Shire of Chittering

# Ordinary Meeting of Council
# Wednesday 20 November 2019
# Commencing at 7pm

**Held at the Council Chambers, 6177 Great Northern Highway, Bindoon**

# 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.

| **Petitions** | **Deputations** | **Presentations** |
|---|---|---|
| A formal Process where members of the community present a written request to the Council. | A formal process where members of the community request permission to address Council or Committee on an issue. | 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 Council Support via telephone on 9576 4606 or email eso@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 Council Support via telephone on 9576 4606 or email eso@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.**

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Notice is hereby given that the next Ordinary meeting of the **Shire of Chittering** will be held on **Wednesday 20 November 2019** in the Council Chambers, Bindoon commencing at **7.00pm**.

**MATTHEW GILFELLON**
**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

Nil

## 2.4 Announcements

*Councillors are to advise of their attendance in their role as the nominated Council delegate to external organisations. Councillors are requested to advise if they have attend external functions in their capacity as an Elected Member. As the Chief Executive Office looks after some (but not all) appointments by the President and deputy President, the Agenda includes only those events. Councillors are requested to provide additional information at the Ordinary Meeting of Council for inclusion in the Minutes.*

*Cr Don Gibson*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
30 October – Meeting with Chief Executive Officer
12 November – Meeting with Chief Executive Officer
12 November – Audit and Risk Committee
12 November – Council Information Session

*Cr John Davis*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
30 October – Meeting with Chief Executive Officer
12 November – Meeting with Chief Executive Officer
12 November – Audit and Risk Committee
12 November – Council Information Session

*Cr Mary Angus*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
4 November – Chittering Education Scholarship Advisory Group
12 November – Audit and Risk Committee
12 November – Council Information Session

*Cr John Curtis*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
23 October – Chittering Bushfire Advisory Committee
31 October – Meeting with Chief Executive Officer
5 November – Meeting of the Chittering Tourist Association
12 November – Audit and Risk Committee
12 November – Council Information Session
15 November – New Councillor Seminar at Perth Convention and Exhibition Centre

*Cr Kylie Hughes*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
29 October – Meeting with Chief Executive Officer
12 November – Audit and Risk Committee
12 November – Council Information Session
13 November – Formal Exit Meeting with the Shire's Auditors (Moore Stephens)
15 November – New Councillor Seminar at Perth Convention and Exhibition Centre

*Cr Peter Osborn*
17 October – JDAP Meeting via teleconference
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
11 November – Meeting with Chief Executive Officer
12 November – Audit and Risk Committee
12 November – Council Information Session

*Cr Carmel Ross*
22 October – Swearing in Ceremony
22 October – Special Meeting of Council
23 October – Chittering Bushfire Advisory Committee
12 November – Audit and Risk Committee
12 November – Council Information Session

# 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.*

## 3.1 Item 14.1.1 "2020 Community Citizen of the Year Awards"

Cr John Curtis has declared an Impartiality Interest as he is a member of an Association that a nominee is also a member of.

# 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

## 6.1 Cr Peter Osborn

Council is requested to approve leave of absence for Cr Peter Osborn for the period inclusive of Wednesday 27 November 2019 to Sunday 1 December 2019.

**6.1 OFFICER RECOMMENDATION**
**That the Council grant Cr Peter Osborn leave of absence for the period inclusive of Wednesday 27 November to Sunday 1 December 2019.**

# 7. CONFIRMATION OF MINUTES

## 7.1 Ordinary Meeting of Council: Wednesday 16 October 2019

**7.1 OFFICER RECOMMENDATION**
**That the minutes of the Ordinary Meeting of Council held on Wednesday 16 October 2019 be confirmed as a true and correct record of proceedings.**

## 7.2 Special Meeting of Council: Tuesday 22 October 2019

**7.2 OFFICER RECOMMENDATION**
**That the minutes of the Special Meeting of Council held on Tuesday 22 October 2019 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 Application for Development Approval: Lot 89 Koomal Street, Bindoon "Temporary Placement of Yacht Monument"

| | |
|---|---|
| **Applicant** | William Nobes |
| **File ref** | A11631 |
| **Prepared by** | Principal Planning Officer |
| **Supervised by** | Executive Manager Development Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Development Plans<br>2. Submission |

**Executive Summary**

Council is to consider an Application for Development Approval for the temporary placement of a 15.5 metre long yacht monument on Lot 89 Koomal Street, Bindoon. Lot 89 is owned by the Shire in freehold. The yacht is proposed to be placed on site for a period not longer than two years and is to assist in promoting awareness of the need for dementia care in the region.

**IMAGE 1: Location Plan**

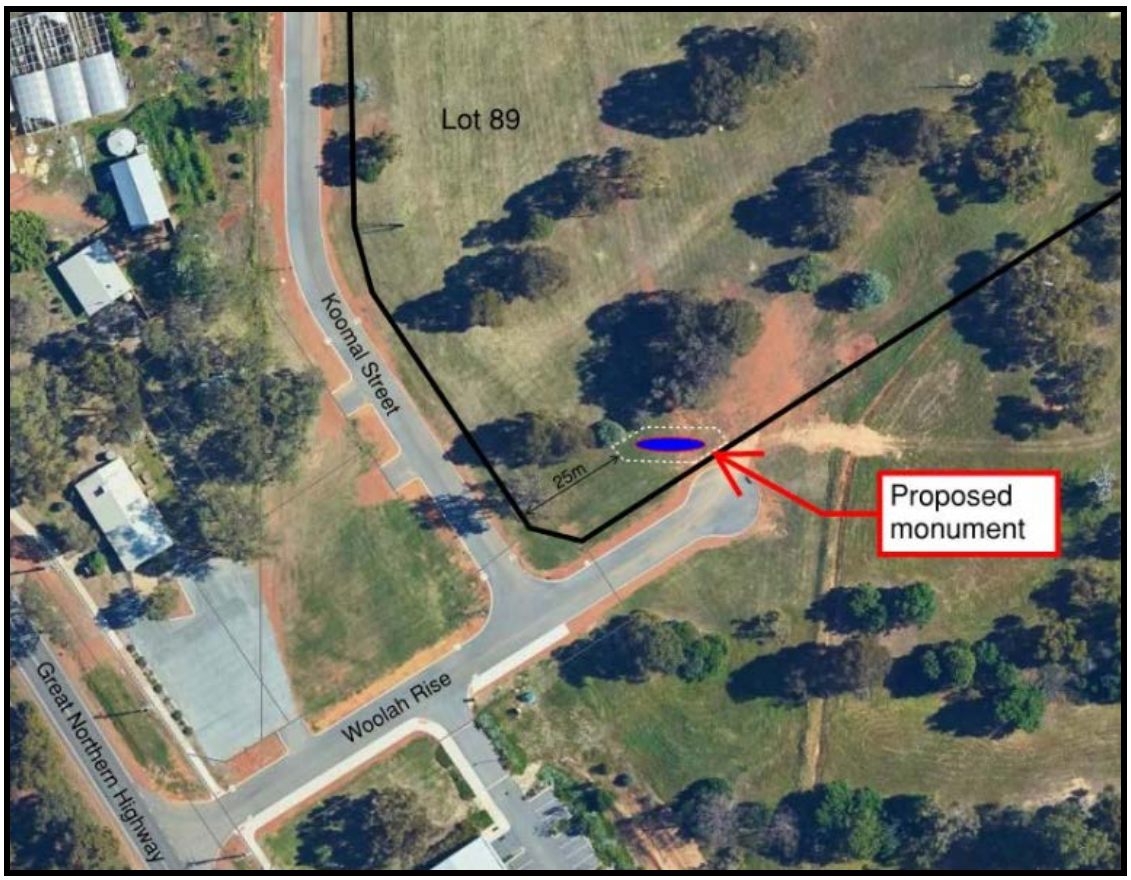
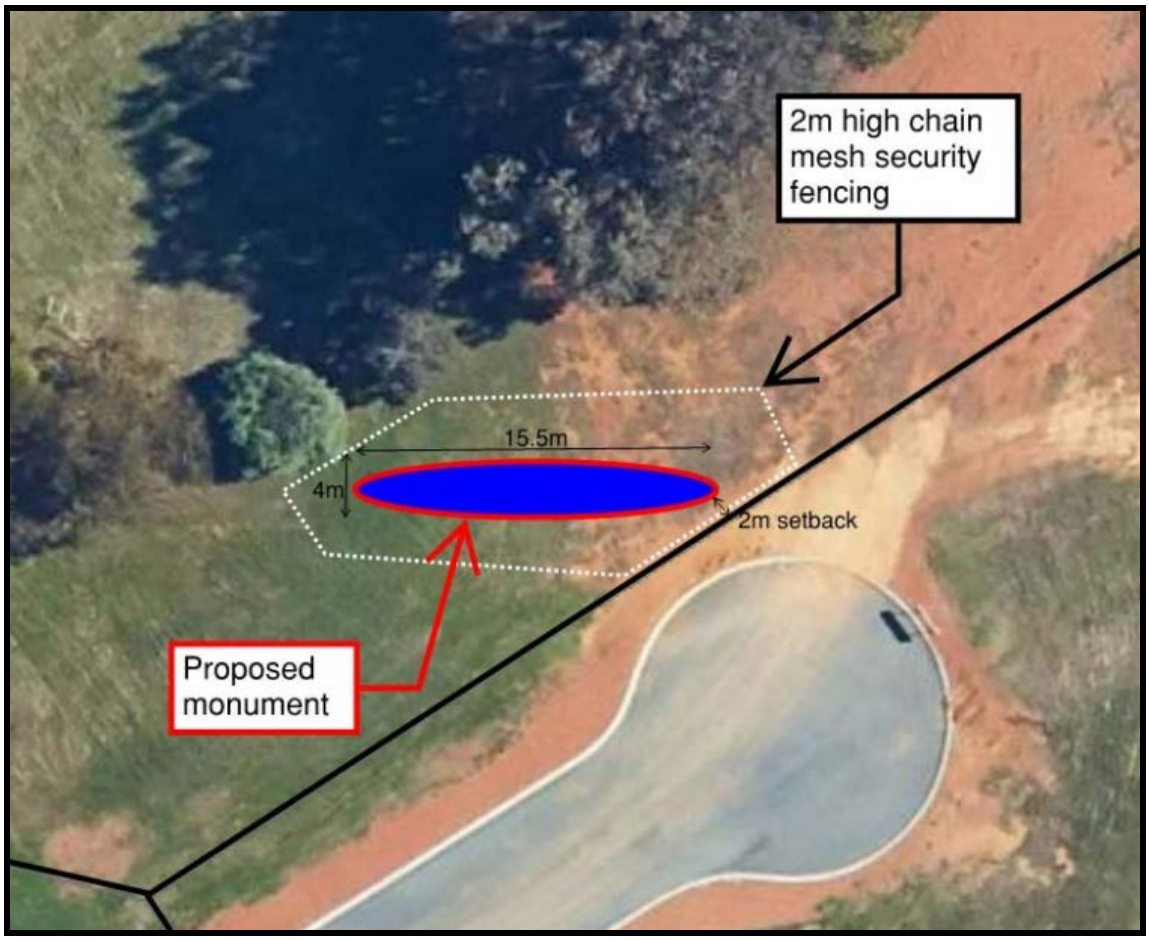


**IMAGE 2: Site Plan**




**Background**

An Application for Development Approval has been received for the temporary placement of a yacht on Lot 89 Koomal Street, Bindoon. The application has been submitted by a William (Bill) Nobes however, Lot 89 is owned by the Shire in freehold. Details of the application including development plans are included as an attachment to this report (**Attachment 1**).

The yacht is proposed to act as a monument to create awareness towards the need for dementia and aged care in Bindoon and the broader region. The sail of the yacht will be printed with the written message 'Iron Will – The Village', or words with a similar meaning. 'Iron Will' refers to the name of the yacht that is currently in harbour on the east coast, and 'the Village' refers to Mr Nobes' envisaged dementia village to be developed in the future, somewhere in the region. The yacht itself is approximately 15.5m long, and 16.5m high and is proposed to be entrenched into the ground adjacent to the northern side of the Woolah Rise cul-de-sac. The location is general in nature, as topographical and ground conditions may require slight adjustments.

The Shire understands that Mr Nobes acquired the yacht with the intention of sailing around Australia, pulling into various harbours and ports creating general awareness around dementia care. This plan did not eventuate, and now wishes to create that same awareness in Bindoon using the yacht as a monument to this endeavour.

The yacht is proposed to be secured from any public access with a 2m high perimeter chain-link mesh fence. An incidental information stand or sign may also be incorporated into the proposal that would inform the public to the purpose of the yacht and what it represents. The details of any information stand or sign have not been included in the proposal, however can be incorporated as incidental development.

Lot 89 Koomal Street is approximately 3.6hectares in area, contains some native vegetation, and is used seasonally for local events such as the Bindoon Agricultural Show, the Spring Festival and 'Wear Ya Wellies'. Under the Shire's *Local Planning Scheme No. 6* (LPS6), it is zoned 'Townsite'. As noted previously, the land is owned in freehold by the Shire and as such, the Shire's Chief Executive Officer (CEO) has signed the application form as the landowner. This signature of the CEO did not consent to the development being approved or endorsed the proposal in any way, simply allowed for the proposal to be considered by Council.

**Consultation/Communication Implications**

*Local*

The application was advertised from 15 October 2019 to 5 November 2019 (21 days) in the following ways:

- Sign placed on site;
- Posted on the Shire's Have Your Say page on the website; and
- Posted on the Shire's Facebook page.

At the conclusion of the advertising, one objecting submission was received. The submission is included as an attachment to this report (**Attachment 2**) and is summarised below:

- Yacht does not have a connection to the cause;
- Yacht with a 2m high fence is not a welcoming sight and does fit into natural environment;
- Yacht does not represent the community's vision;
- Any monument should be the result of a comprehensive community engagement process; and
- Land is used for community events with yacht placement potentially compromising these.

These concerns raised have been further considered through this report.

With regard to the request for further comprehensive community engagement, it is noted that the application being considered is for Development Approval. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) dictate the advertising means and timeframes. The Shire has an obligation under the Regulations to determine the application within a period of 90 days from lodgement. Although a comprehensive community engagement program would be an ideal method to obtain the communities perspective on the proposal, the application is required to be determined by Council, following the advertising period undertaken in accordance with the Regulations.

*State*

Advice was sort from LGIS (Shire's insurer) due to the possible implications of a third party development occurring on Shire land. LGIS have advised that if the development is approved, a lease agreement should be entered into prior to the yacht being placed on the site. The lease agreement would indemnify the Shire from any liability caused by the yacht, and remove the Shire from responsibilities and costs relating to the maintenance, damage and removal. It would also dictate the responsibilities of the Mr Nobes regarding the remediation of the land once any approval period has expired.

If the application is approved, a condition of approval is recommended that requires the applicant to have prepared and executed, a lease agreement that exonerates the Shire from any responsibilities and/or liabilities associated with the proposed yacht monument. The cost of the lease agreement preparation would need to be at the full cost of the applicant.

**Legislative Implications**

*State*

- *Planning and Development (Local Planning Schemes) Regulations 2015*

  In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – 'Matters to be Considered'. The primary matters of consideration relevant to the application have been listed and discussed below:

  *(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

  The setting surrounding Lot 89 consists of gently sloping grassed land (old golf course), and single storey rural style buildings (medical centre, Ferguson House). The site proposed for the yacht monument is highly visible from Great Northern Highway, albeit setback from the Highway approximately 140m.

  A 16.5m high, 15.5m long yacht placed in a rural townsite setting, with a natural and scenic backdrop (as viewed from Great Northern Highway) is considered to be visually incompatible with its setting. The height, bulk and scale of the yacht is not comparable to any development in this locality and would therefore have no relationship to the existing built form in terms of visual continuity. It is acknowledged however, that the inherent purpose of a monument is to attract attention for a particular cause, person or event. Providing such a monument in a visually inconspicuous location would be contrary to the intent and purpose of the development itself.

  As raised in the submission received, the 2m high chain-link fence surrounding the yacht is of concern in terms of the visual amenity. It is understood that the yacht will remain the possession of Mr Nobes who wants to protect his asset from any malicious damage, and wishes to deter the public from climbing on or entering into the yacht. A 2m high chain-link fence would provide the necessary security of the yacht however, would detract from the appearance of the development, and detract from the general visual amenity of the area. A fence of this nature is typically found in industrial areas for security purpose, where the function of the land takes priority over aesthetics. Whilst recognising the need to maintain the security of the yacht, it is considered that chain-link fencing in a townsite would be visually unappealing and inappropriate, particularly around a structure designed to attract attention.

