

MINUTES FOR ORDINARY MEETING OF COUNCIL

Wednesday, 19 November 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm



Disclaimer

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

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

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These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 December 2014.

SIGNED BY

 Person presiding at meeting which minutes were confirmed

DATE

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm.

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Mr Brendan Jeans	Senior Planning Officer
Ms Karen Dore	Economic Development/Communications Officer (Minutes Secretary)

There were 9 members of the general public in attendance.

2.2 Apologies

Jean Sutherland	Executive Manager Corporate Services
Azhar Awang	Executive Manager Development Services

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Note: All submitted public questions have been reproduced without amendment, or correction to any typing errors.

4.1 Response to previous public questions taken on notice

4.1.1 Anne Kell – 61 Charbray Road, Lower Chittering

Question 1 Why is it that whilst the population has not even doubled in 15 years is that the fiscal policy of the shire, raising revenue for infrastructure is to cater for 20,000 ratepayers.

Response 1 Council does not currently have any such policy, or plan in place to accommodate such a large population in the immediate future. The Western Australian Planning Commission (WA Tomorrow- Population Report 7) has estimated that our population should reach around 9,600 by 2026 – best case scenario.

Question 2 Why is it on Maryville Downs we paid extra for our land, so that a 25 metre easement which contained the road and fire breaks instead of a 15 metre easement for a road only, have the shire planted and avenue of trees in the fire breaks that have not been trimmed to 4 metres high?

Response 2 The 25m road reserves in Maryville Downs were required to include the road surface and associated drainage. The firebreaks are separate to the road reserves. In Maryville Downs they are provided in Pedestrian Access Ways (PAWS) or easements generally 6m wide and are not located within the road reserves. No planting has occurred in the firebreaks.

Question 3 Why on attending an out of control fire on a block, was the shire ranger a volunteer and a Volunteer Fire Brigade officer not able to access the fire through the emergency fire track, because it was chained and locked?

Response 3 Without any more specific details it is difficult to provide a full answer. It seems a little unusual that this would occur as all Brigade vehicles and Rangers are provided with keys to access fire access gates and bolt cutters are provided as standard vehicle equipment to remove any unauthorised locks.

4.2 Public question time

4.2.1 Steve Vallance – 86 Archibald Street, Muchea

Question 1 Will anyone be doing anything about the weeds that will make it difficult for the rare *Grevillea Curviloba* to regenerate after the reserve they occur in on Archibald Street was burnt?

Response 1 The land is being used as a research site by DPaW on the effects of bush fires on *Grevillea curviloba*. It is assumed that DPaW will take an active role in the management of the site as a research project. Furthermore, DPaW have expressed an interest in having the Reserve transferred to them.

Question 2 If so who? The ratepayers or DPaW?

Response 2 Shire or DPaW, this will depend on who is managing the Reserve. The transfer of the Reserve is now being considered by DPaW.

Question 3 Should not the tyres in that bush have been removed to prevent the pollution caused by their burning?

Response 3 Unfortunately, with illegal dumping of this nature it is not always possible to identify such objects. Ideally, the tyre would have been removed, but this is not always practical, and in this case due to the over grown state of the Reserve the tyre was not located prior to the fire.

Question 4 How often is it planned for this reserve to be burnt in the future because the weeds will come back thicker and more dangerous each time they are burnt – unless some very intensive measures are taken to control them?

Response 4 Every 6-8 years depending on fuel loading, and subject to DPaW assessment and approval.

4.2.2 John Curtis – Casuarina Close, Bindoon

Question 1 Does anyone from the Shire oversee the collection of the recyclables from start to finish?

Response 1 The Chief Executive Officer advised that during a recent Councillor and staff visit to the Southern Metropolitan Regional Council's Resource Recovery Centre (SMRCRRC) [where the Shire of Chittering's recyclable materials are taken] the group were advised that up to 80% of recyclable materials received are being recycled, with the balance going to compost. He further advised that the Contractor [Avon Waste] was responsible for the pick-up of recyclable materials and the delivery to the Recovery Centre.

Question 2 How can you prove that the contractor takes the materials there?

Response 2 The Chief Executive Officer advised that the Shire can request a report from the SMRCRRC with regards to the amounts / materials received.

Cr Rossouw, further advised that Avon Waste had been discussed during the SMRCRRC visit, and during that conversation information was gained with regards to the audits undertaken.

Question 3 How much did the Shire collect in late payment fees on Shire rates last year?

Response 3 The Chief Executive Officer advised that the question would be taken on notice.

4.2.3 Sarah Lanman – Pelican Rise, Lake Chittering Heights

- Question 1** What is the Shire’s policy and procedure on:
- a) The acknowledging and receipting of emails sent to the Chatter email address.
 - b) The responding to emails received on the Chatter email address.

Response 1 The Chief Executive Officer clarified the Shire’s procedure and policy referring to the Shire’s Customer Service Charter.

- Question 2** I sent emails on 11/11/14 at 07:17 and 14:08 for which I never received an acknowledgement of receipt. I only know that these emails were received because I rang the shire to confirm receipt. These emails were sent for the attention of Jean Sutherland. Why is it that not all emails are acknowledged as received?

Response 2 The Chief Executive Officer advised that the question would be taken on notice.

- Question 3** I sent a further email on 14/11/14 at 06:52. To date I have not received either an acknowledgement of receipt or a reply to my email. This email was sent for the attention of Gary Tuffin and Veronica Robinson. Can you confirm when I am likely to receive an acknowledgement of receipt and a response to my query?

