

# AGENDA FOR ORDINARY MEETING OF COUNCIL

WEDNESDAY 17 APRIL 2019

Council Chambers  
6177 Great Northern Highway  
Bindoon

Commencement: 7.00pm



#### **Disclaimer**

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

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

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

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

## Procedure for Public Question Time, Petitions, Deputations and Presentations at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

|   |   |  |
|---|---|--|
| <b>Petitions</b><br>A formal Process where members of the community present a written request to the Council. | <b>Deputations</b><br>A formal process where members of the community request permission to address Council or Committee on an issue. | <b>Presentations</b><br>An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government. |
|---|---|--|

### Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email [chatter@chittering.wa.gov.au](mailto:chatter@chittering.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email [chatter@chittering.wa.gov.au](mailto:chatter@chittering.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Shire President or an appropriate Councillor.

### **Procedure for Petitions**

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

### **Procedure for Public Question Time**

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Shire of Chittering Local Government (Council Meetings) Local Law 2014*:

1. Public Questions Time will be limited to 15 minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two minutes to ask their question(s).
4. Questions will be limited to two per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by **5pm on the day before the meeting and be signed by the author**. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

**During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**

**Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**

**Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**


## TABLE OF CONTENTS

|           |   |          |
|-----------|---|----------|
| <b>1.</b> | <b>DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....</b>   | <b>1</b> |
| <b>2.</b> | <b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS.....</b>  | <b>1</b> |
| 2.1       | Attendance.....   | 1        |
| 2.2       | Apologies.....  | 1        |
| 2.3       | Approved leave of absence.....  | 1        |
| 2.3.1     | Cr Peter Osborn .....   | 1        |
| 2.4       | Announcements.....  | 2        |
| <b>3.</b> | <b>DISCLOSURE OF INTEREST.....</b>  | <b>3</b> |
| <b>4.</b> | <b>PUBLIC QUESTION TIME .....</b>   | <b>3</b> |
| 4.1       | Response to previous public questions taken on notice .....   | 3        |
| 4.2       | Public question time .....  | 3        |
| <b>5.</b> | <b>PRESENTATIONS / PETITIONS / DEPUTATIONS .....</b>  | <b>3</b> |
| 5.1       | Petitions .....   | 3        |
| 5.2       | Presentations .....   | 3        |
| 5.3       | Deputations.....  | 4        |
| <b>6.</b> | <b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>  | <b>4</b> |
| <b>7.</b> | <b>CONFIRMATION OF MINUTES .....</b>  | <b>4</b> |
| 7.1       | Ordinary Meeting of Council: Wednesday 20 March 2019.....   | 4        |
| 7.2       | Special Meeting of Council: Wednesday 27 March 2019 .....   | 4        |
| 7.3       | Special Meeting of Council: Wednesday 27 March 2019 .....   | 4        |
| <b>8.</b> | <b>ANNOUNCEMENT FROM THE PRESIDING MEMBER .....</b>   | <b>4</b> |
| <b>9.</b> | <b>REPORTS.....</b>   | <b>5</b> |
| 9.1       | DEVELOPMENT SERVICES.....   | 5        |
| 9.1.1     | Bindoon Lifestyle Village and Caravan Park Expression of Interest: Lots 88 and 89 Great Northern Highway, Bindoon* .....                        | 5        |
| 9.1.2     | Make Smoking History Targa West: Muchea stage* .....  | 10       |
| 9.1.3     | Restrictive Covenant: Freehold (Green Title) Subdivision of Lot 100 (RN2035) Chittering Road, Lower Chittering (WAPC 156432)* .....             | 14       |
| 9.2       | TECHNICAL SERVICES .....  | 17       |
| 9.3       | CORPORATE SERVICES.....   | 17       |
| 9.3.1     | List of Accounts Paid for the period ending 31 March 2019* .....  | 17       |
| 9.3.2     | Monthly Financial Reports for the Period Ending 31 March 2019* .....  | 19       |
| 9.4       | CHIEF EXECUTIVE OFFICER .....   | 21       |
| 9.4.1     | Authority to Delegate: Electronic Lodgement Network Operator (PEXA)* .....  | 21       |
| 9.4.2     | Approval to Lease and Affixing of the Common Seal on the Lease Agreement relating to a portion of Lot 1023 (RN 11) Edmonds Place, Bindoon*..... | 25       |
| 9.4.3     | Lower Chittering Sport and Recreation Facility – Stage 1 .....  | 29       |
| 9.4.4     | Ferguson House: Lot 91 (RN 6138) Great Northern Highway, Bindoon 38   |          |

|            |  |           |
|------------|--|-----------|
| <b>10.</b> | <b>REPORTS OF COMMITTEES .....</b>   | <b>42</b> |
| 10.1       | Chittering Bushfire Advisory Committee Meeting: Tuesday 12 March 2019* .....     | 42        |
| 10.2       | Chittering Audit Committee Meeting: Wednesday 20 March 2019* .....               | 45        |
| <b>11.</b> | <b>MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>                    | <b>48</b> |
| <b>12.</b> | <b>QUESTIONS FROM MEMBERS WITHOUT NOTICE.....</b>                                | <b>48</b> |
| <b>13.</b> | <b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING ..</b> | <b>48</b> |
| <b>14.</b> | <b>MEETING CLOSED TO THE PUBLIC .....</b>  | <b>48</b> |
| <b>15.</b> | <b>CLOSURE.....</b>  | <b>48</b> |

\* indicates separate attachments

Notice is hereby given that the next Ordinary meeting of the **Shire of Chittering** will be held on **Wednesday 17 April 2019** in the Council Chambers, Bindoon commencing at **7.00pm**.



**NEIL HARTLEY**  
Acting Chief Executive Officer

**1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS**

The Presiding Member to declare the meeting open.

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

**2.1 Attendance**

**2.2 Apologies**

**2.3 Approved leave of absence**

**2.3.1 Cr Peter Osborn**

Council approved Leave of Absence for the period inclusive of Thursday 21 March to Thursday 18 April 2019 (Council Resolution 050319).

## 2.4 Announcements

*Councillors are to advise of their attendance in their role as an Elected Member at community activities and meetings. As the Chief Executive Officer's office looks after some (not all) appointments for the President and Deputy President; the Agenda includes only those meetings. Councillors are therefore requested to provide additional information at the Ordinary Council Meeting for inclusion in the Council Minutes.*

### Cr Gordon Houston

- 20 March – Audit Committee and Ordinary Council Meetings
- 27 March – Funding Announcement by the Deputy Prime Minister for 70 million commitment through the Roads of Strategic Importance (ROSI) initiative for the Wheatbelt Secondary Freight Route (WSFR)
- 27 March – Special Council Meetings (4.30pm and 6.00pm)

### Cr Peter Osborn

- 27 March – Funding Announcement by the Deputy Prime Minister for 70 million commitment through the Roads of Strategic Importance (ROSI) initiative for the Wheatbelt Secondary Freight Route (WSFR)
- 27 March – Special Council Meeting (4.30pm)
- 3 April – CTA Members meeting
- 8 April – meeting with Stringybark Restaurant
- 8 April – meeting with Immaculate Heart College

### Cr Aaron King

- 20 March – Audit Committee and Ordinary Council Meetings
- 27 March – Special Council Meetings (4.30pm and 6.00pm)
- 3 April – CTA Members meeting
- 9 April – Information Session
- 9 April – Agenda Forum

### Cr George Tilbury

- 20 March – Audit Committee and Ordinary Council Meetings
- 27 March – Special Council Meetings (4.30pm and 6.00pm)
- 4 April – Lower Chittering Sports Facility meeting
- 9 April – Information Session
- 9 April – Agenda Forum

### Cr Carmel Ross

- 20 March – Audit Committee and Ordinary Council Meetings
- 27 March – Special Council Meetings (4.30pm and 6.00pm)
- 3 April – CTA Members meeting
- 4 April – Lower Chittering Sports Facility meeting
- 9 April – Information Session
- 9 April – Agenda Forum

Cr Mary Angus

20 March – Audit Committee and Ordinary Council Meetings  
27 March – Special Council Meetings (4.30pm and 6.00pm)  
3 April – CTA Members meeting  
9 April – Information Session  
9 April – Agenda Forum

Cr Don Gibson

20 March – Audit Committee and Ordinary Council Meetings  
27 March – Special Council Meetings (4.30pm and 6.00pm)  
9 April – Information Session  
9 April – Agenda Forum

### **3. DISCLOSURE OF INTEREST**

Councillors must declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

### **4. PUBLIC QUESTION TIME**

#### **4.1 Response to previous public questions taken on notice**

Nil

#### **4.2 Public question time**

### **5. PRESENTATIONS / PETITIONS / DEPUTATIONS**

#### **5.1 Petitions**

#### **5.2 Presentations**



**5.3 Deputations**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Meeting of Council: Wednesday 20 March 2019**

**7.1 OFFICER RECOMMENDATION**

That the minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2019 commencing at 7.00pm be confirmed as a true and correct record of proceedings.

**7.2 Special Meeting of Council: Wednesday 27 March 2019**

**7.2 OFFICER RECOMMENDATION**

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 March 2019 commencing at 4.31pm be confirmed as a true and correct record of proceedings.

**7.3 Special Meeting of Council: Wednesday 27 March 2019**

**7.3 OFFICER RECOMMENDATION**

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 March 2019 commencing at 6.02pm be confirmed as a true and correct record of proceedings.

**8. ANNOUNCEMENT FROM THE PRESIDING MEMBER**

## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Bindoon Lifestyle Village and Caravan Park Expression of Interest: Lots 88 and 89 Great Northern Highway, Bindoon\*

|                               |  |
|-------------------------------|--|
| <b>Report date</b>            | 4 April 2019   |
| <b>Applicant</b>              | Shire of Chittering  |
| <b>File ref</b>               | A9502  |
| <b>Prepared by</b>            | Principal Environmental Health Officer   |
| <b>Supervised by</b>          | Executive Manager Development Services   |
| <b>Disclosure of interest</b> | Nil  |
| <b>Voting requirements</b>    | Simple Majority  |
| <b>Attachments</b>            | <ol style="list-style-type: none"><li>1. Wastewater Treatment and Disposal for a Proposed Caravan Park and Lifestyle Village at Bindoon/ River Engineering (March 2019)</li><li>2. Draft Expression of Interest for prospective developers of a Lifestyle Village and Caravan Park development at Lots 88 and 89 Great Northern Highway, Bindoon</li></ol> |

#### Executive Summary

Council is requested to consider approval of a draft Expression of Interest inviting submissions by prospective developers for a Lifestyle Village/Caravan Park on the former Bindoon golf course site located at Lots 88 and 89 Great Northern Highway, Bindoon.