  If Council are of the opinion that the monument should be approved, but have reservations regarding the fencing, a condition can be imposed that restricts the type and height of any security fence installed. An alternate, could be a 1.2m high ring-lock fence (or similar) with appropriate signage advising the public not to enter or climb the yacht. This would clearly establish a boundary beyond which the public were not permitted to pass, whilst maintaining a rural and generally appealing aesthetic.

*(n) the amenity of the locality including the following –*
*(i) environmental impacts of the development;*
*(ii) the character of the locality;*
*(iii) social impacts of the development.*

The development's impact on the character of the locality is a key consideration of this application. The character of Bindoon can be described as a typical Wheatbelt rural township, dominated by agricultural activities amongst natural environmental and topographical assets. The placement of a yacht in this setting cannot be considered to be in keeping with the existing character. The distinct lack of sailing opportunities, and any recreationally usable bodies of water in the area, creates a clear disconnect between the development and the character of Bindoon.

Whilst the built form of the development may be inconsistent with the character of the locality, the proposal may have social impacts that also need consideration. The monument has the potential to generate a greater level of thought and participation into discussion amongst the local residents. These discussions themselves can have social benefits, as it brings like-minded people together, striving to achieve a single cause. The end purpose behind the monument has its obvious social benefits as dementia and aged care in rural areas allows for those in need, to remain in the rural areas where they have built their lives.

While the Shire has, and will continue, to investigate into aged care for the area, the yacht monument represents an individual's vision for dementia and aged care services in the Bindoon locality. The application needs to be assessed for what it is, and not for the ideals that it is trying to achieve.

*(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.*

The land on which the yacht is proposed is gently sloping and is in close proximity to Woolah Rise. The application indicates that the yacht will be entrenched 2m into the ground to provide it with stability. To ensure that the yacht is safely and securely placed on site, an engineer's certificate will need to be supplied by the proponent, and works occurring in accordance with that certificate. Advice from the Shire's Principal Building Surveyor has indicated that a Building Permit will be required for the development, prior to the yacht being brought to the site or any site preparations being undertaken. The engineering certificate would accompany any Building Permit application lodged.

If Council approval the application, it is recommended that an advice note be included that advises the applicant of the requirement for a Building Permit, inclusive of an engineering certificate. The applicant should also be made aware that they are responsible for all costs associated with the Building Permit application.

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

While the day-to-day visitation of the proposed monument is expected to minimal and not create traffic issues, overflow car parking occurring at the seasonal events that take place on Lot 89 may be impacted. Three significant annual events (Bindoon Agricultural Show, Spring Festival and Wear Ya Wellies) occur in Bindoon with Lot 89 being utilised predominantly for overflow parking. The placement of the yacht may influence the parking layout and vehicle movements for these events. The Shire's Community Development Officer has advised that modifications may need to be made to the operation of these events to accommodate the placement of the yacht. Whilst recognising the disruption the yacht may cause to event parking, it is considered that the proposal can be accommodated in this location, from a vehicle movement perspective, as the inconvenience it may cause on the Shire events will be for a limited period of two years.

*Local*

- *Local Planning Scheme No. 6*

  Schedule 2 - 'Zoning Table' of the Shire of Chittering *Local Planning Scheme No. 6* (LPS6) list the permissibility of various land uses against the relevant zones. Any application for Development Approval is to be reviewed against the Zoning Table to determine whether or not the land use can be permitted in that particular zone.

  In the case of this proposal, a land use is not being proposed, only a built structure. The structure is designed to be viewed by the public from near and afar, but not used for any particular purpose that would need categorisation under a LPS6 'land use'. It is comparable to the development of an advertising sign, whereby the land on which the sign is erected is not required to be granted approval for a 'land use' under LPS6, but approval is simply given for the built structure itself.

  Given the above, the application can be approved under the Lot 89 zoning of 'Townsite', without an applicable 'land use'.

**Policy Implications**

*State*

Nil

*Local*

- *Local Planning Policy No. 5 – Signage*

  Local Planning Policy No. 5 – Signage (LPP5) provides guidance on the placement of various types of advertising signage throughout the Shire. LPP5 provides the following definition of advertising for application of the Policy (underlined portion for emphasis):

  *'means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction, and includes any hoardings or similar structure used, or adapted for use, for the display of advertisements. The term also includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising means the same as Sign.'*

In the context of LPP5, the proposed yacht monument is considered an advertising sign. As such, the following provisions of the Policy are considered relevant and require due regard. Each provision is listed below and is provided with relevant comment:

*3.1b) In general advertising signs:*

*……..*

*(v) be maintained in good order and clean condition.*

It would be expected that if Council approve the subject application, a condition would be imposed that requires a lease agreement to be entered into. This lease agreement would include provision for the maintenance and upkeep of the yacht, to ensure it does not fall into disrepair and become unsightly. The risk of this occurring is considered minimal however, given the timeframe for the placement of the yacht being a maximum of two years, and the unlikely event that the yacht degrades to an unacceptable standard within this time.

*3.1b) In general advertising signs:*

*…….*

*(vii) are to bear relevance to the site on which they are located*

The yacht monument would advertise the need for dementia and aged care within the region. The yacht would be placed on Lot 89, being Shire owned land, with no approvals or proposals in place to develop this land in a manner related to dementia or aged care. This being said, Lot 89 in conjunction with the adjoining Lot 88, have historically been considered for a retirement village development. Whilst this concept is still being investigated, there are no current commitments from the Shire to develop the land as such and therefore it is contended that the yacht bears no relevance to the site.

Furthermore, there is a risk that advertising such an idea on Shire owned land that was previously earmarked for a retirement village, creates an unrealistic public expectation that the Shire is proposing to develop the land as such. It would not be until that person further investigates that there would be an understanding that the yacht is simply promoting the awareness of dementia and aged care in the area. Nonetheless, the inference may be made by a person who does not have all the details and story behind the yacht placement, creating a misleading expectation of the Shire.

It is considered that the proposal fails to meet this provision of LPP5.

Council are made aware that LPP5 needs to be given due regard when making its resolution on the application, but is not legally bound by any provision of a Local Planning Policy.

**Financial Implications**

If approved, it is recommended that all costs associated with the development, including the Building Permit Application and the recommended lease agreement are to be borne solely by the applicant. If this occurs, there will be no known financial implications for the Shire.

**Strategic Implications**

*Local*

Nil

*State*
Nil

**Site Inspection**
Site inspection undertaken: Yes

**Triple Bottom Line Assessment**
*Economic implications*
There are no known significant economic implications associated with this proposal.

*Social implications*
Social implications have already been addressed in the body of the report.

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

**Officer Comment/Details**
Pursuant to the provisions of LPS6 and giving LPP5 due regard, the application can be considered for approval by Council, with or without the imposition of conditions.

The nature of the application is considered particularly unique for this location, with the majority of the assessable elements being relatively subjective in nature, particularly the impact the proposal will have on the amenity and character of the locality. It can be argued that the proposed development is not compatible with its surrounding built form and adversely affects the amenity and character of the Bindoon townsite. It would be in a highly conspicuous location and would be of a bulk and scale that detracts from the natural features of its surrounds. It may also create unrealistic expectations for the Shire to further commit to the cause, particularly as the monument would be placed on Shire land.

It could also be contended that the proposal is promoting awareness of a social service that needs further discussion locally and regionally, and an out-of-place yacht in Bindoon would attract the attention of people to achieve that purpose. It does need to be considered as a temporary development, placed on-site for a maximum of two years.

Due to the highly subjective nature of the assessment of this development, and the socially driven motives behind it, Council may determine that the social merits do not match the zoning of the land. Alternatively, as it is temporary, and is proposed with a view towards creating an aged care (dementia) village, Council may view the proposal as consistent with the ultimate intent for the land.

To this end, two separate recommendations are provided for Council's consideration.

**9.1.1 OFFICER RECOMMENDATION A**

**That Council approves the Application for Development Approval for the temporary placement of a yacht monument on Lot 89 Koomal Street, Bindoon subject to the following conditions:**

1. **All development shall be generally in accordance with the approved plans to the satisfaction of the Shire.**
2. **This approval is for a period of two years only. The approved yacht monument and all associated incidental development shall be removed from site and the land remediated within two years of it being placed on site to the satisfaction of the Shire.**
3. **Fencing around the perimeter of the yacht monument as indicated on the approved plans shall be no higher than 1.2m to the satisfaction of the Shire.**
4. **The approved yacht monument and all associated incidental development shall be maintained to a high standard by the proponent at all times to the satisfaction of the Shire.**
5. **Prior to commencement of any works on site, the proponent shall prepare and have executed by the necessary parties, a lease agreement that exonerates the Shire from any liabilities and responsibilities associated with the approved yacht monument to the satisfaction of the Shire. The lease agreement shall incorporate all restrictions imposed by this conditional development approval. All costs associated with the preparation and execution of the lease agreement shall be borne by the applicant.**

**Advice Notes:**

a. **The applicant is advised that a Building Permit is required to be obtained prior to the commencement of any works on site and prior to the yacht being brought to the site. An engineer's certificate will be required to accompany a Building Permit Application to certify the yacht's structural security being entrenched into the ground.**
b. **If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**

**9.1.1 OFFICER RECOMMENDATION B**

**That Council refuses the Application for Development Approval for the temporary placement of a yacht monument on Lot 89 Koomal Street, Bindoon for the following reasons:**

1. **The proposed yacht monument is not compatible with its setting and other development on land in the locality due to its height, bulk and scale pursuant to Sch. 2, Pt. 9, Cl. 67(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **The proposed yacht monument will have adverse impacts on the character and amenity of the Bindoon locality pursuant to Sch. 2, Pt. 9, Cl. 67(n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
3. **The proposed yacht monument bears no relevance to the site or the Bindoon townsite pursuant to Clause 3.1(b)(vii) of the Shire of Chittering *Local Planning Policy No. 5 – Signage*.**

### 9.1.2 Acceptance of Management Order over Portion of the Ellen Brook*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | A10083 |
| **Prepared by** | Regulatory and Legal Officer (Development) |
| **Supervised by** | Executive Manager Development Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Letter from Department of Planning, Lands and Heritage (DPLH) |

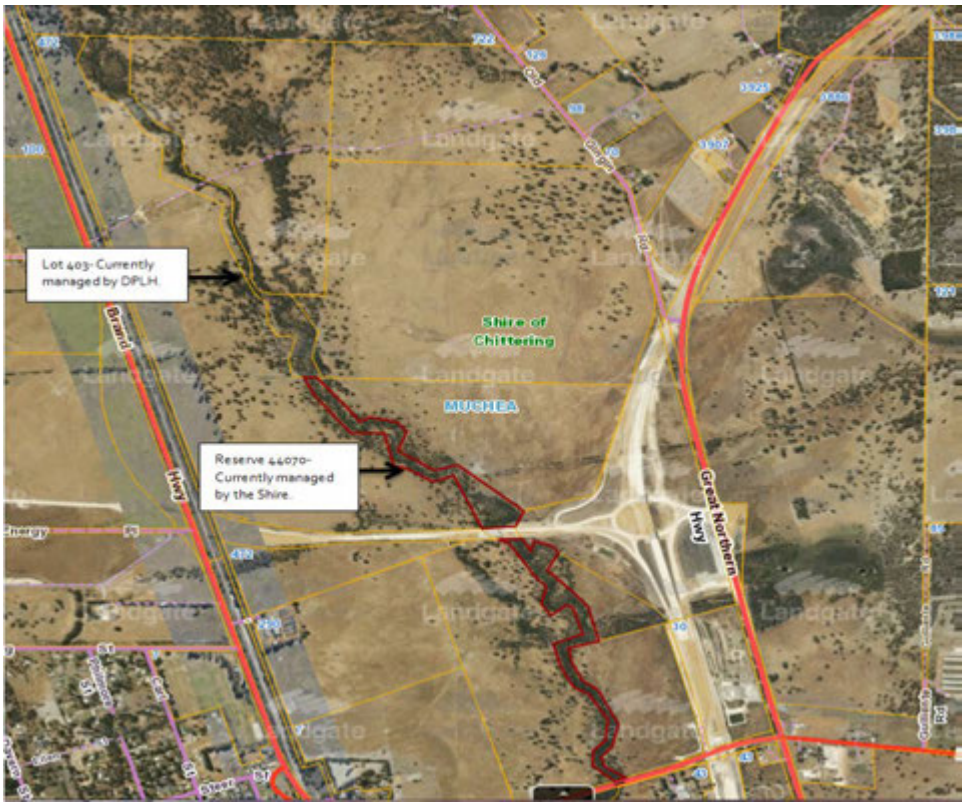
**Executive Summary**

Council is requested to consider acceptance of a Management Order over a portion of the Ellen Brook. The Shire is currently in control and care of Reserve 44070 which contains part of the Ellen Brook, Council is now requested to consider the inclusion of Lot 403 into the adjoining Reserve 44070 and have management over the combined area.

**Background**

A letter was sent to the Shire on 3 October 2019 from Department of Planning, Lands and Heritage (DPLH) requesting Council to consider extending its already existing Management Order over the Ellen Brook (**Attachment 1**). The letter advises that as a result of freehold subdivision, Lot 403 was ceded to the Crown subject to section 152 of the *Planning and Development Act 2005* for the purpose of "Public Recreation". Therefore DPLH are asking if Council agrees to the inclusion of Lot 403 into the adjoining reserve 44070 currently managed by the Shire (Image 1).

**IMAGE 1: Contextual Map**



**Consultation/Communication Implications**

*Local*

Informal consultation was undertaken with Chittering Landcare regarding the additional management over the Ellen Brook, since the group has previously helped the Shire with maintenance of the Brook. Chittering Landcare indicated that it would support the Shire in managing the reserve with the assistance of the Ellen Brockman Integrated Catchment Group (EBICG).

*State*

This process involves consultation with the Department responsible for Land Management, with Council's determination to form the response to the request.

**Legislative Implications**

*State*

- *Land Administration Act 1997*
  *S46* provides a legislative mechanism for Crown land to be managed by other agencies/authorities.

**Policy Implications**

*State*

Nil

*Local*

Nil

**Financial Implications**

There are minimal financial implications for accepting the Management Order over the Ellen Brook. These costs for can be offset by the EBICG and Chittering Landcare applying for Grants. Should additional financial implications occur, further investigations by Shire staff will ensue to ensure the Shire is not overly burdened economically. However, given the ecological importance of the Brook to the Shire and the State generally, financial weight is not considered the most important factor to management of the Brook.

**Strategic Implications**

*Local*

The *Shires Strategic Community Plan 2017-2027* outlines five major themes. One such major theme is "Natural Environment". The aim is a protected and bio-diverse environment, which the community and tourists enjoy in a well-managed, respectful manner. The outcomes include a protected environment, sustainable resources and protection of life and property. By the Shire accepting the management order over Lot 403, consistency will apply over the management over the Ellen Brook and allow an enhanced protection over the Ellen Brook.

*State*

Nil

**Site Inspection**
The site is currently only accessible by an unimproved access track to the north of the Brook; the site was therefore not accessible without a 4WD vehicle.

**Triple Bottom Line Assessment**
*Economic implications*
There are no known significant economic implications associated with this proposal.

*Social implications*
Protection of the Brook via a community group can enhance a sense of place and pride over the land. This can therefore lead to strengthened social networks.

*Environmental implications*
Accepting the Management Order over the Ellen Brook will help preserve and protect the Ellen Brook. Therefore, accepting the Management Order will positively impact the environment and the preservation within the Shire, in line with the major themes of the Shire's Strategic Community Plan.

It may further be possible to track contaminants and sediments from construction/industry sites through the help of the Chittering Landcare Group. This is a major environmental priority for the health of the Ellen Brook's ecology, and is the fundamental reason for maintaining control of the Brook.

**Officer Comment/Details**
Council is recommended to accept the Management Order of Lot 403 on DP 412979 to ensure that consistency is applied in managing the Ellen Brook. The Shire will then be in care and control over the combined area of the Ellen Brook from Old Gingin Road to Brand Highway. Accepting the Management Order will help preserve and protect the Ellen Brook.

