

Ordinary Meeting of Council

Wednesday 15 April 2020
Commencing at 7pm

Due to the current pandemic situation, this meeting will be conducted electronically

Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

Unconfirmed Minutes

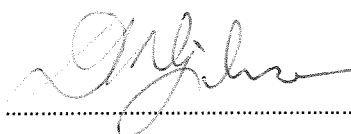
These minutes were approved for distribution on 24 April 2020.



Matthew Gilfellon
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 20 May 2020.

Signed 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

Disclaimer

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

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

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

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

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Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are not meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting at 7:39PM.

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

2.1 Attendance

The following Members were in attendance:

| | | |
|---------|-----------------|------------------------------|
| Member: | Cr Don Gibson | President (Presiding Member) |
| | Cr Peter Osborn | |
| | Cr John Curtis | |
| | Cr John Davis | Deputy President |
| | Cr Carmel Ross | |
| | Cr Mary Angus | left the meeting at 11.16PM |
| | Cr Kylie Hughes | |

Quorum – 4 members

The following Shire staff were in attendance:

| | | |
|-------|-------------------|--|
| Staff | Matthew Gilfellow | Chief Executive Officer |
| | Melinda Prinsloo | Executive Manager Corporate Services |
| | Peter Stuart | Executive Manager Development Services |
| | Jim Garrett | Executive Manager Technical Services |
| | Natasha Mossman | Executive Assistant / Council Support (Minute Secretary) |

Guests: 2

2.2 Apologies

Nil

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 attended 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

24 March – weekly meeting with Deputy President and CEO (teleconference)
31 March – weekly meeting with Deputy President and CEO (teleconference)
7 April – weekly meeting with Deputy President and CEO (teleconference)
8 April – Council Information Session and Agenda Forum
14 April – weekly meeting with Deputy President and CEO (teleconference)

Cr John Davis

24 March – weekly meeting with President and CEO (teleconference)
31 March – weekly meeting with President and CEO (teleconference)
7 April – weekly meeting with President and CEO (teleconference)
8 April – Council Information Session and Agenda Forum
14 April – weekly meeting with President and CEO (teleconference)

Cr Kylie Hughes

23 March – Muchea Hall User Group
26 March – Chittering Audit & Risk Committee meeting (teleconference with OAG & Moore Stephens)
8 April – Council Information Session and Agenda Forum

Cr Mary Angus

8 April – Council Information Session and Agenda Forum

Cr Peter Osborn

8 April – Council Information Session and Agenda Forum

Cr John Curtis

8 April – Council Information Session and Agenda Forum

Cr Carmel Ross

23 March – Muchea Hall User Group
31 March – Economic Subcommittee meeting
8 April – Council Information Session and Agenda Forum
9 April – Economic Subcommittee meeting

3. DISCLOSURE OF INTEREST

| Item 11.2 “Defer Tourism and Related Expenditure” | | |
|---|------------------|--|
| Councillor / Officer | Type of Interest | Nature / Extent of Interest |
| Cr Peter Osborn | Impartiality | Nature: tourism operator in the Shire |

| Item 14.1.2 “Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument | | |
|---|------------------|--|
| Councillor / Officer | Type of Interest | Nature / Extent of Interest |
| Cr John Curtis | Impartiality | Nature: close friend of the applicant Extent: works for Elizabeth Nobes |

| Item 14.1.3 “Jupiter Health and Medical Services Group” | | |
|---|--------------------|--|
| Councillor / Officer | Type of Interest | Nature / Extent of Interest |
| Cr Mary Angus | Indirect Financial | Nature: employed by the applicant Extent: Council resolution could impact on employment |

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Heather and Greg Salter, owners Treetops Guest House, Lower Chittering

My husband and I have two small businesses within the Shire of Chittering that are directly affected by the COVID-19 pandemic. We are tourism operators and we find your statement to reduce funding disturbing considering the financial crisis we are facing on a personal level. We do not fit many of the criteria that the Federal Government have in place to receive financial assistance, and we are not alone. There are over 40 businesses in Chittering that are directly involved in tourism, and at the moment everyone is either in suspension or have had to make significant changes to their business model where they can in order to stay afloat financially. Indeed we have lost one such business this week who have had to close their business for good. We expect support from our elected Councillors at this time. This statement does not support small business. We are asking ourselves just how much understanding is there from the Councillors that have been elected, of the current position of business operators within the tourism and hospitality sector due to COVID-19 pandemic.

Question 1: How can Cr Gibson justify going out alone with this statement and creating stress for small businesses that are tourism based does he have any insight on the impact

of the COVID-19 pandemic on business operators who are in the Tourism and hospitality sector or those that benefit from tourism in other ways or the impact on local business owners, who are residents and rate-payers, in relation to their social well-being?

