

APRIL 2016 MINUTES

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.55pm.

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

Members

Cr M Tuffley	Member
Cr R Jury	Member
Cr G Browne	Member
Cr S Crosby	Member
Cr G Collins	Member
Cr T Borgward	Member

Staff

M Bamess	Deputy Chief Executive Officer
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Members of the Public

Marg Hemsley	Principal Consultant, LG People and Risk ID
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Apologies

Cr A Smith	Member
Cr M Stephens	Member
JP Bentley	Chief Executive Officer
DW Long	Works Manager

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**

Nil

- **Members Impartiality Interest**

Nil

- **Proximity Interest:**

Cr S Crosby declared proximity interest - 9.1.4 Nyabing Progress Association Development Application – Holiday Accommodation

Cr's Tuffley, Browne and Collins declared an interest in common - 9.1.4

Nyabing Progress Association Development Application – Holiday Accommodation

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 16 March, 2016

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 March, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4567- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr R Jury / Cr S Crosby

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 March, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 6/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

4.57pm- Marg Hemsley, Principal Consultant LG People and Risk ID presented a Workforce Plan Briefing outlining where the Workforce Plan and where it fits into our integrated planning. She explained to Council the governance and management roles of elected members and the CEO and discussed the results of the workforce planning survey conducted last year, which showed the most positive results of the 42 surveys she had conducted across other local governments. Marg concluded her presentation by congratulating Council for the way the organisation is currently operating and the management skills of the CEO. Presentation closed: 5.50pm

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 MARCH 2016

DATE:	4 April 2016
SUBJECT:	Monthly Financial Reports to 31 March 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.

ATTACHMENTS

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

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 March 2016

4568- 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 March 2016**

**CARRIED 6/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2016

DATE:	4 April 2016
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	\$423,923.19
Trust Fund	\$56.65
Direct Debits	\$133,742.77
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 20 April 2016.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$423,923.19
Trust Fund	\$56.65
Direct Debits	\$133,742.77
TOTAL	<u>\$557,452.61</u>

4569- COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr T Borgward / Cr G Collins**

Municipal Fund	\$423,923.19
Trust Fund	\$56.65
Direct Debits	\$133,742.77
TOTAL	<u>\$557,452.61</u>

**CARRIED 6/0
By Simple Majority**

9.1.3 LOCAL PLANNING SCHEME REVIEW AND LOCAL PLANNING STRATEGY

20 April, 2016 – Ordinary Meeting of Council – Minutes

Shire of Kent

DATE:	29 January 2015
PROPONENT:	Shire of Kent
LOCATION:	Whole Shire
SUBJECT:	Local Planning Scheme review and Local Planning Strategy
AUTHOR:	Carly Rundle – Planning Consultant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ATTACHMENTS:	1. Scheme Map Area

PURPOSE

Section 88 of the Planning and Development Act 2005 requires the Local Planning Scheme to be reviewed every five years, unless an exemption from a review is granted by the Minister for Planning. The Shire of Kent Town Planning Scheme No. 2 is due for a review, with the last consolidation occurring October 2007.

Following discussions with the Department of Planning (DoP) and to achieve outcomes in the Shire's Strategic Plan, it is recommended that a new Local Planning Strategy and new Local Planning Scheme be prepared for the Shire of Kent.

Council is requested to formally resolve to prepare a new Local Planning Scheme No. 3 pursuant to Section 72 of the Planning and Development Act 2005.

BACKGROUND

Town Planning Scheme No. 2 (TPS No. 2) was gazetted 5 October 2007, following a consolidation of the original town planning scheme (gazetted 5 November 1993). The purpose of the consolidation was to update the Scheme to be consistent with the 'Model Scheme Text' (MST). The MST is a model text contained in the Planning and Development Regulations 2009 which schemes are generally required to conform to.

Section 88 of the Planning and Development Act 2005 (referred herein as the Act) requires the Scheme to be reviewed every five years since the date of the previous review (the last review was 2007). The Scheme is now due for a review under the Act and is the subject of this Council Report.

On 18 October 2015, the Planning and Development (Local Planning Schemes) Regulations 2015 came into effect. The new Regulations replaced the previous MST with a 'model provisions' that scheme formats should generally follow and 'deemed provisions'. Deemed provisions automatically over-ride Local Planning Scheme provisions to the extent of any inconsistency. The Regulations require Local Planning Schemes to be updated to be consistent with the Model and Deemed provisions, within three years of the date of adoption of the Regulations.