**9.1.2 OFFICER RECOMMENDATION**
**That Council advises the Department of Planning, Lands and Heritage that Council will accept the Management Order over Lot 403 on DP 412979, thereby having a consistent measure of control over the combined area of Lot 403 and Reserve 44070.**

### 9.1.3 Proposed New Environmental Health Policy: Temporary accommodation during construction of a dwelling*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 04/03/1 |
| **Prepared by** | Principal Environmental Health Officer |
| **Supervised by** | Executive Manager Development Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Draft Policy Temporary accommodation during construction of a dwelling<br>2. Application for temporary accommodation during construction of a dwelling<br>3. Local Planning Policy No.27 "Living in Sheds" |

**Executive Summary**

Council is requested to consider a draft policy "Temporary accommodation during construction of a dwelling" (**Attachment 1**). It is recognised that property owners are often short of financial resources and seek an inexpensive form of accommodation while building their main dwelling. This enables them to save money on rental and travel costs which can be put towards improving the quality of their home. It also enables them to have the convenience of living on site if they are an owner builder thereby saving travelling time and expenses and enabling them to better manage the security of their property.

The objective of the policy is to permit the use of temporary accommodation on site and to ensure that minimum standards are applied with respect to environmental health, safety and amenity. Temporary accommodation is the use of a mobile caravan with or without an annexe and which may be parked in a shed.

The Policy supersedes *Local Planning Policy No. 27 "Living in Sheds"* (**Attachment 3**) which was overly restrictive and which did not adequately control environmental health, safety and amenity issues thereby resulting in sub-standard facilities and insanitary living conditions. The new policy allows the use of a shed for purposes such as showering, laundering of clothes and ablutions thereby enhancing the quality of living.

The Policy supports the *Caravan Parks and Camping Grounds Regulations 1997* which enables Local Governments to approve of temporary accommodation during the construction of a main dwelling for a period not exceeding 12 consecutive months. The Policy allows the approval of an additional period subject to certain conditions being met.

**Background**

The prevalence of unauthorised dwelling in sheds has been an ongoing issue not only in the Shire of Chittering but in many other local governments. Such occupation often results in people living in sub-standard and unsafe conditions, sometimes for long periods of time when they remain 'undiscovered'. This practice is hazardous to occupiers on a number of points:

- The lack of proper approvals and inspections results in non-habitable buildings such as Class 10 sheds (under the Building Code of Australia) being occupied that are not constructed to appropriate building, health and engineering standards required for habitable buildings such as a Class 1 building. This can cause safety risks from structural collapse by high winds, fire risks and health risks from lack of sanitary facilities, overcrowding and poor ventilation.

- There may be a lack of wastewater treatment and disposal facilities or the owners may have installed a sub-standard system without approval causing potential diseases and damage to the environment.
- The sites frequently become an eyesore and the source of neighbourhood concerns and complaints.
- The safety of occupants is jeopardised in fire-prone areas.
- Solid waste may accumulate on the property through lack of servicing as people try to remain anonymous within the Shire's recording systems.

Shire officers in the course of their inspections have come across:

- People living in sea containers, garden sheds, dilapidated caravans and vehicles;
- Sheds that have been illegally fitted out for occupation;
- Untreated effluent being discarded directly to ground;
- Rubbish being stored on site resulting in the breeding of pests and vermin; and
- Rubbish being buried or burned on site due to lack of disposal facilities.

While the previous policy did address the issues of a potable water supply and the installation of an approved wastewater treatment and disposal system as part of the standard 'Application for Development Approval ' form, it did not elicit all of the necessary information for proper assessment. It also lacked the provision for on-site inspection before and after the approved period. The new policy and application form (attached) comprehensively covers the required information such as:

- Issue of a building permit;
- Issue of an approval for a wastewater treatment and disposal system ;
- Cooking facilities;
- Refrigeration;
- Power supply;
- Laundry facilities;
- Waste and recycling ;
- Bedding;
- The condition and cleanliness of the caravan;
- Ventilation and overcrowding;
- The suitability of the site determined by a preliminary site inspection;
- A final inspection to determine that the dwelling has/has not been completed;
- A site plan and floor plan showing the location of facilities; and
- An evacuation plan.

**Consultation/Communication Implications**

*Local (Internal)*

Chief Executive Officer
Executive Manager Development Services
Principal Building Surveyor
Principal Planning Officer
Planning Officer

*State*

Shire's of Murray and Northam
Department of Local Government and Communities
WALGA

**Legislative Implications**

*State*

- *Caravan Parks and Camping Grounds Act 1995*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Health (Miscellaneous Provisions) Act*
- *Public Health Act 2016*
- *Local Government Act 1995*

*Local*

- *Shire of Chittering Health Local Law 2017*
- *Shire of Chttering Local Planning Scheme No. 6*

**Policy Implications**

*State*

The policy does not conflict with any of the abovementioned legislation.

*Local*

The policy supersedes *Local Planning Policy No. 27 'Living in Sheds'*.

**Financial Implications**

An application fee of $105 has been included in the 2019/20 Annual Budget. Should the policy be approved by Council the fee would have to be increased in the 2020/21 budget to cover Shire officer time for inspections.

**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 new policy will provide an improved framework for assessing applications for people wanting to live on site during the construction of their dwelling. It will vastly improve environmental health, safety and amenity for the benefits of the occupiers as well as reducing neighbourhood complaints associated with poor living conditions. The policy procedures will ensure that an improved standard of camping on site is achieved by the provision of essential facilities. The more formal assessment and inspection processes will reduce the incidence of people living on site illegally resulting in fewer complaints and issues for staff and Council to deal with.

As a consequence of endorsing the new policy, the current *Local Planning Policy No. 27 "Living in Sheds"* (LPP27) will need to be revoked to avoid having two conflicting policies in operation at the same time. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations,* LPP27 can be formally revoked through a resolution of Council and a notice of this revocation published in the local newspaper.

**9.1.3 OFFICER RECOMMENDATION**

**That Council:**

1. **Endorses the Environmental Health Policy "Temporary accommodation during construction of a dwelling";**

2. **Revokes *Local Planning Policy No. 27 "Living in Sheds"* pursuant to Sch. 2, Pt. 2. Cl. 6(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**

3. **Advertise a notice of the revocation of *Local Planning Policy No. 27 "Living in Sheds"* in a newspaper circulating the Scheme area pursuant to Sch. 2, Pt. 2. Cl. 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

### 9.1.4 Application for Exemptions of Limitation of Number of Dogs: 4 Moon Rise, Muchea*

| | |
|---|---|
| **Applicant** | Wendy Bielby |
| **File ref** | A9951, 19/01/3 |
| **Prepared by** | Ranger |
| **Supervised by** | Executive Manager Development Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. **CONFIDENTIAL "NOT FOR PUBLIC DISCLOSURE"**<br>2. Site Plan |

**Executive Summary**

Council is requested to consider an *Application for Exemptions of Limitation of Number of Dogs* to permit the applicant to keep five dogs at 4 Moon Rise, Muchea. Concerns from neighbouring properties argue that too many dogs already exist in the area. While the concerns are acknowledged, the application has been assessed upon its own merits. The application consists of three pet dogs, a retired working dog, and one active work dog. This means four of the dogs are requested to be contained on the property at all times. The application has been referred to Council as a result of the complaints lodged.

**Background**

The applicant is the owner of 4 Moon Rise, Muchea. The subject property is zoned as Townsite (R2.5) and is 4279.06m$^2$. The fencing at the property is a combination of ring-lock and chicken wire. A 'hot wire' has been installed on the bottom of the inside of the boundary fencing. The applicant has requested to keep five dogs which are described as follows:

| Name | Breed | Sex |
|---|---|---|
| **'Tibee'** | Tibetan Spaniel | Female, spayed |
| **'Aisha'** | Tibetan Spaniel | Female, spayed |
| **'Taya'** | Tibetan Spaniel | Female, spayed |
| **'Rarnee'** | Australian Kelpie | Female, spayed |
| **'Keith'** | Australian Kelpie | Male, unsterilised |

The applicant has previously had approval to keep three dogs at the residence, which was approved under delegated authority on 10 March 2014. Historically, the applicant has not committed any offences under the *Dog Act 1976*. Two barking complaints were received on the 1 May 2013 and 3 April 2014, both of which were quickly resolved by Rangers speaking to the applicant.

The applicant's husband works at Muchea Livestock Centre (WAMIA) and had previously utilised 'Rarnee' as a working dog. Due to the dog's age (11 years old), 'Rarnee' has retired. The applicant has recently obtained 'Keith' in place of 'Rarnee' for working purposes. The other three dogs are described as pets. The applicant initially applied for four dogs however was required to reapply due to 'Keith' residing at the property.

The previously registered dogs in 2014 pertain to the three Tibetan Spaniels.

**Consultation/Communication Implications**

*Local*

Letters were sent to eight adjacent and adjoining land owners giving them the opportunity to comment within 21 days (**Attachment 1**). The advertising period began on 2 September 2019, ceasing 23 September 2019. A total of four responses were received:

| Submitter | Comments | Officer Response |
|---|---|---|
| 1 – Oppose | I find it insulting that this application for 5 dogs has been sent when I have already rejected an application for 4 dogs at the above mentioned property. Numerous diaries, petitions, phone calls and complaints have gone to your office about the out of control dog situation in this area, has all of that been a waist *[sic]* of time.<br>The Shire needs to work on decreasing the dog population not increasing it. The retirees in this area are living a nightmare when the dog owners go to work. We want to get out of here but potential buyers rejected our house because of the dog situation (dogs don't pay rates)(no more dogs) | Not upheld. Council is required to assess each application upon its own merits. Additionally, the complaints regarding barking pertain to other properties within the area. An independent investigation of nuisance barking was conducted and it was determined that the complaint could not be substantiated.<br>While the number of dogs within the area has notably increased, the associated legislation with dog keeping does not account for a total area. Rather it requires each application to be assessed upon its own merits. |
| 2 – Support | I support this application. | Noted. |
| 3 – Support | I support this application. | Noted. |
| 4 – Oppose | Thank you for the opportunity to OPPOSE the exemption of limitation of dogs at 4 moon rise Muchea. We have previously said NO to the exemption of four (4) dogs at this property in mention. We have several reasons why we do NOT support this application.<br><br>1. On numerous occasions we have had the spaniels come onto our property by digging under the fence. We have had to fix the areas where the dog has dug under the fence because the owner won't do it.<br>2. The kelpie has jumped the fence and has chased our dogs again on numerous occasions.<br>3. The spaniels are constantly barking and yapping. We have taken numerous videos to show evidence and even | Partially upheld.<br><br>1. While no complaint was made to the Shire at the time of the incident relating to the dogs digging underneath the fence occurring, the applicant has subsequently installed a hot wire on the inside of the boundary fence to prevent the dogs from being able to dig under the fencing.<br><br>2. The applicant has admitted that 'Keith' has jumped the fence on one occasion and therefore has created an internal containment area (Containment Area 1 as per **Attachment 2**) for him to be contained in at all times when residing at the property. Again, no complaint was made to the Shire at the time of this incident occurring. |

| Submitter | Comments | Officer Response |
|---|---|---|
| | sending the videos to the owner to ask kindly for them to stop but we receive abuse back. The owners are home on most occasions and don't call the dogs in for ages.<br>4. Also, on several occasions my daughter has witnessed the owners taunt my dogs causing them to bark and then she complains about our dogs barking.<br>5. From the 23rd of august we have noted eight (8) times where the owner has been home and the dogs were constantly barking for over 30 minutes.<br><br>(These) are just a few occasions and incidents of why we are OPPOSED of 4 moon rise application of five (5) dogs. | 3, 4 and 5. Complaints regarding barking pertain to other properties within the area. An independent investigation of nuisance barking was conducted covertly by Shire rangers (in order to minimise any encouraging of barking) over a set period of time where it was determined that there was no evidence to show of nuisance barking from 4 Moon Rise Muchea. The evidence (i.e. the videos) mentioned in the submission have not been presented to an Authorised Officer at the Shire, despite being requested. Notably, the Dog Act 1976 requires evidence to be submitted in the form of a prescribed diary. This was not completed despite being advised. |

*State*
Nil

**Legislative Implications**
*State*

- *Dog Act 1976, Part V — The keeping of dogs*

***26. Limitation as to numbers***

*(1) A local government may, by a local law under this Act—*

*(a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*

*(b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*

*(2) A local law mentioned in subsection (1)—*

*(a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*

*(b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*

*(c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*

*(d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*

*(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption—*

*(a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*

*(b) cannot authorise the keeping in or at those premises of—*
*(i) more than 6 dogs that have reached 3 months of age; or*
*(ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*
*and*
*(c) may be revoked or varied at any time.*

*(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment—*
*(a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under—*
*(i) a local law mentioned in subsection (1); or*
*(ii) an exemption granted under subsection (3);*
*or*
*(b) more than—*
*(i) 2 dangerous dogs (declared); or*
*(ii) 2 dangerous dogs (restricted breed); or*
*(iii) one of each of those kinds of dangerous dogs,*
*that have reached 3 months of age; or*
*(c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

*Penalty:*
*(a) for an offence relating to a dangerous dog—*
*(i) a fine of $10,000, but the minimum penalty is a fine of $500;*
*(ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of $500;*
*(b) for an offence relating to a dog other than a dangerous dog—*
*(i) a fine of $5,000;*
*(ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of $100.*

*(5) Any person who is aggrieved—*
*(a) by the conditions imposed in relation to any exemption under subsection (3); or*
*(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
*may apply to the State Administrative Tribunal for a review of the decision.*

*(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

*Local*

- *Shire of Chittering Dogs Local Law 2011*

***3.2 Limitation on the number of dogs***

*(1) This clause does not apply to premises which have been—*
*a. licensed under Part 4 as an approved kennel establishment; or*
*b. granted an exemption under section 26(3) of the Act.*
*(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
*a. 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*

*b. 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

**Policy Implications**
*State*
Nil

*Local*
- *Environmental and Health Policy – 10.7 Multiple Dogs*
  This Policy outlines the assessment process only, which per above, has been followed. The Policy also contains a table relating to the maximum number of dogs allowed per zone, however this table conflicts with the Local Law. Where a policy conflicts with a Local Law, the Local Law prevails to the extent of the inconsistency. Hence this table has not been applied for this reason.

**Financial Implications**
Nil

**Strategic Implications**
Nil

**Site Inspection**
Site inspection undertaken: Yes
A site inspection was conducted on 3 October 2019, wherein the fencing and containment of the dogs was assessed. At the time of inspection, there was no evidence sufficient to suggest that the dogs are able to escape the property. The fencing on the property consists of ring-lock and chicken wire and was deemed to be in good working order (**Attachment 2**). A hot wire has been installed on the bottom of the inside of the boundary fencing and is approximately 200mm from the boundary. The dogs' temperaments were assessed and no signs of aggression in the dogs were witnessed.

**Triple Bottom Line Assessment**
*Economic implications*
There are no known significant economic implications associated with this proposal.

*Social implications*
The increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation. This is generally always made clear with dog owners as a method to address any excessive barking at all times. As the Local Law states that excessive barking can cause the cancelation of any permit, this can be applied as a condition of approval.

A formal complaint was received regarding excessive barking from a neighbouring property. In response to the complaint, a barking diary was completed by Rangers Services for a total of 4hrs and 17mins (29 May to 12 June 2019). On completion of the diary, Rangers determined that barking from the dogs at 4 Moon Rise were not deemed to be a nuisance. There has been no additional evidence provided to Ranger Services to substantiate any barking complaints from this property.

*Environmental implications*
There are no known significant environmental implications associated with this proposal. The property size is capable of containing and maintaining the number of dogs requested.

**Officer Comment**
The applicant has no history of offences, has responded to feedback positively and actively makes changes to prevent further issues with her dogs.

While the complaints received are noted, the applicant has undertaken remedial works to prevent any further neighbourly issues. Additionally, evidence independently gathered by Shire Rangers concludes that the subject property was not one which was identified as having significant barking issues.

It should be noted that the application was submitted some time ago, however Shire Rangers undertook measures to work with the applicant to amend the application to a suitable standard. This also means working through complaints, and remaining diligent with assessment requirements. The applicant at all times has complied with each direction and suggestion made by the Ranger.

Accordingly, and in light of the improvements made to the property as a consequence of actions undertaken by Shire Rangers and complaints received, the application is recommended to be approved subject to appropriate conditions.

