, but for the proposed change of use, which is subject to condition of sale. It is ultimately intended for the facility to be expanded to provide up to thirty (30) guests, which the Applicant is requesting Council approval for.

During the assessment of this item, it was originally identified as a ‘Rehabilitation Clinic’ due to confusion about the type of accommodation provided and the patients who would be utilising the retreat. Subsequently, the application was also advertised with this title, with details being sent to surrounding landowners and a sign being placed on the corner of Chittering Road and Valley View Drive. This may have resulted in a number of comments being received from public due to the role and purpose of the retreat being unclear.

A presentation was made by the Applicants to available Councillors on Wednesday, 27 March 2013, giving Councillors the opportunity to raise questions and clarify matters of concern.

Guests at the retreat will be voluntary paying guests only and will not be forcefully referred by Government Agencies to attend the retreat. The details of the application are outlined in attachments 2 and 3.

Consultation

The application was referred to the surrounding landowners for comment, with a sign also placed on the corner of Chittering Road and Valley View Drive to inform public in the locality. During this time 18 submissions were received – 17 of which objected to the application and one (1) which submitted questions for Council consideration. Please refer to the Consultation Plan and Schedule of Submissions in Attachment 4.

The application was referred internally to the Shire's Executive Manager Technical Services, Jim Garrett. It was advised that:

- The current constructed standard of Valley View Drive is appropriate for access to the proposed respite retreat; and
- The proposed vehicle movements are not considered excessive for the standard of road construction and do not require upgrade.

The application was also referred internally to the Shire's Principal Environmental Health Officer, Glenn Sargeson. It was advised that:

- As the current application is for a change of use only, any future conditions relating to health and the future building should be considered as part of future applications for buildings to be constructed on the property, and not part of this application; and
- It is likely that the future buildings on the property will be considered Lodging Houses, as defined by Part 8 of the Shire of Chittering Health Local Laws 1998, and should be appropriately assessed as such.

Internal consultation did not raise any additional conditions for Council's consideration.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned "Agricultural Resource" by the Shire of Chittering Town Planning Scheme No 6. 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 proposed use of 'Respite Retreat' does not fall within any use class of the Scheme. A "Use Not Listed" is assessed based on the requirements listed in Clause 4.4.2 of the Scheme, which are outlined below:

- "4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may-
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or

- (b) *determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
- (c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The property is located within the “Landscape Protection” Special Control Area. The planning requirements for this special control area are outlined below:

“6.2.4 Planning Requirements

In dealing within an application for Planning Approval, the Local Government will not support:

- a) *a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- b) *land uses which are not related to the general objectives of the zone;*
- c) *the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- d) *the removal of any natural vegetation from any ridgeline;*
- e) *the removal or lopping of trees other than for-*
 - (i) *fire fighting of fire protection purposes;*
 - (ii) *the removal of dead or dying trees;*
 - (iii) *clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
 - (iv) *if the vegetation is posing a risk to public safety;*
 - (v) *the vegetation is part of an area planted for fodder, timber plantation or any other crop;*
 - (vi) *in association with the establishment of a Building Envelope.*

The Local Government may require, where appropriate, as a condition of planning approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.”

“Clause 10.2 – Matters to be Considered by Local Government

The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application

- a) *The aims and provisions of the Scheme;*
- b) *The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought;*
- c) *Any approved Statement of Planning Policy of the Commission;*
- d) *Any approval environmental protection policy under the Environmental Protection Act 1986;*
- e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- f) *Any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*
- g) *The aims and objectives of Catchment Management Plans and Principles for the Scheme Area;*
- h) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- i) *The conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the*

- Heritage List under clause 7.1, and the effect of the proposal on the character and appearance of a heritage area;*
- j) The compatibility of a use or development within its setting taking into consideration any Special Control Area.*
 - k) Any social issues that have an effect on the amenity of the locality;*
 - l) The cultural significance of any place or area affected by the development;*
 - m) The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;*
 - n) Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk*
 - o) The preservation of the amenity of the locality;*
 - 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;*
 - q) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
 - r) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - s) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
 - t) Whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area;*
 - u) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v) Whether adequate provisions have been made for access by disabled persons;*
 - w) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
 - x) Whether the proposal is likely to cause soil erosion or land degradation;*
 - y) The potential loss of community service or benefit resulting from the Planning Approval;*
 - z) The conservation of water resources;*
 - aa) Any relevant submissions received on the application;*
 - bb) The comments or submission received from any authority consulted under clause 10.1.1; and*
 - cc) Any other planning consideration the Local Government considers relevant.”*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The subject site is classified as “Agricultural Resource” by the Shire of Chittering Local Planning Strategy. The site is also included within the Chittering Valley Geographic Unit and the Landscape Protection areas of the Strategy.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

During the referral process, 17 objections were received to the proposal with one public submission lodging a number of questions with Council.

Environmental implications

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

Comment

Consultation

During the referral period a total of 18 submissions were received, of which 17 opposed the proposed rehabilitation clinic (now defined as a respite retreat) and one raised a number of questions regarding the proposal. In summary, objections raised the following issues:

- 1) The security risk posed if the application is approved;*
- 2) The poor access to the location of the proposed facility;*
- 3) The undermining of the Scheme in the approval of the use in this predominantly agricultural area;*
- 4) The likely impact on land values;*
- 5) The credibility of the organisation running the facility, the defined deliverables of the project and how it will be governed/overseen by other organisations;*
- 6) The requirements or burden placed on the Shire of Chittering to provide extra services to such a facility;*
- 7) The isolation of the facility for urgent medical and police assistance;*
- 8) The safe and continued operation of the farm for productive agricultural purposes; and*
- 9) The lack of information provided with the application for such a use.*

In response to the submissions raised, the Applicant responded that:

- (a) The type of participants to utilise the program will be vetted by an application process to ensure that they are both active and willing participants in the program. These applicants are paying guests and will not be enrolled in the program without showing a willingness to participate;*
- (b) The access is suitable for the proposed use, which will not generate an excessive amount of traffic for Valley View Drive. In addition, participants will be transported to and from the site using only the transport of the organisation. Participants will not be able to enter or leave the site at will and all professional appointments will either take place in the Perth Metropolitan Area or via visiting professionals;*
- (c) The facility is based upon the model operated by One80TC in New South Wales. Although Northern Compassion Inc does not currently operate such a facility, they will contract help from One80TC to help establish the facility and its programs, as well as train staff in the running of the facility. The retreat will also be closely aligned with the Esther Foundation, an organisation based in South Perth with a similar program for females;*
- (d) The participants are required to be referred by government bodies and are vetted through the application process to ensure they are both willing and active participants;*
- (e) Northern Compassion Inc is a Public Benevolent Institution that is listed in Western Australia and recognised by the Australian Taxation Office. The defined deliverables of the project have been listed in the original application;*
- (f) No additional facilities or services will be required to be provided by the Shire of Chittering to administer such a facility;*
- (g) It is not envisaged that urgent police and medical assistance will be required, nor would there be additional burden placed on these services, as the participants are not*

recovering, rather the program is for those willing to change their lives and be active participants in society;

- (h) The farming practices will continue if the use is approved, as the use only affects a small portion of the land. It is anticipated that the program will incorporate agricultural practices to assist participants; and
- (i) The level of information provided is suitable for the change of use. The purpose of the application is to ensure Council will permit such a use prior to the purchase of the property.

A briefing was also held with available Councillors on the Wednesday, 27 March 2013. The purpose of this briefing was to provide Councillors the opportunity to raise comment or concern and for these questions to be answered by the Applicant. Present at the meeting was the Applicant (Grahame Barlow and Pastor Spencer, both of Northern Compassion Inc) and Rod Lavater (Administrator at the Esther Foundation).

During the meeting, it was agreed that public members who made submissions on the proposed rehabilitation clinic be forwarded the contact details of the Applicant, such that they can raise individual concerns and discuss the proposal. A letter inviting public submittees to contact the Applicant for any clarifications or questions was sent on the Friday, 5 April 2013, which also advised that the application would be considered at the April Ordinary meeting of Council.

Prior to the meeting, the Applicant also sent an email to the Shire of Chittering clarifying the following:

- 1) The program is affiliated locally with the Esther Foundation and is based on a program operated in New South Wales, being One80TC;
- 2) The operating staff and their qualifications has not yet been established, due to the program not currently being operated;
- 3) They wish to remove all concern from the operation of the facility and the perceived lack of concern in the community;
- 4) Northern Compassion Inc is made up of a number of people, including Councillors, and State member of Parliament, business people and clergy;
- 5) Due to the security concerns raised by residents, it is believed the program can be run without the admittance of those considered addicted to drugs or recovering from addiction; and
- 6) The security of the site is ensured through 24/7 presence of staff whilst participants are at the facility.