TPS No. 2 currently covers the town sites of Nyabing and Pingrup and immediately surrounding area with the rest of the Shire being 'unzoned' land. By default rural land is automatically treated as such in accordance with State Planning Policy 2.5 – Rural Land for subdivision control. However, for land unzoned and outside the Scheme boundaries, there is no ability for Local Government to control development (outside of regulatory functions such the Building Codes, Local Laws and Health provisions etc). There is also no ability to identify land as 'Rural Residential' outside the Scheme boundaries, which is a requirement of the DoP and State Planning Policy 2.5 to support subdivision of rural residential lots.

In preliminary discussions with the DoP, it was advised that the Shire could pursue:

- Option 1: Progress a consolidation of the Scheme, maintain the current scheme boundaries around the town sites, and an exemption from preparing a Local Planning Strategy requested from the Minister of Planning;
- Option 2: Prepare a Town Site Expansion Strategy which would identify additional land required for development around the Shire, and then amend the Scheme boundaries to incorporate this additional land for development. This option would require land proposed to be developed as rural residential to be identified prior to the scheme consolidation/new scheme being prepared. This option does not provide much flexibility with regards to location of future rural residential development, and is undesirable if the location of future rural residential is unknown; or
- Option 3: Prepare a local planning strategy to support a new local planning scheme that would incorporate the whole of the Shire. This option will zone all land within the local government boundary and provide flexibility with regards to the location of future rural residential development.

STATUTORY IMPLICATIONS

The Planning and Development Act (2005) and Planning and Development (Local Planning Schemes) Regulations 2015 provide the statutory basis for adopting a new local planning scheme and strategy. The process to adopt a new scheme and strategy is summarised below.

The process of a scheme consolidation is very similar to that of adoption of a new scheme. The DoP encourage the preparation of a strategy and scheme concurrently.

Local Planning Scheme and Local Planning Strategy

Commencement and Referral

1. The local government adopts a formal resolution set out in the regulations, and forwards to the Commission a copy of the resolution and a copy of the map delineating the scheme area (both certified by the CEO), together with a statement setting out the objects and intentions of the scheme and the proposed format.
2. The Commission notifies the local government of receipt of the documents advises of necessary adjustment(s) to the scheme area, and makes relevant comments regarding the preparation of the new Scheme.
3. After receiving notification from the Commission the local government publishes in the Gazette and a local newspaper a notice of the resolution for a period of not less than 21 days, and forwards a copy to any adjoining local government, the Water Corporation, the Department of Parks and Wildlife, the Department of Water and every other public authority likely to be affected by the Scheme with a request to forward matters to be taken into consideration in preparation of the scheme. The local government is also required to refer the resolution to the EPA, together with written information relating to issues of possible environmental impact, to enable the EPA to determine its view on the environmental acceptability of the scheme.
4. The EPA is required to determine whether the scheme is to be formally assessed, and if so the relevant level of assessment. Alternatively the EPA may determine that the scheme only requires informal assessment, and will usually include advice, which is to be taken into consideration by the local government during the preparation of the scheme. It is important to note that a scheme cannot be publically advertised without the 'consent' of the EPA in this regard.

Preparation of Local Planning Strategy

Regulation 11 specifies that a local government must prepare a local planning strategy in accordance with this part for each local planning scheme that is approved for land within the

district of the local government. The DoP recommend that the strategy be formulated in conjunction with the scheme and that both documents are advertised concurrently.

5. Draft Local Planning Strategy is prepared.
6. Council adopts draft local planning strategy for advertising.
7. Before advertising a draft local planning strategy under Regulation 13, the local government must provide a copy of the strategy to the Commission
8. On receipt of a copy of a draft local planning strategy the Commission must, as soon as reasonably practicable, assess the strategy for compliance with 11(2).
9. Commission may request modifications, or certify the strategy complies with the regulations and local government may proceed to advertising.
10. Advertise strategy for a minimum of 21 days. Notice may be given in conjunction with the notice to be given for a local planning scheme.
11. Review submissions, local government may support strategy with modifications or without modifications.
12. Submit a copy of strategy to Commission with a copy of the advertised document, schedule of submissions and particulars of any modifications to the advertised local planning strategy.
13. Commission is to make a decision within 60 days, which can include requesting modifications,
14. Make approved version available online.

