

MINUTES FEBRUARY 2017

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.48pm

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

Members

| | |
|---------------|------------------------|
| Cr M Tuffley | Shire President |
| Cr R Jury | Deputy Shire President |
| Cr T Borgward | Member |
| Cr A Smith | Member |
| Cr G Browne | Member |
| Cr S Crosby | Member |
| Cr G Collins | Member |
| Cr M Stephens | Member |

Staff

| | |
|------------|--------------------------------|
| JP Bentley | Chief Executive Officer |
| M Bamess | Deputy Chief Executive Officer |
| DW Long | Works Manager |

Members of the Public

Apologies

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**
Cr M Tuffley declared a Financial Interest - 9.1.5 PURCHASE OF LOT 74, 2 ASPENDALE ST NYABING
- **Members Impartiality Interest**
Nil
- **Proximity Interest:**
Cr S Crosby declared a Proximity Interest - 11.1.2 NYABING PROGRESS ASSOCIATION - COMMUNITY HUB

4. PUBLIC QUESTION TIME:

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 21 December 2016

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 December, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4745 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr T Borgward

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 December, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 8/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 DECEMBER 2016

| | |
|---------------------------|---|
| DATE: | 3 February 2017 |
| SUBJECT: | Monthly Financial Reports to 31 December 2016 |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Michelle Bamess –Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess –Deputy Chief Executive Officer |
| FILE NO: | FIN30.20 |
| ASSESSMENT NO: | N/A |

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

An adjustment error appears in the Statements of Financial Activity as the closing funding surplus does not balance to the Net Current Funding Position at Note 2. The problem is a result of entry errors made in the Realisation of Assets and the Profit and Loss on Sale of Assets for December. These errors were corrected in the January posting period and will balance out in the January 2017 Statements of Financial Activity.

ATTACHMENTS

- Monthly Financial Reports to 31 December 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 December 2016)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 December 2017

| |
|---|
| 4746 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr R Jury / Cr G Browne

That the following Monthly Financial Reports be received by Council:

Monthly Financial Reports to 31 December, 2016

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 DECEMBER 2016

| | |
|---------------------------|--|
| DATE: | 7 February 2017 |
| SUBJECT: | Schedule of Accounts Paid |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Michelle Bamess – Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess – Deputy Chief Executive Officer |
| FILE NO: | N/A |
| ASSESSMENT NO: | N/A |

FUND VOUCHERS AMOUNT

| | |
|-------------------|---------------|
| Municipal Fund | \$164,910.29 |
| Trust Fund | \$644.13 |
| Direct Debits | \$ 103,896.61 |
| Spoiled Cheques | |
| Cancelled Cheques | |

ATTACHMENTS

Schedule of Accounts submitted 15 February 2017.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

| | |
|----------------|---------------------|
| Municipal Fund | \$164,910.29 |
| Trust Fund | \$644.13 |
| Direct Debits | \$ 103,896.61 |
| TOTAL | \$269,451.03 |

4747 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr R Jury

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

| | |
|-----------------------|----------------------|
| Municipal Fund | \$164,910.29 |
| Trust Fund | \$644.13 |
| Direct Debits | \$ 103,896.61 |
| TOTAL | \$269,451.03 |

**CARRIED 8/0
By Simple Majority**

9.1.3 MONTHLY FINANCIAL REPORTS TO 31 JANUARY 2017

| | |
|---------------------------|---|
| DATE: | 7 February 2017 |
| SUBJECT: | Monthly Financial Reports to 31 December 2016 |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Michelle Bamess –Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess –Deputy Chief Executive Officer |
| FILE NO: | FIN30.20 |
| ASSESSMENT NO: | N/A |

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
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FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

- Monthly Financial Reports to 31 January 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 January 2017)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 January 2017

| |
|---|
| 4748 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr M Stephens / Cr R Jury

That the following Monthly Financial Reports be received by Council:

Monthly Financial Reports to 31 January, 2017

**CARRIED 8/0
By Simple Majority**

9.1.4 SCHEDULE OF ACCOUNTS PAID TO 31 JANUARY 2017

| | |
|---------------------------|--|
| DATE: | 7 February 2017 |
| SUBJECT: | Schedule of Accounts Paid |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Michelle Bamess – Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess – Deputy Chief Executive Officer |
| FILE NO: | N/A |
| ASSESSMENT NO: | N/A |

FUND VOUCHERS AMOUNT

| | |
|-------------------|---------------|
| Municipal Fund | \$252,035.40 |
| Trust Fund | \$0.00 |
| Direct Debits | \$ 137,089.62 |
| Spoiled Cheques | |
| Cancelled Cheques | |

ATTACHMENTS

Schedule of Accounts submitted 15 February 2017.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

| | |
|----------------|---------------------|
| Municipal Fund | \$252,035.40 |
| Trust Fund | \$0.00 |
| Direct Debits | \$ 137,089.62 |
| TOTAL | \$389,125.02 |

| |
|---|
| 4749 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr M Stephens / Cr A Smith

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

| | | |
|-----------------------|--------------|----------------------|
| Municipal Fund | | \$252,035.40 |
| Trust Fund | | \$0.00 |
| Direct Debits | | \$ 137,089.62 |
| | TOTAL | \$389,125.02 |

**CARRIED 8/0
By Simple Majority**

Cr M Tuffley declared a Financial Interest

Cr R Jury assumed the chair

9.1.5 PURCHASE OF LOT 74, 2 ASPENDALE ST NYABING

| | |
|---------------------------|--|
| DATE: | 23 January 2017 |
| SUBJECT: | Purchase of Land |
| PROPONENT: | Shire of Kent |
| LOCATION: | N/A |
| AUTHOR: | Michelle Bamess – Deputy Chief Executive Officer |
| REPORTING OFFICER: | Peter Bentley - Chief Executive Officer |
| FILE NO: | GOV95.5 |
| ASSESSMENT NO: | N/A |

PURPOSE

Council to consider obtaining by purchase from Mr Leo Joseph Tuffley, Lot 74, 2 Aspendale Street Nyabing for the purpose of future housing development.

BACKGROUND

Council has received a proposal from Mr Leo Tuffley to purchase Lot 74, 2 Aspendale Street Nyabing, from him. The lot is currently undeveloped and Mr Tuffley has indicated that he would accept an offer from Council of \$7,500 to purchase the land.

As there is the possibility of funding becoming available in the future to upgrade staff housing, vacant land for these purposes will be required as Council's current stocks of vacant land will be utilised for other housing projects.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 Reg.16

POLICY IMPLICATIONS

11.1.10 SHIRE OWNED VACANT LAND

Council is to have one vacant residential block in Nyabing and Pingrup, where possible, as a minimum, as part of its asset base at all times.

REVIEWED: 30/05/12

FINANCIAL IMPLICATIONS

There is currently an allowance of \$40,000 with the 2016/17 budget or land acquisition.

STRATEGIC IMPLICATIONS

No known strategic implications.

COMMENT

Should Council purchase Lot 74, 2 Aspendale Street, this would provide one block either for immediate use for staff housing once funding allocations have been confirmed, or for use in the future.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

Purchase of Lot 74, 2 Aspendale Street, Nyabing from the Mr Leo Joseph Tuffley.

| |
|---|
| 4750 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr M Stephens / Cr G Browne

That Council:

Purchase of Lot 74, 2 Aspendale Street, Nyabing from the Mr Leo Joseph Tuffley.

**CARRIED 7/0
By Absolute Majority
Cr M Tuffley did not vote**

CR M Tuffley resumed the Chair

9.1.6 REQUEST TO CHANGE WEEKLY REFUSE PICK UP DAYS

| | |
|---------------------------|--|
| DATE: | 3 February 2017 |
| PROPONENT: | Shire of Kent |
| LOCATION: | N/A |
| SUBJECT: | Adoption of Policy – Workplace Bullying |
| AUTHOR: | Michelle Bamess – Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess – Deputy Chief Executive Officer |
| FILE NO: | COM60.5 |
| ASSESSMENT NO: | N/A |

PURPOSE

Council to consider a request to transfer the weekly residential and commercial refuse pick up days for Nyabing and Pingrup from a Tuesday to a Monday.