#### Background

The Shire's former Chief Executive Officer provided a report to the Ordinary Council Meeting held on 17 October 2018 requesting Council to consider a proposed Lifestyle Village and Caravan Park development on Lots 88 and 89 Great Northern Highway, Bindoon. Council resolved:

|   |
|---|
| <p>9.4.5 <i>SUBSTANTIVE MOTION/COUNCIL RESOLUTION 131018</i><br/><i>Moved Cr Osborn/Seconded Cr King</i><br/><i>That Council:</i></p> <ol style="list-style-type: none"><li>1. <i>Note that an Integrated Lifestyle Village/Caravan Park Development Feasibility Report will be provided at the November Ordinary Council Meeting.</i></li><li>2. <i>Authorise the Chief Executive Office to engage an Engineering Consultancy associated with on-site waste water disposal (as outlined in this report).</i></li><li>3. <i>Authorise the Chief Executive Officer to prepare an Expression of Interest for development on the land comprising of an integrated Lifestyle Village/Caravan Park.</i></li><li>4. <i>Note that the proposed Expression of Interest document will be returned to Council for further consideration.</i></li></ol> <p><i>Advice Note:</i><br/><i>That the expression of interest document considers land for aged care or other development within the Bindoon Townsite.</i></p> <p style="text-align: right;"><i>THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0</i><br/><i>7:57PM</i></p> |
|---|

The purpose of Motion 2 was to de-risk the wastewater treatment and disposal issue, which is of concern because of the unfavourable geological soil on site. The previous report (17 October 2018) stated:

*“As a result, development of the site for the proposed use (Lifestyle Village and Caravan Park) would require alternate options for either on-site or off-site disposal of treated waste water. As the geology of the site includes heavy soil profiles, it is recommended that an engineering consultancy be engaged to consider infiltration rates at the site and make recommendations in relation to housing densities and appropriate waste water treatment options. It is likely that an alternate waste water treatment unit/s could be used with the waste water being treated and disposed of via irrigation or a combination of irrigation and leach drains.*

*As the provision of waste water services represents a risk to potential investors, it is considered prudent to de-risk that element of the project and to provide appropriate advice to potential investors regarding this issue. It is therefore recommended that an appropriate engineering report be commissioned, followed by an EOI for development at the site.”*

A ‘request for fee proposal’ was sent to several environmental consultancies and in November 2018, an order was issued to River Engineering to conduct a Site and Soil Evaluation (SSE), with a view to establishing options for on-site wastewater treatment and disposal. The SSE report by River Engineering is included as **Attachment 1**.

The report highlighted the constraints of the site due to its heavy clay soil profile. It concluded that the only viable option was to construct a centralised treatment facility that produces a high-quality effluent for land disposal by actively controlling irrigation, with an appropriate sized wet weather storage facility (pond). An area of 2.25 hectares would be required for land disposal of treated effluent and a fenced winter storage dam holding 630 cubic meters. The cost of the infrastructure was estimated at \$960,000 plus annual operational costs of \$115,000. There would be additional costs for maintenance of the irrigation field and inspections which would be borne by the Shire.

In accordance with Motion 3 of the previous Council report, the next step is to develop an Expression of Interest (EOI) for potential developers. A draft EOI is attached for Council’s consideration (**Attachment 2**).

### **Consultation/Communication Implications**

There have been several Council briefings regarding the propose Lifestyle Village and Caravan Park including independent feasibility reports for each development. The decision to combine the two proposals (caravan park and lifestyle village) on the one site provides a number of advantages for both investors and Council.

### **Legislative Implications**

#### State

- The proposed Lifestyle Village and Caravan Park would be developed and operated under the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan and Camping Grounds Regulations 1997*.
- The *Environmental Protection Regulations 1987* (prescribed premise Category 85) and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* provide provisions for licensing of onsite wastewater.
- The *Local Government Act 1995* provisions apply to land disposal arrangements where applicable. Provisions under this act will be considered in more detail once an EOI has been received for development of the land.

- The *Planning and Development Act 2005* provides provisions for subdivision and amalgamation of land. In the event the development proceeds it is likely that the two lots will need to be amalgamated.

Local

- The land is located in the Townsite zone in the Shire's *Local Planning Scheme No.6* (LPS6), which provides land for a high range of services, residential types, community and recreational facilities. A caravan park is a discretionary land use in LPS6.

**Policy Implications**

State

- The *Draft Government Sewerage Policy 2016* controls the density of development on land, particularly where that land is not connected to a service reticulated service provider.

Local

- Various Local Planning Policies under Shire of Chittering *Local Planning Scheme No. 6* may apply at the time of development application.

**Financial Implications**

In 2014 the land parcel which was sold to WA Retirees was valued at \$680k (serviced) but was sold to WA Retirees for a discounted amount of \$530k due to the lack of waste water treatment services. Council has already budgeted to re-purchase the site in the 2018/2019 financial year.

The Wastewater Options Engineering Study cost \$15,070 and the funds were drawn from Council's Strategic Consultancy Budget.

The full financial implications will be further considered by Council once it has received EOI's for development at the site.

**Strategic Implications**

Council has previously recognized that the land is located in a desirable location for development.

Local

- *Strategic Community Plan 2017-2027*

Focus area: Our Community

Objective: S1.1 An active and supported community

Strategy: S1.1.2 Activate out local town centres

Focus area: Our Built Environment

Objective: S3.1 Development of local hubs

Strategies: S3.1.2 Activate local town centres to ensure a good mix of residential, commercial and social infrastructure

S3.1.3 Plan for an facilitate housing choice

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategies: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth.

S4.2.1 Encourage and support local business and new investments for the future

State

Nil

**Site Inspection**

There have been numerous site visits over an extensive period of time, including consultants associated with feasibility studies and economic analysis. The land consists of heavy soil profiles with a moderate slope and is considered to be suitable for the development purpose, subject to the installation of a suitable wastewater treatment and disposal system.

**Triple Bottom Line Assessment**

Economic implications

In terms of development, there are arrangements based around build/own/operate (BOO), joint ventures, contract management and lease options, which can be structured to suit. This would generally involve separate parties committing to the role of developer and operator.

It would be unrealistic to consider the Shire undertaking the entire development given the slow capital and resources required. The Shire could seek a commercial relationship with a reputable developer via BOO contract or joint venture; such an arrangement may provide the Shire with greater control over the development in terms of amenity, price pointing, staging etc. and ensure that any flow on economic benefits to the community can be better realised.

However, in this particular instance, it is proposed to first seek EOI's from the private sector on the basis that Council would provide the land on a long term lease arrangement. Council can then make an informed decision of how to best proceed based the outcome of that process.

Social implications

Development of the land would provide a strong social outcome for the community and would provide for an unmet demand within the community. The residential component would provide alternative, affordable accommodation for an aging population and the caravan park facility would provide short stay accommodation for itinerant workers and tourists.

Environmental implications

Proponents would be required to demonstrate how any development would retain significant trees particularly if Carnaby Cockatoo habitat is found at the site. In any event, the trees at the site provide good visual amenity and should be retained where possible.

The site is located close to the Brockman River and is in a sewage sensitive location under the Draft *Government Sewerage Policy 2016*. Disposal of wastewater is critical however achievable.

**Officer Comment/Details**

The land is centrally located in the Bindoon town site and offers a strategic development location. The development of a Lifestyle Village and a small Caravan Park would provide desirable social and economic benefits to the community.

There is an appropriate development solution at the site, which responds to the provision of smaller affordable housing sites and a caravan park in the town. Further, this model does not require the Shire to manage or fund the capital investment to provide the facility, in the event private sector development occurs.

The report by River Engineering reflects the site difficulties, which have always been of concern. The understanding of the type of wastewater treatment and disposal system and estimated costs is a positive step as it provides a path forward. The critical question will be whether the cost will be acceptable to potential developers. This could be resolved at the next step in the process which will be to invite EOI's from potential investors. It is proposed that the EOI be advertised for a minimum period of eight weeks. Once EOI's are received, Council may then decide to invite detailed proposals from selected investors, and to establish an Evaluation and Selection Committee to further consider those detailed proposals.

**9.1.1 OFFICER RECOMMENDATION**

**That Council:**

- 1. Approves the advertising of the attached Expression of Interest (EOI) to prospective developers for a Lifestyle Village/ Caravan Park on the former Bindoon golf course site located at Lots 88 and 89 Great Northern Highway, Bindoon for a minimum period of eight weeks; and**
- 2. A further report be submitted to Council to consider the outcome of the EOI's received.**

### 9.1.2 Make Smoking History Targa West: Muchea stage\*

|                               |  |
|-------------------------------|--|
| <b>Report date</b>            | 3 April 2019                           |
| <b>Applicant</b>              | Targa West P/L                         |
| <b>File ref</b>               | 26/01/0004                             |
| <b>Prepared by</b>            | Principal Environmental Health Officer |
| <b>Supervised by</b>          | Executive Manager Development Services |
| <b>Disclosure of interest</b> | Nil                                    |
| <b>Voting requirements</b>    | Simple Majority                        |
| <b>Attachments</b>            | 1. Letter from Targa West Pty Ltd      |

#### Executive Summary

Council is requested to consider the approval of an additional stage of the Targa West event to be held in Muchea on Thursday 8 August 2019 between 3.00 pm and 5.00 pm.

#### Background

The Targa West events have been successfully held in the Shire of Chittering for many years. At the Ordinary Meeting of Council held on 16 March 2016, Council agreed to the signing of a Memorandum of Understanding (MOU) between the Shire of Chittering and Targa West Pty Ltd for the continued operation of the Quit Targa West Tarmac Rally in Lower Chittering for the ensuing five years, which expires at the conclusion of the event in 2020.