Preparation of Local Planning Scheme

15. Prepare draft Local Planning Scheme and present to Council for resolution to advertise draft scheme.
16. Prior to advertising forward two copies of the draft Scheme to the EPA and Commission with a request for Ministerial consent to advertise the scheme.
17. The DoP will assess the scheme and prepare a report for the Commission, with a recommendation to the Minister regarding consent to advertise.
18. The Minister will consider the Commission's report, and if modifications are required to the scheme prior to advertising, the relevant Ministerial instruction will be conveyed to the local government by the Commission.
19. On receipt of the Ministers consent and on completion of any required modifications (and confirmation by DoP), the local government is to advertise the scheme for a period of no less than 90 days.
20. Within six months of the conclusion of the consultation period (or as extended by Ministerial consent) the local government is to give consideration to submissions, make a recommendation on each and a recommendation on any modifications to the scheme. The local government may also request that certain components be re-advertised before the scheme is finalised or that the scheme review be discontinued. Following such consideration, the local government formally resolves to adopt the scheme (with or without the modifications) or that it does not wish to proceed with the scheme. Depending on the nature of modifications undertaken as a result of submissions, re-advertising may be warranted, or if deemed not necessary, the finally adopted version sent to the WAPC for approval.
21. [Assuming adoption of the scheme] Following adoption, the local government forwards to the Commission a copy of the resolution and a schedule of the submissions, which is to include all relevant details of the submitters, the matters raised in the submissions, its recommendations on the submissions, the particulars of any recommended modifications and its recommendation on the final form of the scheme. Relevant maps or other details are also to be forwarded to the Commission for explanation/clarification purposes.
22. The DoP will assess the scheme and request any necessary modifications, and provide a report and recommendation to the Minister of Planning (which may depending on the scale of modifications require re-advertising). Following advice of the Minister's required modifications the local government prepares, signs and seals three copies of the scheme

text, map and any other scheme document and forwards these to the DoP for checking and subsequent endorsement by the Commission.

23. Commission endorsement is followed by Ministerial endorsement and a notice of the schemes finalisation is then published in the Gazette by the Commission (at the local government's cost) and in a local newspaper by the local government.

The officer's recommendation will result in the advertising of the resolution and preparation of draft scheme and strategy documents for Council's consideration to proceed to advertising the documents at a further meeting.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter, and there are no policies adopted under Town Planning Scheme No.2 which will be affected by the review.

FINANCIAL IMPLICATIONS

The financial implications of the officer's recommendation will include the cost to prepare the new Local Planning Strategy and Scheme. The costs involved in this (ex GST) are attributable to the following:

1. Planning consultant to prepare scheme and strategy (approximately \$3,000);
2. Mapping costs of Strategy (approximately \$2,500);
3. Mapping costs of Scheme (undertaken by DoP at an hourly rate of approximately \$85); and
4. Advertising costs (minor);
5. Gazettal costs of new Local Planning Scheme (approximately \$80 per page);

A separate amendment to the new Scheme will be required to rezone land to Rural Residential and will involve costs to prepare the amendment document and supporting studies (i.e land capability). The costs of the amendment and/or development of land for Rural Residential purposes are unknown at this stage.

STRATEGIC IMPLICATIONS

The officer's recommendation is consistent with the Strategic Community Plan and in particular objective 4.3 of Key Focus Area 4: Business and Land Use:

OBJECTIVE 4.3: To review Town Planning Scheme to provide for future land development requirements.

Strategies	Timeframe	Responsibility
4.3.1 Incorporate provision for lifestyle lots in both Nyabing and Pingrup.	2014	CEO
4.3.2 Conduct comprehensive review of District Town Planning Scheme	2014	CEO

COMMENT

Option 3 is most desirable to achieve the outcomes of providing additional rural residential land around the Nyabing and Pingrup town sites, as it is understood that the Shire has not identified specific land to be developed for this purpose, and this option will also allow flexibility for

landowners to undertake their own development, should they choose to do so and meet the planning framework. Option 1 does not provide the ability to identify rural residential land outside the current scheme boundaries and Option 2 does not provide flexibility with regards to the location of future rural residential development which is yet to be identified.

The zoning of land will create certainty and control for development within the Shire, which currently does not exist. The purpose of planning and schemes are not to restrict or prevent appropriate development occurring in the Shire, but to protect inappropriate land uses from being constructed which may result in an impact on adverse amenity for landowners. Examples of such development which will require planning consent may include: Land fill sites, extractive industries, rural industries (i.e CBH) and tourist land uses. Development typical of rural and agricultural land uses will be identified as 'exempt development' or 'permitted' land uses which will not require planning consent.