Response 3 The Chief Executive Officer advised that the question would be taken on notice.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Presentations

Nil

5.2 Petitions

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7. OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 011114

Moved Cr Douglas/ Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 15 October 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Cr Hawes made mention of the presentation made, prior to the meeting, of a Certificate of Appreciation to Mr Denis Badcock, the Shire's former Chief Bush Fire Control Officer to thank him for his years of service. The certificate was accompanied by a gift voucher.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Shed – Lot 203 Flat Rocks Road, Bindoon*

Applicant	K Rowson
File ref	A11478
Prepared by	Mark Johnston, Planning Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality plan 2. Site Plan 3. Elevation Plan

Background

Council's consideration is requested for a proposed hay shed (outbuilding) at Lot 203 Flat Rocks Road, Bindoon.

The Applicant has proposed to locate the outbuilding at a 0m setback from the Western side property boundary (refer to Attachment 2). This is not in accordance with Council's *Local Planning Policy No 18 Setbacks* which prescribes 30m as a minimum setback. Therefore, a substantial setback variation is required. The property is 10 hectares in area.

The proposed outbuilding is 9.01m long by 7.49m wide being approximately 67.5m² in area. The proposed wall height is 4.2m high and ridge height is 4.861m high, with a gable pitch.

The Applicant has provided the following comments by way of justifying the proposal (refer to Attachment 2 for structures referred to below):

- *A 30/15 meter boundary zone serves no purpose on a 25 acre property;*
- *Two gates have been placed on opposing boundaries to give access for the fire brigade;*
- *An area surrounding the hayshed and arena will be gravelled and a roadway formed;*
- *The roadway and arena will form a buffer around the hay shed to reduce the risk of fire;*
- *The stables will have a 5 meter gravel hardstand ring road to give access at all-time;*
- *The hay shed is only 9m long by 7.5m wide (67.5m² in area) and adjacent to the boundary gate; and*
- *The rear boundary gate has been installed also to give access also (and a roadway formed).*

The Applicant's overall intentions for development at the property can be seen in Attachment 2. At this point in time an outbuilding and water tank adjacent the existing dam and small stock shelters have been approved at the property.

Consultation

External

The proposal was referred to the adjoining landowner affected by the proposed setback variation. No submission was received as a result of the proposal. The adjoining landowner did phone the Shire and verbally confirmed that they did not object to the proposal.

Internal

The proposal was referred to the Shire's Community Emergency Service Manager who advised that the location of the outbuilding would impact the landowner's ability to install annual firebreaks along the inside of the property boundary. Therefore, compliance with the Shire's Firebreak Notice would not be achieved.

Statutory Environment

State: *Bush Fires Act 1954*

The Shire has gazetted a Fire Break Notice, under the *Bush Fires Act 1954*, which requires all properties within the Shire to install firebreaks on properties equal to or greater than 2 hectares in area. Compliance with the Notice is a statutory requirement, pursuant to Section 33 of the Act. The Notice outlines this requirement as follows:

"Pursuant to the powers contained in the Section 33 of the Bush Fires Act 1954, you are hereby required to clear all flammable material from fire breaks, not less than 3 metres in width and 4 metres vertically, immediately inside all external boundaries of any lot owned or occupied by and situated in the Shire of Chittering."

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

The subject property is zoned 'Agricultural Resource'. The objectives of the zone are as follows:

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

The subject property is located within a 'Landscape Protection Special Control Area'. The purpose of this Control Area is to protect the landscape values of the land from undue subdivision and development. The proposal does not undermine the purpose or planning requirements of this Control Area given the property is relatively flat and already previously cleared of native vegetation for farming practises.

Policy Implications

Local Planning Policy No 7 Outbuildings and Swimming Pools

Local Planning Policy No 7 Outbuildings and Swimming Pools applies to the proposal. The policy does not exempt the outbuilding from requiring formal planning approval. The proposal does not undermine any requirements of Local Planning Policy 7 except for the requirement to comply with *Local Planning Policy No 18 Setbacks*.

Local Planning Policy No 18 Setbacks

The following of *Local Planning Policy No 18 Setbacks* applies to the proposal:

- 5.5 *The minimum building setback from a drainage easement is 10m;*
- 5.7 *Otherwise, the following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:*
 - (a) **Agricultural Resource Zone**
 - Highway – 100m*
 - Major Road – 50m*
 - Other Road – 30m*
 - Rear – 30m*
 - Side – 30m*

- 5.11 Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No. 6, in the following circumstances:
- (a) additions to an existing building
 - (b) reduced size or irregularly shaped lot
 - (c) commercial or industrial use
 - (d) temporary or minor structures
 - (e) heritage buildings
 - (f) other cases where it is reasonable to do so, as determined by Council.

Local Planning Policy No 27 Living in Sheds

The following policy of Local Planning Policy No 27 Living in Sheds applies to the application:

- 5.1 Living in sheds is prohibited; and
- 5.7 Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities

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

The application proposes a variation which effectively removes the side property boundary setback prescribed by Council's Policy. Council's prescribed setbacks are able to be varied in the following circumstances:

- (a) additions to an existing building
- (b) reduced size or irregularly shaped lot
- (c) commercial or industrial use
- (d) temporary or minor structures
- (e) heritage buildings
- (f) other cases where it is reasonable to do so, as determined by Council.

The proposal is not subject to any of the circumstances outlined above. Therefore, the removal of the setback is not justified given there is sufficient area for the prescribed setback to be achieved within the property.

As a general precedent the reduction of setbacks has been supported to fifty percent of the prescribed distance, given the affected neighbours have no objection and the variation is reasonable and justified. Other variations have also been supported when proposals meet one of the circumstances outlined above. This is to maintain some separation distance from adjoining properties in compromising with Applicant's to allow them to construct closer to property boundaries. The removal of the setback undermines Council's *Local Planning Policy No 18 Setbacks* and the purpose of the setbacks to achieve separation. Therefore, approving the 0m setback would set an undesirable precedent.

Furthermore, as outlined by the Shire's Community Emergency Services Manager, the proposed 0m setback undermines the Shire's Fire Break Notice, in not allowing a fire break to be installed along the property boundary in the location of the proposed outbuilding.