Answer 1: The 2020/21 financial year will be a challenging one for the Shire, with the expectation of reduced income from rates and Federal and State Governments so we need to carefully reduce spending in non-essential programmes. While there has been significant spending on tourism in recent years, which has benefited some businesses in the Shire, now we need to concentrate on essential services like roads and waste collection. The Shire of Chittering is not responsible for the current recession affecting your business, nor is it in the business of favouring private enterprise over the interests of our general community, who are equally affected by job losses and hardship. As a business owner for 50 years, I am well aware of the challenges faced in small business when income is severely reduced. The three year drought in the 1960s and the locust plague in the 1990s left us with no crops or feed, and I was forced to seek other income, travelling long distances to obtain work to sustain my family. In my experience, there is always work somewhere in our great country, and the person willing to travel will be rewarded. I wish you good luck in your endeavours.

Question 2: Does Cr Gibson have any insight into the impact on local community organisations who benefit from tourism, and events. Tourism is already experiencing severe financial restraints due to the restriction of travellers both internationally and regionally. There are no events as many have been cancelled due to the COVID-19 pandemic, due to the need for social distancing and staying at home, so therefore there is no current expenditure from the Shire. Just exactly where are these 'significant savings' to be made and what percentage of the Council's budget will be saved?

Answer 2: We can save money across numerous programmes and get back to basics, which is what we will have to do this year. Other shires are doing exactly the same thing and much more severe than what we are contemplating.

Question 3: In relation to my comments earlier in the week I received an email reply from Cr John Curtis, which essentially said to ask the Post Office to assist. What exactly is Australia Post going to do for my business that is in suspension and experiencing financial losses? Again where is the understanding and insight into the real crisis that is affecting the small business owners within the Shire of Chittering?

Answer 3: You are benefiting from your business, and it is up to you to make it work; we have all been there and done that.

4.2.2 Joan Clark, owner Windmill Farm, Bindoon

For some 30 years now Milton and I of Bindoon's Windmill Farm have been associated with the Chittering Tourist Association. During that time, the Association strongly backed by the Shire, have facilitated the growth of tourism to the area, thus assisting us to have the flourishing township we now have. It was such a pleasure last year to see and feel the vibrancy that was brought into Bindoon by the Spring Festival and all associated events. Guests stay in our accommodation, shop in our shops whilst enjoying our idyllic surroundings. The advent of our improved road system will only be a plus by making a visit to Bindoon much more accessible.

When we get to the other side of COVID 19, tourism will be an important avenue of injecting money back into the local economy which brings me to my question.

Question 1: How does Cr Gibson expect small tourism that have been brought to their knees to assist in the recovery after COVID-19 without the support and backing of the Shire, bearing in mind that the Post Office is more of a community service and certainly not a huge profit making exercise?

Answer 1: We have funded tourism in the past at the expense of more urgent community needs, aged care being foremost, it's time to consider all ratepayers.

Question 2: Cr Gibson what do you consider to be the main Industries in the Shire of Chittering?

Answer 2: The main industries in no particular order are the Shire, mineral sands, sale yards, agriculture and the citrus packing shed.

4.2.3 Colleen Osborn, Bindoon

Following your message to the community last week, could you, with honesty, respond to the following questions.

Question 1: Could you explain in more detail what you have actually been “working on” as mentioned in your message, e.g. have you talked with local residents from Bindoon, Wannamal and Lower Chittering or the Residents and Ratepayers Association. What peak bodies within the Chittering business community do you consult with to form your views? I require a detailed response to the questions. The community is entitled to fully understand which of the above you consult to form your views, given the substantial sitting fee you receive to represent the community.

Answer 1: I consult with the chittering residents and ratepayer association, quite often, probably every second day. They are the group that represents most of the community, and they are quite happy with how we are dealing with this. I am continually working on ways to get through this crisis, which is what I am paid to do, and what I will continue to do.

Question 2: Can you tell me in your view, what are the key drivers to employment in Chittering and how do you see the economy of Chittering recovering post COVID-19?

Answer 2: I think I have answered that with the major industries in the shire and it is up to businesses to diversify, and make the best of a bad time. This is what we have done for years and years.

MOTION / COUNCIL RESOLUTION 010420

Moved Cr Ross / Seconded Cr Osborn

That Council suspend the operation of clause 8.1 ‘Members to be in their proper places’ and clause 13.4 ‘Method of taking vote’ of the *Local Government (Council Meetings) Local Law 2014* for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

CARRIED 7/0
7:51PM

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Cr Davis left the meeting at 8:01PM

5.3.1 Confidential Item 14.1.1 “Lease Agreement: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon”

Deputation

The Presiding Member read aloud a submission from Lynn Borg, which is AGAINST the Recommendation.