BACKGROUND

Council has received a letter from Great Southern Waste Disposal (GSWD) to transfer the weekly general refuse pick up days for Nyabing and Pingrup from a Tuesday each week to a Monday each week.

As GSWD currently have a truck which services Dumbleyung and Kukerin on a Monday, it would prove to be more economically viable for them to use this truck to provide a refuse service on a Monday than to send a truck from Narrogin on a Tuesday as is the current practice.

GSWD propose to commence this change in weekly refuse pick up days as of Monday 27 February 2017.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

No specific financial implications

STRATEGIC IMPLICATIONS

No known strategic implications.

COMMENT

Council to consider transferring the weekly refuse pick up from a Tuesday to a Monday.

ATTACHMENTS

Letter from GSWD

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Approve transfer the weekly general refuse pick up days for Nyabing and Pingrup from a Tuesday to a Monday as of Monday 27 February 2017.

4751 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr A Smith

That Council:

Approve transfer the weekly general refuse pick up days for Nyabing and Pingrup from a Tuesday to a Monday as of Monday 27 February 2017.

**CARRIED 8/0
By Simple Majority**

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

4752 - COUNCIL RESOLUTION

MOVED Cr T Borgward /Cr R Jury

That the council:

Consider the new business of urgent nature as presented.

CARRIED 8/0

11.1.1 ANNUAL ELECTORS MEETING

| | |
|---------------------------|--|
| DATE: | 14 February 2017 |
| PROPONENT: | Peter Bentley – Chief Executive Officer |
| LOCATION: | Whole of Shire |
| SUBJECT: | Annual Electors Meeting |
| AUTHOR: | Michelle Bamess – Deputy Chief Executive Officer |
| REPORTING OFFICER: | Peter Bentley – Chief Executive Officer |
| FILE NO: | COU30.5 |
| ASSESSMENT NO: | |

PURPOSE

Receive the minutes of the Annual Electors Meeting.

BACKGROUND

The Council is required to hold an annual electors meeting to consider various reports and the audited financial reports. As per Councils December meeting directive the Electors meeting was held on Monday 13 February and a copy of the minutes of that meeting is enclosed.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

The council must receive the minutes of the meeting and consider any recommendations that were made by motion. There were no recommendations or adverse comment coming from the meeting.

ATTACHMENTS

Minutes – Electors Meeting held 13 February 2017

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Receive the minutes of the Annual Electors Meeting held 13 February 2017 and discuss any recommendations arising from that meeting.

4753 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr M Stephens

Receive the minutes of the Annual Electors Meeting held 13 February 2017 and discuss any recommendations arising from that meeting.

**CARRIED 8/0
By Simple Majority**

Cr S Crosby declared a Proximity Interest

11.1.2 NYABING PROGRESS ASSOCIATION - COMMUNITY HUB

| | |
|---------------------------|--|
| DATE: | 15 February 2017 |
| PROPONENT: | Nyabing Progress Association Inc. |
| LOCATION: | Lots 13 and 14 Richmond Street, Nyabing |
| SUBJECT: | Demolition of existing building (Nyabing Inn) and construction of new hotel building |
| AUTHOR: | Carly Rundle – Planning Consultant |
| REPORTING OFFICER: | Peter Bentley – Chief Executive Officer |
| FILE NO: | BUI10.5 |
| ASSESSMENT NO: | N/A |
| ATTACHMENTS: | A – Site Plan B – Development Plans |

PURPOSE

The Shire has received a development application from the Nyabing Progress Association for the construction of a new 'Hotel' building at Lot 13 Richmond Street, Nyabing. The proposal involves demolition of the existing 'Hotel' building (Nyabing Inn) and construction of a new 'Hotel' which includes a bar, dining area, outside courtyard, rear conference room and parking. Access is proposed to occur from the rear laneway and through the adjoining driveway on Lot 14 (also in the ownership of the Nyabing Progress Association) hence the inclusion of Lot 13 as part of the development application.