In the draft MOU under the heading “*Community Engagement and Consultation*” the following is stated:

*The Shire will*

- *Participate with Targa West in community engagement and consultation activities;*
- *Provide a reasonable opportunity for Targa West to respond to any complaints or issues that may arise during the period of the MOU;*
- *Provide at least one opportunity each year for Targa West to make a presentation to Council about the plans and outcomes of the event; and*
- *Participate in meetings and gatherings outside Chittering in support of the promotion of the event.*

*Targa West will:*

- *Directly consult with all landowners and businesses affected by road closures as a result of the event;*
- *Make any reasonable accommodations that are possible to address issues;*
- *Cooperate with the Shire in promoting any agreed companion events;*
- *Meet with the Shire at least once per year to liaise, debrief, handle complaints or identify improvements;*
- *Work with the Shire to review and improve delivery of the event each year.*

This year the event organisers wish to run a special stage in the Muchea townsite, which is a variation to the above MOU therefore requiring Council’s consideration for approval. The event in Muchea is to celebrate 15 years of holding the event and to include the original Muchea rally stage. Details of the proposed events and proposed routes are included in the attached letter from Ross Tapper, Clerk of Course/Event Organiser.

The Muchea event is proposed to be held on Thursday 8 August 2019 between 3.45pm and 5.30pm. Road closures will occur between 3.00pm and 5.15pm. Allowances will be made for school buses and residents returning from school or work.

### **Consultation/Communication Implications**

#### Local

The event organisers met with Shire of Chittering Councillors and the Executive Management Team on 17 October 2018 followed by a survey of the Muchea residents in December 2018 and then a community meeting on 6 February 2019 held at the Muchea Hall. The purpose of the community survey was to seek feedback from local residents. The results of the survey were to be presented to Council for consideration.

The survey of Muchea residents indicated the following responses:

- In favour – 42
- Opposed – 12
- Not concerned either way – 2

The survey did not invite comments on the form so there was very little feedback. However one resident who opposed the event was concerned about the disruption to the peaceful nature of the area and the negative impacts upon animals and wildlife. Another concern was that people would have no outlet from their property until the event concluded.

It was noted that several of the 'in-favour' responses included multiple members of the same family and included one 'resident' who did not appear to live in the Muchea area. Despite these anomalies, the vast majority of the responses were in favour of the event occurring.

Nineteen people attended the community meeting held at the Muchea Hall on 6 February 2019 with the following results:

- In favour – 14
- Opposed – 3
- Not from the area – 2

#### State

Nil

### **Legislative Implications**

#### State

- *Road Traffic Act 1974*
- *Health (Miscellaneous Provisions) Act 2016*
- *Health (Public Buildings) Regulations 1992*

#### Local

Nil



## Policy Implications

### State

- *Department of Health Guidelines for Concerts, Events and Organised Gatherings 2009*

### Local

Nil

## Financial Implications

In the MOU, under the heading “*Sponsorship and Fundraising*”, the following is stated:

*“The Shire will:*

- *Provide in kind support to the event through making suitable thoroughfares available for racing, staging and servicing the event;*
- *Promote the event through Shire and Visitor Centres newsletters, websites and event calendars, and through other events leading up to the rally; and*
- *Promote participation by volunteer groups in fundraising activities associated with marshalling or organising the event or servicing competitors, supporters or visitors.*

*Targa West will:*

- *Recognise the Shire of Chittering as a sponsor of the event in written and digital material leading up to and following the event;*
- *Invite the representatives of the Shire to significant promotions and celebrations surrounding the event;*
- *Provide to the Shire a Post Event Report detailing the level and extent of publicity and sponsorship value arising from the event; and*
- *Work with a local charity or service club to support a fund raising event cross promoted with the rally.”*

The MOU does not confer on either party any financial obligations. Any fees or charges shall be set by the Shire in its annual budget. Sponsorship or fundraising commitments, whether cash or in-kind, shall be negotiated and agreed each year during the life of the agreement.

## Strategic Implications

### Local

- *Shire of Chittering Strategic Community Plan 2017-2027*

Focus area: Our community

Objective: S1.2 Strong sense of community

Strategy: S1.2.2 Strengthen and grow social events and festivals

Focus area: Economic growth

Objective: S4.1 Economic growth

Strategy: S4.1.1: Support private investment which stimulates significant and sustainable jobs growth

Focus area: Economic growth

Objective: S4.3 Increased visitors

Strategy: S4.3.2: Support and grow events to attract visitation

State

Nil

**Site Inspection**

Shire officers will undertake site inspections before and after the event to ensure the conditions of the roads are maintained and satisfactory to the Shire's Executive Manager Technical Services (EMTS). The EMTS has reported that there has been no damage to roads in previous years however an amount of \$3,000 is included in the budget each year as a contingency.

**Triple Bottom Line Assessment**

Economic implications

The profile of this event is quite high so it is expected that tourists from intrastate and interstate will attend. This will increase the Chittering profile to visitors who have never been to our region previously, and increase our profile in the other local governments who participate in this event, i.e. Perth, Kalamunda, Toodyay and Swan.

Targa West will recognise the Shire as a sponsor of the event in written and digital material, and they will also invite Shire representatives to attend significant promotions and celebrations surrounding the event.

Social implications

It is considered that the Targa West rally contributes and builds social capital for the Shire of Chittering.

Environmental implications

While some residents have raised concerns about the effects on animals and wildlife, it should be noted that the event is of short duration and therefore should have a negligible environmental impact.

**Officer Comment/Details**

From the survey and community meeting it is clear that the majority of the residents living in Muchea are in favour of the event occurring. Targa West has successfully managed similar events in Maryville Downs in previous years, so it is expected that this event will also be well managed and not adversely impact the majority of the local population. The economic and social implications are generally favourable to the Shire of Chittering and the event is in accordance with the Shire's Strategic Community Plan 2017 – 2027 to promote events. It is therefore recommended that Council considers approving the additional Muchea stage of the Targa West rally to be held on Thursday 8 August 2019 between 3.00pm and 5.30pm.

It should be noted that Shire officers will undertake the usual event application assessment procedures including traffic management, road closures, ablution facilities, temporary structures and electrical safety to ensure all statutory requirements are met with regard to the safety of the event.

**9.1.2 OFFICER RECOMMENDATION**

**That Council approve the holding of the additional stage of the Make Smoking History Targa West event in the Muchea townsite on Thursday 8 August 2019 between 3.00pm and 5.30pm.**

**9.1.3 Restrictive Covenant: Freehold (Green Title) Subdivision of Lot 100 (RN2035) Chittering Road, Lower Chittering (WAPC 156432)\***

|                               |  |
|-------------------------------|--|
| <b>Report date</b>            | 3 April 2019   |
| <b>Applicant</b>              | Peter Gunn   |
| <b>File ref</b>               | 18/03/144  |
| <b>Prepared by</b>            | Governance Support Officer   |
| <b>Supervised by</b>          | Executive Manager Development Services   |
| <b>Disclosure of interest</b> | Nil  |
| <b>Voting requirements</b>    | Simple Majority  |
| <b>Documents tabled</b>       | Nil  |
| <b>Attachments</b>            | 1. Restrictive Covenant – S129BA Transfer of Land Act document<br>2. Deposited Plan (415966) |

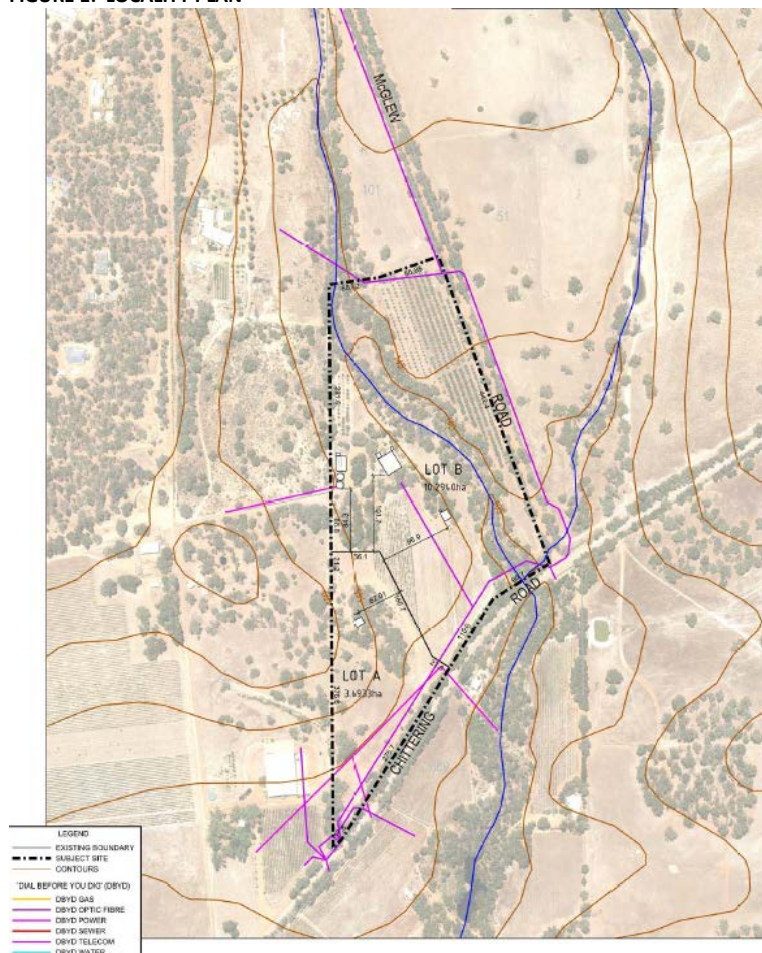
**Executive Summary**

Council is requested to authorise the Shire President and Chief Executive Officer to execute the Restrictive Covenant on Lot 100 (RN 2035) Chittering Road, Lower Chittering.

**Background**

On 18 June 2018, the Shire was notified that the subdivision of Lot 100 (RN 2035) Chittering Road, Lower Chittering had been conditionally approved by the Western Australian Planning Commission (WAPC 156432).

FIGURE 1: LOCALITY PLAN



Condition 9 of the subdivision states:

*“A plan is to be provided to identify the areas of the proposed lot(s) that have been assessed as BAL -40 or BAL- Flame Zone. A restrictive covenant to benefit the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land within areas that have been assessed as BAL-40 or BAL-Flame Zone. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows”:*

No habitable buildings are to be built within areas identified as BAL-40 or BAL- Flame Zone.