The Applicant has also provided an intake assessment matrix, which identifies the following:

- (i) The Applicant is aware and willing to participate in the voluntary program;
- (ii) The Applicant has been recommended by prequalified organisations;
- (iii) The Applicant's reasons for referral align with the program deliverables;
- (iv) The Applicant is willing to contribute to relevant program costs;
- (iv) The Applicant is satisfied that all visitations will occur off-site;
- (v) The Applicant is willing not to bring any form of transport to the site;
- (vi) The Applicant is confirmed as a non-drug user;
- (vii) The Applicant has satisfied that there are no ongoing mental health issues;
- (ix) It is confirmed that the Applicant is not likely to require emergency medical treatment; and
- (x) It is confirmed that the Applicant is not a registered sex offender.

Based on the above, it is deemed the applicant has met the relevant requirements of the Shire of Chittering demonstrating that:

- 1) The respite retreat will be run in a manner that will not compromise the surrounding neighbours of the amenity of the locality;

- 2) *The security concerns of residents have been addressed through ensuring the participants face a rigorous application process, removing the ability of participants being accepted into the program where they are addicted to drugs, recovering from addiction or are a registered sex offender;*
- 3) *The approval of the development will not undermine the Scheme, as the agricultural use of the land will continue should the change of use be approved;*
- 4) *The access to the proposed retreat is satisfactory, as outlined by advice from the Technical Services Department;*
- 5) *The facility is unlikely to require urgent medical or police assistance to be required above a normal level;*
- 6) *The Shire of Chittering will not be required to provide additional services or assistance for the operation of the facility; and*
- 7) *The Applicant has provided sufficient information to the Shire of Chittering to assess the application on its merits.*

Shire of Chittering Town Planning Scheme No 6

Objectives of the Zone:

- *“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 proposal does not seek to remove agricultural land from productivity. Whilst the details are not formalised, it is proposed to collocate the proposed structures with the existing buildings on the property. There is not currently a dwelling on this property. Also, the scale of the proposal, to develop a dwelling type structure in the first instance, is not considered to have significant implications for the protection of the landform and landscape values, nor is likely to result in significant land degradation.

“Use Not Listed” Council has the ability to determine a use not listed based upon the provisions of the Scheme listed previously.

“Landscape Protection Special Control Area”

The proposal is currently for a change of use to “Respite Retreat”. Should Council determine to approve the proposed change of use, applications for building and structures will be assessed separately to this Application for Planning Approval.

Matters to be considered by Local Government

- a) *The aims and provisions of the Scheme*
The aims of the Scheme are outlined in Clause 1.6. Particularly relevant is 1.6 b. pertaining to the protection of agricultural land from inappropriate subdivision and development. As it outlined by the applicant, the land will remain in agricultural production as part of the programme, therefore the proposal is likely to have minimal impact on the supply of agricultural land.
- b) *The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought. The proposal does represent orderly and proper planning. As it is a use not listed, it has been assessed and processed as per the requirements of Clause 4.2 of the Shire of Chittering Town Planning Scheme No 6.*

- c) *Any approved Statement of Planning Policy of the Commission*
Non-applicable
- d) *Any approval environmental protection policy under the Environmental Protection Act 1986*
Non-applicable
- e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State*
Non-applicable
- f) *Any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme*
Non-applicable
- g) *The aims and objectives of Catchment Management Plans and Principles for the Scheme Area*
Non-applicable
- h) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve*
Non-applicable
- i) *The conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character and appearance of a heritage area*
Non-applicable
- j) *The compatibility of a use or development within its setting taking into consideration any Special Control Area*
The proposed change of use is for the use only at this time. Future buildings will be required to be assessed in accordance with the requirements of the Shire of the Chittering at the time of future applications.
- k) *Any social issues that have an effect on the amenity of the locality*
As is outlined in the Schedule of Submissions, a number of submissions raised valid concerns to Council of the approval of the proposed 'rehabilitation clinic'. Additional information has been submitted by the applicant to address these concerns.
- l) *The cultural significance of any place or area affected by the development*
Non-applicable
- m) *The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;*
The proposal is for the agricultural land to remain in production, with little or no effect from the development of the buildings associated with the change of use in the future.
- n) *Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk*
The proposed change of use relates to land that is off of the flood plain of the Brockman River. Also, the majority of the land has been cleared of remnant vegetation, in particular regard to the area in which the use is to be located. Development of the property can be required to be in accordance with Planning for Bush Fire Protection Edition 2 2010.
- o) *The preservation of the amenity of the locality*

The proposal does represent a use that is not normally considered by Council and in a predominantly agricultural area. However, the scale of the buildings is not likely to significantly impact on the amenity of the locality.

- 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 not proposed as part of this application, it is proposed to develop a number of residential buildings to house participants, which will be developed in three stages. The appearance of the proposal and location of buildings is not finalised and this application relates to the change of use only.

- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles*

Valley View Drive is the primary means of access to the proposal. This is a no through road which crosses the Brockman River. It was raised in the submissions that the current state of the road is not sufficient for the additional vehicular traffic to be generated by the proposal, particularly if the proposal is to extend for up to 30 persons. As commented by Jim Garrett, Executive Manager Technical Services, the road is of sufficient capacity for the first stage of the proposal, but may need to be upgraded should any expansion beyond the first 8 participants occurs. This will be considered at the time of future development applications.

With regard to on-site parking and infrastructure, this will be required to be assessed by the Shire of Chittering at the time the first stage residential building is assessed, as well as subsequent applications.

- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

In its first stage, the Applicant has outlined that the proposal will generate 2-4 traffic movements per day, with an expected increase up to 8 vehicle movements per day during construction and when other qualified practitioners visit the site. The Executive Manager Technical Services has advised that the existing road can accommodate this number.

- s) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal*

Public transport facilities do not operate in the area. Transport to and from the facility is to be provided by the facility to and from the Perth Metropolitan Region.

- t) *Whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area*
Non-applicable

- t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)*
Non-applicable

- u) *Whether adequate provisions have been made for access by disabled persons*
Non-applicable

- v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved*
Non-applicable

- w) *Whether the proposal is likely to cause soil erosion or land degradation*

Non-applicable

- x) *The potential loss of community service or benefit resulting from the Planning Approval*
Many of the submitters outlined that the location in question is isolated. However, the proposal will not result in the potential loss of community service or benefit nor will form an additional load on the Shire of Chittering servicing requirements.
- y) *The conservation of water resources*
Non-applicable
- z) *Any relevant submissions received on the application*
All submissions received have been provided in the Schedule of Submissions for Council review and are outlined above.
- aa) *The comments or submission received from any authority consulted under clause 10.1.1*
No submissions have been received from authorities at the time of preparing this item. If a submission is received from the Western Australian Police, this will be tabled to Council.
- bb) *Any other planning consideration the Local Government considers relevant*
Matters for planning consideration have been addressed above.

Concluding comments

In light of the submissions received and the additional details provided by the Applicant, it is the view of the Shire officer that this use could be approved and operate in a manner that will have minimal impact on the amenity of the locality and the productive agricultural use of the land.

OFFICER RECOMMENDATION

- (1) *That prior to issuing Planning Approval for the proposed change of use for a 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, the Applicant SUBMIT the following information:*
 - (a) *A revised program overview removing all references to drug rehabilitation in outlining that the program will not be receiving participants that are addicted to drugs or recovering from addiction to drugs.*
 - (b) *A Risk Assessment and Management Plan, addressing security concerns, emergency management procedures, and the like to the satisfaction of the Chief Executive Officer.*
- (2) *That upon satisfaction of condition 1 above, the Chief Executive Officer be AUTHORISED to grant planning approval for the proposed change of use for 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, subject to the following conditions:*
 - (a) *A maximum of 30 participants (excluding staff) are to be accommodation on the site at any one time.*
 - (b) *No drug rehabilitation or recovery programs being operated on the site.*
 - (c) *The Applicant to submit a Register of Participants on an annual basis to the Shire of Chittering, which is to outline:*
 - (i) *Length of stay of participants;*
 - (ii) *Reason for referral or undertaking the retreat;*
 - (iii) *Excluding participant names for confidentiality purposes.*
 - (d) *Any events to be held on-site are to be subject to the approval of the Chief Executive Officer.*
 - (e) *At the time of submitting an Application for Planning Approval for the first stage of the development, the applicant is to provide the following:*
 - (i) *Proposed access and parking arrangements;*

- (ii) Detailed floor plans and elevations of the proposed buildings;
- (iii) A fully outlined staging plan with indicative timeframes for development;
- (iv) Detailed outline of the program.
- (f) This approval does not constitute Planning Approval for buildings proposed on the site and is limited to the change of use only.
- (g) A breach of any of the above conditions, which is not rectified within a time considered reasonable to the Chief Executive Officer, will result in suspension of this approval. A recurrence of any breach will result in cancellation of this approval.

Advice Notes:

- (1) The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
- (2) The Applicant is advised that the approval is for the proposed change of use only and not for development to occur on the property. All future development shall be subject to the approval of the Shire of Chittering."