Summary of Deputation

- Referred to the 14.1.1 ‘Lease Agreement: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon’; as advertised in the Agenda Forum Program Thursday April 9, 2020.
- Concerns on negative health impacts of living in close proximity to the tower.
- The impact by the construction and operation, and concerns of the devaluation of properties.
- Our group does not diminish the need for a safer and reliable internet system, but remind that wireless telecommunication towers does not deliver this; Council should be insisting on a safer and more reliable coverage system using fibre optic cabling.
- Council must make their decision on helping the broader community to access better mobile coverage.

5.3.2 Item 9.1.2 “Proposed NBN Fixed Wireless Facility (Telecommunications Infrastructure): Lot 191 (RN 51) Hereford Way, Lower Chittering”

Deputation

1. Chris Brayton (Auercon Group representative) spoke IN SUPPORT of the Recommendation.
2. Brent Fleeton (NBN representative) spoke to the questions asked by Council.

Summary of Deputation

- Availability to broadband internet is poor and there is support for better internet access in the area.
- The proposal is crucial to improving the resilience of the community and business in Lower Chittering.
- Proposed facility is designed to meet the needs of over 480 premises.

- Site is dependent on another site located in Bullsbrook, due to the delay with the Bullsbrook site, application has to be re-submitted due to expiration of the previous application.
- Key issues – site selection, visual prominence, health and **nbn**TM COVID-19 response.
- Proposed **nbn**TM facility will deliver a substantial net-community benefit in delivering **nbn**TM broadband services.
- Commencement of this facility is urgent, to deliver the commitment of **nbn**TM.

Points/Requests for clarification by Councillors:

- Cr Gibson asked to clarify the location selection given the opposition to the tower in Bell Hill due to its location in a residential area. Mr Brayton advised that the location selected is due to the area to be covered. Mr Brayton also referenced the previous application, which was approved by Council, and community engagement session feedback was support in putting a tower in this location. Though the location is near the RAAF Base and topographically, there has been background work undertaken to secure a suitable location that would meet planning requirements and Defence requirements, with an exemption received to go beyond that.
- Cr Ross asked to comment on request by number of residents to have cabled connection, not wireless; why is this not an option. Mr Fleeton advised that **nbn**TM are allocated a budget that we need to stick with, and given the number of premises that will be connected, if it was under a certain amount per household **nbn**TM would have allocated to a fixed line connection rather than wireless; but to the nature of area it would not have been possible to reach within that budget.
- Cr Ross than asked to clarify if each resident would have to bear the cost of having a wired connection to their home. Mr Fleeton advised that there is a program at **nbn**TM that local governments can look at areas where they would like to switch to having a fixed line connection, and **nbn**TM will assess how many premises there are and where they would be connected to. Fixed wireless towers are in a chain – they are not isolated assets. Like fixed line connection **nbn**TM would need to take it from somewhere. There have been quotes done outside the Perth metropolitan area, and the shire might have residents who are happy to pitch in to do it themselves, but then the shire will have scenarios with a property that may cost \$250,000-\$300,000, that could be various costs in terms of labour. In other examples it is not possible at all because of the low quality copper infrastructure in place, which **nbn**TM would rely upon if doing a fixed to the node cabinet. It would not meet the minimum speed requirements that **nbn**TM have to provide under the ‘Statement of Expectation’.
- Cr Hughes asked if the towers are all reliant on each other, is the total cost applied by the same scenario to the amount of people that area will then service. Mr Fleeton asked Cr Hughes to clarify, which Cr Hughes asked if **nbn**TM are taking into account the whole network, i.e. the towers that will need to feed off each other. Mr Fleeton advised that the ‘daisy-chain’ of towers, is that **nbn**TM will need the previous tower in the chain to feed through the connectivity to the broader network. If **nbn**TM received more money from the Government, then they would be able to look at connections differently.
- Cr Hughes then asked to elaborate the line of sight, impacts the amount of people this service feeds that are affected by trees. Mr Brayton advised that it can go through some tree canopy, i.e. Pemberton was extremely tricky area to deploy due to the Karri trees (these are the trees it does not go through). You need as much line of sight as possible to the towers, as when the network is designed a lot of thought goes into identifying where the premises are going to be located, where the base station is going to be located; it is different from a mobile network site which try to broadcast to a specific area. With a fixed

line facility your end point is fixed, site design is to maintain a high level of service that you could not achieve with mobile broadband.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 18 March 2020

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020420

Moved Cr Curtis / Seconded Cr Hughes

That the minutes of the Ordinary Meeting of Council held on Wednesday 18 March 2020 be confirmed as a true and correct record of proceedings.

CARRIED 6/0
8:24PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

The Presiding Member stated that there are quite a few things happening:

- The State Government has given a two year extension to comply with conditions on development approvals; with that in mind I will withdraw item 14.1.2, Bill Nobes yacht – he now has additional two years to comply with the conditions.