In accordance with the requirements of the Council *Administration Policy 1.5 - ‘Execution of Documents’*, a specific resolution of Council is required to apply the Shire’s Common Seal on documents of a legal or statutory nature.

### **Consultation/Communication Implications**

Not applicable

### **Legislative Implications**

#### State

- *Transfer of Land Act 1893* (as amended)

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

- *Administration Policy 1.5 Execution of Documents*

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Officer Comment/Details**

In order to satisfy Condition 9 of the subdivision approval, the applicant has provided the Restrictive Covenant documents, pursuant to the *Transfer of Land Act 1893* (as amended) (refer **Attachments 1**). The execution of these documents requires the Shire President and the Chief Executive Officer to sign and affix the Common Seal as a requirement of the subdivision clearance.

#### **9.1.3 OFFICER RECOMMENDATION**

**That Council authorise the Shire President and the Chief Executive Officer to sign, and affix the Common Seal upon the restrictive covenant document prepared in relation to Condition No.9 of WAPC 156432.**

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

### 9.3.1 List of Accounts Paid for the period ending 31 March 2019\*

|                               |  |
|-------------------------------|--|
| <b>Report Date</b>            | 2 April 2019                                 |
| <b>Applicant</b>              | Shire of Chittering                          |
| <b>File ref</b>               | 12/03/4                                      |
| <b>Prepared by</b>            | Finance Officer Accounts                     |
| <b>Supervised by</b>          | Executive Manager Corporate Services         |
| <b>Disclosure of interest</b> | Nil  |
| <b>Voting requirements</b>    | Simple Majority                              |
| <b>Attachments</b>            | 1. List of Accounts Paid as at 31 March 2019 |

#### Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 March 2019.

#### Background

Pursuant to *Local Government Act 1995*, Section 6.8 (2)(b), where expenditure has been incurred by a local government, it is to be reported to the next Ordinary Meeting of Council.

#### Consultation/Communication Implications

##### Local

Executive Manager Corporate Services

##### State

Nil

#### Legislative Implications

##### State

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations*

##### Local

Nil

#### Policy Implications

Nil

### Financial Implications

All expenditure has been approved via adoption of the 2018/19 Annual Budget, or resulting from a Council resolution for a budget amendment.

### Strategic Implications

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

The attached "List of Accounts Paid as at 31 March 2019" is presented to Council for endorsement.

#### **9.3.1 OFFICER RECOMMENDATION**

##### **That Council:**

##### **1. Endorse the Accounts Paid:**

- a. PR4794, PR4861
- b. EFT17631 – EFT17762
- c. Direct Debits and Transfers as listed
- d. Trust Fund payments as listed

**Totalling \$685,347.88 for the period ending 31 March 2019.**

### 9.3.2 Monthly Financial Reports for the Period Ending 31 March 2019\*

|                               |   |
|-------------------------------|---|
| <b>Report Date</b>            | 2 April 2019  |
| <b>Applicant</b>              | Shire of Chittering   |
| <b>File ref</b>               | 12/03/4   |
| <b>Prepared by</b>            | Finance Officer Accounts                                    |
| <b>Supervised by</b>          | Executive Manager Corporate Services                        |
| <b>Disclosure of interest</b> | Nil   |
| <b>Voting requirements</b>    | Simple Majority   |
| <b>Attachments</b>            | 1. Monthly Financial Report for period ending 31 March 2019 |

#### Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 March 2019.

#### Background

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

The statement of financial activity is to be presented at an Ordinary Meeting of Council within two months after the end of the month to which the statement relates.

#### Consultation/Communication Implications

Nil

#### Legislative Implications

##### State

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations*

##### Local

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil



**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

Council is requested to receive the Monthly Financial Reports for the period ending 31 March 2019 as presented (**Attachment 1**).

**9.3.2 OFFICER RECOMMENDATION**

**That Council receives the Monthly Financial Reports for period ending 31 March 2019.**

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Authority to Delegate: Electronic Lodgement Network Operator (PEXA)\*

|                        |   |
|------------------------|---|
| Report date            | 3 April 2019  |
| Applicant              | Shire of Chittering   |
| File ref               | 20/01/0002  |
| Prepared by            | Governance Support Officer  |
| Supervised by          | Executive Manager Development Services                                      |
| Disclosure of interest | Nil   |
| Voting requirements    | <b>Absolute Majority</b>  |
| Attachments            | 1. PEXA Authorisation Documents<br>2. Delegated Authority Register Addition |

#### Executive Summary

Correspondence from Council's solicitors (McLeod's) dating 16 January 2019 announced to a new electronic lodgment network operator (PEXA) that was introduced to Western Australia as of 1 December 2018. PEXA is affiliated with Landgate and is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online. PEXA is now mandatory for a number of Landgate documents including Caveats, Withdrawal of Caveats and Transferring of Land. In order for McLeod's to transact electronically on the Shire's behalf, the Shire is required to complete a client authorisation form and verify the identity of the Shire's signatories.

#### Background

PEXA (Property Exchange Australia) is an initiative to provide Australia with a national election platform for the Australian property industry. PEXA was formed in 2010 however only gained momentum once the State Government and land registries declared that PEXA would be compulsory for conveyancers and lawyers. Settlements conducted through PEXA remove the requirement for hard copy documents to be prepared and executed. Preparation for settlement is done by creating an online workspace, using a step by step process. All relevant documents and settlement schedules are created on the workspace with information being transparent between the parties so it is clear what task is pending and who is responsible for its completion. Once the preparation for settlement is complete, PEXA will automatically lodge the documents with Landgate at the specified settlement time, exchange any loan funds, pay stamp duty, GST, third party beneficiaries and any other necessary entities as well as deposit the purchase price directly to the vendor. Settlement occurs in real time as opposed to several days or weeks later. In the future it is expected that all property transactions will occur electronically via PEXA. However at the present time, the eligible transactions are the transfers of land, caveats and withdrawals of caveats.

For the past 150 years it has been necessary for lawyers and conveyancers to physically attend settlements. During this process there would be a checking and signing of documents, handing over of cheques and then the documents would be lodged with Landgate. Prior to the meeting between the lawyers and the conveyancers, McLeod's would correspond with the Shire in order to execute the documents on the Shires behalf. This process also involves McLeod's sending quadruplicate copies of documents via registered post to sign and affix the Common Seal.

Essentially, by signing a client authorisation form the Shire is allowing McLeod's to sign these documents on its behalf. The Shire will no longer be required to sign the transfer of land and withdrawal of caveat documents under the common seal. On receipt of the Shire's authorisation Fiona Grgich (Partner of McLeod's) will have the authority to electronically sign the Shire's documents.

The Council has the following options to grant authorisation to McLeod's:

- (1) *Option 1*                    **Standing Authority**  
By selecting Standing authority with no revocation or expiry date the Shire is permitting McLeods to sign all marked documents on its behalf without the need for further authorisation from the Shire.
  
- (2) *Option 2*                    **Standing Authority with expiry date**  
By selecting standing authority and entering a date in which the authority expires the Shire is permitting McLeod's to sign all marked documents on its behalf without the need for further authorisation from the Shire until the expiry date at which time we will need to request additional authorisation.
  
- (3) *Option 3*                    **Specific Authority**  
By selecting specific authority the Shire is only providing its authorisation for a withdrawal of a caveat, lodging a caveat and/or transfer of land associated with that particular matter. The option should be chosen if the Shire wishes to complete a client authorisation for each individual matter as they arise.

If Council choose to provide Standing Authority (with or without expiration) confirmation will be sought after either by email or phone before electronically executing the documents on the Shire's behalf. It is important to note that the Shire has the right to revoke its authorisation at any time.

#### **Consultation/Communication Implications**

Not applicable

#### **Legislative Implications**

##### State

- Local Government Act 1995
  - 5.42. Delegation of some powers and duties to CEO**
    - 1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
      - (a) this Act other than those referred to in section 5.43; or
      - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

*\*Absolute majority required*

    - (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
  
  - 5.44. CEO may delegate powers and duties to other employees**
    - (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
    - (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty-*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*  
*are subject to any conditions imposed by the local government on its delegation to the CEO.*

**9.49A. Execution of documents**

- (4) *A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

- **Transfer of Land Amendment Regulations 2017**

8C. *Certain registry instruments must be lodged by means of an ELN*

- (1) *If a registry instrument can be lodged by means of an ELN, it must not be lodged otherwise than by means of an ELN*
- (2) *For the purposes of subregulation (1), a registry instrument can be lodged by means of an ELN if-*
  - (a) *The instrument can be lodged electronically under the Act, the Electronic Conveyancing Act 2014 and these regulations; and*
  - (b) *The ELN provides for the lodgement of that type of registry instrument.*

Local

Nil

**Policy Implications**

State

Nil

Local

- *Administration Policy 1.5 Execution of Documents*

**Financial Implications**

PEXA charge an additional fee to the standard Landgate fees. However this paid by the Landowner upfront into McLeod's trust account.

**Strategic Implications**

Nil

**Site Inspection**

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

In order to streamline the process of e-conveyancing, Council is requested to authorise McLeod's and an identifier at the Shire to transact electronically. The introduction of PEXA will dramatically reduce the time taken for both preparation and attendance at settlement as well as post settlement tasks such as attending various payments a notifying the relevant authorities. PEXA will reduce many of the administrative tasks associated with the traditional conveyancing system, such as postal delay and the risk of documents going missing, getting damaged, being incomplete or poorly executed. Therefore, it is recommended that the Council authorise McLeod's to have "Standing Authority" (*Option 1*) in progressing the documents on behalf of the Shire electronically.

As this additional requirement is now compulsory, through the *Transfer of Land Amendment Regulations 2017*, McLeod's would like to verify the identity of the Shire's signatories. The Shire's signatories need to be persons in which McLeod's know and trust. Given Mr Peter Stuart's role (as Executive Manager Development Services) it would be practicable for him to be appointed as the identifier. Mr Stuart will need to go through a rigorous process to verify his identity to ensure compliance with Landgate's and McLeod's practices. Therefore, it is recommended that the Council authorise Mr Stuart as the Shire's signatory for any matters relating the PEXA e conveyancing (Caveats, Withdrawal of Caveats and Transfer of Land). As a result the Shire's Delegated Authority Register needs to be amended accordingly.