Council's resolution stemmed from confusion over the matter during the initial consultation process with the development being titled as a 'Rehabilitation Clinic' instead of a 'Respite Retreat'.

In summary the following has occurred in processing this application:

- (1) The planning application, as outlined above, was received, being titled 'Farmstay – Drug and Alcohol Rehabilitation'.
- (2) Initial consultation occurred with the application being advertised as a 'Rehabilitation Clinic'.
- (3) Submissions were received and scheduled, with 17 objecting to the application and 1 offering questions for Council's consideration (refer to Attachment 1).
- (4) Internal consultation occurred with the Shire's Executive Manager Technical Services and Principal Environmental Health Officer in response to submissions that were made (Attachment 1).
- (5) The Applicant provided a response to all issues raised in the submissions received (Attachment 1).
- (6) Due to strong objection towards drug and alcohol rehabilitation expressed in the submissions further correspondence occurred with the Applicant. The Applicant stated that the intended function of the proposed use was more towards life and decision-making guidance and thereby willingly removed drug and alcohol rehabilitation from the program (Attachment 3).
- (7) The Applicant provided an intake assessment matrix to regulate and ensure only appropriate clients will attend the program. This matrix addresses the security, safety and criminal behaviour concerns expressed in submissions (Attachment 1).
- (8) The removal of drug and alcohol rehabilitation led to the proposed change of use being more appropriately titled 'Respite Retreat'.
- (9) A briefing occurred for Councillors to provide them the opportunity to raise comment and concern and for these questions to be answered by the Applicant.
- (10) A letter was sent which invited public submitters to contact the applicant and also advised that the application would be considered by Council at the Ordinary Meeting of Council held 17 April 2013.
- (11) A report was prepared and sent to Council as an Agenda item at Ordinary Meeting of Council held 17 April 2013 (refer to Attachment 1).
- (12) Council resolved to lay the application on the table to enable further public consultation (Attachment 1).
- (13) Further public consultation occurred with the proposed use being titled as 'Respite Retreat'.
- (14) A total of six (6) submissions were received, all reiterating their objections towards this application, which have been scheduled (Attachment 2).

- (15) The applicant reiterated his original responses (Attachment 1) to submissions received as no new issues were raised.

Consultation

Initial consultation saw eight surrounding land owners (those adjoining and accessing Valley View Drive) referred to and a sign also placed on the corner of Chittering Road and Valley View Drive to inform public in the locality. During the advertising period, 18 submissions were received (refer to Attachment 1 'Council Minutes 17 April 2013 Item 9.1.4'), with 17 objecting to the proposal and one outlining questions for Council's consideration. Thereby, nine extra submissions were received objecting to the proposal than the amount of land owners referred to.

Further public consultation saw the same land owners referred to and a sign placed on the corner of Chittering Road and Valley View Drive. However, the application was title 'Respite Retreat' instead of 'Rehabilitation Clinic'. A total of six submissions were received by the Shire, all objecting to the proposal, from only those referred to through consultation (refer to Attachment 2 'Schedule of Submissions'). No new issues were raised. Therefore, further public consultation only resulted in reiterated objection from those land owners referred in close proximity to the subject Lot.

No new issues were raised which required further internal consultation, therefore the original internal consultation, as reflect under heading 'Consultation' in the previous report is still current and relevant to the application.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

(i) *Agricultural Resource Zone*

The subject property is zoned 'Agricultural Resource' by the Shire of Chittering *Town Planning Scheme No 6*. 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."*

(ii) *A Use Not Listed*

The proposed use of 'Respite Retreat' does not fall within any use class of the Scheme. A 'Use Not Listed' is assessed based on the requirements listed in Clause 4.4.2 of the Scheme, which are outlined below:

"4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may-

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

(iii) *Landscape Protection Special Control Area*

The property is located within the 'Landscape Protection' Special Control Area. The planning requirements for this special control area are outlined under clause 6.2.4 'Planning Requirements' of the Shire of Chittering *Town planning Scheme No 6*.

(iv) *Clause 10.2 Matters to be Considered by Local Government*

The Local Government in considering an application for Planning Approval, is to have due regard to such matters, as are in the opinion of the Local Government, relevant to the use or development the subject of the application. Such matters are outlined in clause 10.2 'Matters to be considered by Local Government'.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The subject site is classified as 'Agricultural Resource' by the Shire of Chittering Local Planning Strategy. The site is also included within the Chittering Valley Geographic Unit and the Landscape Protection areas of the Strategy.

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

During the referral process, six submissions objecting to the proposal were received. A summary of the issues raised are outlined in the attached – Schedule of Submissions.

Environmental implications

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

Comment

Consultation

Further public consultation regarding this application resulted in six objecting submissions being received only from land owners referred to. In summary, objections raised the following issues:

- (i) Concerns towards the potential for crime and the decrease in the safety and privacy of people in close proximity to the development if the application is approved;
- (ii) The increase in traffic and poor access to the location of the proposed facility;
- (iii) The undermining of the Scheme in the approval of the use in this predominantly agricultural area;
- (iv) The likely impact on land values;
- (v) The credibility of the organisation running the facility, the defined deliverables of the project and how it will be governed/overseen by other organisations;
- (vi) The requirements or burden placed on the Shire of Chittering to provide extra services to such a facility;
- (vii) The isolation of the facility for urgent emergency, medical and police assistance;

- (viii) The safe and continued operation of the farm for productive agricultural purposes;
- (ix) The lack of information provided with the application for such a use;
- (x) The impression that clients would still be drug addicts; and
- (xi) The lack of capacity of the facility to respond to fire risks.

Further public consultation raised no further issues than those expressed during initial consultation. As the Applicant felt that no new issues have been raised, he reiterated his original comments in regard to the further submissions received by the Shire. To view these comments refer to Attachment 1 'Council Minutes 17 April 2013 Item 9.1.4'.

Based on the above, it is considered that the applicant has met the relevant requirements of the Shire of Chittering demonstrating that:

- The respite retreat will be run in a manner that will not compromise the surrounding neighbours or the amenity of the locality;
- The security concerns of residents have been addressed through ensuring the applicants face a rigorous application process, removing the ability of participants being accepted into the program where they are addicted to drugs, recovering from addiction or are a registered sex offender (refer to Attachment 1 'Council Minutes 17 April 2013 Item 9.1.4').;
- The approval of the development will not undermine the Scheme, as the agricultural use of the land will continue should the change of use be approved;
- The access to the proposed retreat is satisfactory, as outlined by advice from the Technical Services Department;
- The facility is unlikely to require urgent medical or police assistance to be required above a normal level;
- The Shire of Chittering will not be required to provide additional services or assistance for the operation of the facility;
- The Applicant has provided sufficient information to the Shire of Chittering to assess the application on its merits; and
- Security is further ensured through 24/7 presence of staff while participants are at the facility.

Furthermore, it is considered appropriate that prior to issuing Planning Approval a Risk Assessment and Management Plan, addressing security concerns, emergency management procedures, and the like to the satisfaction of the Chief Executive Officer is required to be submitted to better address safety, criminal and emergency concerns expressed in the submissions.

Use Definition Change

Much confusion was created by the original title of the application which was stated as a 'Rehabilitation Clinic'. This led to submissions objecting to the application which gave the impression that the proposed use was to rehabilitate drug and alcohol addicts. Further correspondence with the Applicant informed the Shire that the intended use was more towards a program which provided life and decision-making guidance. Therefore, the original advertisement of the application was inaccurate. The Applicant removed drug and alcohol rehabilitation from the program in response to the numerous objections expressed in the submissions.

Through further public consultation the title of the use was clearly defined as a 'Respite Retreat' to more accurately define the intended purpose of the proposed use. As a result fewer submissions were received in the second consultation process. The submissions that were received still reflected concern towards safety, security and criminal behaviour. There was even scepticism evident as people still thought the development of the Respite Retreat would result in the attendance of people with drug problems. These

thoughts prevailed despite the change in the selection process the applicant has outlined to ensure this is not the case.

As a decision has not been made regarding this application, therefore issues expressed in submissions received during initial consultation are still valid in determining this application. To view these submissions refer to Attachment 1.

To eliminate further confusion, it is considered appropriate that the Applicant be required to make amendments, prior to Planning Approval being issued, removing all references to drug rehabilitation from program overview, outlining that the program will not be receiving those with current or recovering from drug addiction.

Shire of Chittering Town Planning Scheme No 6

(i) *Objectives of the Zone*

The proposal does not undermine the objectives of its 'Agricultural Resource' zoning as it does not seek to remove agricultural land from productivity. Whilst the details are not formalised, it is proposed to collocate the proposed structures with the existing buildings on the property. There is not currently a dwelling on this property. Also, the scale of the proposal, to develop a dwelling type structure in the first instance, is not considered to have significant implications for the protection of the landform and landscape values, nor is likely to result in significant land degradation.

(ii) *Use Not Listed*

Council has the ability to determine a use not listed based upon the provisions of the *Town Planning Scheme No 6* listed previously.