The proposal is considered consistent with the Shire of Kent Town Planning Scheme No.2 and it is recommended that Council approve the application subject to conditions.

BACKGROUND

Lots 13 and 14 are both 1012m² in area and located within the Nyabing town site. Both lots are zoned 'Commercial' and surrounded by land similarly zoned to the east and west, and land zoned 'Residential' to the south via a rear laneway. Adjoining development includes the Nyabing General Store to the west, a single dwelling to the east of Lot 14, and single dwellings to the south via the laneway.

Lot 13 contains the 'Nyabing Inn' currently used as a 'Hotel' containing a bar and internal short stay accommodation units and Lot 14 contains six self-contained 'Holiday Accommodation' (short stay) units.

The application proposes to demolish the existing 'Nyabing Inn' building, which has an existing floor area of approximately 490m² (excluding the portion already demolished) and construct a new 'Hotel' building of 492.38m² which includes a bar, dining area, courtyard, rear conference room and parking. The site plan indicates a 'proposed future day care out building' to be provided at the rear, although no plans have been provided for the building and will be required to be approved via a future separate application.

Access to Lot 13 is intended to be provided through the rear laneway and the existing driveway on Lot 14. The development plans include a note indicating that the owners intend to amalgamate Lots 13 and 14 to form one lot.

The application was advertised for a minimum period of 14 days ending on the 14 February 2017. No submissions were received.

STATUTORY IMPLICATIONS

Development applications are required to be assessed in accordance with the Shire of Kent Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provision*. The deemed provisions prevail in the event of inconsistency with the Scheme.

Shire of Kent Town Planning Scheme No. 2

The property is zoned 'Commercial' by Shire of Kent Town Planning Scheme No. 2 (referred herein as the Scheme).

Land Use

The proposal involves the demolition of the existing 'Nyabing Inn' which consists of a bar and rooms available for short term accommodation and has been issued a 'Hotel' liquor licence by the Department of Racing, Gaming and Liquor (DRGL). The existing use is consistent with the definition of a 'Hotel' defined in Schedule 1 of the Scheme as:

"means land and buildings providing accommodation for the public and subject of an hotel licence granted under the provisions of the Liquor Act 1970 (as amended)".

The proposed building will contain similar uses of a bar and eating area and conference rooms. Whilst the proposed new building on Lot 13 will no longer contain accommodation units within the building, short stay accommodation units have been recently developed on Lot 14, and the applicant has provided that they intend on amalgamating the Lots 13 and 14 to form one lot. Given that it is the intent for the new building and accommodation to be used in conjunction, and subject to discussions held with DRGL, it is considered that the new building also falls within the land use definition of a 'Hotel'.

A 'Hotel' is an 'SA' use in the 'Commercial' zone, meaning that Council, may at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2 9(advertising). Appropriate notification was given, with the application being advertised in the Nyabing News & the Pingrup Post for a minimum period of 14 days inviting public comment. No submissions were received.

'Commercial Development' Provisions

Relevant provisions relating to development within the 'Commercial' zone are outlined below.

5.4.1 Objectives

- i) To provide for a mix of commercial, service, administrative and residential uses; and*
- ii) To encourage the development of a distinctive character and a focal point for the surrounding rural community.*

The proposed new 'Hotel' will replace the existing 'Hotel' use on the property which is appropriately located within the commercial centre and main street of the Nyabing town site. The retention of a 'Hotel' land use in this location is consistent with the objectives of the 'Commercial' zone, as it is located in a prominently visible location to tourists and visitors and its location in proximity to other commercial uses in the town site will assist in strengthening the commercial centre as a focal point for the surrounding rural community.