#### **9.1.4 OFFICER RECOMMENDATION**

##### **That Council:**

- 1. Authorises McLeod's with Standing Authority (Option 1 - permitting McLeods to sign all marked documents in future on the Shire's behalf); and**
- 2. Amends the Delegated Authority Register accordingly (Attachment 2 – DA65 Electronic Lodgement Network Operator).**

**BY AN ABSOLUTE MAJORITY**

**9.4.2 Approval to Lease and Affixing of the Common Seal on the Lease Agreement relating to a portion of Lot 1023 (RN 11) Edmonds Place, Bindoon\***

|                               |   |
|-------------------------------|---|
| <b>Report date</b>            | 3 April 2019  |
| <b>Applicant</b>              | Shire of Chittering   |
| <b>File ref</b>               | 04/18/106; 04/07/10; A9538  |
| <b>Prepared by</b>            | Governance Support Officer  |
| <b>Supervised by</b>          | Chief Executive Officer   |
| <b>Disclosure of interest</b> | Nil   |
| <b>Voting requirements</b>    | Simple Majority   |
| <b>Attachments</b>            | 1. Lease Agreement ( <b>Confidential – not for public disclosure</b> )<br>2. Advertisement in the Northern Valley Newspaper |

**Executive Summary**

Council is requested to approve the leasing of and affixing of the Common Seal to complete the lease agreement of Portion of Lot 1023 (RN 11) Edmonds Place, Bindoon to BM + RP Enterprises (Bindoon IGA) located at Lot 7 (RN 7) Binda Place, Bindoon. The lease relates to the portion of land historically and currently used by the Bindoon IGA.

**Background**

The background to this matter has been considered by Council at its Ordinary Meetings held on 16 February 2011, 19 December 2012, 20 February 2013 and 18 February 2015. Over these four meetings there were various aspects of the current proposal that were modified. Additionally, as there has been changing landowners and Shire staff the last Council Resolution, the excision and sale was never executed. The last instance this matter was considered by Council was 18 February 2015 whereby the Council resolved:

|   |
|---|
| <p>9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 210215</p> <p>Moved Cr Rossouw/ Seconded Cr Gibson</p> <p>1. That Council:</p> <p>a. In accordance with section 3.58(4) of the Local Government Act 1995 declare the valuation of \$200m2 (\$60,000 excluding GST) is a true indication of the value of the property (portion of Lot 1023 Edmonds Place, Bindoon)</p> <p>b. Endorses the amended proposal as detailed below:</p> <p>i. Portion (130m2 approximately) of Lot 9 Binda Place, Bindoon to be transferred to the Shire of Chittering at no change, and amalgamated with Lot 1023 Edmonds Place, Bindoon.</p> <p>ii. Portion (300m2) of Lot 1023 Edmonds Place, Bindoon be transferred to Bindoon IGA at the cost of \$60,000 excluding GST, less lease payments made and less the value of portion of Lot 9 Binda Place, Bindoon transferred to the Shire of Chittering.</p> <p>c. Provide a local notice of the proposed disposal of land (portion of Lot 1023 Edmonds Place, Bindoon) in accordance with s3.58 of the Local Government Act 1995 for a period not less than 14 days.</p> <p>2. That subject to not receiving any submissions in accordance with 3.58(3) the Chief Executive Officer be authorised to complete the transaction involving Lots 7 and 9 Binda Place and 1023 Edmonds Place, Bindoon; and the Shire president and Chief Executive Officer be authorised to sign affix the Common Seal to all necessary documentation required to complete the transaction.</p> <p style="text-align: right;">THE MOTION WAS PUT AND DECLARED CARRIED 7/0</p> |
|---|

As stated in the last report to Council dated 18 February 2015, Council resolved to execute a land swap between the Shire and the owners of Lot 7 (RN 7) Binda place, Bindoon and Lot 9 (RN 11) Binda Place. However, as there are now different owners of the land, the IGA land Lease and the purchasing of Lot 9 Binda Place are to be treated separately. Accordingly lease documentation has been drafted, whereby Council is now requested to endorse the agreed terms, and allow for the application of the Common Seal to formalise the lease agreement.

### Consultation/Communication Implications

Consultation to lease the land was undertaken with the property owner of Lot 7 (RN 7) Binda Place, Bindoon. With respect to *Local Government Act 1995* s.58(3) the public consultation was undertaken where the public were invited to make submissions in relation to the lease proposal. No public submissions were received within the statutory timeframe of advertising from 8 March to 29 March 2019.

### Legislative Implications

#### State

- Local Government Act 1995 section 3.58 allows for the disposing of property. Subsections (3) and (4) states:
  - (3) *A local government can dispose of property under subsection (2) if, before agreeing to dispose of the property-*
    - (a) *it gives local public notice of the proposed disposition-*
      - (i) *describing the property concerned; and*
      - (ii) *giving details of the proposed disposition and*
      - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.*
  - And*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or a committee, the decision and the reason for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include-*
  - (a) *the names of all parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition –*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

The execution of the lease has been undertaken within the requirements of this clause and with the assistance of Council's solicitors.

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

- Administration Policy 1.5 Execution of Documents

### Financial Implications

Council will receive payment of \$5,053.00 annually for the lease of the land to BM&RP Enterprises Pty Ltd (Bindoon IGA) at Lot 7 (RN 7) Binda Place, Bindoon.

### Strategic Implications

#### State

Nil

#### Local

- Strategic Community Plan 2017-2027  
Focus area: Our Build Environment  
Objective: S3.1 Development of Local Hubs

### Site Inspection

A site inspection was undertaken on 28 February 2019 by the Shire's Governance Support Officer. The portion of land in question is raised above its immediate surrounds, equal to the finished ground level of the IGA. The land is otherwise bare earth and appears most useful for the IGA's use.

### Triple Bottom Line Assessment

#### Economic implications

The lease formalises the ability for IGA to operate with the necessary infrastructure. Therefore the land in question contributes to ability for the IGA to continue operating in its current form.

#### Social implications

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

#### Environmental implications

The portion of Lot 1023 to be used is on a small scale and has no known impacts on Lake Needoonga or any other surrounding land uses.

### Officer Comment/Details

The permitted purpose for the leasing of Lot 1023 Edmonds Place, Bindoon is for the effluent disposal and installation of a new septic system. Therefore, the lease of land is for 367.5m<sup>2</sup> of Lot 1023 Edmonds Place to accommodate for the necessary infrastructure as described above. For context, a map is provided in **Attachment 1** (Annexure 1).



In line with the requirements of s3.58(3)(4) of the *Local Government Act 1995*, the public were invited to make submissions on the proposed leasing of the land. The advertisement appeared within the Northern Valleys Newspaper released on the 8 March. Therefore there does not appear to be any other public interest in the land, other than from the IGA. It should be noted that advertising was undertaken in accordance with the Local Government Act and is therefore a statutorily binding process.

As the IGA are the historical beneficiaries of the land as a result of previous Council resolutions, leasing of the land to this entity is considered consistent with these decisions. Progressing with a lease for the portion of land is additionally considered the most appropriate outcome for the land given the excision and sale is complex, time consuming, and costly.

In order for the lease to be formalised, Council is accordingly requested to execute the lease agreement with Bindoon IGA Lot 7 (RN 7) Binda Place, Bindoon; along with allowing for the affixing of the common seal, for the reasons stated above.

#### **9.4.2 OFFICER RECOMMENDATION**

**That Council, in executing the lease agreement between the Shire of Chittering and BM & RP Enterprises Pty Ltd:**

- 1. Notes that the formal *Local Government Act 1995* advertising process has been undertaken;**
- 2. Formally recognises and approves the lease documentation in Attachment 1; and**
- 3. Authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the lease agreement.**

### 9.4.3 Lower Chittering Sport and Recreation Facility – Stage 1

|                               |                                |
|-------------------------------|--------------------------------|
| <b>Report date</b>            | 3 April 2019                   |
| <b>Applicant</b>              | Shire of Chittering            |
| <b>File ref</b>               | A11560; 15/01/6                |
| <b>Prepared by</b>            | Acting Chief Executive Officer |
| <b>Supervised by</b>          | Not applicable                 |
| <b>Disclosure of interest</b> | Nil                            |
| <b>Voting requirements</b>    | Simple Majority                |
| <b>Attachments</b>            | Nil                            |

#### Executive Summary

The Shire has received a Building Better Regions Fund grant of \$4.71m towards the Lower Chittering Sport and Recreation Facility (Stage 1). The other key party to the project is the Immaculate Heart College, which promised a \$2m contribution.

The Council at its 20 March 2019 meeting, resolved that the Chief Executive Officer seek an agreement with Immaculate Heart College for its \$2m contribution and the purpose of this report is to provide the necessary information to enable that agreement to be confirmed.

Discussions with the College have been progressing and the College advises that a self-supporting loan is requested, to enable the facility to be constructed, however it has not been able to provide information on what type of security it can offer to facilitate that funding source being provided. A legal agreement between the Shire and the College is required to support that arrangement.

As with the construction of any significant community facility, there will be a number of challenges to address, however it is apparent from the research undertaken as part of the grant application, and the Shire's own strategic planning priorities, that this is a project worthy of being successful for its grant contribution. This report amongst other things, recommends that the Shire provide a self-supporting loan facility to the Immaculate Heart College.

#### Background

The Council at its 17 October 2018 Meeting.... *authorised the Chief Executive Officer to negotiate a funding commitment from Immaculate Heart College as a contribution towards the capital cost of the project.* That occurred and the grant application was submitted, and was successful. A Building Better Regions Fund grant of \$4.71m was subsequently offered. This project will involve the Shire of Chittering, in partnership with Immaculate Heart College, developing the Lower Chittering Sport & Recreation Facility. The project will be developed using a multi-stage approach, with this Stage 1 costing an estimated \$9.71m. This partnership approach is designed to deliver a significant benefit to both the development and operational phases, in that costs can be shared, providing both parties with access to quality infrastructure with a significantly reduced financial cost. The Immaculate Heart College provided the Shire with a commitment for a contribution of \$2m.