As no objections were received through the referral process it is reasonable to permit a variation of 15m from the prescribed 30m to remain consistent with previous variations. This would also allow fire breaks to be installed along the boundaries of the property in accordance with the Fire Break Notice. Therefore, it is recommended the proposed outbuilding is approved subject to being setback a minimum distance of 15m from the western property boundary and in accordance with all other prescribed setbacks.

To achieve compliance with Council's *Local Planning Policy No 27 Living in Sheds* it is recommended that the following conditions be applied to the approval:

- (i) The proposed outbuilding is for storage purposes only and not for residential habitation; and
- (ii) A single toilet and hand basin/wash trough shall be the only plumbing facilities permitted in the outbuilding.

The outbuilding is proposed for storage purposes. Conducting any commercial land uses not exempt under Council's *Town Planning Scheme No 6* requires planning approval. Therefore, it is recommended that the outbuilding not be approved for commercial purposes.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Douglas/ Seconded Cr Rossouw

That Council approve the proposed outbuilding subject to the following conditions:

1. The outbuilding is setback a minimum distance of 15m from the Western side property boundary and setback in accordance with all other setbacks;
2. The outbuilding is not to be used for Commercial purposes;
3. The proposed outbuilding is for storage purposes only and not for residential habitation; and
4. A single toilet and hand basin/wash trough shall be the only plumbing facilities permitted in the outbuilding.

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.

AMENDMENT

Moved Cr Norton / Seconded Cr Gibson

That an amendment be made to the Officer Recommendation to alter the setback to a minimum distance of 4m.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 021114

Moved Cr Douglas/ Seconded Cr Rossouw

That Council approve the proposed outbuilding subject to the following conditions:

- 1. The outbuilding is setback a minimum distance of 15m from the Western side property boundary and setback in accordance with all other setbacks;**
- 2. The outbuilding is not to be used for Commercial purposes;**
- 3. The proposed outbuilding is for storage purposes only and not for residential habitation; and**
- 4. A single toilet and hand basin/wash trough shall be the only plumbing facilities permitted in the outbuilding.**

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.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.2 Transfer of Land – Lot 22 Great Northern Highway, Lower Chittering*

Applicant	Boral Bricks WA Pty Ltd
File ref	04/10/6
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Transfer of Land documents 2. Deed dated 13 August 2010 3. Deposited Plan

Background

The Shire received correspondence from Boral Property Group seeking to carry out the ceding of land to the Shire in accordance with the requirements of a Deed between Midland Brick and the Shire of Chittering.

Lot 22 was created through the subdivision approval of Wandena Estate Stage 2 in 2009. Lot 22 was created with the intent for future extension of Powderbark Road with Great Northern Highway. It is understood this was required to be secured through a Deed to allow Midland Brick to subdivide Stage 2 of Wandena Estate with access to Wandena Road (unconstructed).

Boral Property Group has provided a Transfer of Land form to be signed by the Shire for lodgement with Landgate. The report to Council is to seek authorisation for the Shire of Chittering to sign and affix the Common Seal to the Transfer of Land form.

Consultation

Not applicable

Statutory Environment

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

Policy Implications

Execution of documents

Financial Implications

All associated costs for the transfer of the land are borne by Boral Bricks WA Pty Ltd. The Deed outlines this and that the land be ceded to the Shire free of cost.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: 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

Subject land

As mentioned earlier Lot 22, as shown on the Deposited Plan (refer to Attachment 3), is a freehold lot created for the future purpose of a road.

Deed

The Deed dated 13 August 2010 sets out the agreement that Midland Brick (now Boral Brick) must cede Lot 22 free of cost to the Shire within seven (7) years of the subdivision approval for Wandena Estate Stage 2. Lot 22 may be constructed as a future road when required, however the Deed does not set out any requirements or deadlines for Lot 22 for this purpose. The Deed merely sets out the requirements for the transfer of the lot only.

Caveat

There is a Caveat on the Title to protect the purpose of the Deed. Once the transfer of land form is lodged with Landgate, the requirements of the Deed will be fulfilled. It is at this point that the Caveat will need to be withdrawn from the Title to allow the transfer of the land. The Officer's Recommendation includes the authorisation for the associated caveat, once received by the Shire, to avoid delays in the process.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 031114

Moved Cr Douglas/ Seconded Cr Mackie

That Council:

- 1. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Transfer of Land form, pursuant to the *Transfer of Land Act 1893* (as amended), for Lot 22 on Deposited Plan 59350 to enable the ceding of the land to the Shire of 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 L699751 on Lot 22 on Deposited Plan 59350 to enable the transfer of land to the Shire of Chittering.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.3 Proposed Transport Depot – Lot 3281 (RN 9071) Great Northern Highway, Wannamal*

Applicant	G Kirkwood
File ref	A6011; P260/14
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Aerial Site Plan 3. Additional Information 4. Schedule of Submissions 5. Site Photos

Background

Council is requested to consider the proposed Transport Depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal.

The subject property is located on the Great Northern Highway just north of Hay Flat Road approximately 28kms north of Bindoon. Udumung Nature Reserve, owned and managed by the Department of Parks and Wildlife (DPaW - previously DEC), adjoins the property to the south and contains Udumung Brook traversing east-west.

The Applicant proposes a gravel hardstand approximately 10ha in area located on the property as per the aerial plan (refer to Attachment 2). The location has been chosen in an area not greatly used for cropping purposes and due to the screening provided by the slope and protected vegetation to the highway, Hay Flat Road and surrounding landowners. The Applicant has indicated a combination of up to 80 vehicles and equipment (refer to Attachment 3) to be parked on the hardstand area, with two to four movements proposed per month. The Applicant has proposed that in the event a greater number of movements are expected that appropriate traffic management would be put in place for access onto the highway to the satisfaction of Main Roads WA requirements. There is to be no storage of materials or fuel associated with the development.