Cr Hughes asked the Presiding Member if there was any information in regard to the extension. The Presiding Member advised that he received it today from the State Government, from the Minister and advised that he would forward to Cr Hughes. Cr Gibson then asked Mr Gilfellow if he received it, and Mr Gilfellow advised that he was not aware of anything that would indicate this to be the case.

Cr Curtis then stated that he read it on his device that it was the case to a two year extension.

Cr Gibson advised that he would distribute the letter to all Councillors and to the Chief Executive Officer tomorrow.

- Another item 14.1.1 Telstra, in my opinion there is no detriment to Telstra in keeping the members informed and council need to be transparent when dealing with controversial issues, therefore I will be removing this item into the public agenda, as people are thinking that we are being secretive and there is no detriment to anyone to let people know.
- The other thing is that every Councillors vote will be recorded for all items in the agenda.

Post meeting note:

In accordance with *Local Government (Council Meetings) Local Law 2014, c13.4(3)(b)* all votes are recorded in the minutes as requested by the Presiding Member.

- Budget meetings will commence this month with at least four meetings held by 30 June. I shall be speaking with the Chief Executive Officer because some of these motions should be dealt with in the budget.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposal to Revoke Multiple Planning Policies*

| | |
|-------------------------------|--|
| Applicant | Shire of Chittering |
| File ref | 18/06/0004; 18/06/0009; 18/06/0016; 18/06/0020; 18/06/0032 |
| Author | Temporary Principal Planning Officer |
| Authorising Officer | Executive Manager Development Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | <ol style="list-style-type: none">1. Local Planning Policy No. 4 – Rural Tourist Accommodation2. Local Planning Policy No. 9 – Tunnel Houses3. Local Planning Policy No. 16 – Roads and Drainage4. Local Planning Policy No. 20 – Transported and Transportable Buildings5. Local Planning Policy No. 32 – Development Plans |

Executive Summary

Council is requested to consider revoking *Local Planning Policy No. 4 – Rural Tourist Accommodation, Local Planning Policy No. 9 – Tunnel Houses, Local Planning Policy No. 16 – Roads and Drainage, Local Planning Policy No. 20 – Transported and Transportable Buildings and Local Planning Policy No. 32 – Development Plans*. Revoking the local planning policies is appropriate because they have become redundant following the creation of the Shire's *Local Planning Strategy (2019)* and changes to the State planning framework. This essentially results in less local planning policies, a more streamlined approach and greater clarity in the Shire's planning processes.

Background

As part of a review of the statutory framework that currently guides development services, a number of endorsed local planning policies have been identified that are no longer necessary due to changes in State Government legislation and policy. Local Planning Policies are now created, amended and revoked under the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. The Shire of Chittering *Local Planning Scheme (LPS6)* is an updated version of TPS6 and was gazetted on 30 November 2004.

Local Planning Policy No. 4 – Rural Tourist Accommodation (LPP4) was adopted for preliminary approval by Council on 14 December 2005 and for final approval on 17 May 2006. LPP4 has the objective of facilitating a range of tourist accommodation in rural areas in a manner, which does not compete with existing rural objectives. The purpose was to indicate Council's to encourage 'willing landowners to offer friendly and convivial accommodation as a business enterprise, which may help to supplement their agricultural income.'

Local Planning Policy No. 9 – Tunnel Houses (LPP9) was adopted for preliminary approval by Council on 28 September 2005 with a final approval granted on 19 July 2006. The objective of the LPP9 is to protect the visual, environmental and natural amenity from the impacts of Tunnel Houses. The policy states that there was some concern regarding the aesthetics and suitability of Tunnel Houses in residential areas. The purpose of the policy is to ‘provide certainty to landowners and applicants as to where Tunnel Houses may be located and under what circumstances.’

Local Planning Policy No. 16 – Roads and Drainage (LPP6) was adopted for preliminary approval by Council on the 21 March 2007 and adopted for final approval for 19 September 2007. LPP6 superseded the Chittering Roadscape Plan adopted on 21 April 2004 and LPP16 adopted by Council on 20 December 2016. It is understood the policy was created to allow administration to follow a standard procedure in providing a recommendation to the Western Australian Planning Commission that allowed for sealed roads, improvements in infrastructure (such as footpaths, street lighting and bus shelters) and piped drainage. The policy was created to ‘provide guidance for Council, sub dividers and property owners when establishing, altering or maintaining roads and adjoining development.’ The objective of the policy is to provide a ‘a safe, efficient and effective road and utility corridor, facilitate the upgrade of existing roads, protect remnant vegetation and provide roadside landscaping, create visually appealing roadsides and provide a rational and consistent basis for the construction of roads and associated drainage, and provide financial contributions for such construction.’ In 2005 the Western Australian Planning Commission released the ‘Model Subdivision Conditions Schedule’, which has been regularly updated since its inception. The document guides town planners as to what type of subdivision conditions can be applied and where they would be applicable. In 2007 the Department of Planning released updated version of ‘Liveable Neighbourhoods’ which applies to structure planning and greenfield sites. The purpose of Liveable Neighbourhoods is to provide deemed-to-comply cross section street standards and street reservation requirements across the state.