(iii) *Landscape Protection Special Control Area*

The proposal is currently for a change of use to 'Respite Retreat'. Should Council determine to approve the proposed change of use, applications for building and structures will be assessed separately to this Application for Planning Approval.

(iv) *Matters to be Considered by Local Government, Clause 10.2*

a) *The aims and provisions of the Scheme*

The aims of the Scheme are outlined in Clause 1.6. Particularly relevant is 1.6 b. pertaining to the protection of agricultural land from inappropriate subdivision and development. As is outlined by the Applicant, the land will remain in agricultural production as part of the program, therefore the proposal is likely to have minimal impact on the supply of agricultural land.

b) *The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought*

The proposal does represent orderly and proper planning. As it is a use not listed, it has been assessed and processed as per the requirements of Clause 4.2 of the *Shire of Chittering Town Planning Scheme No 6*.

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

The proposed change of use is for the use only at this time. Future buildings will be required to be assessed in accordance with the requirements of the Shire of the Chittering at the time of future applications.

- k) *Any social issues that have an effect on the amenity of the locality*
As is outlined in the Schedule of Submissions, a number of submissions raised valid concerns to Council of the approval of the proposed 'Respite Retreat'. Additional information has been submitted by the applicant to address these concerns.
- m) *The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment*
The proposal is for the agricultural land to remain in production, with little or no effect from the development of the buildings associated with the change of use in the future.
- n) *Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk*
The proposed change of use relates to land that is off of the flood plain of the Brockman River. Also, the majority of the land has been cleared of remnant vegetation, in particular regard to the area in which the use is to be located. Development of the property can be required to be in accordance with *Planning for Bush Fire Protection Edition 2 2010*.
- o) *The preservation of the amenity of the locality*
The proposal does represent a use that is not normally considered by Council and in a predominantly agricultural area. However, the scale of the buildings is not likely to significantly impact on the amenity of the locality.
- 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 not proposed as part of this application, it is proposed to develop a number of residential buildings to house participants, which will be developed in three stages. The appearance of the proposal and location of buildings is not finalised and this application relates to the change of use only.
- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles*
Valley View Drive is the primary means of access to the proposal. This is a no through road which crosses the Brockman River. It was raised in the submissions that the current state of the road is not sufficient for the additional vehicular traffic to be generated by the proposal, particularly if the proposal is to extend for up to 30 persons. As commented by Mr Jim Garrett (Executive Manager Technical Services), the road is of sufficient capacity for the first stage of the proposal, but may need to be upgraded should any expansion beyond the first eight participants occur. This will be considered at the time of future development applications.
- With regards to on-site parking and infrastructure, this will be required to be assessed by the Shire of Chittering at the time the first stage residential building is assessed, as well as subsequent applications.
- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

In its first stage, the applicant has outlined that the proposal will generate 2-4 traffic movements per day, with an expected increase up to 8 vehicle movements per day during construction and when other qualified practitioners visit the site. The Manager of Technical Services has advised that the existing road can accommodate this number.

- s) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal*
Public transport facilities do not operate in the area. Transport to and from the facility is to be provided by the facility to and from the Perth Metropolitan Region.
- y) *The potential loss of community service or benefit resulting from the Planning Approval*
Many of the submitters outlined that the location in question is isolated. However, the proposal will not result in the potential loss of community service or benefit nor will form an additional load on the Shire of Chittering servicing requirements.
- aa) *Any relevant submissions received on the application;*
All submissions received have been provided in the Schedule of Submissions for Council review and are outlined above.
- bb) *The comments or submission received from any authority consulted under clause 10.1.1*
No submissions have been received from authorities at the time of preparing this item. If a submission is received from the Western Australian Police, this will be tabled to Council.
- cc) *Any other planning consideration the Local Government considers relevant."*
Matters for planning consideration have been addressed above.

All other matters to be considered by Local Government, pursuant to clause 10.2 of the Scheme, are non-applicable regarding this application (refer to the 'Comment' section of Attachment 1').

Concluding comments

In light of the submissions received and the additional details provided by the Applicant, it is the view of the officer that this use could be approved and operate in a manner that will have minimal impact on the amenity of the locality and the productive agricultural use of the land. It is also recommended that Council consider Stage 1 of the proposal only.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Hawes

- (1) That prior to issuing Planning Approval for the proposed change of use for a 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, the Applicant submit the following information:
 - (a) A revised program overview removing all references to drug rehabilitation in outlining that the program will not be receiving participants that are addicted to drugs or recovering from addiction to drugs.
 - (b) A Risk Assessment and management Plan, addressing security concerns, emergency management procedures, to the satisfaction of the Chief Executive Officer.

- (2) That upon satisfaction of condition (1) above, the Chief Executive Officer be authorised to grant Planning Approval for the proposed change of use for 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, subject to the following conditions:
 - (a) That Planning Approval shall be for Stage 1 only (maximum of eight participants), as per the submitted details;
 - (b) No drug rehabilitation or recovery programs being operated on the site;
 - (c) The applicant submit a Register of Participants on an annual basis to the Shire of Chittering, which is to outline:
 - (i) Length of stay of the participant;
 - (ii) Reason for referral or undertaking the retreat; and
 - (iii) Excluding participant names for confidentiality purposes.
 - (d) Any events to be held on-site are to be subject to the approval of the Chief Executive Officer;
 - (e) At the time of submitting an Application for Planning Approval for the first stage of the development, the Applicant is to provide the following:
 - (i) Proposed access and parking arrangements;
 - (ii) Detailed floor plans and elevations of the proposed buildings;
 - (iii) A fully outlined staging plan with indicative timeframes for development;
 - (iv) Detailed outline of the program; and
 - (v) Any other details as required by the Shire of Chittering.
 - (f) This approval does not constitute Planning Approval for buildings proposed on the site and is limited to the change of use only.
 - (g) A breach of any of any of the above conditions, which is not rectified within a time considered reasonable to the Chief Executive Officer, will result in the suspension of this approval. A recurrence of any breach will result in cancellation of this approval.

Advice Notes:

- (1) The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
- (2) The Applicant is advised that the approval is for the proposed change of use only and not for development to occur on the property. All future development shall be subject to the approval of the Shire of Chittering.
- (3) Stages 2 and 3 development shall require Council's consideration.

AMENDMENT

Moved Cr Norton / Seconded Cr Mackie

That the word 'drug' be deleted and replaced with 'drug/alcohol' throughout the officer's recommendation.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0
AND FORMED PART OF THE SUBSTANTIVE MOTION**

SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 060613

Moved Cr Gibson / Seconded Cr Hawes

- (1) That prior to issuing Planning Approval for the proposed change of use for a 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, the Applicant submit the following information:
 - (a) A revised program overview removing all references to drug/alcohol rehabilitation in outlining that the program will not be receiving participants that are addicted to drugs/alcohol or recovering from addiction to drugs/alcohol.
 - (b) A Risk Assessment and management Plan, addressing security concerns, emergency management procedures, to the satisfaction of the Chief Executive Officer.

- (2) That upon satisfaction of condition (1) above, the Chief Executive Officer be authorised to grant Planning Approval for the proposed change of use for 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, subject to the following conditions:
 - (a) That Planning Approval shall be for Stage 1 only (maximum of eight participants), as per the submitted details;
 - (b) No drug/alcohol rehabilitation or recovery programs being operated on the site;
 - (c) The applicant submit a Register of Participants on an annual basis to the Shire of Chittering, which is to outline:
 - (i) Length of stay of the participant;
 - (ii) Reason for referral or undertaking the retreat; and
 - (iii) Excluding participant names for confidentiality purposes.
 - (d) Any events to be held on-site are to be subject to the approval of the Chief Executive Officer;
 - (e) At the time of submitting an Application for Planning Approval for the first stage of the development, the Applicant is to provide the following:
 - (i) Proposed access and parking arrangements;
 - (ii) Detailed floor plans and elevations of the proposed buildings;
 - (iii) A fully outlined staging plan with indicative timeframes for development;
 - (iv) Detailed outline of the program; and
 - (v) Any other details as required by the Shire of Chittering.
 - (f) This approval does not constitute Planning Approval for buildings proposed on the site and is limited to the change of use only.
 - (g) A breach of any of any of the above conditions, which is not rectified within a time considered reasonable to the Chief Executive Officer, will result in the suspension of this approval. A recurrence of any breach will result in cancellation of this approval.

Advice Notes:

- (1) The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.
- (2) The Applicant is advised that the approval is for the proposed change of use only and not for development to occur on the property. All future development shall be subject to the approval of

the Shire of Chittering.

- (3) Stages 2 and 3 development shall require Council's consideration.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED LOST 2/4

Reasons:

1. That the proposal is not consistent with the objectives of the 'Agricultural Resource Zone' in accordance with clause 4.4.2 of the Shire of Chittering Town Planning Scheme No 6 and is therefore not permitted;
2. The potential increase of up to 30 people for the proposed development would be detrimental to the rural amenity of the area;
3. The proposed use and potential increase in density for the overall development would be considered to fall outside of the definition of a 'use not listed' and therefore will require a scheme amendment to rezone the land, prior to Council considering any development application for such use;
4. The potential social and security risks arising from the proposed development, as expressed by the adjoining and affected land owners, would have a negative impact on the surrounding Community.