**9.1.4 OFFICER RECOMMENDATION**
**That Council approve the application, subject to the following conditions:**

1. **An Authorised Officer may, at any reasonable time, inspect the property;**

2. **This approval is for the life of the dogs listed below and no additional dog shall be registered to this property unless a new application has been approved:**

| Name | Breed | Microchip Number |
|---|---|---|
| 'Tibee' | Tibetan Spaniel | 985 121 003 748 779 |
| 'Aisha' | Tibetan Spaniel | 941 000 015 616 583 |
| 'Taya' | Tibetan Spaniel | 956 000 005 581 045 |
| 'Rarnee' | Australian Kelpie | 978 000 001 553 739 |
| 'Keith' | Australian Kelpie | 953 010 003 833 547 |

3. **Should one of the current registered dogs under this application become deceased, the applicant cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering;**

4. **The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above;**

5. **The dogs must be registered at all times, and be compliant to the *Dog Act 1976* and Shire of Chittering *Dogs Local Law 2011;***

**6.** **If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days; and**

**7.** **Fencing must be kept in excellent condition and be able to prevent the dogs from going under, over or through it.**

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

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

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 12/03/4 |
| **Prepared by** | Finance Officer - Accounts |
| **Supervised by** | Executive Manager Corporate Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. List of Accounts Paid as at 31 October 2019 |

**Executive Summary**
Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 October 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**
*State*
Nil

*Local*
Nil

**Financial Implications**
All expenditure has been approved via adoption of the 2019/20 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**
*State*
Nil

*Local*
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 October 2019" is presented to Council for endorsement.

**9.3.1 OFFICER RECOMMENDATION**
**That Council endorses the following List of Accounts Paid as per Attachment 1 totalling $1,228,130.73 for the period ending 31 October 2019:**
**1. PR5151, PR5186, PR5210;**
**2. EFT18829 – EFT19024;**
**3. Direct Debits, Cheques and Transfers as listed; and**
**4. Trust Fund payments as listed.**

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

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 12/03/4 |
| **Prepared by** | Corporate Services Coordinator |
| **Supervised by** | Executive Manager Corporate Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1 Monthly Financial Report for period ending 31 August 2019 |

**Executive Summary**
Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 August 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**
The attached "Monthly financial Report for period ending 31 August 2019" is presented to Council for endorsement.

**9.3.2 OFFICER RECOMMENDATION**
**That Council receives the Monthly Financial Reports for period ending 31 August 2019, as per Attachment 1.**

### 9.3.3 Monthly Financial Reports for the Period Ending 30 September 2019*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 12/03/4 |
| **Prepared by** | Corporate Services Coordinator |
| **Supervised by** | Executive Manager Corporate Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1 Monthly Financial Report for period ending 30 September 2019 |

**Executive Summary**
Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 September 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**
The attached "Monthly financial Report for period ending 30 September 2019" is presented to Council for endorsement.

**9.3.3 OFFICER RECOMMENDATION**
**That Council receives the Monthly Financial Reports for period ending 30 September 2019, as per Attachment 1.**

### 9.3.4 Monthly Financial Reports for the Period Ending 31 October 2019*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 12/03/4 |
| **Prepared by** | Corporate Services Coordinator |
| **Supervised by** | Executive Manager Corporate Services |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1 Monthly Financial Report for period ending 31 October 2019 |

**Executive Summary**
Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 October 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**
The attached "Monthly financial Report for period ending 31 October 2019" is presented to Council for endorsement.

**9.3.4 OFFICER RECOMMENDATION**
**That Council receives the Monthly Financial Reports for period ending 31 October 2019, as per Attachment 1.**

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Register of Policies: Amendments*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 04/03/1 |
| **Prepared by** | Support Officer Governance |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Register of Policies Timeline<br>2. Administration Policy 1.4 Service Level Complaints Handling<br>3. External Complaint Form<br>4. Administration Policy 1.5 Execution of Documents<br>5. Exert of Local Government Act 1995, Sec 9.49A(4)<br>6. DA5 – Signing of Documents<br>7. Administration Policy 1.10 Recycled Purchasing<br>8. Administration Policy 2.12 Purchasing - "Sustainable Procurement"<br>9. Administration Policy 1.12 Security Cameras and CCTV |

**Executive Summary**
Council is requested to endorse the amendments to the Policy Register as per attachments.

**Background**
At the Ordinary Meeting of Council held on 21 August 2019, Council resolved to "*Requests the Chief Executive officer to prepare a timeline for the review of council Policies by the September Ordinary Meeting of Council.*"

Subsequently, at the Ordinary Meeting of Council held on 18 September 2019, Council resolved to "*Receive the timeline to review the Register of Policies*" (**Attachment 1**).

**Consultation/Communication Implications**
*Local*
Nil

*State*
Nil

**Legislative Implications**
*State*
- *Local Government Act 1995*
- *Transfer of Land Act 1893*

*Local*
Nil

**Policy Implications**
*State*
Nil

*Local*
Nil

**Financial Implications**
Nil

**Strategic Implications**
*Local*
*Community Engagement Plan 2012*

*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**
The timeline that was presented to the September Ordinary Meeting of Council did not reflect correctly the policy numbering. The following policies now reflect the correct numbering and have been amended accordingly:

*Administration Policy 1.4 Complaints Handling*
The Policy has been renamed to "Service Level Complaints Handling" to accurately reflect the nature of the Policy (**Attachment 2**). As part of the new Policy, the Shire's External Complaint form has also been updated to reflect the new policy (**Attachment 3**).

*Administration Policy 1.5 Execution of Documents*
The first part of the Policy is covered by section 9.49A.(4) in the *Local Government Act 1995* (**Attachment 5**) and the second part references DA5 – Signing of Documents (**Attachment 6**).

Under the "Notes" reference is made to the *Transfer of Land Act 1893*; consequently it is recommended that DA5 – Signing of Documents be amended by inserting the following "*Section 70A Notifications, Restrictive Covenants and Easement Registrations are provided on new Titles, in order for a subdivision to be endorsed and finalised. In light of the standard procedure of this planning requirement the Shire President and CEO may affix the common seal and sign these documents without the need for a Council resolution.*" (**Attachment 6**)

*Administration Policy 1.8 Communications*
The Policy has been renamed to "Record Keeping" to accurately reflect the nature of the Policy. The Policy needs to be reviewed after the "Records Keeping Plan" has been updated. The Record Keeping Plan is due for review by the end of December 2019. Hence, once the Records Officer has reviewed and submitted the "Record Keeping Plan" and the Policy needs to be reviewed to align with the Plan.

*Administration Policy 1.10 Recycled Purchasing*
The Policy (**Attachment 7**) is covered in *Finance Policy 2.12 – Purchasing Policy*, under "Sustainable Procurement" (pg 129) (**Attachment 8**) and is recommended to be deleted.

*Administration Policy 1.12 Security Cameras and CCTV*
The Policy has been updated in line with every day, operational use (**Attachment 9**)

*Administration Policy 1.17 Community Engagement*
The Policy is predominantly covered by the Shire's "Community Engagement Plan", Attachment C of this Policy is to be transferred to the Shire's Community Engagement Plan and the Policy deleted.

**9.4.1 OFFICER RECOMMENDATION**
**That Council:**

**1. Endorse the following amended policies:**
- **a. Administration Policy 1.4 Complaints Handling;**
- **b. Administration Policy 1.8 Record Keeping; and**
- **c. Administration Policy 1.12 Security Cameras and CCTV.**

**2. Delete the following policies and ensure that the numbering is updated accordingly:**
- **a. Administration Policy 1.5 Execution of Documents;**
- **b. Administration Policy 1.10 Recycled Purchasing; and**
- **c. Administration Policy 1.17 Community Engagement.**

**3. Endorse amended DA5 – Signing of Documents.**

**4. Endorse the amendment of the Shire's Community Engagement Plan.**

### 9.4.2 Scheduling of the Ordinary Meetings of Council for 2020

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 13/02/37 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | Nil |

**Executive Summary**
Council is requested to adopt the schedule for the 2020 Ordinary Meetings of Council.

**Background**
The final ordinary Council meeting for 2019 is scheduled for Wednesday 11 December 2019. Following this meeting, Council traditionally commences recess until resuming in February in the New Year. This report details the proposed schedule for the February to December 2020 Council meeting dates for Council's consideration.

**Consultation/Communication Implications**
*Local*
Nil

*State*
Nil

**Legislative Implications**
*State*

- *Local Government Act 1995*

***5.3 Ordinary and Special Council Meetings***

*(1) A council is to hold ordinary meetings and may hold special meetings.*

*(2) Ordinary meetings are to be held not more than 3 months apart.*

*(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

***5.25 Regulations about council and committee meetings and committees***

*(1) Without limiting the generality of section 9.59, regulations may make provision in relation to-*

*(g) the giving of public notice of the date and agenda for the council or committee meetings;*

- *Local Government (Administration) Regulations 1996*

***12 Meetings, public notice of (Act 5.25(1)(g))***

*(1) At least once a year a local government is to give local public notice of the dates on which and the time and place at which-*

*(a) the ordinary council meetings; and*

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

*are to be held in the next 12 months.*

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***3.1 Ordinary and special Council meetings***

*(1) Ordinary and special Council meetings are dealt with in the Act.*

*(2) An ordinary meeting of the Council, held on a monthly basis or otherwise determined by the Council, is for the purpose of considering and dealing with the ordinary business of Council.*

*(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.*

**Policy Implications**

*State*

Nil

*Local*

Nil

**Financial Implications**

Allocation has been made in the adopted 2019/20 Annual Budget for advertising charges.

**Strategic Implications**

*Local*

- *Strategic Community Plan 2017-2027*

| | |
|---|---|
| Focus area: | Strong leadership |
| Objective: | S5.1 An engaged community |
| Strategy: | S5.1.1 Encouraged and promote community engagement |
| Focus area: | Strong leadership |
| Objective: | S5.3 Accountable governance |
| Strategy: | S5.3.1 Good governance which supports efficient and effective service delivery |

*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**

In determining meeting dates for 2020, consideration needs to be given to school and public holidays, and their impact on agenda distribution, meeting clashes, Councillors and the general publics' ability to attend the scheduled meetings.

The following timetable shows the relationship between school and public holidays and the usual meeting cycle (i.e. third Wednesday of the month, February – December):

| Usual cycle meeting date | Scheduled holidays (i.e. school and public) | Suggested meeting date |
|---|---|---|
| 19 February | *School returns Monday 3 February | 19 February |
| 18 March | *Public holidays*<br>Monday 2 March – Labour Day | 18 March |
| 15 April | *Public holiday*<br>Friday 10 April – Good Friday<br>Monday 13 April – Easter Monday<br>Monday 27 April – ANZAC Day<br>*School holidays*<br>Friday 10 April – Monday 27 April<br>**School returns Tuesday 28 April* | 15 April |
| 20 May | | 20 May |
| 17 June | *Public holiday*<br>Monday 1 June – WA Day | 17 June |
| 15 July | *School holidays*<br>Saturday 4 July – Sunday 19 July<br>**School returns Monday 20 July* | 15 July |
| 19 August | | 19 August |
| 16 September | *School holidays*<br>Saturday 26 September – Sunday 11 October<br>**School returns Monday 12 October*<br>*Public holiday*<br>Monday 28 September – Queen's Birthday | 16 September |
| 21 October | | 21 October |
| 18 November | | 18 November |

| Usual cycle meeting date | Scheduled holidays (i.e. school and public) | Suggested meeting date |
|---|---|---|
| 16 December | *School holidays*<br>Friday 18 December – Sunday 31 January 2021<br><br>*Public holidays*<br>Wednesday 25 December – Christmas Day<br>Thursday 26 December – Boxing Day | 9 December |

**9.4.2 OFFICER RECOMMENDATION**

**That Council:**

**1. Endorses the following dates for the Ordinary Meetings of Council for the 2020 calendar year:**

- **a. Wednesday 19 February;**
- **b. Wednesday 18 March;**
- **c. Wednesday 15 April;**
- **d. Wednesday 20 May;**
- **e. Wednesday 17 June;**
- **f. Wednesday 15 July;**
- **g. Wednesday 19 August;**
- **h. Wednesday 16 September;**
- **i. Wednesday 21 October;**
- **j. Wednesday 18 November; and**
- **k. Wednesday 9 December.**

**2. Endorses that the 2020 Ordinary Meetings of Council are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon and commence at 7pm.**

**3. Approves the advertising of the 2020 meeting dates in accordance with the *Local Government (Administration) Regulations 1996*.**

### 9.4.3 Disposal of Property: Lot 14 Wells Glover Road, Bindoon*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | A1621; 04/18/1 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Certificate of Title |

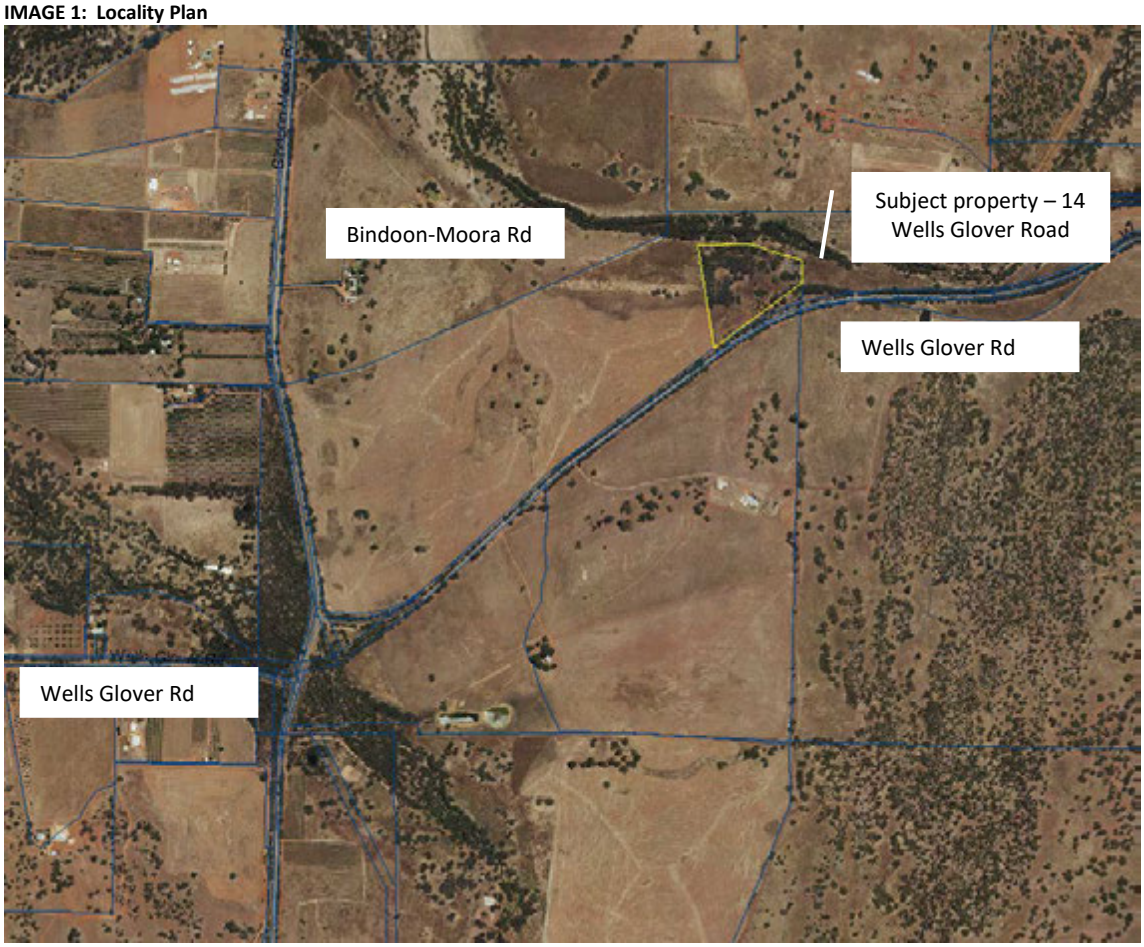
**Executive Summary**

Council is requested to authorise the Chief Executive Officer to commence the process for the disposal of Lot 14 Wells Glover Road, Bindoon in accordance with the requirements of the *Local Government Act 1995, s3.58 Disposal of Property*.

**Background**

Lot 14 Wells Glover Road, Bindoon is an irregular shaped vacant lot of 3.2367 hectares (32,367sqm) with a front boundary to Wells Glover Road. The site consists of cleared portions and light native trees/vegetation, whilst situated level with the road grade and being generally level throughout its area.

**IMAGE 1: Locality Plan**




Council have earmarked this parcel for disposal in the 2019/20 Annual Budget. Accordingly, a market valuation was obtained from Opteon Property Solutions on 30 July 2019 at AUD$190,000.

This parcel of land had been leased by Mr John Chadwick, from the Shire for 22 years. The current lease expired on 30 June 2019. Shire officers wrote to Mr Chadwick on 12 August 2019 advising that it is Council's intention to dispose of the property. The letter gave Mr Chadwick the option to purchase the parcel of land at market value. Mr Chadwick contacted the Shire on 18 September 2019 advising that he is not interested in purchasing the parcel at market value.