A Planning Scheme is a way of protecting agricultural land from incompatible land uses encroaching and affecting their viability and can protect areas of value, such as historical buildings. The Scheme is a mechanism to interpret the strategic community plan into a local planning strategy which sets the long term vision for the Shire for development, and is implemented through a Local Planning Scheme. Local Planning Policies also have effect through a Local Planning Scheme.

Strategies and schemes provide a plan for the future and can justify and support infrastructure provision, major planning and can aid in the justification of projects for funding bids. It will also help facilitate achieving outcomes of the Strategic Community Plan. There are less than 10 local governments left within the State of WA which do not have a scheme that covers the whole of the local government area.

It is therefore recommended and supported by the DoP, that the Shire prepare a new Local Planning Scheme that incorporated the whole Shire, and that a Local Planning Strategy, as required by Regulation 11 be prepared to provide the rationale for the zoning of land that is currently unzoned.

A scheme review is not required if the local government resolves to prepare a new scheme.

ATTACHMENTS

Scheme Map Area
Local Planning Scheme Review

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council resolves:

- 1. In pursuance of Section 72 of the Planning and Development Act (2005) to prepare a new Local Planning Scheme No. 3, which will cover the entire Local government boundary, and shown as the Scheme Map Area as filled in Attachment 1 and upon gazettal revoke Town Planning Scheme No.2.**
- 2. Pursuant to Section 72 of the Planning and Development Act (2005) and Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) 2015, to forward to the Western Australian Planning Commission:**

- a) A copy of Council's resolution deciding to prepare a new Local Planning Scheme No. 3, certified by the Chief Executive Officer;
 - b) A map marked 'Scheme Map Area' signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and
 - c) That the preliminary intentions and objectives of the new Local Planning Scheme No.3 will be:
 - i. That having regard to the Shire of Kent Local Planning Strategy (which will be prepared concurrently with the Scheme) the objections and intentions of Local Planning Scheme No.3 will be to update the statutory planning controls within the municipality to be consistent with current standards, reflect current best practice with regard to land use planning, and provide guidance for the future development of the Shire of Kent municipality.
 - d) That the anticipated format of Local Planning Scheme No. 3 will be prepared in accordance with Schedule 1 : Model Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 and comprise of:
 - (i) Scheme Text; and
 - (ii) Scheme Map(s).
3. Subject to Council receiving notification from the Western Planning Commission pursuant to Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) Regulations 2015:
- a) Publish a notice within the Government Gazette and a newspaper circulating in the district of the Local Government of the passing of the resolution deciding to prepare a Local Planning Scheme No. 3.
 - b) Forward a copy of the notice to the Local Government of every adjoining district, each licensee under the Water Services Act 2012 likely to be affected by the Scheme, the CEO of the Department of the Public Service principally assisting in the administration of the Conservation and Land Management Act 1984 and each public authority likely to be affected by the Scheme for their recommendations in regards to preparation of the new Local Planning Scheme No. 3.
 - c) Pursuant to Section 81 of the Planning and Development Act 2005, forward a copy of the notice to the Environmental Protection Authority.
4. For the purposes of compliance with Regulation 11 of the Planning and Development (Local Planning Schemes) Regulations 2015, to prepare a draft Local Planning Strategy be prepared concurrently with the preparation of a new Local Planning Scheme.

4570- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr G Browne / Cr S Crosby

That the Council resolves:

- 5. In pursuance of Section 72 of the Planning and Development Act (2005) to prepare a new Local Planning Scheme No. 3, which will cover the entire Local government boundary, and

shown as the Scheme Map Area as titled in Attachment 1 and upon gazettal revoke Town Planning Scheme No.2.

6. Pursuant to Section 72 of the Planning and Development Act (2005) and Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) 2015, to forward to the Western Australian Planning Commission:
 - e) A copy of Council's resolution deciding to prepare a new Local Planning Scheme No. 3, certified by the Chief Executive Officer;
 - f) A map marked 'Scheme Map Area' signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and
 - g) That the preliminary intentions and objectives of the new Local Planning Scheme No.3 will be:
 - ii. That having regard to the Shire of Kent Local Planning Strategy (which will be prepared concurrently with the Scheme) the objections and intentions of Local Planning Scheme No.3 will be to update the statutory planning controls within the municipality to be consistent with current standards, reflect current best practice with regard to land use planning, and provide guidance for the future development of the Shire of Kent municipality.
 - h) That the anticipated format of Local Planning Scheme No. 3 will be prepared in accordance with Schedule 1 : Model Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 and comprise of:
 - (iii) Scheme Text; and
 - (iv) Scheme Map(s).
7. Subject to Council receiving notification from the Western Planning Commission pursuant to Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) Regulations 2015:
 - d) Publish a notice within the Government Gazette and a newspaper circulating in the district of the Local Government of the passing of the resolution deciding to prepare a Local Planning Scheme No. 3.
 - e) Forward a copy of the notice to the Local Government of every adjoining district, each licensee under the Water Services Act 2012 likely to be affected by the Scheme, the CEO of the Department of the Public Service principally assisting in the administration of the Conservation and Land Management Act 1984 and each public authority likely to be affected by the Scheme for their recommendations in regards to preparation of the new Local Planning Scheme No. 3.
 - f) Pursuant to Section 81 of the Planning and Development Act 2005, forward a copy of the notice to the Environmental Protection Authority.
8. For the purposes of compliance with Regulation 11 of the Planning and Development (Local Planning Schemes) Regulations 2015, to prepare a draft Local Planning Strategy be prepared concurrently with the preparation of a new Local Planning Scheme.