Local Planning Policy No. 20 – Transported and Transportable Buildings (LPP20) was adopted for preliminary approval by Council on 7 September 2005 and adopted for final approval by Council on 1 February 2006. LPP20 superseded an earlier policy for Secondhand/Transportable Dwelling adopted 19 September 2002. The objective of the policy is to allow transported and transportable buildings where they do not detract from the amenity of the area and are built to appropriate standard. The policy also details the steps required for an applicant to follow when applying for both a secondhand dwelling and a new transportable dwelling.

Local Planning Policy No. 32 – Development Plans (LPP32) was adopted by Council on 20 August 2008. LPP32 superseded an earlier local planning policy of the same name which was adopted by Council on 16 May 2007. The primary objective of the policy is to provide a rational and consistent basis for the preparation and amendment of required development plans. The policy details the requirement for a development plan, form of submission, information required, approval process and how a development plan can be amended. The terms ‘Development Plan’, ‘Outline Development Plan’ and ‘Structure Plan’ are one and the same term. The term currently used in town planning is a ‘Structure Plan’ and is defined by the Department of Planning as ‘a plan for the coordination of land future subdivision and zoning of an area of land.’ In August 2015 the Department introduced the ‘Structure Plan Framework’ to assist in the understanding of the *Planning and Development (Local Planning Schemes) 2015*. The Structure Plan Framework and the *Planning and Development (Local Planning Schemes) 2015* specifies when a when a structure plan is required, form of submission, information required, approval process and how a structure plan can be amended.

Consultation/Communication Implications

Local

Administration is required to advertise a Local Planning Policy under Clause 4, Part 2 – Local Planning Framework, Deemed provisions of LPS6 for public comment when a policy is initiated or amended. Administration is not required to advertise the proposal to revoke the local planning policies under LPS6, but is required to give notice following a determination to revoke a local planning policy.

State

There is no requirement to refer the proposal to the Western Australian Planning Commission (WAPC) as the Shire intends to revoke local planning policies which are inconsistent with state and local legislation and policies.

Legislative Implications

State

- Planning and Development (Local Planning Schemes) Regulations 2015
Sch. 2, Pt. 2, Cl. 6 of the Regulations dictate the process for the revocation of Local Planning Policies. Typically, Council resolve to revoke a Local Planning Policy(s) and publishes a notice of revocation in the local newspaper circulating in the Scheme area.

Local

- Local Planning Scheme No. 6
The Shire will no longer have due regard for LPP4, LPP9, LPP16, LPP20 and LPP32 when determining planning applications.

Policy Implications

State

- Liveable Neighbourhoods
Liveable Neighbourhoods will remain as the principal operational policy for the design and assessment of structure plans and subdivision for new urban areas in country centres, on both greenfield and large urban infill sites.
- Model Subdivision Conditions Schedule (November 2019)
The Model Subdivision Conditions Schedule will remain the principal operational document to improve the quality of a subdivision proposal, enabling an application to be approved that otherwise may need to be refused.

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: 5. Strong Leadership

Objective: 5.1 Strong partnerships and relationships

Strategy: Working with stakeholders to build strong and sustainable relationships and to ensure the best use of Shire resources.

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 revocation of the Local Planning Policies will provide greater clarity for the Shire's stakeholders and will remove inconsistencies between the Shire's Local Planning Policies, Local Planning Strategy, LPS6, State operational policies and Liveable Neighbourhoods.

The Local Planning Policies identified in this report have been superseded by various measures. LPP4 provides specific guidance to landowners who wish to provide rural tourist accommodation, those measures are stated in LPS6 and the Shire's Planning Strategy, and is no longer used to guide officers in their assessment of rural tourist accommodation.

Tunnel Houses are assessed as a building structure (outbuilding), the policy states it provides guidance as to where Tunnel Houses can be located. The land use term for a "Plant Nursery" referenced in the policy is no longer listed as a land use in LPS6 and is potentially misleading. LPP6 can be removed without an issue, as a Tunnel House can be assessed as an 'Outbuilding' and be subject to the provisions of Local Planning Policy No. 7 – Outbuildings or assessed under the matters to be considered by local government as prescribed in LPS6.