There are no design/development guidelines which have been established to guide the character/built form of the town centre and the application has therefore been assessed in the context of consistency with the existing character and streetscape which is discussed below.

5.4.2 Provisions

- (i) *All new development in the Commercial zone shall have regard to the existing character of the general streetscape in terms of scale, height, materials, setbacks, street alignment and design of the façade.*

The existing building to be demolished (of which a portion has already been demolished) has setbacks of 4.4m and 0m (with a verandah extending over the footpath) to Richmond Street, and has a side setback of 1.5m to the boundary of the adjoining Lot 12 (Nyabing General Store). The front façade contains a skillion type awning and parapet above.

The new building is proposed to have the roof line setback 5.44m from Richmond Street and is 15.3m wide, setback from adjoining Lot 12 by a 3.2m wide walkway providing access to the rear. An outdoor courtyard extends from the proposed building to the front lot boundary adjoining Richmond Street, and is defined by a wall of 1.5m in height (1m solid render and 0.5 permeable slates).

The front elevation consists of two gabled end pitched roofs with a wall height of 3m and ridge height of 6.5m. The two gabled ends are separated by a feature stone wall with a height of 3.5m. The overall façade proposes the use of a variety of modern external materials including cladding of zinc and stria, stone feature wall and timber and concrete render for the front wall.

Immediately surrounding development consists of a single dwelling (traditional pitched roof) on Lot 15 and Holiday Accommodation Units (skillion roof) on Lot 14 which are both setback approximately 7m and the Nyabing Store which is built up to the Richmond Street boundary and includes a bullnose verandah extending over the footpath and above parapet used to locate signage. The established character of Richmond Street in the Commercial zone is ad hoc, with little consistency between materials used, setback to Richmond Street and built form. Heights of surrounding buildings vary from a standard 2.7m to 4.5m to the ridge/parapets and have a variety of roof forms.

It is considered that the proposed building is of an appropriate scale and height that will be consistent with adjoining development. The setback, materials and design of façade is not consistent with immediately surrounding development, however given that the existing character is ad-hoc and that the proposed design is of a high quality, it is anticipated that the external appearance will be consistent with the amenity of the existing streetscape.

Typically most state government documents relating to town centres encourage a 0m or 1-2m setback to the front boundary and the construction of an awning over the front footpath. The purpose of this is to provide shelter and shade to customers and those in the town centre and a nil setback with windows facing the street provides interest to the customers improving

the retail experience and experience of visitors. In this instance, the building is proposed to have a setback of 5.44m allowing for the location of an outdoor courtyard adjoining Richmond Street. Whilst a 0m setback and verandah may be more consistent with immediately adjoining development, the location of dining/alfresco type areas facing a streetscape is a common method of providing interest and activation to thoroughfares and can ultimately improve pedestrian and visitor experience, which is a key objective of the commercial zone. It is therefore recommended that the setback and design be supported. The location of the courtyard within the lot boundaries is also necessary for liquor licencing purposes.

Should Council have the view that the future character for the town centre should encourage a 0m setback and continuous awnings; it can include a condition requiring a 0m setback, construction of an awning and redesign of the façade.

(iii) The storage of bulky and unsightly goods shall be screened to Councils specification and satisfaction.

There is sufficient space for loading to occur at the rear, and a condition of approval will be included requiring bins to be located to the rear of the property where it will not be visible to Richmond Street, and located so as not to cause a nuisance to adjoining properties.

(iv) Where appropriate Council may require rear access to be provided for service deliveries.

Access to the property and service deliveries currently occur from Richmond Street via the crossover on Lot 14. Given that there have been no issues that have arisen from the use of this access for deliveries in the past and the proposed building is not anticipated to significantly change the nature of deliveries already occurring, it is considered that there is no substantial planning reason to require deliveries to occur from the rear laneway.