CARRIED 6/0
By Simple Majority

Cr S Crosby declared proximity interest.

Cr's Tuffley, Browne and Collins declared an interest in common

9.1.4 NYABING PROGRESS ASSOCIATION

<p>DATE: PROPONENT: LOCATION: SUBJECT: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO: ATTACHMENTS:</p>	<p>1 April 2016 Nyabing Progress Association Lot 14 Richmond Street, Nyabing Development Application – Holiday Accommodation Carly Rundle – Planning Consultant Peter Bentley – Chief Executive Officer</p> <p>A – Site Plan B – Development Plans</p>
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PURPOSE

The Shire has received a development application from the Nyabing Progress Association for the construction of Holiday Accommodation, consisting of six short stay accommodation units at Lot 14 Richmond Street, Nyabing.

The proposal involves the construction of six short stay accommodation units, car parking, new crossover, landscaping and demolition of a portion of the building currently forming part of the Nyabing Inn on Lot 13 (and extending over the boundary to Lot 14).

Council is requested to consider the application proposed.

BACKGROUND

Lot 14 is 1012m² in area and located within the Nyabing town site. The property is zoned 'Commercial' and surrounded by land similarly zoned to the east and west and land zoned 'Residential' to the south. The adjoining Lot 15 to east contains a single house and is used for residential land uses.

Lot 14 is currently used in conjunction with the Nyabing Inn, which is located on adjoining Lot 13 and is also in the ownership of the Nyabing Progress Association. The property currently contains an existing outbuilding abutting the rear laneway and a building adjoining the Inn which is proposed to be demolished. Lot 14 also provides a front access way from Richmond Street to the rear of Lot 13.

Lots 13 and 14 both have rear access available from a constructed laneway.

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 Provisions. The deemed provisions prevail in the event of inconsistency between 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 TPS2).

The proposal involves the construction of six short stay self-contained units. Each unit is 9.5m x 4m (38m²) and includes one bedroom, kitchenette and ensuite. The units will be managed by the Nyabing Inn on adjoining Lot 13 and whilst providing car parking for patrons on site, is not specifically designed to provide special provision to accommodate patrons with motor vehicles. Therefore it is considered that the proposal is consistent with the definition of 'Holiday Accommodation' rather than 'Motel'.

Holiday Accommodation is defined in Schedule 1 as:

"means accommodation comprising two or more cabins, apartments, chalets, cottages or flats, which by way of trade or business, or for the purpose of any trade or business, is held out as being available or is made for holiday purposes for occupation by persons other than the proprietor."

Holiday Accommodation is identified as an 'AA' use in the Commercial Zone. An 'AA' use means the Council, may its discretion, permit the use.

The objectives of the Commercial zone in Cl 5.4.1 are as follows:

- 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 land use of Holiday Accommodation is a commercial use appropriately located in the Commercial zone. It is appropriately located in proximity to existing commercial land uses which will complement one another including the general store and Nyabing Inn. The introduction of further commercial uses and diversity of accommodation services in town will encourage visitors and strengthen the commercial centre which is the focal point for the surrounding rural community. The use of Holiday Accommodation is consistent with the objectives of the Commercial zone in TPS2.

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.

Clause 5.4.2 specifies the following provisions for the commercial zone.

- 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 facades.*

The units are a prefabricated type structure, with a donga like appearance including a raised floor approximately 0.5m from natural ground level on beams and skillion roof with a low pitch with no eaves overhanging. External materials are proposed to be cladding on the walls and a zincalume roof.