LPP16 served as an important document to guide subdivision in the Shire. However, the introduction of Liveable Neighbourhoods supersedes the local planning policy as it provides guidance to both the Department of Planning and local governments as to how they should assess subdivision and structure plan proposals. Developers commonly refer to Liveable Neighbourhoods and/or the Model Subdivision Conditions Schedule as they provide a consistent approach and best practice methodology to guide subdivisions, road design and drainage.

LPP20 provides guidance for transported and transportable buildings. The Shire's Principal Building Surveyor has informed that transportable buildings have not been approved in the Shire for at least five years due to the cost of upgrading transportable buildings (dwellings) to modern energy efficient standards in accordance with the Building Code of Australia. LPP20 references "5.14 Transported and Transportable Buildings" as per the Scheme, however, the clause does not exist in LPS6 and it is likely that this clause has been removed. LPP20 is therefore considered redundant and no longer required.

LPP32 would have been a useful document to give to developers to assist in planning their subdivision in accordance with the Shire's policies. However, legislative changes with the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* supersedes the existing LPP32 making it redundant.

It is therefore recommended that Council resolve to revoke the identified Local Planning Policies and direct administration to publish a notice in accordance *Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION

Moved Cr Curtis / Seconded Cr Angus

That Council:

1. Proceed with the revocation of:
 - a. Local Planning Policy No. 4 – Rural Tourist Accommodation;
 - b. Local Planning Policy No. 9 – Tunnel Houses;
 - c. Local Planning Policy No. 16 – Roads and Drainage;
 - d. Local Planning Policy No. 20 – Transported and Transportable Buildings; and
 - e. Local Planning Policy No. 32 – Development Plansas provided in Attachment 2 pursuant to Schedule 2, Part 2, Clause 6(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Notes that administration will be placing a notice in a newspaper circulating in the Scheme area in accordance with Schedule 2, Part 2, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Cr Hughes called POINT OF ORDER and the procedure for raising announcements from the Presiding Member in relation to removing agenda items that can be dealt with in that section. The Presiding Member stated that as Presiding Member he has control of the meeting and can allow for extra motions for the withdrawal of motions.

In accordance with the *Local Government (Council Meetings) Local Law 2014, c9.7(1)* the Presiding Member adjourned the meeting at 8:36PM for a period of 15mins; and if Cr Davis did not return to the meeting, then he would close the meeting.

Cr Davis returned to the meeting at 8:38PM

The meeting was reopened by the Deputy President at 9:04PM

There was general discussion amongst Council regarding rescheduling the meeting to another date and time.

The Presiding Member re-joined the meeting at 9:08PM

MOTION

Moved Cr Curtis / Seconded Cr Gibson

That the meeting be adjourned to be reconvened on Wednesday 22 April 2020 to commence at 7pm.

The Presiding Member invited Cr Davis to speak.

Cr Davis gave the following reasons:

We need a week as nothing is working properly.

The Chief Executive Officer asked the Presiding Member if he wanted the MOVER to speak as per standing orders. The MOVER of the motion is Cr Curtis.

MOTION

Moved Cr Curtis / Seconded Cr Gibson

That the meeting be adjourned to be reconvened on Wednesday 22 April 2020 to commence at 7pm.

LOST 3/4

CR DAVIS, CR CURTIS, CR GIBSON VOTED FOR THE MOTION

CR ANGUS, CR HUGHES, CR ROSS, CR OSBORN VOTED AGAINST THE MOTION

9:17PM

Cr Curtis gave the following reasons:

Cr Curtis did not provide any reasons for the Motion.

Cr Davis left the meeting at 9:17PM and re-joined the meeting at 9:19PM

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030420

Moved Cr Curtis / Seconded Cr Angus

That Council:

1. Proceed with the revocation of:
 - a. Local Planning Policy No. 4 – Rural Tourist Accommodation;
 - b. Local Planning Policy No. 9 – Tunnel Houses;
 - c. Local Planning Policy No. 16 – Roads and Drainage;
 - d. Local Planning Policy No. 20 – Transported and Transportable Buildings; and
 - e. Local Planning Policy No. 32 – Development Plansas provided in Attachment 2 pursuant to Schedule 2, Part 2, Clause 6(b)(i) of the Planning and Development (Local Planning Schemes) Regulations 2015.