Immaculate Heart College is an incorporated Catholic school and classified as an Australian Public Company, Limited by Guarantee. A company limited by guarantee is a specialised form of public company designed for non-profit organisations. Companies limited by guarantee are subject to the *Corporations Act 2001* (Cth) and administered to by the Australian Securities and Investments Commission (ASIC). Like incorporated associations, this legal structure designates an organisation as a separate legal entity. A company limited by guarantee can for example, be sued, legally lease a property, borrow money, enter into contracts, or hold

assets in its name. Like many corporate structures however, a company limited by guarantee is only as financial as its current operations and the limit of the liability of the company's members.

The Council at its 20 March 2019 meeting, resolved that *"the Chief Executive Officer to seek an agreement with Immaculate Heart College for its \$2m contribution for Council's consideration."*

The College seeks a self-supporting loan through the Shire of Chittering on the following basis, however it was able to provide information on what type of security it can offer to facilitate that funding source being provided at the time this report was prepared -

| Details                              | Immaculate Heart College Position                  |
|--------------------------------------|--|
| Loan amount                          | \$2,000,000 (\$1,725,000(LCSRC) + \$275,000(land)) |
| Loan term                            | 20 years   |
| Borrower Details                     | Immaculate Heart College LTD (ACN: 147 801 590))   |
| Loan repayments (at say 4% interest) | \$148,000pa  |
| Loan Security Offered                | Note: Yet to be provided by the College            |

Immaculate Heart College has in more recent times asked for a modification to the configuration of the contributions from the Shire/Immaculate Heart College (IHC). The grant application was for the split to be \$3m Shire and \$2m IHC. The IHC's existing \$2m contribution includes the value for the 3ha of land the Shire has agreed to sell to it (valued at \$275,000). The IHC wished to seek a separate grant from the State Government to assist with the land purchase cost (33<sup>1</sup>/<sub>3</sub>% grant which equals \$91,657<sup>1</sup>). It seemed to be in everyone's interests to allow that change and the Department of Industry, Innovation and Science (federal) was accepting of this modification also. That will though, require a change to the contribution configuration that makes up the Building Better Regions Fund Grant Agreement. That change now sees the IHC's contribution for the Lower Chittering Sport and Recreation Centre (LCSRC) effectively reduced to \$1,725,000. The total IHC payment to the Shire remains unchanged at \$2m as both sums \$1,725,000(LCSRC) + \$275,000(land) are still be paid directly to the Shire. The Shire's total contribution will therefore, subject to the end price of the facility, still remain at a \$3m (via a loan) but the 2019/20 budget will now highlight that the land sale revenue (\$275,000) will be utilised towards the Lower Chittering Sport & Recreation Facility costs.

The Shire borrows its funds through WA Treasury. WA Treasury sets limits for local government borrowings to guard against defaults, and to also manage the State's financial credit rating. Chittering has the capacity to borrow \$5m from the WA Treasury (\$3m for its contribution and \$2m as a Immaculate Heart College Self-Supporting Loan) but the Shire's ongoing authority to lift that borrowing level for other future projects may meet stricter Treasury application guidelines. To that extent, it would be much better for the College to raise its own funds as a self-supporting loan in effect, potentially reduces the Shire's capacity to fund future projects via additional loan borrowings.

<sup>1</sup> The Immaculate Heart College representative at the Agenda Forum (9 April 2019) advised that the grant is for 1/3, not 1/2, as was outlined in the Agenda Forum document.



### Consultation/Communication Implications

#### Local

Immaculate Heart College

#### State and Federal

Nil

### Legislative Implications

#### State

If self-supporting loan funds are required, that loan will be accessed through WA Treasury.

#### Local

- Local Government Act 1995 S6.20 outlines the power of the local government to borrow funds.
- Local Government (Financial Management) Regulations 1996 (Reg 29) outlines regulations relating to borrowings information required in accounting notes.

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

The Building Better Regions Fund grant provided \$4.71m towards the project, and the Shire will be required to contribute \$3m (loan funds) for its share. The other major funding partner is Immaculate Heart College and its commitment is \$2m.

It is understood that during the process of planning for the project after finalising the grant application, the \$2m Immaculate Heart College contribution now includes its payment for the land (approximately 3ha) to be purchased from the Shire. That land has a value of \$275,000.

The College has indicated it would prefer to make its contribution through a self-supporting loan facility (through the Shire of Chittering's WA Treasury borrowing capacity). This will mean that the Shire will need to borrow \$5m. The College's annual repayment for a \$2m loan over 20 years at an approximate 4% interest rate will be approximately \$148,000pa.

Based on a 50% share of the average anticipated maintenance/operations costs (\$200,000) and estimated loan repayment commitments (\$200,000) the Shire will be responsible for approximately \$400,000pa of expenditure. With user and commercial hire fees, a net financial position of approximately \$350,000 could be anticipated. \$350,000 represents an approximate 6% rate increase, which could be spread over the next three financial years, to provide a phased in approach of 2%/year. There is also a high degree of confidence that with rates growth in the Shire coming from development on existing blocks, and new development within the Muchea Industrial Park, that this 2% allowance could well be less.

From a risk management perspective, the construction of a large community facility such as this is considered to be “medium/high” (in light of the potential funding complications, the number of stakeholders, and other impacts of external contractual arrangements). As a medium/high risk matter, the Shire has allocated an officer to be the dedicated Project Officer, so that a good level of monitoring and proactive actions can be achieved. A review of the Long Term Financial Plan should also occur within the next couple of years to more accurately reflect updated circumstances. Specific risks questions at this immediate point in time would include the following –

| <b>Risk</b>   | <b>Mitigation</b>   |
|---|---|
| Has the validity of the project been satisfactorily proven?   | Yes, the Shire’s Community Strategic Plan and it’s Corporate Business Plan; the grant application Business Case (2018); and the Regional Sports and Community Centre Feasibility Study (2016), which included community consultation, and an indication that residents felt that additional facilities are required and a senior oval/indoor recreation centre were priorities. All the above support the legitimacy for the development of a facility of this style. |
| Is the grant “guaranteed”, even in light of the upcoming Australian Government election?  | Once the election is called, the government goes into “caretaker mode” and cannot commit the next Australian Government during that period of time. The contract was executed on 4 April 2019, so the \$4.7m funding allocation is now guaranteed.  |
| What might happen to the \$4.71m grant if there is a change of Australian government?   | There is no risk as the contract is already executed. The grant is now “under contract” between the two parties and will be paid to the Shire progressively as the project proceeds.  |
| What might occur if the Shire did not wish to support a self-supporting loan to the Immaculate Heart College?                               | The College would need to source its contribution from elsewhere.   |
| What if the College cannot raise its \$2m separately?   | The project and its financial makeup would need to be revisited. Either the Shire would need to commit the funds itself (in the place of the College); the facility would need to be “downsized” to fit into the lower total budget (subject to Australian Government agreement); or the grant would need to be refused/returned and the project abandoned.   |
| What position might the Australian Government take (in regard to the grant) if the college is no longer a financial partner in the project? | It could take the position that conditional on the Shire replacing the funding commitment of the College (so that the project is constructed as originally planned) there is no objection. Alternatively, it might decide that the grant application is substantially different from that submitted and withdraw the grant funds.   |
| Would the Shire’s reputation be impacted if it refused to now accept the grant and construct the facility?                                  | Generally yes, albeit that view will vary depending on the stakeholder. Our ability to secure future grants would be disadvantaged as we would be seen as “an unreliable applicant”, particularly for future federal government grants. Those members of the community in support of the facility will likely be disappointed, whilst any against it might perhaps hold the opposite view.  |
| What protection is in place to address the potential of the capital cost exceeding the building budget?                                     | A quantity surveyor estimated the capital costs and a tender process will provide a contracted price. A project manager and Reference Group will be in place to provide ongoing monitoring/controls.  |



| Risk   | Mitigation  |
|--|---|
| Is the Shire able to undertake any of the civil works itself to take advantage of the grant?   | No, the grant includes an “in kind” Shire contribution of \$345,648 that the Shire must make (staff time and plant/equipment and \$100,000 for unfixed furniture etc). Contract earthworks costs are factored into the overall facility construction budget.  |
| What protection is in place to ensure the project is completed by the deadline date of 31 December 2022?   | A construction schedule will form part of the construction contract and this will be monitored by the project manager. Current projections indicate the project will be completed several months before this deadline.  |
| If anticipated user demand does not eventuate, how will the revenue impact of that be addressed?   | Community consultation, modelling of school numbers, and district growth estimates occurred as part of the grant application process. A local and even regional marketing program may be required closer to the completion time of the facility. Any commercial revenue potential will need to be promoted by way of a dedicated marketing campaign.  |
| What controls are in place to ensure that ongoing maintenance and operational costs are managed in line with expectations?   | Existing staff that manage other facilities will monitor and control costs. Use of some contractors may be warranted to ensure annual costs are known in advance.   |
| Will operational management be in place to ensure that the facility runs efficiently and cost effectively?   | If additional staff are required, a competitive process of appointment will draw out the best candidates. Use of Key Performance Indicators and regular supervision will be in place to ensure the facility delivers the desired results.   |
| Given the multi-purpose nature of the facility, what governance systems and procedures are in place to mitigate the legal, revenue, and other operational issues that result from a shared facility? | The Reference Group should be retained into the longer term (possibly with modified membership makeup numbers). The <i>Agreement of Operational Use and Costs Responsibility</i> , and the <i>Facility Programming Framework</i> will address cost sharing and usage issues.  |
| How will community and school use of the facility be coordinated?  | The <i>Agreement of Operational Use and Costs Responsibility</i> , and the <i>Facility Programming Framework</i> will address cost sharing and usage issues. These documents will need to be recalibrated on an annual basis and the Reference Group (which includes Shire, College, and community representatives) will play a role in that process. |