9.1.5 Replacement Agreement: Lot 650 McGlew Road, Lower Chittering*

Applicant	Bernville Pty Ltd
File ref	04/10/0003; A11438
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Replacement Agreement documents
Attachments	1. Council Resolution - 050313

Background

At the Ordinary meeting of Council held on 15 May 2013, Council determined the withdrawal of the caveat relating to Lot 650 McGlew Road. The caveat was to be withdrawn due to the change in ownership name and then re-lodged on the Title with the revised Deed of Agreement.

The landowners have executed the replacement Agreement (Deed) prepared by Mcleods Barristers and Solicitors. The replacement Agreement has been forwarded to the Shire for execution to then trigger the re-lodgement of the Deed and Caveat on the Title.

There is no delegation in place for the Shire's Administration to authorise the Shire of Chittering to affix the Common Seal, hence the report to Council to formally request the Common Seal to be affixed.

The replacement agreement is with Bernville Pty Ltd which was previously under Stamford Forrest Pty Ltd.

Consultation

Not applicable

Statutory Environment

Transfer of Land Act 1893 (as amended)

Policy Implications

Execution of documents

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

This Replacement Agreement (Deed) makes provisions for the Transferee, Bernville Pty Ltd (previously Stamford Forrest Pty Ltd) to comply with the requirements of the original Deed dated 27 October 2008 between the Shire and Stamford Forrest Pty Ltd.

The Replacement Agreement is a formality due to the change in ownership name, required to be in place for the original Deed requirements and subsequent Caveat on the Title to remain enforceable.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070613

Moved Cr Gibson / Seconded Cr Hawes

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Replacement Agreement for Lot 650 McGlew Road, Lower Chittering.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.6 Replacement Agreement and Caveat: Lot 651 Santa Gertrudis Drive, Lower Chittering*

Applicant	Maryville Wines Pty Ltd
File ref	04/10/22; A11200
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Replacement Agreement documents
Attachments	1. Withdrawal of Caveat documents

Background

The landowners of Lot 651 Santa Gertrudis Drive, Lower Chittering are the subject of a Deed of Agreement for the Maryville Downs Stage 11 subdivision, also applicable to the same landowners of Lot 650 McGlew Road. A caveat is placed on the Certificate of Title of Lot 651 to protect the Deed.

There is no delegation in place for the Shire's Administration to authorise the Shire of Chittering to affix the Common Seal, hence the report to Council to formally request the Common Seal to be affixed.

Consultation

Not applicable

Statutory Environment

Transfer of Land Act 1893 (as amended)

Policy Implications

Execution of documents

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

This Replacement Agreement (Deed) makes provisions for the Transferee, Maryville Wines Pty Ltd (previously Stamford Forrest Pty Ltd), to comply with the requirements of the original Deed dated 27 October 2008 between the Shire and Stamford Forrest Pty Ltd.

The Replacement Agreement is a formality due to the change in ownership name, required to be in place for the original Deed requirements and subsequent Caveat on the Title to remain enforceable.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080613

Moved Cr Mackie / Seconded Cr Clarke

That Council:

- (1) authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Replacement Agreement form for Lot 651 Santa Gertrudis Drive, Lower Chittering.
- (2) authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Withdrawal of Caveat form, pursuant to the *Transfer of Land Act 1893* (as amended), for Caveat Number K763043 on Lot 651 on Diagram 66292.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2 TECHNICAL SERVICES

9.2.1 Tender No SC13-001 "Road Side Verge Spraying"*

Applicant	Shire of Chittering
File ref	04/19/12
Prepared by	Tresa White, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Tender Submissions (x5)
Attachments	1. Tender Selection Criteria – SC13-001

Background

It has been determined that there was a need for a contractor to be employed to conduct verge side spraying within the Shire of Chittering on an annual basis, as the Shire does not have purpose built equipment or the personnel to conduct the work efficiently.

Tenders were called on 4 May 2013 for Road Side Verge Spraying twice a year for a three (3) year period on all road verges in the Shire of Chittering. Tenders closed at 4pm Tuesday, 21 May 2013. The tenders were opened in the presence of the Executive Manager Technical Services and the Manager Human Resources on Wednesday, 22 May 2013.

Council consideration is requested for the acceptance/rejection of the tender for Road Side Verge Spraying.

The scope of works is for the contractor to provide Road Side Verge Spraying of all roads within the Shire of Chittering, provide an annual works program including dates of spraying, spraying area name and type of chemicals to be used.

The conditions of tendering, contract requirements, specification of works and other relevant details were provided in the Shires request for tender documents. The Shire follows the code of tendering AS4120 and Contract Management Framework.

At the time of opening the tender box in the presence of Executive Manager Technical Services and the Manager Human Resources, five (5) tenders were received as listed below:

Number	Company Name	Details
1	Turfmaster	<ul style="list-style-type: none"> \$105 per hectare (Including GST, all labor, application, water tanker, chemical, fuel etc)
2	Website Weed and Pest	<ul style="list-style-type: none"> \$182.60 per hectare Glyphosate 510 application with use of vehicle \$227.59 per hectare Glyphosate 410 and Simazine 900 application with use of vehicle \$440.00 per hectare Glyphosate 510 hand spraying application \$489.50 per hectare Glyphosate 510 and Simazine 900 hand spray application \$480.15 per hectare Fuzilier and Spraywet – hand spray application \$505.12 per hectare Fuzilier, Spraywet and Herbi Dye red/blue hand spray application
3	Avon Hills Environmental Services	<ul style="list-style-type: none"> \$88 per hectare Glyphosate and Envirodye (Red) application with use of vehicle

Number	Company Name	Details
		<ul style="list-style-type: none"> \$132 per hectare Glyphosate and Envirodye (Red) hand spray application.
4	Chittering Pest and Weed	<ul style="list-style-type: none"> \$155 per hectare (Including all supply of all chemicals and labour using vehicle). Additional \$11.00 per hectare for hand spraying of all islands including plant, labour, chemicals and equipment.
5	Allington Agri	<ul style="list-style-type: none"> \$70 per hectare Road Verge spraying \$90 per hectare ATV Spraying \$90 per hectare Shroud Spraying \$240 per hectare Hand Spraying

Consultation

Chief Executive Officer
Works Manager Technical Services

Statutory Environment:

Local Government Act 1995 s3.57 Tenders for providing goods or services

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

Local Government (Function and General) Regulations 1996 Part 4 – Tenders for providing goods or services (s3.57) Regulations 11–24

Policy Implications

Purchasing

Financial Implications

By using a contractor at a fixed tender rate the shire will be able to provide more accurate budget figures for roadside verge spraying. In the 2012/2013 financial year a budget of \$92,000.00 was allocated for spraying of weeds on road verges. Currently \$43,877 has been spent on road verge spraying of which \$25,622 were wages. The full budget allocation could not be spent due to staff being allocated jobs in other areas and unable to complete the entire road verge spraying (it is estimated that only half of the Shires verges were sprayed). By using Allington Agri spraying contractor all road verges will be sprayed twice a financial year with an estimated saving of \$15,000 to \$20,000.

The estimated weed spraying costs for 2013/14 is \$39,500.

The full expected costs over the life of the contract is approximately \$123,303.20 (including CPI rise each financial year).

Strategic Implications

By utilising the services of a contractor there will no longer be a need for works staff to be removed from other tasks and projects to conduct verge spraying. Contractors have indicated the works would take three (3) to four (4) weeks to complete.

Site Inspection

Site Inspection Undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

Due to previous time constraints of works staff a lot of the roadside verge spraying in the past was not conducted within the correct timeframes to reduce the amount of weed growth along the verges. This often meant that the works crew would then have to spray repeatedly for the growth to be reduced to an acceptable level. By utilising a contractor the contractor would be responsible for conducting the verge sprays at regular intervals on an annual basis thus being able to better control weeds on verges. In addition the improved control of roadside verges would reduce the number of works requests in relation to weed control.

Environmental implications

By maintaining the verges at regular intervals there will be less impact to the environment as less chemical overall would be used to control weeds. Better controlled spraying will reduce weeds along Shire roads which in the end would reduce fuel for fires and the spread of weeds through the Shire.

Comment

The tenders submitted fulfil the requirement of the Tender Selection Criteria as described below:

(a) Experience on similar work within the last two years (50%)

Three (3) tenders received have extensive experience on verge side spraying.

(b) Capacity to undertake this contract (30%)

Three (3) Tenders have demonstrated that they have the equipment and personnel to be able to undertake this contract.

(c) Management Systems (20%)

All tenders have addressed the management systems in terms of the organisational values, methodology used to manage relationships with customers, company's continuous improvement methodology and organisational personnel performance from a non-financial aspect.