**Consultation/Communication Implications**

*Local*

Executive Manager Corporate Services
Principal Planning Officer
Mr John Chadwick (former lessee of the property)

*State*

WALGA

**Legislative Implications**

*State*

- *Local Government Act 1995*

***3.58. Disposing of property***

*(1) In this section—*

***Dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
***Property** includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to—*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

*(3) A local government can dispose of property other than 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 the council or a committee, the decision and the reasons 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 other 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*

*(ii) is declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to—*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended: No. 49 of 2004 s.27; No.17 of 2009 s.10.]*

<u>*Local*</u>

- <u>*Local Planning Scheme No 6*</u>

This parcel of land is zoned "Agricultural Resource". According to the *Local Planning Scheme No 6* parcel of land is zoned "Agricultural Resource" is to:

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

This parcel of land also falls under the "Special Control Area – Landscape Protection":

*Purpose*

*a) to secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;*

*b) to conserve and enhance the character of the significant landscape area; and*

*c) to ensure land use and developments are compatible with the landscape values.*

*Landscape Areas*

*The Landscape Protection Areas are:*

*a) the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;*

*b) the Gingin Scarp: for the protection of the landform against denudation, water quality (nutrient export) and erosion;*

*c) the northern uplands: for the agricultural quality of the undulating landforms and rural production.*

*Planning Requirements*
*In dealing with an application for Development approval, the local government will not support:*

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

*The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.*

*Relevant Considerations*
*In considering an Application for Development approval, the local government shall have regard to:*

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

*Referrals for Development approval*
*The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.*

**Policy Implications**
*State*
Nil

*Local*

- *Finance Policy 2.12 Purchasing*
  In accordance with Supporting Local Industry the Shire will be engaging the services of a local real estate agent to facilitate the disposal of the property.

  In accordance with Purchasing Thresholds procurement:
  1. Up to the value of $10,000 can be directly purchased from suppliers.
  2. Between $10,000 - $30,000, two verbal or written quotes are required.

  The Shire has received quotes from Country Values Real Estate and Harcourts Alliance, which is discussed under "Financial Implications".

**Financial Implications**

In accordance with *Finance Policy 2.12 Purchasing*, two local real estate agencies were contacted to provide details of undertaking the auction of the property. The table below is a breakdown of their fees:

| Agency | Marketing | Auctioneer Fee | Selling Fee | Total (inc GST) |
|---|---|---|---|---|
| Country Values Real Estate | $1,100 | $1,100 | $8,000 | **$10,200** |
| Harcourts Alliance | $2,000 | $1,000 | $8,000 | **$11,000** |

**Strategic Implications**

*Local*

Nil

*State*

Nil

**Site Inspection**

Site inspection undertaken: Yes

Opteon Property Group Pty Ltd undertook a site inspection on 25 July 2019.

**Triple Bottom Line Assessment**

*Economic implications*

The disposal of surplus property will enable Council to reduce their borrowings on Loan 83 Lifestyle Village.

*Social implications*

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

*Environmental implications*

The valuation has not taken into consideration any remediation costs that might be required.

**Officer Comment/Details**

The disposal of this parcel of land must be undertaken in accordance with s3.58(2) of the *Local Government Act 1995*. Section 3.58 limits the ability of a local government to dispose of land. Public tender and public auctions will have the lease administrative burden. The disposal of surplus properties is also included under the Chief Executive Officer's Performance Criteria. The sale of this land will help to achieve this Performance Indicator.

**9.4.3 OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to dispose of Lot 14 Wells Glover Road, Bindoon by public auction in accordance s5.38(2) of the *Local Government Act 1995*.**

### 9.4.4 Disposal of Property: Lot 7 (RN 131) Muchea East Road, Muchea*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | A10136; 18/02/19 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Certificate of Title<br>2. Correspondence to WAPC dated 20 March 2013<br>3. Correspondence received from WAPC dated 19 December 2015 |

**Executive Summary**

Council is requested to undertake the process for the disposal of Lot 7 (RN 131) Muchea East Road, Muchea in accordance with the requirements of the *Local Government Act 1995, s3.58 Disposal of Property*.

**Background**

The subject property is a vacant parcel of land (3.715 hectares), zoned "Parks and Recreation" is generally of rectangular shape, corner, vacant lot with a front boundary to Muchea East Road (see Image 1). The site consists of a mix of cleared portions and native trees/vegetation. The site is located adjacent to the Muchea Livestock Centre and is situated above the road grade, rising upwards from west to east whilst being undulating throughout. The site was previously utilised as a green waste disposal site.

**IMAGE 1: Locality Plan**

Council have earmarked this parcel for disposal in the 2019/20 Annual Budget. Accordingly, a market valuation was obtained from Opteon Property Solutions on 30 July 2019 at AUD$325,000.

This parcel of land has previously been presented to Council for disposal and scheme amendments; a history of Council Decision is listed below:

| DATE PRESENTED | COUNCIL DECISION |
|---|---|
| 18 November 2009 | That Council:<br>1. defers the selling of Lot M1496 Muchea East Road, Muchea to WC & SJ Wright Earthmoving for the following reasons:<br>a) a scheme amendment will be required to rezone the subject land consistent with the structure planning for the employment node<br>b) the structure planning for the area is being advertised for public comment and that any rezoning be put on hold pending the outcome of the structure plan for the employment node<br>c) there is a resolution on the table to lease part of the subject land to another party and that the status of this needs to be confirmed prior to considering any other proposal.<br>2. advise the applicant for the support of leasing the subject lot for the purpose of an earthmoving business for a temporary nature (2 years with an option to extend for a further 2 years) subject to public advertising in accordance with clause 9.4.3 of the Shire of Chittering's *Town Planning Scheme No 6*.<br>3. advise the applicant that all costs associated with the proposed land use and leasing documentation shall be at the cost to the applicant.<br>4. advise the applicant that the planning application will be considered upon the consideration of the advertising period for council's further consideration and should not be construed that planning approval will be granted. |
| 17 March 2010 | That Council:<br>1. Advertise the proposed offer to purchase/lease of Lot M1496 Muchea East Road, Muchea by WC and SJ Wright for the amount of $420,000 plus GST, with a lease of $1,000 plus GST minimum per month in accordance with section 3.58 of the Local Government Act 1995 (as amended) for a period of fourteen(14) days.<br>2. Advertise the proposed earthmoving business and ancillary uses consistent with the Muchea Employment Node for a period of fourteen (14) days in accordance with clause 9.4.3 of the Shire of Chittering's *Town Planning Scheme No 6*.<br>3. All costs associated with the above advertising shall be borne by the applicant.<br>4. After the closing date of advertising all submissions received shall be presented to Council for its further consideration. |
| 19 May 2010 | That Council:<br>1. defers the selling of Lot M1496 Muchea East Road, Muchea to WC & SJ Wright Earthmoving for the following reasons:<br>a) a scheme amendment will be required to rezone the subject land consistent with the structure planning for the employment node;<br>b) the structure planning for the area is being advertised for public comment and that any rezoning be put on hold pending the outcome of the structure plan for the employment node; and<br>c) there is a resolution on the table to lease part of the subject land to another party and that the status of this needs to be confirmed prior to considering any other proposal. |

| DATE PRESENTED | COUNCIL DECISION |
|---|---|
| | 2. advise the applicant for the support of leasing the subject lot of a temporary basis (2 years with an option to extend for a further 2 years) subject to public advertising in accordance of availability of the lease in accordance with section 3.58 of the Local Government Act 1995 (as amended).<br>3. advise all applicants that all costs associated with their proposed land use in accordance with clause 9.4.3 of the Shire of Chittering's *Town Planning Scheme No 6* and leasing documentation shall be at the cost to the applicant.<br>4. advise all applicants that any planning application required will be considered upon the completion of the advertising period. |
| 18 August 2010 | That Council:<br>1. defer the selling of Lot M1496 Muchea East Road, Muchea for the following reason:<br>a) a scheme amendment will be required to rezone the subject land consistent with the structure planning for the employment node.<br>b) the structure planning for the area is being advertised for public comment and that any rezoning be put on hold pending the outcome of the structure plan for the Muchea employment node.<br>2. advise all applicants of the Council decision. |
| 21 March 2012 | RESOLUTION 030312<br>That Council:<br>1. instructs the Chief Executive Officer through its Planning Services to prepare the scheme amendment documentation to rezone Lot M1496 Muchea East Road, Muchea from "Local Reserve – Parks and Recreation" to "Light Industrial".<br>2. in pursuance of section 75 of the *Planning and Development Act 2005* supports the initiation of an amendment to the Shire of Chittering's *Town Planning Scheme No 6* by:<br>a) rezoning Lot M1496 Muchea East Road, Muchea from "Local Reserve – Parks and Recreation" to "Light Industrial"; and<br>b) amending the Scheme Map accordingly.<br>3. number the proposed amendment as "Amendment No 48".<br>4. forwards a copy of the Scheme Amendment documentation to the Environmental Protection Authority prior to advertising in accordance with the *Town Planning Regulations 1967*. |
| 20 February 2013 | RESOLUTION 080213<br>That Council:<br>1. in pursuance of Part 5, Divisions 3 and 4 of the *Planning and Development Act 2005* and Regulations 17(2)(a) and 25 of the *Town Planning Regulations 1967* resolves to adopt Scheme Amendment No 48 without modifications;<br>2. authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967*.<br>3. forwards the documents executed in Point 2 above to the Western Australian Planning Commission for final approval by the Minister of Planning. |

Following the Ordinary Council Meeting on 20 February 2013, advised the Western Australian Planning Commission (**Attachment 2**). On 23 December 2015 the Shire received notification from the Western Australian Planning Commission (**Attachment 3**) that it 'refused' to grant final approval for the following reasons:

*"(a) the proposal would compromise the orderly and proper planning of the area in regard to the road network, servicing arrangements and established planning framework for the Muchea Employment Node;*

*(b) the proposal would compromise the ability to extract regionally significant basic raw materials on the site which is inconsistent with Draft State Planning Policy 2.5 – Rural Planning Policy;*

*(c) the proposed absence of reticulated water and wastewater services represents an unacceptable risk to environmental and groundwater resources, and has the potential to create an undesirable precedent for development of the Muchea Employment Node."*

A new scheme amendment application would be required by the new owner, if they wish to use the land for industrial purposes, and would be required to include the following studies [but not limited to]:

1. Geotechnical investigations – the previous use of the site as a green waste tip could influence the outcome of this study and whether any remediation of the land is required prior to any development;
2. Hydrological investigations to gather information on the surface water movements / quality and groundwater;
3. A Bushfire Assessment would be required, particularly given the amount of vegetation on nearby properties;
4. An Environmental Assessment to determine the value of the native vegetation on the site and its likelihood to be the habitat/feeding grounds for native fauna, particularly the endangered Carnaby's Cockatoo. A desktop environmental review indicates that the vegetation is of significance, and additionally the MEN Structure Plan indicates the vegetation to be of importance and requiring protection;
5. A study on the expected traffic impacts of rezoning this lot to industrial. It would also need to consider the provision of an RAV10 road being constructed adjacent to its western boundary, consistent with the concept RAV10 road network plan of *Local Planning Policy 33* and the current MEN Structure Plan; and
6. Details on future servicing requirements, i.e. effluent disposal, access to reticulated water, etc.

**Consultation/Communication Implications**

*Local*

Councillors
Executive Manager Corporate Services
Principal Planning Officer

*State*

WALGA

**Legislative Implications**

*State*

- *Local Government Act 1995*

***3.58. Disposing of property***

*(1) In this section—*

***Dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

***Property** includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to—*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

*(3) A local government can dispose of property other than 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 the council or a committee, the decision and the reasons 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 other 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*

*(ii) is declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to—*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended: No. 49 of 2004 s.27; No.17 of 2009 s.10.]*

*Local*

Nil

**Policy Implications**

*State*

Nil

*Local*

- *Finance Policy 2.12 Purchasing*

  In accordance with Supporting Local Industry the Shire will be engaging the services of a local real estate agent to facilitate the disposal of the property.

  In accordance with Purchasing Thresholds procurement:

  3. Up to the value of $10,000 can be directly purchased from suppliers.
  4. Between $10,000 - $30,000, two verbal or written quotes are required.

  The Shire has received quotes from Country Values Real Estate and Harcourts Alliance, which is discussed under "Financial Implications".

**Financial Implications**

In accordance with *Finance Policy 2.12 Purchasing*, two local real estate agencies were contacted to provide details of undertaking the auction of the property. The table below is a breakdown of their fees:

| Agency | Marketing | Auctioneer Fee | Selling Fee | Total (inc GST) |
|---|---|---|---|---|
| Country Values Real Estate | $1,100 | $1,100 | $11,000 | **$13,200** |
| Harcourts Alliance | $2,000 | $1,000 | $8,000 | **$11,000** |

**Strategic Implications**

*Local*

Nil

*State*

Nil

**Site Inspection**

Site inspection undertaken: Yes

Opteon Property Group Pty Ltd undertook a site inspection on 25 July 2019.

**Triple Bottom Line Assessment**

*Economic implications*

The disposal of surplus property will enable Council to reduce their borrowings on Loan 85 Land Lot 215 Great Northern Highway.

*Social implications*

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

*Environmental implications*

The valuation has not taken into consideration any required remediation costs that might be required.

**Officer Comment/Details**

The disposal of this parcel of land must be undertaken in accordance with s3.58(2) of the *Local Government Act 1995*. Section 3.58 limits the ability of a local government to dispose of land. Public tender and public auctions will have the lease administrative burden. The disposal of surplus properties is also included under the Chief Executive Officer's Performance Criteria. The sale of this land will help to achieve this Performance Indicator.

**9.4.4 OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to dispose of Lot 7 (RN 131) Muchea East Road, Muchea by public auction in accordance s5.38(2) of the *Local Government Act 1995*.**

### 9.4.5 Proposed New Administration Policy: Recording (and Access to Recordings) of Council Meetings*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 04/03/1 |
| **Prepared by** | Support Officer Governance |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Council Resolution 150618<br>2. "Draft" Administration Policy 'Recording (and Access to Recordings) of Council Meetings |

**Executive Summary**
Council is requested to endorse new Administration Policy 'Recording (and Access to Recordings) of Council Meetings'.

**Background**
The matter of recording Ordinary Council Meetings has been raised by Councillors on various occasions in the past.

At a workshop, held on 17 February 2017, the Chief Executive Officer recommended that Council not proceed with electronic recording of Council meetings for the following reasons:
1. Proper sound recording equipment would be required;
2. Additional administrative effort / cost would be incurred;
3. Other Council's in our region do not do it; and
4. The perceived benefit does not warrant the cost.

At the Ordinary Meeting of Council held on 20 June 2018, Council resolved to "*Requests the Chief Executive Officer collaborate with Council to develop a draft "Council Meeting Recording" policy to be tabled at an Ordinary Council meeting before the end of 2018, with the objective ensuring a true and accurate record of the debate and decisions at meetings is available and accessible*" (see **Attachment 1**).

In May 2017, Chittering IT Services were engaged to undertake a review of IT and Communications within the Council. As part of a Council wide IT and Communications overview, a presentation was then made to Councilors in October 2018, recommending the appropriate hardware to be purchased to facilitate the recommended upgrades. This system was installed in February 2019.

At the workshop held in February 2017, one of the main concerns, regarding this policy - from the (previous) Chief Executive Officer - was with regard to personal liability. Legislation has now changed in relation to this and the Shire is exempt from, and not liable for, defamatory statements made by others that may be published by them.

Accordingly, as this draft policy was not captured/included as part of the Policy Review, an officer report is hereby presented to Council to proceed with this outstanding resolution.

**Consultation/Communication Implications**

*Local*

Nil

*State*

WALGA

**Legislative Implications**

*State*

- *Local Government Legislation Amendment Act 2019*

  ***9.57A. Local government protected from liability for defamation: council proceedings on website***

  *(1) In this section — council proceedings means proceedings at a meeting of the council or a committee of the council;*
  *matter has the meaning given in the Defamation Act 2005 section 4.*

  *(2) A local government is not liable to an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording, or video recording, of council proceedings.*

  *[Section 9.57A inserted: No. 16 of 2019 s. 69.]*

*Local*

- *Local Government (Council Meetings) Local Law 2014*

  ***6.15 Recording of proceedings***

  *(1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.*

  *(2) If the Presiding Member gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.*

**Policy Implications**

*State*

Nil

*Local*

Nil

**Financial Implications**

The equipment to record the meetings has already been purchased by the Shire – and installed in February 2019. As the recording of the minutes will be uploaded to the Shire's website, there will no financial implication; but staff time will be required to upload.