| Risk  | Mitigation  |
|---|---|
| <p>How have Loan repayment, Operational and Maintenance Costs, and proposed revenue streams, been estimated and accommodated within the Shire's Long Term Financial Planning?</p> | <p>Each party will be responsible for their respective loan/financing costs.</p> <p>The Grant Business Case used the <i>Operational Benchmarks for Australian Public Recreation Centres Maintenance</i> as provided by the University of South Australia, and linked that to the anticipation of the facility being very actively promoted and used for commercial hire. These costs are anticipated to be valid in those circumstances but for the purpose of this report, we have sought out costs from closer Western Australian centres for comparison.</p> <p>Chinkabee oval and centre (\$120,000); Northam (\$455,000); Kellerberrin – a new facility - (\$443,000) and Cunderdin (\$230,000) considered more relevant expenditure comparisons for the present time. The grant application proposed for these costs to be shared equally with the College, however the eventual sharing needs to be refined in combination with community/school usage patterns, and the confirmation of eventual facility costs (which can't occur accurately until the structure and operating model style of the facility is better known).</p> <p>Operational revenues are best anticipated at minimal levels but can vary substantially depending on how the facility is charged out (e.g. will it be available for commercial hire to weddings etc?). The Business Case estimating a potential revenue stream of up to \$618,000pa if an active marketing program and proactive commercial usage was promoted. It would be wise not to use these revenue figures until the firm direction of the facility is considered by the Reference Group. Also worth noting is that some costs (e.g. cleaning, water and electricity) will rise as usage and revenues rise.</p> <p>Based on the Chinkabee (\$120,000); Northam (\$455,000); Kellerberrin (\$443,000) and Cunderdin (\$230,000) examples, a total cost of say \$400,000 would seem prudent for the present. The actual amount will be more accurately understood as we work thorough the agreements with the College and the building's structure is confirmed. There is also the potential for the College to undertake some of the maintenance activities (e.g. cleaning) which might prove to be mutually beneficial.</p> <p>The Shire has included loan fund payment costs into its Long Term Financial Plan but will also need to incorporate its share of facility revenues, as well as its share of operational and maintenance costs once they are confirmed. No future revenue or expenditure allocations have been included as yet.</p> |



| <b>Risk</b>   | <b>Mitigation</b>  |
|---|--|
| What arrangements will be in place to share costs/revenues with the Immaculate Heart College? | <p>The grant application notes that the application was based on “a <i>partnership approach with Immaculate Heart College ...the operational and renewal costs will be split</i>”.</p> <p>Another option is for the Council to consider a “phased in” contribution, where the College pays (in addition to its loan repayments) a minimum annual contribution towards the operations/maintenance costs for the first say five years (say \$100,000) and that the percentage share increases gradually from say 25%, to reach 50% over the next five years). A further alternative may be to charge the College base on usage hours, so a closer “user pays” relationship is maintained.</p>  |
| What is the risk level of the College not meeting its repayment or cost sharing commitments?  | <p>Based on a 50% share of the anticipated maintenance/operations costs (\$200,000) and estimated loan repayment commitments (\$148,000) the College will be responsible for approximately \$348,000pa of expenditure. With some commercial hire, a potential revenue of say \$100,000pa (shared equally with the Shire) would leave an approximately \$300,000 annual nett expense responsibility for the College.</p> <p>The College financials show Net Income of \$545,769 (2015/16); and \$430,207 (2016/17). This would seem sufficient for the \$300,000 annual payment, but the revenue and expenditure estimates are not confirmed and so the amount could be higher (or perhaps lower!). With a growing student base, it would be expected that over time, the College’s financial sustainability will further improve, showing gradual and continuous reductions in risk.</p> |

**Strategic Implications**

Local

- Strategic Community Plan 2017-2027  
 Focus area: Our community  
 Objective: S1.1 An active and supportive community  
 Strategy: S1.1.1 Develop and enhance existing recreation and social facilities for local communities (recreational and sporting facilities to service the growing population in the Lower Chittering/Muchea area)

State

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

The Shire may have a lower ongoing borrowing capacity at Treasury if it provides a self-supporting loan to the Immaculate Heart College.





Social implications

On the basis that the project proceeds, there will be positive social and health benefits associated with sporting and recreation facilities to service the growing population in Lower Chittering.

Environmental implications

Environmental implications (if any) will be dealt with as part of the planning and building approval process.

**Officer Comment/Details**

As with the construction of any significant community facility, there will be a number of challenges to address, however it is apparent from the research undertaken as part of the grant application, and the Shire's own strategic planning priorities, that this is a project worthy of being successful of the grant support provided, and worthy of being progressed by Council. There is in place to address these challenges as they arise, a Reference Group and a dedicated Project Officer with building and grant work experience. There is a high degree of confidence therefore that these risk management responses will be adequate to address matters as the building project progresses.

The coming together of two major funding opportunities (Building Better Regions Fund grant and the Immaculate Heart College) and the confirmation from Shire documents that the Lower Chittering Sport & Recreation Facility is a key strategic endeavour, provides the Council and the Chittering community with a unique and beneficial opportunity. The Lower Chittering Sport & Recreation Facility can now be constructed as a Shire facility using the benefit of a sizeable and much appreciated  $\frac{2}{3}$  subsidy towards its capital cost.

Officers are committed to using our best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility.

The Shire's approximately \$350,000 annual cost, in exchange for this new facility, would seem quite acceptable in light of the infrequency that such new facilities are constructed (i.e. the Shire of Chittering will only build a new sport and recreation as community population/need grows sufficiently, and financial opportunity coincides). Whilst \$350,000 represents an approximate 6% rate increase, by planning ahead and spreading that cost over the next three financial years, Council can lower that impact to about 2%/year, and that figure might possibly be lower with additional levels of rates growth coming from development on existing as well as the Muchea Industrial Park properties.

In conclusion, the Lower Chittering Sport & Recreation Facility would seem to be one of those projects born from community engagement, located so as to secure high levels of college/community usage, fortunate to be mutually beneficial and to attract a third party capital subsidy, and timed to maximise the securing of a significant government grant. Many would consider this to be classified as a "once in a life-time opportunity", and it is recommended that Council take full advantage of that most fortuitous combination of "intersecting factors".

#### 9.4.3 OFFICER RECOMMENDATION

**That Council:**

1. Acknowledges the unique and beneficial opportunity available to the Chittering community that is presented with the Building Better Regions Fund grant and the Immaculate Heart College contribution towards the Lower Chittering Sport & Recreation Facility, providing a  $\frac{2}{3}$  subsidy towards the capital cost of this Shire facility;
2. Commits to using its best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility;
3. Requires the Chief Executive Officer to work in consultation with the Councillor representatives on the Lower Chittering Sport & Recreation Facility Reference Group, to secure workable and sustainable agreements with the Immaculate Heart College and other Lower Chittering Sport & Recreation Facility stakeholders, to facilitate the outcomes in (2) and (4) of this resolution;
4. Requires the Chief Executive Officer, in line with resolution (3), to work in consultation with the Immaculate Heart College, to develop a workable and sustainable contract for Council's endorsement, for a self-supporting Loan to the College (up to \$2m) for its contribution to the Lower Chittering Sport & Recreation Facility, incorporating at least the following security conditions–
  - a. A maximum sum of \$2,000,000;
  - b. A suitable loan debt security; and
  - c. That any supplementary grants received by the College that link to its use of loan expenditure, are to be remitted to the Shire as "advance principle repayments" to be held in the Shire's Trust Account until it can be remitted to WA Treasury as such;
5. Commits to raising the (up to) \$2m self-supporting loan for Immaculate Heart College as part of the 2019/20 Budget;
6. Highlights a preference for the \$275,000 land payment to be remitted in cash to the Shire upon transfer of the land, and a \$1,725,000 self-supporting loan as the College's contribution to the Lower Chittering Sport & Recreation Facility; but endorses (if the College can adequately prove that option is unsustainable) that a \$2,000,000 self-supporting loan be provided and made up of two components, a contribution to the Lower Chittering Sport & Recreation Facility itself (\$1,725,000) plus the purchase price of the land (approximately 3ha) to be sold by the Shire to the Immaculate Heart College (\$275,000);
7. Authorises the President and Chief Executive Officer to apply the Common Seal and to sign the self-supporting Loan Agreement (once developed) on the Shire of Chittering's behalf; and
8. Invites Immaculate Heart College to signing and return the Self-Supporting Loan Agreement in order that the Lower Chittering Sport & Recreation Facility project can be undertaken.

#### 9.4.4 Ferguson House: Lot 91 (RN 6138) Great Northern Highway, Bindoon

|                               |                                   |
|-------------------------------|-----------------------------------|
| <b>Report date</b>            | 1 April 2019                      |
| <b>Applicant</b>              | Shire of Chittering               |
| <b>File ref</b>               | 02/02/0001                        |
| <b>Prepared by</b>            | Community Development Coordinator |
| <b>Supervised by</b>          | Acting Chief Executive Officer    |
| <b>Disclosure of interest</b> | Nil                               |
| <b>Voting requirements</b>    | Simple Majority                   |
| <b>Attachments</b>            | Nil                               |

#### Executive Summary

Council resolved at the 20 March 2019 Ordinary Meeting of Council that the Acting Chief Executive Officer meet with the Chittering Arts Society to assess and discuss its needs and to undertake the assessment of the suitability of Ferguson House for the temporary use of this group until such time as a permanent use of the facility is determined by Council.

At the same meeting Council also resolved that the Shire publically advertise the availability of Ferguson House for interested community users/providers of community services, to lodge proposals for Council's consideration.

#### Background

Lot 91 (RN 6138) Great Northern Highway, Bindoon (known as "Ferguson House") was acquired and renovated as a day respite centre between 2009 and 2011 (via a combination of funding from the Shire, Lotterywest, and the Country Local Government Fund). The official opening of Ferguson House occurred on Wednesday, 7 November 2012. The facility was established as an aged day centre and managed by the regional Silver Chain services.

Silver Chain maintained its tenancy in the facility operating as a day respite centre until 31 October 2017, at which point Silver Chain Senior Care Services, Wheatbelt, vacated the facility and moved the day respite services to Toodyay (from where it continues to offer a day respite service to clients from within the Shire of Chittering). The decision to close the Bindoon day centre occurred in an environment where Silver Chain Wheatbelt were reviewing satellite services due to client numbers and increasing staffing and other costs.

The Ferguson House facility has remained vacant since 31 October 2017, however has been utilised as a storage facility for the Shire.

Throughout the remainder of 2017 and 2018 the Chittering Health Advisory Group (CHAG) along with Shire Officers have been endeavouring to understand the community health priorities for the Shire of Chittering in an effort to determine the most appropriate service occupier for the Ferguson House facility. To date CHAG have identified several health priorities however, a day respite facility within Bindoon has not been identified amongst these priority needs and CHAG is still gathering information on priority needs for the Shire and is, to date, not in a position to advise Council as to the most appropriate community based service to operate out of the Ferguson House facility.