The building is proposed to be setback 7m from the front boundary which will be consistent with the dwelling on adjoining lot 15. The building will be setback slightly further than the existing building to be demolished which is setback approximately 4.4m, and the Nyabing Inn building is located on the front boundary.

The established character of the streetscape in the Commercial zone is adhoc, with little consistency between materials used, setback to Richmond Street and built form.

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.

Given the proposed use is for accommodation, it is reasonable that a setback would be required for privacy, and an increased setback can provide for a transition between the established commercial land uses to the west and residential land use to the east. The building itself, if reasonable materials are used for the external cladding is not anticipated to detract from the amenity of the streetscape and with appropriate landscaping being implemented along the street frontage it is anticipated the visual amenity from the street will be maintained. 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, redesign of the façade and a revised car parking plan.

Open undersides of raised prefabricated buildings can detract from the amenity of a streetscape and it is also recommended that the underside of the buildings be enclosed to maintain the amenity of the area.

- ii) *Service Industry, Storage Yards and similar uses to be restricted to low impact uses and shall only be permitted where they are considered compatible with adjoining uses and character of the existing Commercial Zone.*

Not applicable – use is not a Service Industry, Storage Yard or similar use and is compatible with existing uses the Commercial zone.

- iii) *The storage of bulky and unsightly goods shall be screened to Council's specification and satisfaction.*

Details of bin storage will be conditioned on approval and if required will be provided at the rear of the lot where it will not be visible from Richmond Street and located so as not to cause a nuisance to the adjoining residential use.

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

The property has previously been used in conjunction with the Nyabing Inn and uses shared access, such as a constructed front access from Richmond Street through Lot 14 and a constructed rear access to the laneway through Lot 13. There have been no issues with service deliveries using both the front and rear access as required, and the proposed Holiday Accommodation is not anticipated to substantially increase the number of services deliveries to a level that may warrant a condition of approval being imposed that service deliveries shall use the rear access only.

The proposal will maintain the existing access arrangements, and only realigns the crossover onto Richmond Street to be located further west. Both Lots 13 and 14 will continue to have rear access to the laneway should they require it's use.

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 will appear in scale with adjoining buildings and is anticipated to be consistent with the amenity of the streetscape.

A 1m setback of the accommodation units to the eastern boundary which adjoins the residential use is consistent with what is typically required between two dwellings and the accommodation units will abut the carport on adjoining Lot 15 which will act as a buffer between the two uses.

- (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 suitable for the proposed use. The reinstatement of the existing crossover (which is no longer proposed for use) to a footpath and re-kerbing, and construction of new footpath to the satisfaction of the Shire will be required to ensure that the visual amenity of a consistent footpath is maintained.

There is sufficient space for service vehicles to enter and exit the property and the proposed car parking complies with the relevant Australian Standard dimensions.

The implementation and construction of car parking will be a condition of approval.

- (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 traffic proposed to be generated by the development will be minimal and Richmond Street is capable of accommodating this additional traffic.

- (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.*

The development has adequate servicing and has been planned in accordance with disabled requirements.

- (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 an additional source of accommodation for visitors and tourists which can assist in improving the local economy and vitality of the community.

- (y) Any submissions received on the application.*

The application was not referred for comment. There were no variations to development standards proposed and the use is appropriately located in the Commercial zone. No referrals were required.

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

The approval of this application will assist in meeting objective 3.1 of the Shire of Kent Strategic Plan – to value add to our local economy through the development of tourism opportunities.

COMMENT

The proposed 'Holiday Accommodation' is consistent with the objectives and provisions of the 'Commercial' Zone in the Scheme.

The development will be compatible with surrounding land uses, will not detract from the amenity of the streetscape and the demolition of the existing building over the boundaries between Lot 13 and 14 is likely to improve the appearance of the town centre and visual amenity from the streetscape.

Appropriate conditions included on the planning consent will ensure car parking, access, stormwater and landscaping is appropriately managed and implemented to comply with standards.

It is recommended to Council that the proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and that pursuant to Clause 68 of the Regulations that planning consent, subject to conditions be granted for the proposed development.

ATTACHMENTS

Site Plans
Development Plans

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Approve the development application for Holiday Accommodation at Lot 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 Holiday Accommodation hereby approved is to be made available for temporary accommodation purposes only and shall not be occupied by any one person or family or group of persons (two persons or more) for a period exceeding 3 months (consecutively or intermittently) within any 12 month period.
4. 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) Landscaping Plan
 - c) Details of the proposed crossover to Richmond Street and details of reinstatement of the existing crossover to the satisfaction of the Shire. The existing vehicle crossover shall be removed and the verge reinstated to the specifications of the local government.
 - d) Details of type and colour of all external materials to be used.