2. Notes that administration will be placing a notice in a newspaper circulating in the Scheme area in accordance with Schedule 2, Part 2, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 7/0

9:20PM

Cr Hughes left the meeting at 9:24PM and returned at 9:26PM

9.1.2 Proposed NBN Fixed Wireless Facility (Telecommunications Infrastructure): Lot 191 (RN 51) Hereford Way, Lower Chittering*

| | |
|-------------------------------|---|
| Applicant | Aurecon on behalf of NBN Co |
| File ref | A4070; P008/20 |
| Author | Temporary Principal Planning Officer |
| Authorising Officer | Executive Manager Development Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | <ol style="list-style-type: none">1. Council Minutes (19 April 2017)2. Report accompanying Planning Application3. Schedule of Submissions4. Additional information provided by ARPANSA |

Executive Summary

The application for a NBN Fixed Wireless Facility (Telecommunications Infrastructure) comprises of a 45m monopole structure with a circular headframe, six panel antennas, a parabolic dish, lens antenna, 17 RRU's and associated ancillary components, including one equipment shelter within an 80m² fenced compound for the purposes of providing nbn communications.

The telecommunications infrastructure is proposed to be located on land zoned for 'Rural Residential' and the use class as a "Telecommunications Infrastructure", which is listed as an "A" use. Council's determination is required as the proposal received objections during the public consultation process period.

Background

The subject property consists of 2.18ha hectares of land and is currently used for residential purposes. It features a single residential dwelling, an outbuilding and a firebreak located at the back of the property which separates the rural residential estate with native bushland. Moderately dense vegetation exists within the front of the property but is lessened towards the western boundary where there are fenced areas to contain farm animals.

The subject property is situated on the edge of the Maryville Downs Estate, close to Muchea East Road. The western boundary of the lot adjoins a large property zoned 'Agricultural Resource', however, most of the surrounding land to the eastern, southern and northern boundaries are rural residential properties within the Maryville Downs Estate.

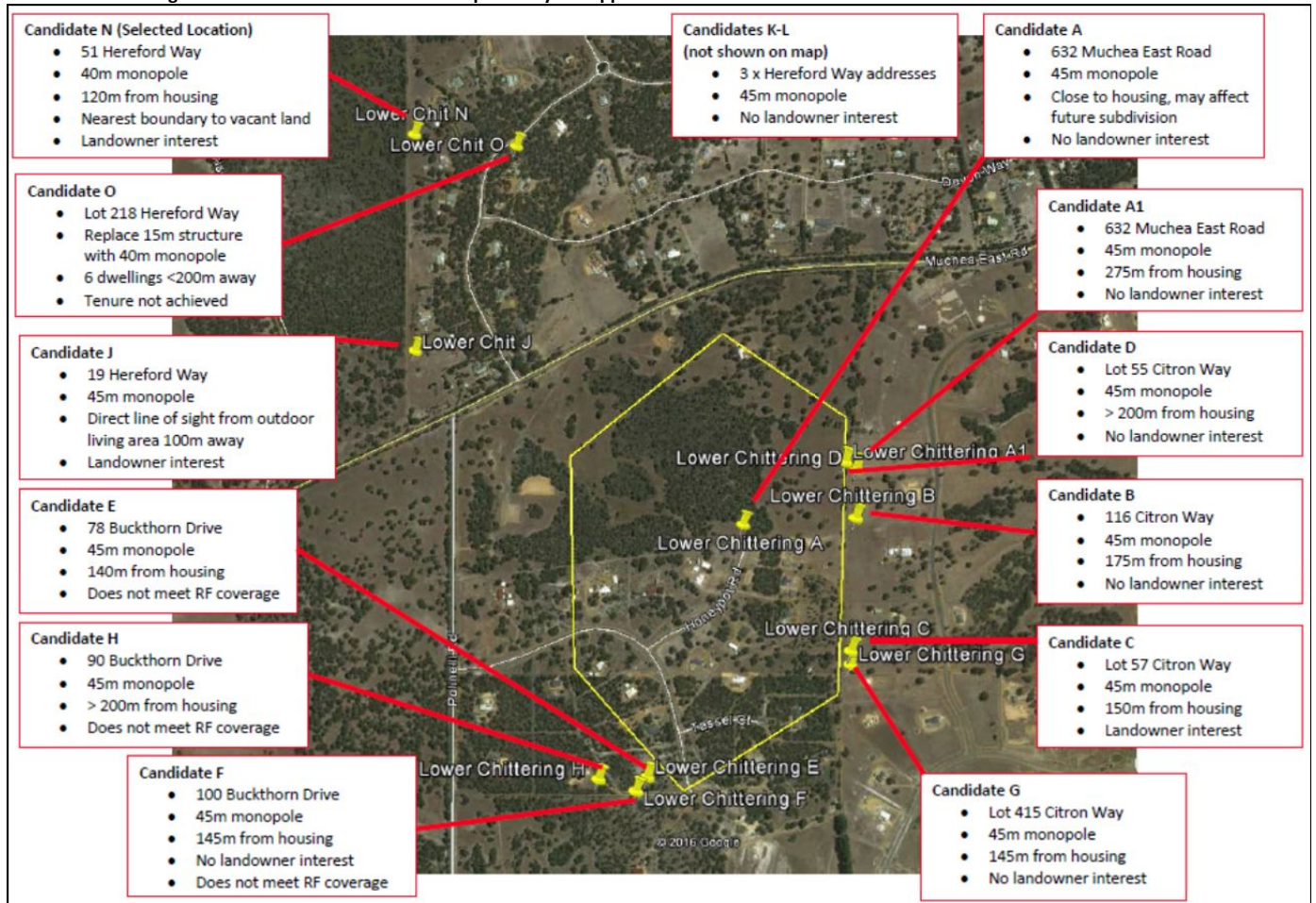
On 9 June 2016 NBN Co held a community information session at Immaculate Heart College with interested residents. Feedback forms collected at the session reflected an unreliable telecommunications service in the vicinity. The applicant subsequently undertook various studies into the suitability of a number of sites and investigated suggested sites by the community. The various locations explored by the applicant are shown in **Figure 1**.