**Strategic Implications**

*Local*

- *Strategic Community Plan 2017-2027*
  Focus area: Strong leadership
  Objective: S5.3 Accountable governance
  Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

*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 now requested to endorse the new draft Administration Policy 'Recording (and Access to Recordings) of Council Meetings.

**9.4.5 OFFICER RECOMMENDATION**

**That Council endorse the new Administration Policy 'Recording (and Access to Recordings) of Council Meetings.**

### 9.4.6 Proposed New Finance Policy: Related Party Disclosures*

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 04/03/1 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Finance Policy 'Related Party Disclosures'<br>2. Moore Stephens 'Guidance Note 31' |

**Executive Summary**
Council is requested to endorse new Finance Policy 'Related Party Disclosures'.

**Background**
Effective 1 July 2016 in accordance with Australian Accounting Standards AASB 124 Related Party Disclosures, local governments are required to disclose certain related party relationships and related party transactions together with information associated with those transactions in its annual financial statements. First disclosures were required for the year ended 30 June 2017.

In June 2017 the then Department of Local Government and Communities (the Department) released an implementation guide for AASB 124 Related Party Disclosures. The objective of the Guide is to ensure that local government financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

It is important to note that AASB 124 is not designed to detect and report fraud or misconduct. It is designed to enhance transparency and accountability of Shire transactions.

**Consultation/Communication Implications**
*Local*
Nil

*State*
Nil

**Legislative Implications**
*State*
- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- AASB 124 – Related Party Disclosures

*Local*
Nil

**Policy Implications**
*State*
Nil

*Local*
Nil

**Financial Implications**
The Shire is required to report certain related party relationships, transactions and outstanding balances in its Annual Financial Statements to ensure compliance with AASB 124 Related Party Disclosures.

**Strategic Implications**
*Local*

- *Strategic Community Plan 2017-2027*
  Focus area: Strong leadership
  Objective: S5.3 Accountable governance
  Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

*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**
The Department recommends that each local government adopt a Council policy for related party disclosures.

Related party transactions are a normal feature of commerce. However, they can affect the profit or loss, financial position, and cash flows of an entity. Related parties may transact with an entity on terms that would not be available to an unrelated party. Therefore, knowledge of an entity's transactions, outstanding balances (including commitments), and relationships with related parties may affect assessments of its operations by users of the financial statements.

The purpose of this Policy is to define the parameters for Related Party Transactions, and the level of disclosure and reporting required for the Shire to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

As a result, the Shire will need to include a section in its Annual Financial Report which reports:

- Payments made to Key Management Personnel (Councillors and Senior Staff)
- Transactions with Related Parties

A 'Related Party' is a person or entity that is related to the local government. It includes a person or a close member of that person's family if that they have significant influence over the Shire or if they are a member of the key management personnel of the Shire.

'Close Members of the Family of a Person' are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include:

a) That person's children and spouse or domestic partner;
a) Children of that person's spouse or domestic partner; and
b) Dependants of that person or that person's spouse or domestic partner.

A 'Related Party Transaction' is a transfer of resources, services or obligations between the Shire of Chittering and a related party, regardless of whether a price is charged.

'Key Management Personnel' are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

In the case of local government will include all Councillors and Senior Staff. Senior Staff would include the Chief Executive Officer and any staff member at an Executive Manager level.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Paying rates
- Fines
- Attending Council functions that are open to the public
- Employee compensation whether it is for Key Management Personnel or close family members of Key Management Personnel
- Application fees paid to the Shire for licences, approvals or permits
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent)
- Lease agreements for commercial properties
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement)
- Sale or purchase of any property owned by the Shire, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Shire
- Loan Arrangements
- Contracts and agreements for construction, consultancy or services

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Shire and are referred to as an Ordinary Citizen Transaction (OCT).

Where the Shire can determine that an Ordinary Citizen Transaction was provided at arms-length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Councillors and Senior Staff will be required to complete a Related Parties Declaration Form each quarter to enable compilation of the Annual Report.

**9.4.6 OFFICER RECOMMENDATION**
**That Council endorse the new Finance Policy 'Related Party Disclosures'.**

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

| | |
|---|---|
| **Applicant** | Shire of Chittering |
| **File ref** | 02/02/0001 |
| **Prepared by** | Community Development Coordinator |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. **CONFIDENTIAL "NOT FOR PUBLIC DISCLOSURE"**<br>2. **CONFIDENTIAL "NOT FOR PUBLIC DISCLOSURE"**<br>3. **CONFIDENTIAL "NOT FOR PUBLIC DISCLOSURE"** |

**Executive Summary**

Council is requested to reconsider Expressions of Interest submitted for the lease of "Ferguson House Lot 91 (RN 6138) Great Northern Highway, Bindoon following the withdrawal of intent to lease by Kidz First Learning Centre. This report proposes that Council consider disposing of the property.

**IMAGE 1: Locality Plan**

**Background**

Council resolved at the 20 March 2019 Ordinary Council meeting that the then Acting Chief Executive Officer meet with the Chittering Art Society to assess and discuss its needs and 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.

Expressions of interest were publically sought on 8 April 2019 and closed at 4.30pm on Friday 10 May 2019. The below Expressions of Interest were received:

1. Chittering Art Society – for the purposes of an Arts Hub
2. Chittering Wildlife Carers – for the purpose of a Wildlife Centre open to the public for educational and tourism purposes.
3. Kidz First Learning Centre – before and after school care, vacation care and three year old program.
4. Moringa Home Care Services – for the provision of home care and respite centre.

Council also resolved at the 17 April 2019 Ordinary Council Meeting to authorise the Chief Executive Officer to offer a temporary lease of Ferguson House to the Chittering Art Society. The terms of the lease (being the Shire's Standard Community Lease document) was to be on a "month by month" basis with continuous options to extend (conditional on mutual agreement prevailing) until such time as Council had assess and appointed a longer term tenancy for the facility. The Chittering Art Society Inc. accepted temporary lease terms for the facility on 20 May 2019.

At the Ordinary Council Meeting held on 19 June 2019 Council resolved the following (Resolution 240619):

*That Council:*

1. *Confirms Kidz First as its preferred lessee for "Ferguson House" Lot 91 (RN 6138) Great Northern Highway, Bindoon, and to include the following lease conditions:*
   a. *a fixed term of five years;*
   b. *all relevant Shire approvals (e.g. Planning, Health and Building requirements, etc.) being obtained by the Lessee;*
   c. *no structural changes without prior consent by the Shire;*
   d. *any proposal of starting a long day-care service (with the potential for the Lessee to supply and erect demountable classrooms) to be the subject of a separate application by the Lessee for consideration by Council; and*
   e. *commencement rental of $150/week (to be reviewed at the conclusion of each 12 months period with the view to reaching a commercial rental at the earliest reasonable opportunity).*
2. *Authorises the Chief Executive Officer to:*
   a. *secure as per Local Government Act 1995, S3.58, the relevant information (e.g. market valuations) and undertake the necessary public advertising; and*
   b. *arrange for the development of a Standard "Commercial Lease" document that can be utilised for this Ferguson House Lease (and which can also be used as a base document for other future commercial type leases of the Shire); and*
3. *If there are no submissions resultant from the S3.58 public advertising period, authorise the Chief Executive Officer to execute the Lease document.*

Kidz First were duly advised and commenced processes for the necessary approvals to commence a Before and After School Service and Three Year Old Kindy Program from the Ferguson House Facility.

Accordingly, the Shire engaged the services of a valuation firm to provide market valuation for disposal purposes. The valuation from Opteon Property Services on 30 July 2019 was AUD$325,000.

At the Ordinary Council Meeting held on Wednesday 21 August 2019 Council was requested to consider a revision to its Resolution 240619 to enable Kidz First to implement a full long day care service for children aged 0–5 years old at "Ferguson House" Lot 91 (RN 6138) Great Northern Highway, Bindoon. The following resolution was reached (Resolution 240819):

*That Council:*

1. *Confirm Kidz First as the preferred lessee for lease of Ferguson House, Lot 91 (RN6138) Great Northern Highway, Bindoon, and direct the Chief Executive Officer to proceed with the lease arrangements for the facility under the following conditions:*
   a. *a fixed term of five years;*
   b. *all relevant Shire approvals (e.g. Planning, Health and Building requirements, etc.) being obtained by the Lessee;*
   c. *no structural changes without prior consent by the Shire; and*
   d. *commencement rental of $150/week (to be reviewed at the conclusion of each 12 months period with the view to reaching a commercial rental at the earliest reasonable opportunity).*
2. *Authorises the Chief Executive Officer to:*
   a. *secure as per Local Government Act 1995, S3.58, the relevant information (e.g. market valuations) and undertake the necessary public advertising; and*
   b. *arrange for the development of a Standard "Commercial Lease" document that can be utilised for this Ferguson House Lease (and which can also be used as a base document for other future commercial type leases of the Shire); and*
3. *If there are no objecting submissions resultant from the S3.58 public advertising period, authorise the President and Chief Executive Officer to execute the Lease document.*

During September 2019 Kidz First informed the Shire that they will not be proceeding with their tenancy at Ferguson House as they have found that the initial cost of set up would not be feasible for them.

At a Council Briefing Session held on Wednesday 18 September 2019, Council requested the Chief Executive Officer to re-contact the original EOI's and determine who remained interested in leasing Ferguson House.

**Consultation/Communication Implications**

*Local*

On 24 September 2019 the Community Development Coordinator contacted Moringa Home Care Services, Chittering Art Society and Chittering Wildlife Carers to ascertain their continued interest in the opportunity to lease Ferguson House, Lot 91 (RN 6138) Great Northern Highway, Bindoon.

Each of these organisations expressed an interest to be reconsidered as the preferred application to lease "Ferguson House".

*State*

Nil

**Legislative Implications**

*State*

- *Local Government Act 1995*
  *Local Government Act 1995, S3.58 (Disposing of property)* includes leasing of a property. A local government can only dispose of property via auction, or tender, or alternatively, if, before agreeing to dispose of the property, it provides 14 days local public notice of the proposed disposition occurring (describing the property, providing details of the proposal, and inviting submissions) and then considers any submissions received. A market value of the disposition must also form part of the decision making process.

- *Health (Treatment of Sewage and Disposal of Effluent and liquid Waste) Regulations 1974*
  Approval for Aged Care Services are location dependent and as such if Moringa Home Care Services are considered the preferred applicant, they will require approval from the Department of Health to operate an Aged Care service within Chittering. Moringa Home Care Services are of the opinion that the Department will support their request as Chittering, being a regional area, is in need of this service.

*Local*

In relation to the use of the proposed use of the premises, there may be local planning considerations that will need to be considered.

- *Local Planning Scheme No.6* – Development approval may be required prior to occupation of Ferguson House.
- *Waste Local Law 2018* – Prior to occupation it will be a requirement that the occupier complies with relevant requirements under the Health Local Law 2017 and Waste Local Law 2018.
- *Health Local Law 2017*

**Policy Implications**

*State*

Nil

*Local*

- *Administration Policy 1.12 Asset Management – Infrastructure Assets*
- *Finance Policy 2.15 Improvements to Council Properties by External Groups*

- *Finance Policy 2.12 Purchasing*
  In accordance with Supporting Local Industry the Shire will be engaging the services of a local real estate agent to facilitate the disposal of the property.

  In accordance with Purchasing Thresholds procurement:
  5. Up to the value of $10,000 can be directly purchased from suppliers.
  6. Between $10,000 - $30,000, two verbal or written quotes are required.

  The Shire has obtained quotes from Country Values Real Estate and Harcourts Alliance for the other two properties for disposal, and estimates these charges would be applicable for this property.

**Financial Implications**
The lease amount and lease style will presumably be dependent on the successful applicant (vis. commercial or community user).

It is suggested that the Shire's existing standard community lease document and the current "peppercorn" rental ($1.00pa+GST) would suffice if Council resolves to allocate the lease to either the Chittering Art Society or the Chittering Wildlife Carers; at least until the Facility Management Review currently underway is completed.

In the instance of a commercial entity such as Moringa Home Care Services, Council may wish to consider its proposal of a peppercorn lease for the first few years until such time as the services is established and then a scaling up of fees to a more commercial level.

If Council resolves to dispose of the property, an estimate of fees from two local real estate agencies is provided below:

| Agency | Marketing | Auctioneer Fee | Selling Fee | Total (inc GST) |
|---|---|---|---|---|
| Country Values Real Estate | $1,100 | $1,100 | $11,000 | **$13,200** |
| Harcourts Alliance | $2,000 | $1,000 | $8,000 | **$11,000** |

**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

  Objective: S1.2 Strong sense of community
  Strategy: S1.2.1 Actively support community, volunteer groups and networks

  Objective: S1.2 Strong sense of community
  Strategy: S1.2.3 Activate our local centres and towns

  Objective: S1.3 A safe and healthy community
  Strategy: S1.3.2 Advocate for improved education and health services

  Focus area: Our Natural Environment
  Objective: S2.1 A protected and bio-diverse environment, which the community and tourists enjoy in a well-managed, respectful manner
  S2.1.4 Support eco-tourism

  Objective: S4.1 Economic growth
  Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth

| | |
|---|---|
| Objective | S4.2 Local business growth |
| Strategy: | S4.2.1 Encourage and support local businesses and new investments for the future |
| Objective | S4.3 Increased visitors- Visitors are welcome to stay and recreate, improved access and places to visit |
| Strategy: | S4.3.3 Facilitate, promote and support ecotourism |

*State*
Nil

**Site Inspection**
Not applicable

**Triple Bottom Line Assessment**
*Economic implications*
Depending on the organisation selected, there will be varying degrees of positive economic benefit to the district.

*Social implications*
There remains a strong community sentiment that Council retain this facility as a community based centre servicing community needs either as a social or welfare space, as originally intended when the facility was purchased and renovated. Given the considerable investment by the Shire into Ferguson House as a community based facility and; as one of the very few Shire facilities that is fully accessible for people with disabilities, it lends itself to the purpose of a day centre.

*Environmental implications*
The age of the facility and the intended purposes outlined by each of the applicants may necessitate an upgrade to the existing effluent system of the facility. The original system is now very outdated and was not designed to accommodate more than a domestic use of the facility.

**Officer Comment/Details**
In determining the most appropriate lease, Council may wish to consider the following points:

- Replacement of the Arts Centre at the Brockman Centre has been allocated within the 2021-2022 Long Term Financial Plan and the Shire of Chittering Corporate Business Plan for $300,000 total project costs (noting that this includes a grant allocation, and contributions, amounting to $200,000). The *Chittering Art Society* has a long history of seeking support from Council for a more permanent facility as highlighted within the 17 April 2019 Ordinary Meeting of Council where Council resolved to provide them with temporary use of Ferguson House until such time as EOI's had been sort for the permanent lease of the facility.

- *Moringa Home Care Services* are not able to confirm approval from the Department of Health for the provision of Home Care Services in the Aged Care space, as outlined within their proposal, until such time as they can determine a facility for use and submit an application to operate as an aged care service in Chittering. If it were to be considered as the highest priority applicant to take on the lease of Ferguson House, Council will need to consider that there is no guarantee of service provision at this stage and so Moringa may not be in a position to occupy the facility for some months (if at all).

- The *Chittering Wildlife Carer's* do not currently have a central facility to run what is considered and drawn upon as a valuable community service within the Shire of Chittering. The proposal as submitted to utilise the Ferguson House Facility will enable this organisation to set up a "shop front" with a primary focus of providing educational programs and a tourist attraction housing some display animals, such as birds, turtles and non-venomous reptiles.

Based on the above information and what has been reported to Council recently as part of Council briefing sessions, the need for a community respite centre, while considered a need by some amongst our community, does not seem to be considered a high priority, probably due to the changes in Aged Care packages issued by the Federal Government and the shift towards home based respite services. Despite this, the interest shown by an Aged Care provider such as Moringa Home Care Services should not be overlooked, however as noted, this provider is not currently authorised to trade as a Home Care Services Provider by the Department of Health and this must be taken into consideration by Council as Moringa cannot indicate when it may be in a position, if at all, to take on the lease of Ferguson House.

As indicated above, the needs of the Chittering Art Society have already been considered within the Shire Corporate Plan and Long Term Financial Plan with the view that it will have a permanent home in what is considered the Shire of Chittering Art and Heritage precinct. While this is not considered ideally located to the central business district and foot traffic within the Bindoon Townsite, considerable thought has been given to connectivity between the Brockman Centre Precinct and the central business district in Bindoon (using trails and signage plans).