- e) Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction.
 - f) The underside of the floor of the units shall be enclosed to the satisfaction of the Shire.
5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 4 have been implemented and/or the following conditions have been complied with:
- a) A minimum number of six 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, sealed, drained and marked.
6. The works undertaken to satisfy Condition(s) 2, 4 and 5 shall be subsequently maintained for the life of the development.

4571- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr G Browne / Cr R Jury

That the Council:

Approve the development application for Holiday Accommodation at Lot 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 Holiday Accommodation hereby approved is to be made available for temporary accommodation purposes only and shall not be occupied by any one person or family or group of persons (two persons or more) for a period exceeding 3 months (consecutively or intermittently) within any 12 month period.
- 4. 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) Landscaping Plan
 - c) Details of the proposed crossover to Richmond Street and details of reinstatement of the existing crossover to the satisfaction of the Shire.

The existing vehicle crossover shall be removed and the verge reinstated to the specifications of the local government.

- d) Details of type and colour of all external materials to be used.
 - e) Details of the proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction.
 - f) The underside of the floor of the units shall be enclosed to the satisfaction of the Shire.
5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 4 have been implemented and/or the following conditions have been complied with:
- b) A minimum number of six 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, sealed, drained and marked.
6. The works undertaken to satisfy Condition(s) 2, 4 and 5 shall be subsequently maintained for the life of the development.

CARRIED 5/0
By Simple Majority

9.1.5 WORKFORCE PLANNING REVIEW REPORT

<p>DATE:</p> <p>SUBJECT:</p> <p>PROPONENT:</p> <p>LOCATION:</p> <p>AUTHOR:</p> <p>REPORTING OFFICER:</p> <p>FILE NO:</p> <p>ASSESSMENT NO:</p>	<p>12 April 2016</p> <p>Workforce Planning Review Report</p> <p>N/A</p> <p>Whole of the Shire</p> <p>Michelle Bamess - Deputy Chief Executive Officer</p> <p>Peter Bentley - Chief Executive Officer</p> <p>N/A</p>
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PURPOSE

For Council to endorse the Workforce Planning Review Report.

BACKGROUND

Workforce Planning is one of the four key components of the Integrated Planning and Reporting Framework and Guidelines now in place across the Local Government sector in Western Australia. At the strategic level the Shire of Kent's Workforce Plan takes into account the community aspirations, priorities and objectives of the Strategic Community Plan which sets out the longer term vision for the Shire and highlights the future needs of our workforce.

The Workforce Plan is an essential component of the Shire of Kent's Corporate Business Plan as it identifies workforce requirements and strategies for current and future operations.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council has no set policy on this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Workforce Plan is a continuous process of shaping our workforce to ensure that it is capable of delivering organisational objectives now and in the future.

ATTACHMENTS

Shire of Kent Workforce Planning Review Report – Update: April 2016

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Consider and endorse the Workforce Planning Review Report.

4572- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr R Jury

That the Council:

Endorse the Workforce Planning Review Report.

**CARRIED 6/0
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**
12. **INFORMATION BULLETIN**

4573 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne /Cr S Crosby

That the Information Bulletin be received by Council.

CARRIED 6/0
By Simple Majority

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.

4574 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr S Crosby

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

CARRIED 6/0
By Simple Majority

13.1.1 CONFIDENTIAL - RENEGOTIATION OF CEO CONTRACT

DATE:	1 April 2016
SUBJECT:	Re-negotiation of Contract - CEO
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley - Chief Executive Officer
FILE NO:	PERSONNEL
ASSESSMENT NO:	N/A

PURPOSE

Council to enter into enter into a renewal of contract with the Chief Executive Officer for a period of 3 years from 17 May 2016 to 16 May 2019

BACKGROUND

In May 2010 the Chief Executive Officer commenced employment with the Shire of Kent for a period of three years. In May 2012 the Council agreed to a second further 4 year term of the contract and that contract expires on 16 May 2017. Council must enter into discussions with the Chief Executive Officer not later than twelve months prior to the expiry date of the contract for a renewal of the contract if it so chooses.

The Chief Executive Officer has previously stated that he would welcome a further contract with the Shire of Kent and it is up to the Council to decide whether it too wishes to enter into a further contract. Council agreed to enter into a new three year contract as at 17 May 2016.

STATUTORY IMPLICATIONS

Local Government Act 1995

Division 4 — Local government employees

5.36. - Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the provisions of the proposed employment contract.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Where a local government advertises the position of CEO, the local government is to state in the advertisement the salary and the total value of all remuneration and benefits payable to the CEO.