Clause 5.10.3 of the Scheme addresses the erection of advertising signage. No details of signage have been provided with the application. The scheme exempts all non-illuminated signage, affixed to the building below the top of the building line measured at 5m from the ground floor level of the building (and subject to compliance with the bylaw) from requiring planning consent. Any signage not exempt will require further approvals via the process of a development application.

Planning and Development (Local Planning Schemes) Regulations 2015

Local government is to give due regard to Clause 67 of the Regulations in the consideration of any planning application. The following are those relevant to this the application.

a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.

The proposal is consistent with the objectives and provisions of TPS2 for the Commercial zone.

m) The compatibility of the development with its setting including the relationship of the development 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 development.

The land use is appropriately located and compatible with adjoining land uses.

The built form of the development for the reasons discussed previously is anticipated to be consistent with the amenity of the streetscape.

(n) The amenity of the locality including the following –

- i. environmental impacts of the development*
- ii. the character of the locality*
- iii. social impacts of the development*

The proposal is not anticipated to result in any detrimental environmental or social impacts.

(o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.

The proposal is not anticipated to adversely impact on the natural environment or water resources. Stormwater shall be retained on site, or if adequate local drainage systems are in place to allow for its redirection and re-use in accordance with the Water Management Plan for the Shire of Kent, directed to the road network. A condition requiring a stormwater management plan will be conditioned on approval.

(p) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.

The subject site is not located in an area subject to flooding, bushfire risk and has previously been proven capable of development from the historical use of the site for commercial uses. The land is suitable for development.

(q) The adequacy of –

- (i) the proposed means of access to and egress from the site; and*
- (ii) arrangements for the loading and unloading, manoeuvring and parking of vehicles.*

Access arrangements are the same as existing and involves the use of the crossover through Lot 14 to access rear car parking at Lot 13. Reliance on access through an adjoining property is generally not supported without some sort of formal arrangement (easement), as in the event one lot is sold the new owner could choose to restrict the use of this access. In this case, the owners have proposed to amalgamate Lots 13 and 14, which will resolve this issue. To ensure the amalgamation occurs, it will also be included as a condition of approval.

The Scheme does not specify required amount of parking for the proposed use. Four car parking bays are currently proposed at the rear of the building. One of these is not accessible due to the presence of the existing shed on Lot 14. The provision of 3 car parking bays for the use is similar to the amount available for the current Nyabing Inn. Car parking for the existing building/use has historically been provided for within Richmond Street where parallel parking is available or the carpark north of Richmond Street.

The car parking on site would not be sufficient to cater for the proposed use, however, as this is an existing situation, it is considered that additional car parking should not be required retrospectively. There is sufficient public car parking in the locality to provide for the proposed development.

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

The amount of additional traffic proposed to be generated by the development will be minimal and Richmond Street is of a sufficient standard capable to accommodate this.

- (s) *The availability and adequacy for the development of the following:*
- i. *Public transport services;*
 - ii. *Public utility services;*
 - iii. *Storage, management and collection of waste;*
 - iv. *Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v. *Access by older people and people with a disability.*

Disabled access is provided via the approved bay on Lot 14, which will form part of Lot 13, once amalgamated.

- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*

The development is anticipated to benefit the community through providing a business servicing the local community, visitors and tourists which can assist in improving the local economy and vitality of the community.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire as a result of this proposal.

STRATEGIC IMPLICATIONS

This matter is not specifically dealt with by the Shire of Kent Strategic Plan 2010 – 2015, although is considered consistent with the broad strategic goals to add value to the local economy and assist development that reflects community needs and market demands.

COMMENT

The development is compatible with surrounding land uses and is anticipated to be consistent with the amenity of the streetscape. Appropriate conditions included on the planning consent will ensure car parking, access and stormwater is appropriately managed and implemented to comply with standards.