The Chittering Wildlife Carers proposal for utilising the Ferguson House facility for educational and tourism purposes could be seen as a valid proposal as this aligns with the Shire of Chittering Strategic Plan key priority areas supporting:

- *Our Natural Environment - A protected and bio-diverse environment, which the community and tourists enjoy in a well managed, respectful manner;* and
- *Economic Growth Thriving, sustainable and diverse economic investments and employment opportunities, from cottage to large-scale industry.*

With regard to the considerable investment by Council toward Ferguson House being established as a day respite centre, with accessible ablutions and amenities, the use of the facility as a Home Care Service aligns with the original purposes of the facility. For this reason Moringa Home Care Services could be considered the preferred applicant, pending the appropriate approvals by the Department of Health.

Alternatively, Council may also wish to consider the possibility of disposing of "Ferguson House", Lot 91 (RN 6138) Great Northern Highway, Bindoon in an effort to reduce some of the financial burden on the Shire Long Term Financial Plan. This is consistent with the Shire CEO Key Performance Criteria – Significant Projects 4.4 Disposal of surplus properties. The significant investment by Council into establishing this facility as a Day Respite Centre between 2009 and 2011 is now considered a sunk cost and therefore unrealistic to expect that we will ever recoup the full costs invested into this facility.

The disposal of this parcel of land must be undertaken in accordance with s3.58(2) of the *Local Government Act 1995*. Section 3.58 limits the ability of a local government to dispose of land. Public tender and public auctions will have the lease administrative burden.

**9.4.7 OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to dispose of Lot 91 (RN 6138) Great Northern Highway, Bindoon by public auction in accordance s5.38(2) of the *Local Government Act 1995*.**

# 10. REPORTS OF COMMITTEES

Nil

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

## 11.1 Chittering Community Complex*

| | |
|---|---|
| **Applicant** | Cr Don Gibson, Cr John Davis |
| **File ref** | 02/08/5; 05/05/2; 18/07/15 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Department of Sport and Recreation's 'Guide to Shared Use Facilities in the Sport and Recreation Community' |

**Executive Summary**
Council is requested to put on hold the Chittering Community Centre project in its current form and work to find an outcome that is acceptable to the community and all relevant stakeholders.

**Background**
In accordance with *Local Government (Council Meetings) Local Law 2014, c5.3* the following motions were submitted by Councillors Don Gibson and John Davis:

- Cr Don Gibson

MOTION
That Council requires the CEO to suspend all borrowings and payments in connection with the proposed Lower Chittering Sports Centre and renegotiate part of the grant funding to upgrade Muchea Sports Centre and the existing Lower Chittering Sports Centre at a sustainable and affordable level.

- Cr John Davis

MOTION
As the Board of Immaculate Heart College Ltd, has not complied with the proposed agreement between the Chittering Shire Council and the College for the construction, maintenance and ongoing operating costs, and the Self-Supporting Loan Agreement for the Lower Chittering Sport and Recreation Facility. The Council has decided at its Ordinary Council Meeting on the 20th November 2019 the 'proposed agreement' and the Contract of Sale of Lot 99 Santa Gertrudis Drive, Lower Chittering has now be withdrawn" forthwith.

MOTION
Due to the failure of the Board of Immaculate Heart College Ltd. to agree to the terms of the contract, the Shire reopens negotiations with the Building Better Regions Fund (BBRF) Infrastructure Projects Stream for further discussions regarding the proposed grant of $4.7m to the Shire of Chittering for the Lower Chittering Community Facility.

*Self-Supporting Loan*

At the Ordinary Meeting of Council held on 15 May 2019, Council resolved to "*Authorises the Chief Executive Officer to finalise a Self Supporting Loan Agreement with Immaculate Heart College Ltd, incorporating the following principles:*

*a. A loan sum of $1,625,000;*
*b. $625,000 drawn down on 15 June 2020; $500,000 on 15 December 2020; and $500,000 on 15 March 2021;*
*c. Loan term to be 20 years (15 June 2020 – 14 June 2040);*
*d. Immaculate Heart College to service the loan's repayments (all payments to be received on or prior to the respective loan repayment date);*
*e. In the event of dissolution of the College, the full balance of the loan shall become payable; and*
*f. The College's Annual Budget, and End of Year Financial Statements are to be provided to the Shire annually and within 15 days of IHC Board endorsement.*" (Resolution 080519)

Subsequently, a further report was tabled at the Ordinary Meeting of Council held on 19 June 2019, whereby Council "*Requires the Chief Executive Officer to:*

*a. progress the "conditions precedent" clauses of the attached Loan Agreement to do with water supply and Local Government Act S3.59 requirements;*
*b. refer the attached Loan Agreement to Immaculate Heart College and the Lower Chittering Sports & Recreation Facility Reference Group for their considerations/recommendations;*
*c. liaise with the Shire's legal advisors with the view to finalising the Loan Agreement's wording (following feedback from Immaculate Heart College and to the Lower Chittering Sports & Recreation Facility Reference Group); and*
*d. refer the Loan Agreement back to Council upon the completion of (a), (b), and (c) above for its consideration.*" (Resolution 130619)

The Chief Executive Officer has been liaising with the Principal from Immaculate Heart College and the Shire's solicitors to finalise the loan agreement so that it can be brought back to Council, in accordance with Resolutions 080519 and 130619.

*Muchea Sports Centre*

At the Ordinary Meeting of Council held on 19 June 2019 Council resolved to "*Approve the purchase and installation of a temporary change-room facility at the Muchea Hall oval, with a total estimated budget of $28,000. Funds to be drawn from the Recreation Development Reserve account.*" (Resolution 140619).

At the same meeting, Council also resolved to "*Provide "in principle support" for a new Muchea Oval Facility project and its CSRFF grant application, and agrees to an indicative (in principle) capital budget allocation for the 2020/21 and 2021/22 budgets (estimated at $450,000 – $650,000 for a ⅓ contribution)*" (Resolution 150619)

Subsequently, at the Ordinary Meeting of Council held on 18 September 2019 Council resolved to:

"*That Council:*

*1. Commits to providing its $650,000 funding towards the project as part of the 2020-21; and 2021-22 financial year budgets and acknowledges;*

a. *Council's funding contribution to the Muchea Hall Redevelopment may necessitate other projects to be deferred and/or scaled back and/or rates to be increased; and*
b. *Increase in operating cost for the facility may be funded from rate revenue.*

3. *Investigate the possibility of a Flexible no interest or deferred interest loan arrangements for the Muchea Hall User Group (namely the Chittering Junior Football Club, Chittering Junior Cricket Club, Muchea Senior Cricket Club and Muchea Netball Club) in the event that the Clubs are not able to raise their agreed $450,000 contribution to the project; until such time as the clubs are able to raise the necessary funds or generate an operating surplus to cover costs of a loan"* (Resolution 050919)

An application been made to the CSRFF Grant Program for this project.

*Lower Chittering Hall and Sports Ground (existing)*
At the Ordinary Meeting of Council held on 19 June 2019 Council resolved to "*consider in 2019/20 Annual Budget the purchase and installation of a temporary change-room facility at the Lower Chittering Hall (estimated budget of $28,000). Funds to be drawn from the Recreation Development Reserve account.*" (Resolution 160619).

Council adopted the 2019/20 Annual Budget on 30 July 2019, and it is noted under Schedule 11 – Recreation and Culture that Council allocated $35,000 for temporary change rooms facilities for the Lower Chittering Hall and Sports Ground.

**Consultation/Communication Implications**
*Local*
Immaculate Heart College
Community through the Chittering Community Complex and Muchea Hall Redevelopment Projects.

*State*
McLeods Barristers and Solicitors

**Legislative Implications**
*State*
If self-supporting loan funds are required, that loan will be accessed through WA Treasury. There is no other legislation applicable (with the Self Supporting Loan Agreement being completed under the authority of the WA *Local Government Act 1995*):

- *Local Government Act 1995* S6.20 outlines the power of the local government to borrow funds and S6.15(1)(a)(iv) provides the capacity for a "Self Supporting Loan" to be provided; and
- *Local Government (Financial Management) Regulations 1996* (Reg.29) outlines regulations relating to borrowings information required in accounting notes.

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***5.3 Motions of which previous notice has been given***

*(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.*

*(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*
*(3) A notice of motion is to relate to the good governance of the district.*
*(4) The CEO-*
*(a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*
*(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*
*(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
*(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
*(5) A motion of which notice has been given is to lapse unless-*
*(a) the Member who gave notice of it, or some other Member authorized by the originating Member in writing, moves the motion when called on; or*
*(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
*(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months after the date of such lapse.*

**Policy Implications**

*State*

- *Guide to Shared Use Facilities in the Sport and Recreation Community*
  In the Guide (**Attachment 3**), it refers to Shared Use Benefits for schools:
  - *The development of positive perceptions about schools and learning.*
  - *The development of cooperation and goodwill in school, community and local government relationships.*
  - *Increasing the opportunity for the broader community to access facilities and resources, which may not otherwise be available.*
  - *Increased community awareness of school activities and empowering the community to own the facilities.*
  - *Improved levels of security by out-of-hours use and passive surveillance, which can reduce vandalism.*
  - *The potential for increased financial returns to the school and the students and the sharing of operating costs.*
  - *Effective development of school and sporting club links providing extra-curricular recreational activities for students.*
  - *Less duplication and better utilisation of facilities and services invested in school facilities and resources.*
  - *To promote the school as a community hub and as a focal point for community services and activity.*
  - *To maximise the return on significant public investment in well-designed infrastructure.*
  - *To enhance community health and well-being by promoting, attracting and increasing participation rates.*
  - *To potentially attract grant funding at local, state and federal government level for application to shared initiatives.*

The benefits to local governments and the community:

- *Enabling local government to better meet the growing needs and demands of emerging and existing communities.*
- *To allow local governments to partner with schools to better deliver outcomes for community health and wellbeing through enhanced access to a broader range of services and facilities.*
- *An increased capacity for schools to provide accessible community facilities because they have the existing infrastructure, which can both compliment and supplement local government infrastructure that may be under pressure.*
- *Minimising the duplication of facilities and resources by maximising public access.*
- *To facilitate the delivery of programs and activities where resources are limited by funding and isolation as in regional and rural areas.*
- *To maximise opportunities for cost-efficient sharing, including managing, maintenance, staffing and energy costs.*
- *To broaden community use by maximising the return on local government investment in community infrastructure.*
- *To deliver infrastructure earlier than anticipated by aggregating resources.*

*Local*
Nil

**Financial Implications**
The Immaculate Heart College is responsible for the repayments on the $1.625m loan. There should therefore be no financial impact of this loan on the Shire. There is always a risk however of non-repayment (or delayed repayments) with any self-supporting loan, however the College's Business Plan provides a good indication that there should be sufficient funds generated into the future such that this possibility does not occur. The risk frequency of such an event is considered to be "unlikely - rare", but if it did occur, it could have a "moderate - major" financial impact on the Shire. A risk assessment in the range of "moderate to high" is therefore applicable (that is, an unlikely to rare possibility of a financial impact of $50 – 500,000+).

**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 current and 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**

The actual loan has not yet been applied for, and will not be until the Agreement has been signed off by Council. Council has allowed for the loan repayments in the 2019/20 Annual Budget, which was adopted by Council on 30 July 2019.

The project has not progressed since the end of September. Due to the timeline under the grant conditions, there is no longer time to consider options so the grant body must be notified of the delay, especially at the time of applying, it is considered that projects are 'shovel ready'.

Although Council may already have preferred options, the ability to renegotiate the funding must be a consideration as funding is given for specific purposes, in this case it must provide an economic and social benefit. Just because a shire has received funding, it does not mean that Council can choose the way in which it is spent without consideration given to the funding partner. It is also important to consider the community desires in any Council decision.

Delaying the funding, rather than immediately trying to negotiate would allow for a full range of discussions to be had with relevant stakeholders, including most importantly the community who should be consulted in any changes. So far, they have only indicated that they wish for the project to not proceed in its current form.

Other stakeholders such as the Western Australian Treasury Corporation can be consulted. They offer a wide-range of options in regard to the loans that they provide and can discuss flexibility in the funding arrangements. For example, if a self-supporting loan were to not be paid, they could extend the length of a loan so that there was no immediate impact on the size of loan repayments, therefore reducing an immediate rates shock.

Other aspects of the project must also be considered. The return of grant funding may result in the Shire being viewed as an unstable grant recipient which would put into jeopardy many other projects identified by the community in the Shire's strategic plans. This would result in projects either having to be cancelled, or the ratepayers fully funding the projects. The likely result would be that any aged care projects, playgrounds, sport facility upgrades and arts facilities would not be able to proceed in the next 10-15 years.

**11.1 RECOMMENDATION**

**That Council:**

1. **Place the Chittering Community Complex Project on hold for a period of six months while Council considers the options available to it and better assesses the community's desire for the future of the Project.**

2. **Request the Chief Executive Officer to negotiate with the Building Better Regions Fund grant provider to change the grant agreement to allow for a six month hold by Council.**

3. **Obtain quotes for a probity/procurement audit to provide an assessment of the process of this Project up to this current stage.**

## 11.2 Acknowledgment to Country*

| | |
|---|---|
| **Applicant** | Cr Peter Osborn |
| **File ref** | 04/06/0001 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Reconciliation Australia's 'Welcome to and Acknowledgement of Country" |

**Executive Summary**
Council is requested to adopt a formal 'Acknowledgment of Country'.

**Background**
In accordance with *Local Government (Council Meetings) Local Law 2014, c5.3* the following motion was submitted by Councillor Peter Osborn:

> MOTION
> That Council adopts a formal Acknowledgement of Country at all formal meetings and civic functions.

An Acknowledgement of Country is an opportunity for anyone to show respect for Australia's Traditional Owners, and the continuing connection that Aboriginal and Torres Strait Islander peoples have to the land, sea, sky and waterways. An Acknowledgement of Country can be performed by an Indigenous or non-Indigenous person, and is generally offered at the beginning of a meeting, speech or formal occasion. There are no set protocols or phrasing for an Acknowledgement of Country. Below are two examples:

(1) General: I begin by acknowledging the Traditional Owners of the land on which we meet today, and pay my respects to Elders past and present.
(2) Specific: I begin by acknowledging the Traditional Owners of the land on which we meet today, the [Traditional Owners] of the [nation], and pay my respects to Elders past and present.

Incorporating welcoming and acknowledgement protocols into official meetings and events recognises Aboriginal and Torres Strait Islander peoples as the First Australians, and the Traditional Custodians of the land. It promotes an ongoing connection to place of Aboriginal and Torres Strait Islander Australians, and shows respect for Traditional Owners.

**Consultation/Communication Implications**
*Local*
Nil

*State*
Reconciliation Australia

**Legislative Implications**
*State*

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***5.3 Motions of which previous notice has been given***

*(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.*

*(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*

*(3) A notice of motion is to relate to the good governance of the district.*

*(4) The CEO-*

*(a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*

*(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*

*(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*

*(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*

*(5) A motion of which notice has been given is to lapse unless-*

*(a) the Member who gave notice of it, or some other Member authorized by the originating Member in writing, moves the motion when called on; or*

*(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

*(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months after the date of such lapse.*

**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*
This may help to better the relationship between the Shire and our Traditional land owners.

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

**Officer Comment/Details**
It is common practice for an Acknowledgement of Country to be performed at the start of events. By Council adopting this practice, it will be a step towards the Shire showing respect for our Traditional landowners.

**11.2 RECOMMENDATION**
**That Council adopts a formal Acknowledgement of Country for all Council meetings, speeches and formal occasions.**

## 11.3 Shire Vehicles*

| | |
|---|---|
| **Applicant** | Cr Don Gibson |
| **File ref** | 04/03/1 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Staff Policy 3.18 Use of Council Vehicles |

**Executive Summary**
Council is requested to remove the ability of the Chief Executive Officer to offer Private and Commuter Use of Motor Vehicles as part of a staff member's remuneration package.