Consultation

The proposal was advertised for 21 days, concluding 22 October 2014, in accordance with Clause 9.4.3 of the Shire's Town Planning Scheme. This resulted in:

1. Referral letters to adjoining and nearby landowners;
2. Referral letters to the following agencies:
 - (i) Ellen Brockman Integrated Catchment Group Inc.;
 - (ii) Department of Water;
 - (iii) Main Roads WA;
 - (iv) Department of Parks and Wildlife; and
3. Advertisement in The Advocate newspaper.

The submissions received have been listed in the Schedule of Submissions (refer to Attachment 4).

Statutory Environment

State: *Planning and Development Act 2005*

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

Lot 3281 is zoned 'Agricultural Resource'. The objectives of this zone are:

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

The property is located within the 'Landscape Protection Area' Special Control Area identified by the Scheme:

6.2 LANDSCAPE PROTECTION AREAS

6.2.1 *The Landscape Protection Areas are delineated on the Scheme Map. Planning Approval is required for any development within the Special Control Area.*

6.2.2 Purpose

- (a) *to secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;*
- (b) *to conserve and enhance the character of the significant landscape area; and*
- (c) *to ensure land use and developments are compatible with the landscape values.*

6.2.3 Landscape Areas

The Landscape Protection Areas are:

- (a) *the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;*
- (b) *the Gingin Scarp: for the protection of the landform against denudation, water quality (nutrient export) and erosion;*
- (c) *the northern uplands: for the agricultural quality of the undulating landforms and rural production.*

6.2.4 Planning Requirements

In dealing with 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 or 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 any planning approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.

6.2.5 Relevant Considerations

In considering an Application for Planning Approval, the Local Government shall have regard to:

- (a) *the statement and the nature of the key elements of the landscape and its character;*
- (b) *the conservation and enhancement of the landscape values;*
- (c) *the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*
- (d) *the requirement for all roofing of any building to be a of a non-reflective nature;*
- (e) *a change of land use where in the opinion of the Local Government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

6.2.6 Referrals for Planning Approval

The Local Government may refer any Application for Planning Approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

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

means premises used for the garaging of two (2) or more motor vehicles, used or intended to be used for carrying of goods or persons for hire or reward, or for the transfer of goods or persons, and includes maintenance and repair of the vehicles, used but not for other vehicles.

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

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

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

Policy Implications

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

The buffer for a transport depot set by these Guidelines is 200m. The nearest residence is approximately 1km.

Financial Implications

Nil

Strategic Implications

Local: *Shire of Chittering Local Planning Strategy 2001-2015*

Lot 3281 is located in the 'Northern Broad Agricultural Area' identified in the Strategy:

6.1 Northern Broad Agricultural Area

6.1.1 Description/Location

This area covers that part of the Shire north of Mooliabeenee Road and Bindoon Dewars-Pool Road.

Generally, the land is used for agriculture and horticulture as it includes productive soils with a moderate water supply.

With a reticulated water supply for more intensive agriculture, the economic productivity of the area could be greatly increased and more employment opportunities would arise, particularly with value adding.

6.1.2 Aims

- *To retain the productive land for broad acre farming but accommodate conversion to intensive horticulture where the landform, soils and water supplies permit*
- *To support subdivision and development only where there is demonstrable evidence of suitable soils and water supply(s) to sustain productive agriculture, horticulture and viticulture*
- *To retain existing natural vegetation and connecting areas to provide for biodiversity corridors*
- *To protect and enhance the rivers, lesser flow lines and wetlands as a measure to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria*
- *To prevent the intrusion of land uses not compatible with primary agricultural activities*
- *To restrict subdivision of productive land beyond viable lot sizes for production*
- *To prevent structural development in the path of the Perth Darwin Highway*
- *To prevent development that may detract from the landscape quality of the area.*

Lot 3281 is zoned 'Agricultural Resource' to which Section 8.8 of the Strategy applies:

8.8 Agricultural Resource Area

8.8.1 Description/Location

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

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

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

8.8.2 Aims

- *To maintain agricultural lands for primary productive purposes*
- *To protect and improve the natural environment, including the landscape quality of the land*
- *To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies*
- *To prevent the loss of productive land to non agricultural purposes*
- *To allow agro-tourism and eco-tourism to develop in the rural areas*
- *To allow for the subdivision of non-productive land or areas of vegetation worthy of preservation in sustainable lot sizes under conservation covenants in accordance with WAPC Policy*
- *To protect and revegetate streamlines to provide for biodiversity corridors.*

Site Inspection

Site inspection undertaken: Yes

The access to Great Northern Highway, internal access road and hardstand location were inspected with photos taken (refer to Attachment 4).

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

The subject property adjoins a Nature Reserve to the south which is wholly vegetated and contains the Udumung Brook. The contours and hydrology mapping of the area indicate that runoff from the hardstand site would flow north to south to the Nature Reserve and Udumung Brook.

Comment

Development of site

The proposal requires the construction of a gravel hardstand with drainage, improvement of the access road with re-surfacing and trimming of overhanging branches and upgrade of the crossover. No trees in the hardstand area are to be removed and existing large remnant vegetated areas on the property are fenced. The Applicant (owner) has advised the Shire that the vegetated areas on the property (approximately 40 acres) are covenanted to DPaW, with the support of the owner for the protection and breeding of the Carnaby's Cockatoos. The hardstand location is approximately 350m from nesting/breeding/feeding trees.

Consultation

During the submission period three agency submissions were received and two public submissions. The Shire did receive a late response from DPaW, which is not included in the Schedule of Submissions, however the points raised reflect comments made by other agencies. In general the submissions received, whilst not objecting to the proposal, raised relevant concerns needing to be addressed such as the safety of the proposed access, the impact of runoff to the Udumung Brook and spreading of noxious weeds. It is believed these concerns have been addressed in the Schedule of Submissions and comments section of this report.