5.37 - Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Where a local government advertises the position of a senior employee, the local government is to state in the advertisement the salary and the total value of all remuneration and benefits payable to the senior employee.

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.

5.39 - Contracts for CEO's and senior employees

- (1) The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3) (a) prevents a contract for a period that is within the limits set out in paragraph (a) or (b) of subsection (2) from being terminated within that period on the happening of an event specified in the contract.

5.40 - Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

Local Government (Administration) Regulations 1996

18A. Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3)

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
- (a) on a notice board exhibited to the public at the local government's offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year; or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in subregulation (1) is to contain —
- (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872.]

18B. Matters to be included in contracts for CEO's and senior employees — s. 5.39(3)(c)

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEO's

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is

advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

18E. Offence to give false information in application for employment with local government

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular. Penalty: \$5 000.

[Regulation 18E inserted in Gazette 31 Mar 2005 p. 1038-9; amended in Gazette 19 Aug 2005 p. 3872.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications for not entering into a new contract include the prospect of expense for the recruitment process including any consultant enlisted to assist with the process, advertising costs, removal expenses and the like. Historically this process has cost as much as \$20,000.00.

Implications for the renewal of the current contract will depend on the negotiated outcome from discussions.

STRATEGIC IMPLICATIONS

This item is not directly dealt with within the Shire of Kent Strategic Plan 2010 - 2015

COMMENT

The Chief Executive Officers Contract of Employment makes the following provisions in relation to further contracts:

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this contract, the Local Government will employ the CEO for a term of four (4) years, commencing on 17 May 2013 and expiring on the 16th day of May 2017.

5. FURTHER CONTRACTS

There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and/or the CEO shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new contract, a new contract will be executed.

The Council must now agree the conditions of the new contract the Chief Executive Officer given that it has indicated that it wishes to do so.

The Chief Executive Officer has requested that the following alterations to the remuneration package be agreed:

Year 1

Base Cash Component be set at a minimum of	\$150,000	+\$6,688
Isolation Allowance (as per SAT rate)	\$10,000	+\$10,000
Professional Development for Year 1 be	\$8,000	-\$500
Communications Allowance be	\$4,500	

Year 2

Base Cash Component be set at a minimum of	\$156,000	+\$6,000	(4%)
Isolation Allowance (as per SAT rate)	\$10,000		
Professional Development be	\$8,000		
Communications Allowance be	\$4,500		

Year 3

Base Cash Component be set at a minimum of	\$162,240	+\$6,249	(4%)
Isolation Allowance (as per SAT rate)	\$10,000		
Professional Development be	\$8,000		
Communications Allowance be	\$4,500		

The request addresses an increased cash component which would bring the CEO to a level comparable with where his cash component would now be under the existing contract. In addition the CEO has been entitled to an isolation allowance under the SAT guidelines for the past three years which he has chosen not to claim in the past but would now like included within the package. For the purposes of the reporting to the Department and the SAT this is an exempt benefit

There is no increase in professional development expense which is to accommodate training that the CEO may like to undertake which will benefit both parties.

There is no increase in the communications allowance of \$4,500 which will accommodate the purchase of the home internet package, and other tools that may assist the CEO in undertaking his role such as software, electronic equipment and the like.

The proposed alterations still maintains the CEO's salary package well within the prescribed bands as set out by the Salaries and Allowances Tribunal.

This then provides for a reportable salary package of \$172,200 and a total remuneration of \$220,380 including housing, vehicle and other exempt benefits. This equates to an average salary package increase over the three years of approximately \$8,000 per annum which is not an unreasonable increase in an executive package. The maximum reportable salary package that can be negotiated is \$195,280 and this contract sits well within that limit. An anecdotal survey of surrounding longer term CEO's within band 4 puts this package at the lower end of the spectrum.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION (officers recommendation)

That the Council:

1. **Agree to the proposed conditions of employment with the current Chief Executive Officer for a further contract term of three years to commence on 17 May 2016.**
2. **That the Shire President be delegated authority to sign the contract on behalf of the Council and affix the Common Seal to that contract.**

4575- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr G Browne/ Cr G Collins

That the motion lay on the table until further information can be provided.

**CARRIED 6/0
By Absolute Majority**

4576- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED CrG Collins / Cr G Browne

That Council:

Re-open the meeting to the general public

CARRIED 7/0

14. MEETING CLOSURE

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 6.25pm.