The proposal is consistent with Town Planning Scheme No. 2 and the *Planning and Development (Local Planning Schemes) Regulations 2015*, and it is recommended to Council

that pursuant to Clause 68 of the Regulations planning consent, subject to conditions be granted.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Approve the development application for the demolition of existing building (Nyabing Inn) and construction of new 'Hotel' at Lots 13 and 14 Richmond Street, Nyabing subject to the following conditions:

Conditions:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.
3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire (generally as part of the building permit application) and have been approved in writing:
 - a) A Stormwater Management Plan
 - b) Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction.
4. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 3 have been implemented and/or the following conditions have been complied with:
 - a) A minimum number of three car parking bays (inclusive of one disabled bay) shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, drained and marked.
 - b) The subject land shall be amalgamated into one lot on the Certificate of Title.
5. The works undertaken to satisfy Condition(s) 2, 3 and 4 shall be subsequently maintained for the life of the development.

| |
|---|
| 4754 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr G Browne / Cr G Collins

That the Council:

Approve the development application for the demolition of existing building (Nyabing Inn) and construction of new 'Hotel' at Lots 13 and 14 Richmond Street, Nyabing subject to the following conditions:

Conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire (generally as part of the building permit application) and have been approved in writing:**
 - a) A Stormwater Management Plan**
 - b) Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction.**
- 4. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 3 have been implemented and/or the following conditions have been complied with:**
 - a) A minimum number of three car parking bays (inclusive of one disabled bay) shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, drained and marked.**
 - b) The subject land shall be amalgamated into one lot on the Certificate of Title.**
- 5. The works undertaken to satisfy Condition(s) 2, 3 and 4 shall be subsequently maintained for the life of the development.**

CARRIED 7/0

**By Simple Majority
CR S Crosby did not vote**

12. INFORMATION BULLETIN

| |
|---|
| 4755 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr M Stephens / Cr A Smith

That the Information Bulletin be received by Council.

CARRIED 8/0

13. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

| |
|---|
| 4756 - COUNCIL RESOLUTION (Officer Recommendation) |
|---|

MOVED Cr M Stephens / Cr S Crosby

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

CARRIED

**M Bamess left the room at 5.25pm
D Long left the room at 5.25pm**

13.1.1 CONFIDENTIAL – CONTRACT DEPUTY CEO

| | |
|---------------------------|---|
| DATE: | 10 February 2017 |
| PROPONENT: | N/A |
| LOCATION: | N/A |
| SUBJECT: | Cintract Deputy CEO |
| AUTHOR: | Peter Bentley – Chief Executive Officer |
| REPORTING OFFICER: | Peter Bentley – Chief Executive Officer |
| FILE NO: | Personnel |
| ASSESSMENT NO: | N/A |

PURPOSE

To consider contract renewal for the Deputy CEO

BACKGROUND

Michelle Bamess was employed in May 2012 as Deputy CEO following the departure of Metta Gilmour. Michelle has shown herself to be a willing worker and has developed her knowledge to become a very effective Deputy. Michelle's contract will expire on 1 July 2017 and Council will need to agree to a renewal prior to that time or advertise for a new officer.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil beyond normal budgetary considerations.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

I have been extremely happy with Michelle's performance over the last 5 years and I believe that it would serve council well to enter into a further contract of between three and five years.

ATTACHMENTS

Nil.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

1. Authorise the CEO to negotiate a three to five year contract with Michelle Bamess for the position of Deputy Chief Executive Officer,

AND

2. Authorise the Shire President and the CEO to enter into that contract with Michelle Bamess for the position of the Deputy Chief Executive Officer.

4757 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr Collins / Cr Jury

That the Council:

1. Authorise the CEO to negotiate a three to five year contract with Michelle Bamess for the position of Deputy Chief Executive Officer,

AND

2. Authorise the Shire President and the CEO to enter into that contract with Michelle Bamess for the position of the Deputy Chief Executive Officer.

CARRIED 8/0
By Simple Majority

M Bamess returned to the room at 5.32m

D Long returned to the room at 5.32pm

4758 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr T Borgward

That Council:

Re-open the meeting to the general public

CARRIED 8/0

14. MEETING CLOSED

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.33pm