Town Planning Scheme and Strategy

The application has been dealt with in accordance with the requirements of the Scheme for an 'A' use. The proposal was advertised as per Clause 4.4.3 of the Scheme to provide the opportunity for relevant agencies and residents to make comments on the proposal. Following advertising the Shire is now presenting the proposal to Council for consideration.

Agricultural Resource Zone

The proposal does not generally meet the objectives of the zone however the proposed land use is listed as an 'A' use in the Scheme, and can be considered for approval by Council. It is considered the proposal will not adversely impact the landscape values of the property or locality due to the low activity of movements and its location in a cleared area screened from view, which further protects the visual amenity of the locality.

Landscape Protection Area SCA

It is considered the proposed Transport Depot can meet the requirements set out in the SCA of the Scheme as the hardstand is located in a cleared area, does not intersect identified flow lines or alter natural drainage flow and is screened from view. Therefore it will not adversely impact the amenity of the area or the environmental values of the locality which is generally consistent with the Special Control Area requirements and considerations under Clause 6.2.5.

Access

The Applicant proposes access to Great Northern Highway using the existing crossover at the northern most part of the property with approximately two to four movements per month. Main Roads WA raised initial concerns with the low number of proposed movements compared to the large hardstand area and high number of proposed vehicles and equipment to be parked on the property. Further discussions between the Applicant, Main Roads WA and the Shire have resolved these concerns. Main Roads WA have made a revised submission following these discussions (refer to Attachment 4). Main Roads WA now support the proposal subject to conditions being placed on the Planning Approval, such as limiting the number of movements within their "low impact" range, restricting vehicles to no greater than 19m in length (As of Right vehicles) and requiring upgrades to the existing crossover. Main Roads WA have also later advised the Shire that their requirement for a Traffic Management Plan is not required for the transport depot approval unless the number of movements exceeds five per hour. The Officer's Recommendation reflects the requirements of Main Roads WA to support the proposal.

The safety of access to Great Northern Highway has been viewed by Shire officers on the site inspection and assessed by Main Roads WA. The depression in the highway from both south and north were sighted however it was viewed that from the crossover there was clear view of oncoming traffic, in particular road trains remained in sight coming from both directions at all times. Main Roads WA provided comments on the access arrangements in their submission regarding the proposal advising that a maximum of five movements per hour is acceptable. The Applicant would be required to upgrade the crossover to the requirements of Main Roads WA. The Applicant has advised that the crossover will be widened and gate entry will be extended into the property to allow for a 19m vehicle to be parked (stationary) prior to exiting onto the highway.

Drainage

As mentioned earlier in the report, a Nature Reserve abuts the southern boundary of the property. Udumung Brook flows east to west in the Nature Reserve and eventually meets with the Brockman River. The submission period raised concerns of the hardstand area in close proximity to the Reserve being vegetated, and that surface water runoff would flow into the Reserve and Udumung Brook causing erosion and damage to the Reserve and possibly contamination to Udumung Brook. As there is no refuelling or maintenance proposed and the hardstand is not being proposed to intersect flow lines, it is believed this can be addressed through managing runoff from the hardstand area through swales and a retention basin. Appropriate stormwater management would prevent erosion outside of the hardstand area and capture peak flows exacerbated by the compacted gravel hardstand. The Applicant has been made aware that the Shire would require appropriate drainage works at the time of construction of the hardstand if approved by Council.

Final comments

It is the Officer's Recommendation that Council support the proposed transport depot. It is considered that the matters set out in the Town Planning Scheme and Local Planning Strategy aiming to protect agricultural productive land and maintain the rural amenity by supporting agricultural related activities, are not jeopardised by the support of this proposal for the reasons outlined above. The application has been dealt with in accordance with the requirements of the Scheme. The concerns from the submission period have been reviewed and addressed accordingly in the Officer's Recommendation.

It is considered the proposal for Lot 3281 can be supported with regard to the Town Planning Scheme, Local Planning Strategy and submissions for the following reasons:

1. The hardstand is located in an area well screened from neighbouring properties, Great Northern Highway, Hay Flat Road and exceeds the generic buffer of 200m for a transport depot to sensitive land uses (residences).
2. The proposal does not require clearing of remnant vegetation or removal of productive land.
3. The flowlines to Udumung Brook do not extend into the hardstand area, which minimises the impact on surface water.
4. The transport depot can utilise the existing access direct to Great Northern Highway rather than through a local road being Hay Flat Road.
5. Main Roads WA allow for up to five movements per hour within the "low impact" range. The proposal is for two to four movements per month, which is well below this figure.
6. No other storage, vehicle maintenance or refuelling is proposed to occur on site, which reduces intensity of activity on site and associated impacts such as noise.
7. No objections were received in the public advertising period.

9.1.3 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Douglas

That Council grant Planning Approval for the Transport Depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal subject to the following conditions:

1. There is to be no more than 80 vehicles and trailers located on the site at any one time.
2. Parking of vehicles and/or trailers shall be within the approved hardstand area.
3. Hardstand shall be constructed in accordance with the approved site plan (refer Attachment 2).
4. This approval shall only be for vehicles to a maximum length of 19m.
5. There shall be no more than a maximum of five (5) vehicle movements per hour.
6. This approval shall be in accordance with the Additional Information (refer Attachment 3).
7. The development hours of operation shall comply with the *Environmental Protection (Noise) Regulations 1997*. Traffic movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.
8. The following setbacks for the hardstand and associated drainage shall apply:
 - a. 30m from the side boundary adjoining the Nature Reserve; and
 - b. 20m from remnant vegetation.
9. The Applicant shall upgrade the crossover to the satisfaction of Main Roads WA prior to commencement of transport depot operations.
10. The internal access road shall be a minimum width of 6m.
11. To minimise dust emissions:
 - a. The maximum speed on the internal access road and hardstand area shall be 20km/hr and be sign-posted on site.
 - b. The internal access road shall be watered to prevent dust leaving the property.
12. The hardstand area shall be constructed to a gravel standard to the satisfaction of the Chief Executive Officer prior to commencement of transport depot operations.
13. The hardstand and access road shall be maintained at all times to minimise dust emissions to the satisfaction of the Chief Executive Officer.
14. Remnant vegetation to be retained on site.
15. All stormwater runoff and drainage shall be directed to drainage basins constructed, stabilised and maintained to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations.
16. Storage of any products/goods being transported, equipment or materials is not permitted.
17. On site servicing, tyre rotation, refuelling and wash down facilities are not permitted on site.
18. Any alterations that are not in accordance with conditions of this approval shall require the Applicant to seek additional approval from Council.