**Background**
In accordance with *Local Government (Council Meetings) Local Law 2014, c5.3* the following motion was submitted by Councillor Don Gibson:

> MOTION
> That Council abolishes all private use of Shire owned motor vehicles

In support of this motion, Cr Gibson provided the following reasons:

> *Staff use of public vehicles after working hours imposes a significant health and safety risk to the Shire, with no benefit to ratepayers. The practice of allowing private use of Shire vehicles is outdated and no longer necessary to attract staff, as Chittering is a preferred Shire in the wheatbelt region. Only current contract agreements excluded until expired.*

*Previous Council Resolutions*
At the Ordinary Meeting of Council held on 17 May 2017 a report was presented to amend *Staff Policy 3.18 Vehicle Use* as part of the Shire's Fleet Review, an option was identified to reduce the Shire's Light Vehicle Fleet by providing cash in lieu of a motor vehicle and to reduce Fringe Benefits Tax (FBT) by paying individuals a vehicle allowance; and having this re-paid to Council in the form of a post-tax vehicle contribution. The purpose of the report was to give effect to these arrangements. Subsequently, Council resolved to workshop the policy further (Resolution 120517).

At the Ordinary Meeting of Council held on 19 July 2017 Council resolved "*That the Chief Executive Officer is not authorised to set, offer or agree to any provisions for a motor vehicle in the employment contract for the recruitment of any new employee where there is a private use motor vehicle allocated to the position until Council has resolved and adopted the vehicle use policy (Policy 3.18 Use of Council Vehicles)*." (Resolution 180719).

Following workshops, at the Ordinary Meeting of Council held on 18 October 2017 (Resolution 111017) Council resolved to endorse:

1. *amended Policy 3.18 Use of Council Vehicles; and*
2. *the amendment of senior staff contracts (including the Chief Executive Officer's) to reflect the true value of the benefit as detailed in the amended policy.*

On the 17 October 2018 a further report was presented to Council. The purpose of the report was to propose a revised Vehicle Use Policy following further consultation with Councillors on this matter. The revised Policy was designed to provide more cost effective arrangements for the management of the Shire's light fleet.

The objectives of the policy are to provide:
(i) Details of the terms and conditions for each category of vehicle use.
(ii) Guidelines on the range of vehicles which Council will procure and offer to staff for commuting or private use.
(iii) A way to maximise vehicle availability for business use.
(iv) A way to minimise Fringe Benefit Tax (FBT) liabilities.
(v) An attractive employment benefit for staff.

The intent of the policy is to implement a number of changes which will make the light vehicle fleet more effective and which will save money. Specifically:
- All vehicles to be 4 cylinder vehicles which are more cost effective and efficient with reduced operating costs and lower carbon footprint
- Private use vehicles restricted to CEO and Executive Managers (4)
- Providing for a vehicle subsidy as part of Executive Manager salary packages and a fortnightly contribution from after tax salary
- Providing for an optional increase to base salary for Executive Staff and for those staff to provide their own vehicle for both work and private use
- CEO vehicle cost cap of $40,000 (excl GST)
- Executive Manager vehicle cost cap of $30,000 (excl GST)
- Refuelling of Private Use Vehicles on weekends and during periods of leave to be at the expense of the individual
- Vehicle selection to be based best whole of life cost which will vary on an annual basis
- Annual cap of 35,000km private use and 25c/km for additional private use
- Annual cap of 25,000km commuter use for commuter use vehicles and 25c/km for additional commuter use
- Commuter use and operational vehicles to be utility type vehicles
- Providing for staff attraction and retention by offering salary packages which are competitive within the industry

At this meeting (Resolution 101018) Council resolved to endorse:
1. *The amended Policy 3.18 Use of Council Vehicles.*
2. *The inclusion of the new vehicle arrangements in future staff contracts.*
3. *The amendment of existing staff contracts with the agreement of individual staff.*

Furthermore, at the Ordinary Meeting of Council held on 18 September 2019, a report was presented to Council to receive the timeline to review the Register of Policies. In this report, Staff Policy 3.18 Use of Council Vehicles is scheduled to be reviewed by Council in May 2020.

**Consultation/Communication Implications**
*Local*
Nil

*State*
Nil

**Legislative Implications**
*State*

- *Local Government Act 1995*
  Section 2.8(2)(b) of the *Local Government Act 1995* informs that it is a function of Council to determine the local government's policies.

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***5.3 Motions of which previous notice has been given***

*(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.*

*(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*

*(3) A notice of motion is to relate to the good governance of the district.*

*(4) The CEO-*

*(a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*

*(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*

*(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*

*(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*

*(5) A motion of which notice has been given is to lapse unless-*

*(a) the Member who gave notice of it, or some other Member authorized by the originating Member in writing, moves the motion when called on; or*

*(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

*(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months after the date of such lapse.*

**Policy Implications**
*State*
Nil

*Local*

- *Policy 3.18 Use of Council Vehicles*
  Should senior staff (Executive Managers and above) take up the option of a car allowance in lieu of a Council supplied motor vehicle, they will be required to provide a vehicle which meets minimum requirements as detailed in the Policy.

**Financial Implications**
Nil. Current staff cannot have their employment conditions changed to a lesser amount so this decision will not apply to them.

**Strategic Implications**
*Local*
Nil

*State*
Nil

**Site Inspection**
Not applicable

**Triple Bottom Line Assessment**
*Economic implications*
The revised *Staff Policy 3.18 Use of Council Vehicles* has provided for long term savings in Fleet running costs.

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

*Environmental implications*
Nil.

**Officer Comment/Details**
For some time Private and Commuter Use of motor vehicles has been offered as part of remuneration packages to attract staff to the Shire. This was originally introduced as giving Personal Use of a vehicle that the Shire already had to purchase for the position was a cheaper option than providing additional salary or other benefits to ensure the remuneration package was competitive. This however was before Fringe Benefits Tax was introduced and the value of second-hand vehicles in the market place was lowered.

The largest problem with offering Personal Use of vehicles is the public perception that the Shire is paying for staff to live outside of the area. By removing Personal Use of Motor Vehicles, it will change the employee incentives so that commuting from Perth is less attractive. There are other options that Council could also consider to change the incentive structure to encourage employees to live locally such as by offering an allowance for staff to live within the Shire, another common practice. This policy would be more wide reaching within the organisation.

The effect of this decision will not necessarily result in a financial benefit of the Shire. The Shire will benefit in a reduction in vehicle costs and Fringe Benefits Tax. These savings will likely be offset by increases in remuneration to ensure that the Shire is competitive in recruiting a good standard of employee to the Shire. Recruiting the wrong employee could result in much greater financial and reputation as losses than what this decision could offset. Once the Policy is fully applied, there will also need to be an increase in the number of pool vehicles to ensure officers can carry out their duties.

There will be no change in Occupational Health and Safety responsibilities for the Shire.

**11.3 RECOMMENDATION**

**That Council remove the ability of the Chief Executive Officer to offer Private and Commuter Use of Motor Vehicles as part of a staff member's remuneration package.**

## 11.4 Bendigo Bank Overdraft

| | |
|---|---|
| **Applicant** | Cr Don Gibson |
| **File ref** | 12/03/4 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | Nil |

**Executive Summary**
Council is requested to cancel the overdraft facility with the Bendigo Bank.

**Background**
In accordance with *Local Government (Council Meetings) Local Law 2014, c5.3* the following motion was submitted by Councillor Don Gibson:

> MOTION
> That Council cancels the overdraft facility with the Bendigo Bank to avoid further costs on ratepayers, and promote better use of available funds.

**Consultation/Communication Implications**
*Local*
Nil

*State*
Nil

**Legislative Implications**
*State*

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***5.3 Motions of which previous notice has been given***

*(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.*

*(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*

*(3) A notice of motion is to relate to the good governance of the district.*

*(4) The CEO-*

*(a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*

*(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*

*(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*

*(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*

*(5) A motion of which notice has been given is to lapse unless-*

*(a) the Member who gave notice of it, or some other Member authorized by the originating Member in writing, moves the motion when called on; or*

*(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

*(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months after the date of such lapse.*

**Policy Implications**

*State*

*Local*

**Financial Implications**

Nil. The bank overdraft is not used, so no savings on expenditure will be made by its removal.

**Strategic Implications**

*Local*

Nil

*State*

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

*Economic implications*

In the rare circumstance that the overdraft would be required to be used, it would prevent the non-payment of local businesses. Removing this option will have negative consequences on the local economy.

*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 Shire is required by legislation to prepare a budget in which the Shire is left with $0 at the end of the financial year, (plus or minus 10% of the rate income). This is done to ensure that all rates raised are either expended for the benefit of the ratepayer or saved for the future benefit of ratepayers. This leaves a practical problem of how to pay employees and supplies from the start of July to when income starts coming in from the end of August / start of September.

Over the years, unspent budgeted funds have been able to cover this gap, but as the budgeting process and the implementation of the budget improves, these funds will not always be available. The Shire currently has an overdraft to cover the July-August period as it is a more practical solution than, for example, increasing rates by 10% to provide a surplus to cover this period. While the overdraft has not previously been used during this period, the minimal interest that would be charged and covered by ratepayer funds, would be offset by allowing ratepayers to keep more funds in their own bank accounts.

Another option would be to obtain an overdraft only when required, but this approach would result in additional staff time being used to set up the overdraft. This would be an unwanted inefficiency, taking additional time to set up what already exists, while the cost to ratepayers of the overdraft would remain the same.

**11.4 RECOMMENDATION**

**That Council cancels the overdraft facility that currently exists with the Bendigo Bank.**

## 11.5 Chittering Residents and Ratepayers Association: Public Liability Insurance*

| | |
|---|---|
| **Applicant** | Cr Don Gibson |
| **File ref** | 04/03/17 |
| **Prepared by** | Executive Assistant |
| **Supervised by** | Chief Executive Officer |
| **Disclosure of interest** | Nil |
| **Voting requirements** | Simple Majority |
| **Attachments** | 1. Community Development Policy 6.4 Community Assistance Grant Scheme<br>2. Finance Policy 2.8 Requests for Assistance and/or Donation |

**Executive Summary**
Council is requested to provide a donation of $945 to the Chittering Residents and Ratepayers Association.

**Background**
In accordance with *Local Government (Council Meetings) Local Law 2014, c5.3* the following motion was submitted by Councillor Don Gibson:

> MOTION
> That Council grant the Chittering Residents and Ratepayers Association the amount of $945 to assist in meeting their insurance liability.

In support of this motion, Cr Gibson provided the following reasons:

> *The Ratepayers have requested help with their obligations regarding insurance by way of a grant. This is not selling insurance, as has been suggested in the past, but assistance to comply with regulations. As the Association has been in existence less than two years, this will help a valuable source of information become permanently available to Council.*

At the Ordinary Meeting of Council held on 20 June 2018, Council were requested to formally acknowledge the formation of the Chittering Residents and Ratepayers Association (Resolution 170618).

On 11 October 2018 the Chittering Residents and Ratepayers Association wrote to the CEO and Councillors seeking Council's assistance with the payment of the public liability. Subsequently, Shire officers consulted other organisations and presented a report to the Ordinary Meeting of Council held on 12 December 2018. The purpose of that report was to present an update to Council.

Subsequently, Council resolved the following:

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 101218
Moved Cr Gibson / Seconded Cr King
That Council:

1. Receive the above information in regard to enquiries relating to Community Liability Insurance.
2. Promptly reviews the Community Assistance Grants Policy with regards to subsidies for insurance for local community groups to be tabled at the Ordinary Council Meeting in March 2019.
3. Seek a report from the CEO for the February 2019 Ordinary Council Meeting for insurance coverage for public liability and directors and officers insurance, a listing of community groups and their current insurance arrangements and the cost of insurance so that the Shire can consider options to assist groups in securing insurance cover.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0
8:04 PM

A further report was presented to the Ordinary Meeting of Council held on 19 June 2019 as the Shire had been contacted by the Chittering Residents and Ratepayers Association, seeking Council's assistance to meet the cost of their Public Liability Insurance.

**Consultation/Communication Implications**

*Local*

Nil

*State*

Nil

**Legislative Implications**

*State*

Nil

*Local*

- *Local Government (Council Meetings) Local Law 2014*

***5.3 Motions of which previous notice has been given***

*(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.*

*(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*

*(3) A notice of motion is to relate to the good governance of the district.*

*(4) The CEO-*

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*(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*

*(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*

*(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*

*(5) A motion of which notice has been given is to lapse unless-*

*(a) the Member who gave notice of it, or some other Member authorized by the originating Member in writing, moves the motion when called on; or*

*(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

*(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months after the date of such lapse.*

**Policy Implications**

*State*

Nil

*Local*

- *Community Development Policy 6.4 Financial Assistance Grant Scheme*
  As the Chittering Residents and Ratepayers Association were registered as an association on the 22 August 2018, they were eligible to apply for this grant. At the close of the application period, the Shire did not receive an application from the Chittering Residents and Ratepayers Association.

- *Finance Policy 2.8 Requests for Assistance and/or Donation*
  This Policy is to provide guidelines for the assistance and/or donations to the community. Requests for donations under $500 may be authorised by the President. Requests over $500 are to be presented to Council in the form of an agenda report for determination.

**Financial Implications**

In the 2019/20 Annual Budget there is an allowance of $1,500 for Public relations/donations (COA 2040129.2700), which the requested amount of $945 will be deducted from.

**Strategic Implications**

*Local*

- *Strategic Community Plan 2017-2027*

| | |
|---|---|
| Focus area: | Our community |
| Objective: | S1.2 Strong sense of community |
| Strategy: | S1.2.1 Actively support community, volunteer groups and networks |
| Focus area: | Strong leadership |
| Objective: | S5.1 An engaged community |
| Strategy: | S5.1.1 Encourage and promote community engagement |
| Objective: | S5.2 Strong partnerships and relationships |
| Strategy: | S5.2.1 Build effective partnerships with stakeholders |
| Objective: | S5.3 Accountable governance |
| Strategy: | S5.3.1 Good governance which supports efficient and effective service delivery |

*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**
The Chittering Residents and Ratepayers Association provides a potential link between the Shire and an association setup to represent the ratepayers. This may be an additional engagement pathway alongside other pathways, such as direct engagement with residents, community and working groups, i.e. Chittering Progress Advisory Group. Community engagement such as this is, is likely to be viewed positively by the community.

The allocation of funds does set a precedent, and further requests may be forthcoming from other community groups who may wish for their insurance or other expenses to be paid for by the Shire; currently this is not a problem as there is a budget allocation for donations ihich covers this request from the President.

There may also be a perception of bias coming from the involvement of some Councillors in the Chittering Residents and Ratepayers Association (CRRA), and due to the lobbying efforts of the CRRA at the recent local government elections.

The CRRA would be eligible for funding under the Shire's Community Assistance Grant Scheme following recent changes to the criteria to allow for new community groups to apply for funding to cover their insurance. No application was received in the most recent round of the Scheme.

**11.5 OFFICER RECOMMENDATION**
**That Council provide a donation of $945 from Account '2040129.2700 MEMBERS – Donations to Community Groups' to the Chittering Residents and Ratepayers Association.**

# 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

## 14.1 Matters for which the meeting may be closed

**OFFICER RECOMMENDATION**
**That Council moves into a confidential session to discuss items:**
**1. 14.1.1 '2020 Community Citizen of the Year Awards';**
**2. 14.1.2 '2020 Education Scholarship Awards'; and**
**3. 14.1.3 'Supply and Lay of Asphalt Contract (VP159519)**
**under the terms of the *Local Government Act 1995, Section 5.23(2):***

***(2) If a meeting is being held by a Council or a committee, the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with the following:***
***(b) the personal affairs of any person;***
***(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and***
***(e) a matter that if disclosed, would reveal —***
***(iii) information about the business, professional, commercial or financial affairs of a person,***
***where the trade secret or information is held by, or is about, a person other than the local government;***

### 14.1.1 2020 Community Citizen of the Year Awards

This report is to be dealt with in a confidential session, under the terms of the *Local Government Act 1995*, s5.23(2), as follows:

*(2) If a meeting is being held by a Council or a committee, the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with the following:*
*(b) the personal affairs of any person;*

### 14.1.2 2020 Educational Scholarships Awards

This report is to be dealt with in confidential session, under the terms of the *Local Government Act 1995* Section 5.23(2):

*(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

*(b) the personal affairs of any person;*

### 14.1.3 Supply and Lay of Asphalt Contract (VP 159519)

This report is to be dealt with in confidential session, under the terms of the *Local Government Act 1995* Section 5.23(2):

*(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

*(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

*(e) a matter that if disclosed, would reveal —*

*(iii) information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government;*

### 14.1.4 Request to retender road safety barrier contract (RFT SC19-002)

This report is to be dealt with in confidential session, under the terms of the *Local Government Act 1995* Section 5.23(2):

*(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

*(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

*(e) a matter that if disclosed, would reveal —*

*(iii) information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government;*

## 14.2 Public reading of resolution that may be made public

# 15. CLOSURE

The Presiding Member to declare the meeting closed.