The Executive Manager Technical Services carried out the selection criteria as can be seen in Attachment 1.

It is recommended that the tender be awarded to Allington Agri at a fixed rate of \$70 per hectare. Allington Agri has been in the industry for over nineteen (19) years and have been providing the service to a number of Local Governments and Main Roads Western Australia. They have a fleet of spray vehicles and staff to ensure that all works are completed within scheduled timeframes. They also have Occupational Safety and Health and Traffic management procedures already in place.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090613

Moved Cr Mackie / Seconded Cr Gibson

That Council:

- (1) accepts the tender submitted by Allington Agri for \$70 per hectare to conduct Road Side Verge Spraying within the Shire of Chittering for a period of three years expiring 1 July 2016.**
- (2) authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Verge Side Spraying Contract with Allington Agri.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2.2 Letter of Support in Relation to Cullalla Road

Applicant	Shire of Gingin
File ref	28/05/5
Prepared by	Tresa White, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The Shire of Gingin is seeking an in principle support from the Shire of Chittering to a one off contribution by the Shire of Gingin to upgrade the intersection of Mooliabeenee and Cullalla Roads with the following works:

- Shoulder repair works at the intersection of Mooliabeenee and Cullalla Roads, as agreed by Chittering's Executive Manager Technical Services and the Works Manager from the Shire of Gingin;
- Installation of truck entering signs to the east and west of Mooliabeenee and Cullalla Roads intersection on Mooliabeenee Road (ongoing maintenance to be the responsibility of Shire of Chittering); and
- Installation of 40mm asphalt (intersection mix) to MRWA standard on the Mooliabeenee and Cullalla Roads intersection as agreed (and marked) by the Shire of Chittering's Executive Manager Technical Services and the Works Manager from the Shire of Gingin.

The Shire of Chittering is responsible for the first 220m of Cullalla Road. The Cullalla feedlot has grain and stock trucks that use Cullalla Road as a link from Gingin to the feedlot site. Traffic utilising the road is generally from a westerly direction on Mooliabeenee Road then onto the Cullalla Road.

As per Main Roads WA regulations Mooliabeenee Road is a heavy vehicle RAV approved route. Heavy vehicles using Cullalla Road require permission from the Shire of Chittering to travel on the road. The Shire of Gingin has been approached by the landowner of the feedlot to upgrade Cullalla Road to cater for heavy vehicles carrying livestock and feed to the feedlot.

Consultation

Allister Butcher (Shire of Gingin, Works Manager)

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

Works within the Shire of Chittering will be undertaken by the Shire of Gingin at their cost.

Strategic Implications

Nil

Site Inspection

Site Inspection Undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The Shire of Gingin has requested a letter of support in principle for the above mentioned works. Primarily the reason for this request is to issue the Cullalla Feedlot owners with estimates for the proposed works for consideration in the Shire of Gingin 2013/2014 budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100613

Moved Cr Gibson / Seconded Cr Mackie

That Council provides a letter of “in-principle support” to the Shire of Gingin in relation to Cullalla Road intersection upgrade.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2.3 Proposed Change of Operating Hours: Muchea and Bindoon Recycling and Landfill Centres*

Applicant	Shire of Chittering
File ref	31/01/0001; 31/01/0002
Prepared by	Jim Garrett, Executive Manager Technical Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirement	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

A review of the opening hours of Council's landfill sites hours was recently conducted by the Executive Manager Technical Services and the Landfill Site Co-ordinator as a result of the very high staff operating costs. This review has also identified other benefits to the operations of the landfill sites in that staff will be better placed to more effectively comply with the DEC licence conditions imposed on the site.

Changing the opening hours at the landfill sites will enable staff to have a better opportunity to cover waste to reduce windblown waste going into neighbouring properties, and process recyclable materials more efficiently.

The current opening hours of the Muchea site are:

- Saturday and Sunday 8.00am to 5.00pm
- Wednesday and Thursday 12noon to 5.00pm

The current opening hours of the Bindoon site are:

- Saturday and Sunday 8.00am to 5.00pm
- Monday and Friday 12noon to 5.00pm

Traffic counts conducted at both the landfill sites during August and September 2012 indicated that an average 163 loads of waste were delivered to the Muchea Landfill site per day on weekends, and 61 loads of waste were delivered to the Bindoon Landfill site per day on weekends. However generally on week-days the average loads per day is considerably lower at both sites: Bindoon 23 per day and Muchea 54 per day.

The busiest days of the week at both landfill sites are Sunday and Saturday respectively.

The busiest times for Muchea (on average) are:

- Saturday 10.00am to 3.00pm
- Sunday 10.00am to 4.00pm
- Wednesday 12noon to 3.00pm
- Thursday 12noon to 3.00pm

The busiest times for the Bindoon (on average) are:

- Saturday 10.00am to 3.00pm
- Sunday 10.00am to 3.00pm
- Monday 12noon to 3.00pm
- Friday 12noon to 3.00pm

* Note: 12.00noon is the opening time to the public during week days and 8am on weekends.

The proposed new hours for the landfill sites have been based on the traffic count data that we have and in consultation with landfill site staff, keeping in mind best practises to gradually reduce running costs and

improve recycling at the sites (e.g. cover litter daily to reduce air born litter blowing from facility which then requires staff to pick-up rubbish on a regular basis).

Muchea Recycling and Landfill site is the primary waste facility in the Shire of Chittering and the new proposed hours reflect this.

The proposed new opening hours at Muchea landfill are:

- Saturday 10.00am to 3.00pm
- Sunday 10.00am to 3.00pm
- Monday 10.00am to 3.00pm
- Wednesday 10.00am to 3.00pm
- Fridays 10.00am to 3.00pm

The proposed new opening hours at Bindoon landfill are:

- Saturday 10.00am to 3.00pm
- Sunday 10.00am to 3.00pm
- Tuesday 12noon to 3.00pm

Consultation

Landfill site Co-ordinator

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

With the reduction of the proposed opening hours on weekends, overtime costs per landfill employees will be reduced from what is currently paid. The potential saving from changing hours has been estimated at \$45,000 per annum based on the current structure and opening hours.

Strategic Implications

Nil

Site Inspection

Yes

Triple Bottom Line Assessment

Economic implications

Better prices can be obtained for the waste recyclables with more time spent sorting the materials into categories.

Social implications

Having less hours on a weekend will make the working hours more family friendly for landfill site staff which will assist in the retention of staff.

Environmental implications

Increased recycling will reduce the amount of recyclable materials going into landfill. There could be the possibility that waste is illegally dumped when landfill sites are closed.

Comment

The current hours of 8.00am to 5.00pm on weekends contributes to the high running cost of managing the waste facilities with the main share of this being overtime paid to staff (weekend penalty rates). Traffic counts have shown that a majority of the public use the landfill inside of the hours of 10.00am to 3.00pm.

The Muchea Landfill sites staff have commented that when the Bindoon landfill site is closed, members of the public from Bindoon are taking their waste to the Muchea Landfill site.

Council also need to be aware that the reduction in opening hours will not reduce the amount of waste delivered to each facility, but rather will allow staff more time to manage the covering and sorting of waste without having to work around members of the public. This will reduce safety issues when plant and equipment is carting and spreading fill. Also when heavy machinery is used to push up and compact the waste.

Council is requested to consider changing the landfill operating hours for both Bindoon and Muchea as recommended in the report.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Mackie

That Council:

- (1) endorse the new opening hours for the Muchea and Bindoon Recycling and Landfill Centres as listed below, effective from Thursday, 1 August 2013:
 - (a) Muchea landfill:
 - (i) Saturday 10.00am to 3.00pm
 - (ii) Sunday 10.00am to 3.00pm
 - (iii) Monday 10.00am to 3.00pm
 - (iv) Wednesday 10.00am to 3.00pm
 - (v) Friday 10.00am to 3.00pm
 - (b) Bindoon landfill:
 - (i) Saturday 10.00am to 3.00pm
 - (ii) Sunday 10.00am to 3.00pm
 - (iii) Tuesday 12.00am to 3.00pm
- (2) advertise the proposed changes for public information.

AMENDMENT

Moved Cr Hawes / Seconded Cr Mackie

1. That the word 'proposed' be deleted and replaced with 'confirmed' in recommendation 2.
2. That the time be amended to '10.00am to 3.00pm' in recommendation 1) b) iii).