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. With regard to condition 5, if the Applicant wishes to exceed more than five vehicle movements per hour, prior written approval from the Shire of Chittering and Main Roads WA must be obtained.
3. With regard to condition 9, the Applicant shall forward a copy of any approval and documentation relating to the crossover and access arrangements to the Shire prior to commencing the Transport Depot.
4. With regard to condition 15, the Applicant shall implement drainage to ensure all runoff from the hardstand is captured within the hardstand area.

AMENDMENT

Moved Cr Norton / Seconded Cr Douglas

That condition 3 read "Hardstand shall be constructed in accordance with the approved site plan and shall not exceed 4 hectares in total area".

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

AMENDMENT

Moved Cr Norton / Seconded Cr Mackie

That condition 15 read "All stormwater runoff and drainage shall be directed to drainage basins constructed to include hydrocarbon traps, stabilised and maintained to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations".

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

AMENDMENT

Moved Cr Norton / Seconded Cr Gibson

That an additional advice note be included, to inform the proponent that the Shire will be requesting Landcare to monitor the condition of the Udumung Creek downstream of the depot.

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

9.1.3 SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 041114

Moved Cr Rossouw/ Seconded Cr Douglas

That Council grant Planning Approval for the Transport Depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal subject to the following conditions:

1. There is to be no more than 80 vehicles and trailers located on the site at any one time.
2. Parking of vehicles and/or trailers shall be within the approved hardstand area.
3. Hardstand shall be constructed in accordance with the approved site plan and shall not exceed 4 hectares in total area.
4. This approval shall only be for vehicles to a maximum length of 19m.
5. There shall be no more than a maximum of five (5) vehicle movements per hour.
6. This approval shall be in accordance with the Additional Information (refer Attachment 3).
7. The development hours of operation shall comply with the *Environmental Protection (Noise) Regulations 1997*. Traffic movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.
8. The following setbacks for the hardstand and associated drainage shall apply:
 - a. 30m from the side boundary adjoining the Nature Reserve; and
 - b. 20m from remnant vegetation.
9. The Applicant shall upgrade the crossover to the satisfaction of Main Roads WA prior to commencement of transport depot operations.
10. The internal access road shall be a minimum width of 6m.
11. To minimise dust emissions:
 - a. The maximum speed on the internal access road and hardstand area shall be 20km/hr and be sign-posted on site.
 - b. The internal access road shall be watered to prevent dust leaving the property.
12. The hardstand area shall be constructed to a gravel standard to the satisfaction of the Chief Executive Officer prior to commencement of transport depot operations.
13. The hardstand and access road shall be maintained at all times to minimise dust emissions to the satisfaction of the Chief Executive Officer.
14. Remnant vegetation to be retained on site.

15. All stormwater runoff and drainage shall be directed to drainage basins constructed to include hydrocarbon traps, stabilised and maintained to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations.
16. Storage of any products/goods being transported, equipment or materials is not permitted.
17. On site servicing, tyre rotation, refuelling and wash down facilities are not permitted on site.
18. Any alterations that are not in accordance with conditions of this approval shall require the Applicant to seek additional approval from Council.

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. With regard to condition 5, if the Applicant wishes to exceed more than five vehicle movements per hour, prior written approval from the Shire of Chittering and Main Roads WA must be obtained.
3. With regard to condition 9, the Applicant shall forward a copy of any approval and documentation relating to the crossover and access arrangements to the Shire prior to commencing the Transport Depot.
4. With regard to condition 15, the Applicant shall implement drainage to ensure all runoff from the hardstand is captured within the hardstand area.
5. The Applicant is to be aware that the Shire will be requesting Landcare to monitor the condition of the Udumung Creek downstream of the depot.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

9.2.1 NORTHLINK – Council Resolution to dedicate land as a Road

The Chief Executive Officer advised that this item had been withdrawn by staff following notification by the proponent that their negotiations were not far enough advanced to make the request.

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 October 2014*

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 October 2014
Attachments	1. Bank reconciliation for period ending 31 October 2014 List of accounts paid for October 2014 Statement of Financial Activity for period ending 31 October 2014

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 October 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 31 October 2014 are hereby presented for Council's information.

Consultation

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

Statutory Environment

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

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 051114

Moved Cr Rossouw/ Seconded Cr Gibson

That Council:

- 1. endorse the list of payments:**
 - a. PR3404**
 - b. PR3417**
 - c. EFT 10135 - EFT 10235**
 - d. Municipal Fund Cheques 13712 - 13731**
 - e. Direct Debits and Transfers as listed**
 - f. Trust Fund Cheques 427 - 430**

Totalling \$902,646.21 for the period ending 31 October 2014.
- 2. receive the bank reconciliation for the period ending 31 October 2014.**
- 3. receive the financial statements for the period ending 31 October 2014.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Shire of Chittering Communication Plan Review*

Applicant	Shire of Chittering
File ref	04/01/4
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Shire of Chittering Communication Plan 2014 "Draft"

Background

Council's consideration is requested to endorse the Shire of Chittering Communication Plan 2014.