The Acting Chief Executive Officer and Community Development Coordinator met with representatives of the Chittering Arts Society, Mrs Jennifer Brooks and Mrs Robyn Edwards on Tuesday 26 March 2019, to discuss the possibility of the Chittering Arts Society taking a temporary lease for Ferguson House until such time as a permanent use of the facility is determined by Council. The Chittering Arts Society representatives indicated that they would be keen to utilise the facility in a temporary capacity as the open plan aspects of the living areas, storage rooms and accessibility to town suits their requirements. They indicated that they would like to take occupancy of the facility at the earliest convenience to Council, however stated that they would also maintain use of a storage area at the Brockman Centre Precinct where they utilise space within the Bindoon Arts and Crafts building.

Whilst the Chittering Arts Society were advised that its temporary occupancy would not provide any certainty of permanent occupancy, the representatives did indicate they would likely submit an application to take on a longer term lease of the facility once that opportunity is advertised.

### **Consultation/Communication Implications**

#### Local

As accepted by Council at the February 2019 Ordinary Council Meeting, a Community Health and Wellbeing Needs Consultation Report prepared by the Public Health Advocacy Institute of WA (PHAIWA) was noted and would be utilised to guide organisational planning and to advocate for the development of workable solutions to local health service related issues. This report highlights school holiday/afterschool programs and early childhood programs as the combined highest priority for respondents to the survey. Secondary to this was support to the elderly however, this was not defined. Priority health and wellbeing needs highlighted youth services and ageing in place as the highest priorities. It is therefore important to any discussion surrounding the leasing arrangements for Ferguson House as a community facility, that this report is taken into consideration and that the Shire consider the Health and Wellbeing needs across the lifespan when assessing applicants who submit applications to lease Ferguson House.

#### State

Not applicable

### **Legislative Implications**

#### State

Nil

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

- *Administration Policy 1.5 Execution of Documents*

### Financial Implications

Consideration needs to be given to the leasing costs of the Ferguson House Facility on a temporary basis to the Chittering Arts Society. It is suggested that the Shire's existing standard community lease document and the current "peppercorn" rental (\$1.00pa+GST) would suffice, at least until the Facility Management Review currently underway is completed.

Further consideration will also need to be given [in due course] to the leasing arrangements for future tenants of the Ferguson House facility. The lease amount and lease style will presumably be dependent on the successful applicant (vis. commercial or community user).

### Strategic Implications

#### Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

#### State

- Department of Culture and the Arts Strategic Plan 2016

Support the delivery of arts and culture activities across WA through policy development, grants and funding.

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

The considerable investment by the Shire into Ferguson House as a community based facility that has capacity to meet health based, early childhood or other community service based functions has long been considered a positive step. Many local residents were disappointed to see Silver Chain withdraw from the facility and as has been evidenced through Council discussions, continuing the facility with priority use for community based activities remains a priority. What remains to be seen however, is what interest there is from health providers/community based organisations to take on the occupancy of the building.

#### Environmental implications

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

### Officer Comment/Details

Nil

**9.4.4 OFFICER RECOMMENDATION**

That Council authorise the Chief Executive Officer to offer a temporary lease of Lot 91 (RN 6138) Great Northern Highway, Bindoon (known as “Ferguson House”) to the Chittering Arts Society. The terms of the lease (using the Shire’s Standard Community Lease document) is to be:

1. “month by month” with continuous options to extend (conditional on mutually agreeable prevailing) until such time as Council has assessed applications and appointed a longer term tenancy of the facility; and
2. \$1.00p.a.+GST lease fee (pro-rata).

## 10. REPORTS OF COMMITTEES

### 10.1 Chittering Bushfire Advisory Committee Meeting: Tuesday 12 March 2019\*

|                        |   |
|------------------------|---|
| Report date            | 25 March 2019                               |
| Applicant              | Shire of Chittering                         |
| File ref               | 09/02/4                                     |
| Prepared by            | Executive Support Officer                   |
| Supervised by          | Acting Chief Executive Officer              |
| Disclosure of interest | Nil   |
| Voting requirements    | Simple Majority                             |
| Attachments            | 1. "Unconfirmed" Minutes from 12 March 2019 |

#### Executive Summary

Council is requested to receive the "unconfirmed" minutes from the Chittering Bushfire Advisory Committee meeting held on Tuesday 12 March 2019.

#### Background

Following the Chittering Bushfire Advisory Committee meeting held on 12 March 2019 there was one formal recommendation resolved:

8.4 COMMITTEE RECOMMENDATION  
*Moved Gordon Carter / Seconded Peter Watterston  
That Council expedite the process so that Dave Wilson receives full compensation, without delay,  
for the loss of his motor vehicle.*

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED

An officer report was subsequently tabled at the Ordinary Meeting of Council on 20 March 2019 and Council Resolved the following:

14.1.2 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 360319  
*Moved Cr Gibson / Seconded Cr Ross  
That Council:*

1. *Acknowledges and appreciates the commitment of volunteers to the firefighting effort within the Shire of Chittering;*
2. *Ask the Chief Executive Officer to research the local government positions of neighbouring and other near local governments and to draft a Policy on the question of the Shire's contribution (if any) where damage occurs to volunteer bush fire brigade member (and non-member) vehicles and equipment;*
3. *Forward a copy of the Shire's relevant insurance policy information to local Bush Fire Brigades for their information; and*
4. *Update volunteers as to the Shire's insurance policy limitations, in particular regard to motor vehicles.*

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0  
11:04PM

The Chief Executive Officer is currently undertaking the require research and outcomes will be discussed with Council at an Information Session; a date of which is yet to be confirmed.

## Consultation/Communication Implications

### Local

Chittering Bushfire Advisory Committee

### State

Nil

## Legislative Implications

### State

- Bush Fires Act 1954

**67. Advisory committees**

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may—*
  - (a) *make rules for the guidance of the committee; and*
  - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
  - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section—*
  - (a) *may from time to time meet and adjourn as the committee thinks fit;*
  - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

*[Section 67 inserted: No.11 of 1963 s.28; amended: No.67 of 1970 s.5; No.65 of 1977 s.45; No.14 of 1996 s.4.]*

### Local

Nil

## Policy Implications

### State

Nil

### Local

Nil



### Financial Implications

Nil

### Strategic Implications

- Strategic Community Plan 2017-2027  
Focus area: Our natural environment  
Objective: S2.3 Protection of life and property  
Strategy: S2.3.1 Improve bushfire preparedness and recovery

### State

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

During the meeting it was mentioned that Jeff Reeves from the Lower Chittering Volunteer Bushfire Brigade is no longer a member of the Brigade, and therefore his membership to the Committee has also ceased. The Committee was introduced to Johan Rossouw who is the Lower Chittering Volunteer Bushfire Brigade Captain, who addressed the meeting and presented the Brigade report to the members.

The Brigades are due to conduct their Annual General Meetings during the month of May, and following this, Brigades will nominate members to the Committee for the June Committee meeting.

Council is requested to receive the unconfirmed minutes from the chittering Bushfire Advisory Committee meeting, held on Tuesday 12 March 2019 as per **Attachment 1**.

#### **10.1 OFFICER RECOMMENDATION**

**That Council receives the “unconfirmed” minutes from the Chittering Bushfire Advisory Committee meeting held on Tuesday 12 March 2019, as per Attachment 1.**

## 10.2 Chittering Audit Committee Meeting: Wednesday 20 March 2019\*

|                               |   |
|-------------------------------|---|
| <b>Report date</b>            | 26 March 2019   |
| <b>Applicant</b>              | Shire of Chittering   |
| <b>File ref</b>               | 12/01/1   |
| <b>Prepared by</b>            | Executive Support Officer                                     |
| <b>Supervised by</b>          | Acting Chief Executive Officer                                |
| <b>Disclosure of interest</b> | Nil   |
| <b>Voting requirements</b>    | Simple Majority   |
| <b>Attachments</b>            | 1. Audit Committee meeting minutes of Wednesday 20 March 2019 |

### Executive Summary

Council is requested to receive the “unconfirmed” minutes from the Chittering Audit Committee meeting held on Wednesday 20 March 2019.

### Background

Following the Chittering Audit Committee meeting held on 20 March 2019 there was one formal recommendation resolved:

**6.1 OFFICER/COMMITTEE RECOMMENDATION**  
*Moved Cr King / Seconded Cr Ross*  
*That the Audit Committee reviews the Local Government Compliance Audit Return for the period 1 January 2018 to 31 December 2018 and presents to Council for adoption at the Ordinary Meeting of Council on 20 March 2019.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0*

*5:33PM*

An officer report was subsequently tabled at the Ordinary Meeting of Council on 20 March 2019 and Council Resolved the following:

**13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 320319**  
*Moved Cr King / Seconded Cr Gibson*  
*That Council adopts the Local Government Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as per Attachment 1.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0*

*10:40PM*

The completed Compliance Audit Report has been lodged through the Department’s “Smarthub” on 21 March 2019.

### Consultation/Communication Implications

#### Local

Chittering Audit Committee

#### State

Nil

## Legislative Implications

### State

- Local Government Act 1995
  - 5.22. **Minutes of council and committee meetings**
    - (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
    - (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
    - (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*
- *Local Government (Functions and General) Regulations*
- *Local Government (Administration) Regulations*
- *Local Government (Rules of Conduct) Regulations*
- *Local Government (Elections) Regulations*
- *Local Government (Audit) Regulations*

### Local

Nil

## Policy Implications

### State

Nil

### Local

Nil

## Financial Implications

Nil

## Strategic Implications

### Local

Nil

### State

Nil

## Site Inspection

Not applicable

## Triple Bottom Line Assessment

### Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

Council is requested to receive the unconfirmed minutes from the Chittering Audit Committee meeting, held on Wednesday 20 March 2019 as per **Attachment 1**.

**10.2 OFFICER RECOMMENDATION**

**That Council receives the “unconfirmed” minutes from the Chittering Audit Committee meeting held on Wednesday 20 March 2019, as per Attachment 1.**

**11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

**14. MEETING CLOSED TO THE PUBLIC**

Nil

**15. CLOSURE**

The Presiding Member to declare the meeting closed.



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