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

SUBSTANTIVE MOTION / COUNCIL RESOLUTION -110613

Moved Cr Gibson / Seconded Cr Mackie

That Council:

(1) endorse the new opening hours for the Muchea and Bindoon Recycling and Landfill Centres as listed below, effective from Thursday, 1 August 2013:

(a) Muchea landfill:

- (i) Saturday 10.00am to 3.00pm
- (ii) Sunday 10.00am to 3.00pm
- (iii) Monday 10.00am to 3.00pm
- (iv) Wednesday 10.00am to 3.00pm
- (v) Friday 10.00am to 3.00pm

(b) Bindoon landfill:

- (i) Saturday 10.00am to 3.00pm
- (ii) Sunday 10.00am to 3.00pm
- (iii) Tuesday 10.00am to 3.00pm

(2) advertise the confirmed changes for public information.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 May 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 31 May 2013
Attachments	<ol style="list-style-type: none">1. Statement of Financial Activity for period ending 31 May 20132. Bank reconciliation for period ending 31 May 20133. List of accounts paid for period ending May 2013

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 2013, financial statements, bank reconciliation and list of accounts paid for the period ending 31 May 2013 are hereby presented for Council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120613

Moved Cr Hawes / Seconded Cr Clarke

That Council:

1. **endorse the list of payments:**
 - PR3039
 - PR3050
 - EFT 8060 - EFT 8188
 - Municipal Fund Vouchers 13332 - 13349
 - Direct Debits as listed
 - BPV28 to BPV28
 - Trust Vouchers 332-339

Totalling \$946,735.01 for the period ending 31 May 2013.
2. **receive the bank reconciliation for the period ending 31 May 2013.**
3. **receive the financial statements for the period ending 31 May 2013.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.2 Chittering Community Support Funding Committee meeting held on 26 March 2013*

Applicant	Shire of Chittering
File ref	15/01/7
Prepared by	Alison Reliti, Support Officer Corporate and Economic and Community Development Services
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Community Support Funding Committee meeting held on 26 March 2013

Background

A meeting of the Community Support Funding Committee was held on Tuesday, 26 March 2013 to review funding submissions received for the 2013/14 financial year. The following applications were received:

Community Organisation	Project title	Total Project Cost \$	Amount Requested \$	Amount Allocated \$	Conditions Imposed
Bindoon and District Agricultural Society (Inc)	Community Recycling Trailer	5,700	2,800	2,800	Trailer must be made available free of charge to all local community groups holding events in Chittering
Bindoon and Districts Historical Society	Museum Extension	20,000	5,000	Nil	Applicant to provide five year plan and Council will assist to source alternative funding.
Bindoon Basketball Association	Country Week Uniforms	3,930	1,815	1,815	Nil
Bindoon Netball Association	New Uniforms	5,000	2,500	2,500	Applicant to include small Shire logo on uniforms
Bindoon Primary School P&C	Promoting Alternative Thinking Strategies Program	16,730	5,000	4,203	100% of PATHS kit will be covered by Council with the remainder of project to be financed by the Department of Education and Applicant.
Bindoon Volunteer Bush Fire Brigade	Indoor Lockers	5,000	2,500	2,500	Nil
Chittering Cancer Support Group	Establishment and Excursions	2,080	980	980	Nil
Chittering Junior Football Club	Boundary Fencing	10,175	5,000	5,000	Nil
Chittering Landcare Group	Wildflower Booklets	8,235	4,100	4,100	Nil
Chittering Wildlife Carers	Signage	765	400	400	Nil
Ellen Brockman Integrated Catchment Group	Landcare Nursery	10,000	5,000	3,333	Nil
South Midlands Polocrosse Club	Top Dressing and Levelling Playing	8,000	4,000	4,000	Nil

Community Organisation	Project title	Total Project Cost \$	Amount Requested \$	Amount Allocated \$	Conditions Imposed
	Fields				
South Midlands Pony Club	Grounds Improvement	6,460	2,500	2,500	Financial Statements Required
Wannamal Lake Catchment Group	Flora & Fauna of Wannamal Sign	1,640	640	640	Nil
TOTAL AMOUNT REQUESTED		103,715	42,235	31,971	

An assessment was undertaken by the Chittering Community Support Funding Committee to ensure that all applications were compliant with funding and to fairly and effectively allocate funding to applicants.

It is recommended that \$40,000 be approved in the 2013/14 budget to fund the applications listed above.

The following applications for Community Bus Use were also received.

Community Organisation	Project title	Total Project Cost \$	Amount Requested \$	Amount Allocated \$	Conditions Imposed
Bindoon Arts and Crafts	Community Bus	500	500	500	As per review of Council Policies
Bindoon Men's Shed	Community Bus	1,000	1,000	500	As per review of Council Policies
Bindoon Sing Australia	Community Bus	500	500	500	As per review of Council Policies
Chittering Bindoon Retirees	Community Bus	2,000	2,000	1,000	As per review of Council Policies
Chittering Cancer Support Group	Community Bus	650	650	500	As per review of Council Policies
Wannamal Indoor Bowls	Community Bus	2,000	2,000	500	As per review of Council Policies
TOTAL AMOUNT REQUESTED		6,650	6,650	3,500	

An assessment was undertaken by the Chittering Community Support Funding Committee to ensure that all applications were compliant with funding and to fairly and effectively allocate funding to applicants.

It is recommended that \$3,500 be approved in the 2013/14 budget to fund the applications listed above. It is also recommended that another \$4,500 be approved in the 2013/14 budget for other Community Groups who may require the bus throughout the financial year, and for Community Groups listed above who require further assistance. This funding is to be allocated in the 2013/14 budget under Community Bus Operations, not Community Support Funding Scheme.

Consultation

Chittering Community Support Funding Committee

Statutory Environment

Nil

Policy Implications

Budget Preparation

Financial Assistance Grant Scheme

Financial Implications

The Chittering Community Support Funding Committee makes recommendations to Council for the administration of the Financial Assistance Grants.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal

Social implications

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

Environmental implications

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

Comment

This will be the last meeting of the Community Support Funding Committee who will now become the Chittering Community Support Funding Group. The minutes of the Community Support Funding Committee meeting will be presented to the next meeting of the Group for confirmation. The unconfirmed minutes of the Committee meeting are now presented to Council to be received.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130613

Moved Cr Mackie / Seconded Cr Hawes

That Council

- (1) receives the unconfirmed minutes of the Community Support Funding Committee meeting held on Tuesday, 26 March 2013.
- (2) approves that the Chittering Community Support Funding Grant Scheme be allocated \$40,000 in the 2013/14 Annual Budget towards the following community funding:
- | | |
|--|---------|
| (a) Bindoon and Districts Agricultural Society Inc | \$2,800 |
| (b) Bindoon Basketball Association | \$1,815 |
| (c) Bindoon Netball Association | \$2,500 |
| (d) Bindoon Primary School P&C | \$4,203 |
| (e) Bindoon Volunteer Bush Fire Brigade | \$2,500 |
| (f) Chittering Cancer Support Group | \$980 |
| (g) Chittering Junior Football Club | \$5,000 |
| (h) Chittering Landcare Group | \$4,100 |
| (i) Chittering Wildlife Carers | \$400 |
| (j) Ellen Brockman Integrated Catchment Group | \$3,333 |
| (k) South Midlands Polocrosse Club | \$4,000 |
| (l) South Midlands Pony Club | \$2,500 |
| (m) Wannamal Lake Catchment Group | \$640 |
- (3) approves the allocation of \$8,000 for the Community Bus Use under Community Bus Operations towards the following community groups:
- | | |
|-------------------------------------|---------|
| (a) Bindoon Arts and Crafts | \$500 |
| (b) Bindoon Men's Shed | \$500 |
| (c) Bindoon Sing Australia | \$500 |
| (d) Chittering Bindoon Retirees | \$1,000 |
| (e) Chittering Cancer Support Group | \$500 |
| (f) Wannamal Indoor Bowls | \$500 |

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Registration of Voting Delegates – WALGA 2013 Annual General Meeting

Applicant	Shire of Chittering
File ref	14/01/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The 2013 Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held during the Local Government Convention on Wednesday 7 August 2013 at the Perth Convention and Exhibition Centre in Perth.

Details

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 Friday, 12 July 2013.

In 2012, Cr Alex Douglas and Cr Robert Hawes were nominated as Council's representatives at the WALGA Annual General Meeting, with Cr Barni Norton and Cr Don Gibson as proxy delegates.

Consultation

Councillors

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

It is recommended that Council appoints voting delegates and proxy voting delegates for the 2013 Annual General Meeting of WALGA.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140613

Moved Cr Gibson / Seconded Cr Mackie

That Council appoints the following as voting delegates at the 2013 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2013:

- (1) Cr Alex Douglas and Cr Robert Hawes as voting delegates; and**
- (2) Cr Barni Norton and Cr Sandra Clarke as proxy voting delegates.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.2 Appointment of Authorised Officers

Applicant	Shire of Chittering
File ref	13/05/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	Nil

Background

With the resignation of Grayson Hindmarsh and the appointment of Kelly Ford (Principal Building Surveyor); the resignation of Scott Penfold and the appointment of Mark Johnston (Planning Officer), Council is requested to approve the changes detailed below to the "Register of Authorised Officers" to ensure Ms Ford and Mr Johnston have the necessary approvals to carry out their duties as the Shire's Principal Building Surveyor and Planning Officer. Mr Johnston commenced on Thursday, 23 May 2013 and Ms Ford commenced on Monday, 27 May 2013 and Council's approval for Mr Johnston and Ms Ford to be Authorised Officer is necessary for them to undertake the role of Principal Building Surveyor and Planning Officer.