At the Ordinary Meeting of Council held on 18 December 2012, Council made the following resolution:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –091212
Moved Cr Gibson / Seconded Cr Rossouw
That Council endorse the Shire of Chittering Communication Plan.
THE MOTION WAS PUT AND DECLARED CARRIED 7/0

As part of the Measurement process for this Plan, it was identified that a Bi-Annual Review be undertaken to monitor that deadlines have been met and to update the Plan to go forward. This report is as a consequence of this process.

Consultation

Shire of Chittering Executive Managers Group
Shire of Chittering Staff (workshops held on the 15 October 2014 and 24 October 2014)

Statutory Environment

Nil

Policy Implications

Communications

Financial Implications

There are no direct budget implications related to endorsing this Plan.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Professional communication adds value to the community through inclusion and a resulting sense of pride. Community is a key resource for economic development. A healthy active community creates a more liveable and attractive area for prospective investors, employers, employees and visitors.

Social implications

Further to being a key resource for economic development, community is also a key underlying resource for community development. A healthy active community creates a more liveable and attractive area for residents, both prospective and in-situ.

Environmental implications

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

Comment

The *Shire of Chittering Communication Plan 2012* gave guidance to the Shire Administration in the provision of professional consistent communication with the community. It established standard processes and templates for communications in order to assist community confidence regarding being kept informed.

The review process has highlighted the following:

- (i) New Communication Channels
 - Our email newsletter, 'eChatter', has been established and is shared on a monthly basis. In September 2014 the self-subscribed database had 546 people on it.
 - Our Facebook profile (Chittering.Shire) and Facebook page (Shire.of.Chittering) have been created and are frequently monitored / updated. Our profile, designed for residents, has 770 friends (as at 21 October 2014). Our page, designed for visitors, has 386 likes (as at 21 October 2014).
 - Media Releases are shared on a regular basis, there have been 45 to date (21 October 2014) in this calendar year.
- (ii) Communication Action Plan
 - The Club Collections Newsletter is not currently being shared electronically, therefore this is to be introduced prior to the next review.
 - Group email contact lists have been established and are now being maintained, for local businesses, community groups and sporting clubs.
 - An Annual Event Calendar has been established and is being maintained.
 - Shire Factsheets / Brochures are being created as required.
 - The availability of the Shire newsletter has been increased through the eChatter email newsletter.
 - A Twitter linked Facebook page has been established for promotion and information dissemination. This is regularly maintained.
 - The website is under ongoing review and maintenance.
- (iii) Attachments
 - Shire of Chittering Customer Service Charter updated and included with this review.
- (iv) Measurement
 - The attached document reflects the required Bi-Annual Review.
 - The Bi-Annual Community Survey has been postponed until December 2015 to bring it into line with the requirements of the *Shire of Chittering Strategic Community Plan 2012-2022*. This decision was made in order to not 'over-survey' the community.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 061114

Moved Cr Rossouw/ Seconded Cr Douglas

That Council endorse the Shire of Chittering Communication Plan 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 CEO Annual review

Applicant	Shire of Chittering
File ref	22/10/59
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

To consider the annual performance review and remuneration package of the Chief Executive Officer.

Contract commencement date 31 October 2011. Anniversary date 31 October 2014.

Consultation

Shire President

Statutory Environment

Section 5.38 of the Local Government Act 1995 states:

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Policy Implications

There are no policy implications in considering this item.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

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 *Local Government Act 1995 section 5.38* and the Chief Executive Officer's (CEO) contract require that an annual review be undertaken in accordance with clause 4.

The Chief Executive Officer's contract provides further details on how the process should be conducted.

Section 4.3 states:

4.3 Selection of Reviewer

- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2-*
 - (a) *who the Reviewer is to be; and*
 - (b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
 - (a) *the Shire President; and*
 - (b) *a person who has been delegated or authorised by the Council to conduct the performance review.*

The last performance review was conducted by way of circulating a survey based on the CEO's Key Result Areas to all councillors, with the results of the survey being assessed by the CEO Performance Assessment Group (being Cr Hawes, Cr Rossouw and Cr Douglas). The process was coordinated by the Shire President.

Based on the assessment of the results the CEO Performance Assessment Group provided a recommendation for Council's consideration.

It is recommended that the CEO Performance Assessment Group consist of three (3) members, being the Shire President, Deputy President and one other councillor.

9.4.1 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Clarke

1. That Council endorse the proposed performance review method as outlined in report (9.4.1) above.
2. That the following members of Council be appointed to the CEO Performance Assessment Group:
 - a. Cr Hawes (President);
 - b. Cr Rossouw (Deputy President);
 - c. Cr _____.
3. That a further report be presented to Council at the completion of the assessment process.

Cr Norton was nominated, for the third position on the CEO Performance Assessment Group, by Cr Gibson and seconded by Cr Norton.

Cr Mackie was nominated, for the third position on the CEO Performance Assessment Group, by Cr Douglas and seconded by Cr Clarke.

Mr Gary Tuffin, Chief Executive Officer, declared an interest in the Item and left the Council Chambers at 7.55pm, to allow Councillors to discuss the matter freely.

PROPOSAL

That all Councillors form the CEO Performance Assessment Group.

THE PROPOSAL WAS PUT AND DECLARED LOST 2/5

The Councillors conducted a secret ballot to nominate their chosen representative.

The President announced that the elected Councillor was Cr Mackie, voted into the position 5/2.

Mr Gary Tuffin, Chief Executive Officer, returned to the Council Chambers at 7.58pm.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 071114

Moved Cr Rossouw/ Seconded Cr Clarke

1. That Council endorse the proposed performance review method as outlined in report (9.4.1) above.
2. That the following members of Council be appointed to the CEO Performance Assessment Group:
 - a. Cr Hawes (President);
 - b. Cr Rossouw (Deputy President);
 - c. Cr Mackie
3. That a further report be presented to Council at the completion of the assessment process.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Setting of 2015 Ordinary Council meeting dates

Applicant	Shire of Chittering
File ref	13/02/30
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 *Local Government (Administration) Regulations 1996* require that a local government is to give local public notice at least once each year of the proposed dates on which meetings are to be held and the times and venues at which they are to be held. The purpose of this report is to set Ordinary Council meeting dates for the period February 2015 to December 2015, so that these can be advertised in accordance with that regulation.

Consultation

Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government (Administration) Regulations 1996
Local Government Act 1995

Policy Implications

Nil

Financial Implications

There will be costs involved in advertising for meeting dates in *The Advocate* and *Northern Valley News*. If there are any special council meetings called during the 2015 calendar year these will also incur advertising charges.

The advertising of the Committee dates will incur a charge as and when they are advertised. This has been allowed for in the 2014/15 Annual Budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

In determining meeting dates for 2015 consideration needs to be given to school and public holidays, and their impact on agenda distribution, meeting clashes, Councillors and the general public's ability to attend the scheduled meetings.

The following timetable shows the relationship between school and public holidays and the usual meeting cycle:

DATE	SCHOOL HOLIDAY	PUBLIC HOLIDAY
15 February		
18 March		2 March – Labour Day
15 April	Friday 3 April until Sunday 19 April	3 April – Good Friday 6 April – Easter Monday 27 April – ANZAC Day
20 May		
17 June		1 June – WA Day
15 July	Saturday 4 July until Sunday 19 July	
19 August		
16 September	Saturday 26 September until Sunday 11 October	28 September – Queen's Birthday
21 October		
18 November		
16 December	Term 4 break commences Thursday, 17 December	25 December – Christmas Day 28 December – Boxing Day

With the Local Government Elections taking place on 17 October, the swearing in of Elected Member's will occur at the scheduled October ordinary council meeting date, i.e. Wednesday, 21 October 2015.

The Chittering Bush Fire Advisory Committee will make recommendation to Council (refer to Agenda Item 10.1) to approve their meeting dates for 2015, and following council's decision the dates will be advertised in accordance with the *Local Government (Administration) Regulations 1996*.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 081114

Moved Cr Rossouw/ Seconded Cr Mackie

That Council:

1. endorses the following schedule for the Ordinary Council meetings for the period February 2015 through to December 2015:
 - a. 15 February
 - b. 18 March
 - c. 15 April
 - d. 20 May
 - e. 17 June
 - f. 15 July
 - g. 19 August
 - h. 16 September
 - i. 21 October
 - j. 18 November
 - k. 16 December
2. advertises the 2015 Ordinary Council meeting dates in accordance with *Local Government (Administration) Regulations 1996*.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

10.1 Chittering Bush Fire Advisory Committee held on Tuesday, 7 October 2014*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Kim Perry, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed "minutes of the Chittering Bush Fire Advisory Committee meeting held on 7 October 2014

Background

A meeting of the Chittering Bush fire Advisory Committee (CBFAC) was held on 7 October 2014. There were two formal recommendations made.

1. *That the Chittering Bush Fire Advisory Committee meeting be held 3 times per year, ensuring a meeting is held pre-season, post season, and middle of the year.*
2. *That the Chittering Bush Fire Advisory Group meeting commencement time be changed from 7.30pm to 7.00pm.*

Consultation

Chittering Bush Fire Advisory Committee

Statutory Environment

Nil

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

The minutes of the CBFAC meeting are now presented to Council to be received, and for Council to consider changing the meeting dates to three times a year being held pre-season, post-season, and middle of the year, commencing at 7.00pm.

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 091114

Moved Cr Rossouw/ Seconded Cr Douglas

That:

1. Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee held on 7 October 2014.
2. Chittering Bush Fire Advisory Committee meetings be held three (3) times per year, ensuring that meetings are held pre-season, post-season, and middle of the year, commencing at 7.00pm.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

The Chief Executive Officer and Cr Mackie clarified that additional meetings would / could be held as required.

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

COUNCIL RESOLUTION – 101114

Moved Cr Gibson / Seconded Cr Norton

That the new business of an urgent nature be heard.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCILLOR MOTION

That Council advise the CEO to defer any new staff appointments, as proposed in the Workforce Plan, for 12 months from this meeting.

The Chief Executive Officer advised Cr Gibson that there were no identified new positions for 2015-2016 in the Shire's Workforce Plan.

Cr Gibson agreed to the following amended motion:

That Council advise the CEO to defer any new staff positions for 12 months from this meeting.

Cr Gibson provided the following comment in support of his motion:

In recognition of the economic downturn in which thousands of jobs are being lost, we cannot expect ratepayers to pay for higher administration costs which serve to make us less competitive. Reducing overhead cost should be a priority, so that essential urgent jobs can be funded and actioned, such as the safety related footpaths in Binda Place, widening of Orchard Road and construction of Spice Road. These projects have been flagged for action in successive budgets, but continually overlooked, while the cost of administration continues to escalate. We need to become more efficient, not bigger, through job sharing, and measuring performance against contractor's results. Federal and State Governments are reducing their workforce in response to the economic slowdown. We can't keep our heads in the sand and pretend ratepayers can afford to support an expanded bureaucracy.

Cr Clarke sort clarification in relation to whether the motion was to include filling any positions that may become vacant.

Cr Gibson advised that the motion relates to the creation of new positions only, and not filling any existing positions that may become vacant.

NEW MOTION

Moved Cr Gibson / Seconded Cr Norton

That Council advise the Chief Executive Officer to defer any new staff positions for twelve (12) months from this meeting.

THE MOTION WAS PUT AND DECLARED LOST 2/5

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

Nil

14.2 Public reading of resolution that may be made public

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.10pm.



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