Consultation

Chief Executive Officer
James McGovern (WALGA)
Andrew Burke (Department of Local Government)

Statutory Environment

Section 3.24 Local Government Act 1995

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 environment implications associated with this proposal.

Comment

Endorsement of the changes requested will ensure that compliance of the associated Acts, Regulations and Local Laws can be fulfilled at all times.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 150613

Moved Cr Gibson / Seconded Cr Norton

That Council:

- (1) endorse the appointment of Mark Johnston (Planning Officer) and Kelly Ford (Principal Building Surveyor) to represent the Shire of Chittering in the capacity nominated under the:**
 - (a) *Local Government Act 1995, Section 3.28 & 3.29 – Powers of Entry, Part 3, Division 3***

- (2) approve the removal of Grayson Hindmarsh and Scott Penfold from the Register of Authorised Officer.**

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

9.4.3 Committee and Advisory Groups booklet*

Applicant	Shire of Chittering
File ref	02/08/2; 02/08/3; 03/01/3; 09/02/4; 03/01/0010
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Committee and Advisory Groups Booklet

Background

At the Ordinary Meeting of Council held on 20 March 2013, Council resolved as follows:

<p><i>COUNCIL RESOLUTION 250313</i> <i>Moved Cr Mackie / Seconded Cr Gibson</i> <i>That Council:</i></p> <ol style="list-style-type: none"><i>1. <u>RETAIN</u> the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Committees be <u>DISBANDED</u> as of the 31 March 2013;</i><i>2. <u>FORMS</u> Advisory Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all Advisory Groups; and</i><i>3. <u>ADVISE</u> all committee members of the above.</i> <p style="text-align: right;"><i>THE MOTION WAS PUT AND DECLARED CARRIED 6/0</i></p>
--

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

There are no known social implications associated with this proposal.

Environmental implications

There are no known Environmental implications associated with this proposal.

Comment

Following Councils resolution, the Committee booklet has been updated to include all the advisory groups and a Terms of Reference for these groups has been included.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160613

Moved Cr Norton / Seconded Cr Mackie

That Council endorse the Committees and Advisory Groups Booklet, as attached.

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

9.4.4 Delegated Authority Register*

Applicant	Shire of Chittering
File ref	13/05/0001
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated 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 2012 review was presented to Council on 16 May 2012.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register and the 2013 Register is now presented for Council to review.

Consultation

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

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
DA2	Code of Conduct enforcement	Include reference to Volunteers throughout the delegation
DA7	Contract Price Variation	Increase the limit to \$50,000
DA10	Engaging Contractors	Reword condition 1 to: 'Applies to Contracts under \$100,000 (previously stated over \$100,000
DA20	Calling of Tenders	Change title to 'Tenders / Quotations' Make reference to quotations and/or tenders throughout delegation Remove condition 4 Extents of Delegation iii) change 'more' to 'less'
DA32	Sale and Consumption of liquor on Council property	Remove Manager Human Resources from the delegation and include Executive Manager Corporate Services
DA52	Ordering Thresholds	Remove Engineering Construction Supervisor and replace with Works Manager
DA54	Authority to Appoint Authorised Persons	Include the work 'Building' in the title
DA55	Chittering Australia Day Advisory Committee	REVOKE – this is no longer a committee of Council and cannot therefore be delegated authority
DA56	Chittering Education Scholarship Advisory Committee	REVOKE – this is no longer a committee of Council and cannot therefore be delegated authority

Reference to Manager Human Resources/ Community Development has been changed to Manager Human Resources throughout the register.

Reference to Grayson Hindmarsh has been removed and replaced with Kelly Ford throughout the register.

The Council, as delegator, is required to review its delegations annually. It is recommended that the Council endorses the revised Delegated Authority Register.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 170613

Moved Cr Gibson / Seconded Cr Mackie

That Council endorse the Delegated Authority Register as attached.

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

9.4.5 Special Meeting of Council

Applicant	Shire of Chittering
File ref	13/02/27
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The *Local Government (Administration) Regulations 1996* provides;

“corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56”

Council adopted its Strategic Community Plan at its Ordinary Meeting held on 21 November 2012.

The *Local Government (Administration) Regulations 1996* further provide a local government must ensure that a corporate business plan is made for its district and adopted before the 30 June 2013.

Consultation

Shire President

Statutory Environment

Section 5.4 of the *Local Government Act 1995* states;

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either—

(i) the mayor or president; or

(ii) at least $\frac{1}{3}$ of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council.

The *Local Government (Administration) Regulation 12 (3)* provides if a special meeting of Council is to be open to members of the public then the Local Government is to give local public notice of the date, time, place and purpose of the special meeting.

Policy Implications

Nil

Financial Implications

There will be a small cost associated with a notice that will be placed in the Advocate newspaper advertising the Special Meeting details.

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 Integrated Strategic Planning process required the development of the following new plans:

- (i) Asset Management Plan
- (ii) Long Term Financial Plan
- (iii) Strategic Community Plan
- (iv) Workforce Plan
- (v) Corporate Business Plan

In summary the Corporate Business Plan (CBP) activates the Strategic Community Plan, and integrates the other plans. Therefore it was not possible to complete the CBP until all the other required plans were completed.

Unfortunately, a large amount of work was required to update and validate Council's road data. In addition, Council does not have the necessary skillset in-house to operate ROMAN II to produce the required information for inclusion in the Asset Management Plan. Consultants were engaged to undertake this work.

The Corporate Business Plan will not be available in time for inclusion in the agenda for the June 2013 Ordinary Meeting of Council, as at the time of writing the report, not all the necessary information was available for the completion of the Asset Management Plan.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 180613

Moved Cr Mackie / Seconded Cr Hawes

- (1) That Council resolves to call a Special Meeting of Council for Wednesday, 26 June 2013, commencing at 4:30pm to consider and adopt the Shire's Corporate Business Plan.**
- (2) That in accordance with the *Local Government (Administration) Regulation 12*, a local public notice be placed advertising the date, time, place and purpose of the special meeting in the Advocate newspaper.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.6 Appointment of Additional Auditor

Applicant	Shire of Chittering
File ref	12/01/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Correspondence received from UHY Haines Norton (dated 4 June 2013)
Attachments	Nil

Background

At the Ordinary Meeting of the Council held on 15 May 2013 Council resolved the following:

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION – 180513

Moved Cr Mackie / Seconded Cr Clarke

That Council appoints Mr DJ Tomasi (registered auditor number 15724) and Mr G Godwin (registered auditor number 310219) of UHY Haines Norton Chartered Accountants, as auditors for the Shire of Chittering for a period of three (3) years expiring 30 June 2016 at the quoted fees as listed:

- **Year ending 30 June 2014** **\$19,450 ex GST**
- **Year ending 30 June 2015** **\$20,500 ex GST**
- **Year ending 30 June 2016** **\$21,550 ex GST**

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

Since this meeting the Shire has received notification from UHY Haines Norton that Mr Wen-Shien Chai has joined the practice and will also be engaged to act as an auditor for the Shire of Chittering.

Consultation

Nil

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

Council is requested to appoint Mr Wen-Shien Chai (registered company auditor number 299761) of UHY Haines Norton Chartered Accountants, as additional auditor for the Shire of Chittering for a period of three (3) years expiring 30 June 2016.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 190613

Moved Cr Gibson / Seconded Cr Mackie

That Council appoint Mr Wen-Shien Chai (registered company auditor number 299761) of UHY Haines Norton Chartered Accountants, as additional auditor for the Shire of Chittering for a period of three (3) years expiring 30 June 2016.

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

10. REPORTS OF COMMITTEES

Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Gibson – Purchasing Policy

ELECTED MEMBER MOTION

Moved Cr Gibson / Seconded Cr Norton

That Council adopt a purchasing policy that ensures serious effort is made to source Australian made products whenever they are available.

AMENDMENT

Moved Cr Gibson/ Seconded Cr Mackie

That the words 'adopt a purchasing policy that' be deleted and replaced with 'staff'.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 200613

That Council staff ensures a serious effort is made to source Australian made products whenever they are available.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

Cr Gibson provided the following information

The prevalence of imported goods has seriously damaged the Australian manufacturing industry and threatens Australian jobs and national security. Local, State and Federal Governments need to strongly support Australian manufacturing to ensure our country is sustainable in the long term. We can make a difference along with many Councils prioritizing the sourcing of Australian made products.

Officer's comment

The Shire of Chittering has a Purchasing Policy which was reviewed by Council and endorsed at the Ordinary Meeting of Council on 15 May 2013. Whilst this motion has good intentions, to enforce and monitor it would be impracticable. The current Purchasing Policy has provisions in supporting local industries which is adequate.

12. MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING

Nil

13. URGENT BUSINESS

Nil

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.07pm



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