In November 2016 an NBN tower was proposed at the same location, but was withdrawn due to concerns raised by the Department of Defence (DoD). The DoD later confirmed that the application was suitable as the height of the tower was not considered to impact the RAAF Pearce Base. On 19 April 2017 the application was submitted to Council to determine as objections were received to the proposal during the public consultation period. Council approved the proposal subject to conditions (**Attachment 1**), however as the development was not substantially commenced within the two year approval period, the approval

lapsed. Subsequently a new development application is required and process for considering the application commences anew.

The proposal is substantially the same application as previously determined, but in addition to the previous application includes a lens antenna and an additional seven radio remote units (RRU's). The applicant has submitted a report to accompany with planning application (**Attachment 2**).

FIGURE 1 - This image identifies the various locations explored by the applicant



Consultation/Communication Implications

Local

Consultation was undertaken in accordance with Section 9.4 of the Shire of Chittering's *Local Planning Scheme No. 6* (Scheme). In accordance with the Scheme, the application was advertised using the following methods:

- 1) Letter to nearby/affected landowners
- 2) On the 'Have your say' page on the Shire's webpage; and
- 3) On the Shire's social media page.

The application was advertised for a period of 21 days from 3 February until 24 February 2020.

During the advertising period, a total of 81 letters were sent directly to landowners and occupants, with a total of 27 submissions received (**Attachment 3**).

Of the public submissions received, noting that some submissions were members of the same household; seven were in support of the application, whilst 20 objected to the application.

Of those whom were supportive of the application, the basis of their support was the following:

- a) Improvement needed to internet services;
- b) Location is suitable for reaching many residents; and
- c) Help increase internet driven businesses.

The basis of the submissions which were objecting to the proposal were for the following reasons:

- a) Visual impact;
- b) Devaluing of property prices;
- c) Health implications;
- d) Current adequate provision of telecommunication services, and
- e) Impact to wildlife.

The applicant has responded to the submissions received during the advertising period and their response following the public, government and agency consultation period is shown on **Attachment 3**.

State

The application was also advertised to the following government agencies and referral agencies:

- 1) Department of Planning;
- 2) Department of Health;
- 3) Department of Biodiversity, Conservation and Attractions;
- 4) Chittering Landcare; and
- 5) Department of Water and Environmental Regulation.

Legislative Implications

State

- *Telecommunications Act (1996)*
- *Planning and Development Act (2005)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Local

- *Shire of Chittering Local Planning Scheme No. 6 (Scheme)*

Under the Scheme, the subject property is zoned "Rural Residential". The objectives of this zone are:

- *designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- *meet the demand for a rural lifestyle on small lots generally in excess of 1 hectare.*
- *maintain and enhance the rural character and amenity of the locality.*

The land use definition most closely aligned with this type of development is 'Telecommunications Infrastructure.' In accordance with the Scheme Telecommunications Infrastructure *'means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with a telecommunications network.'*

Policy Implications

State

- State Planning Policy 5.2 – Telecommunications Infrastructure (2015)

State Planning Policy 5.2 (SPP5.2) aims to balance the need for effective telecommunications services and effective roll-out of network, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining of the siting, location and design of telecommunications infrastructure.

The proposal has been assessed as far as the compatibility of its setting and it is noted that a small number of properties have direct views towards this location, the siting of the proposed tower through its setback and location of the facility are unlikely to significantly affect the existing panoramas. The impact of the development is positive as it will allow access to the national broadband network. The applicant has submitted an Electromagnetic Energy (EME) report, which identifies that the telecommunications infrastructure would emit, at its maximum, approximately 0.3% out of the maximum safe level of radiation exposure, and while it is noted that some parts of the community and abroad argue its veracity, there is no available confirmed evidence to support the concerns. The applicant has informed that there is no existing infrastructure in the area capable of co-location.

- State Planning Policy 2.5 Land Use Planning in Rural Areas (2012)

State Planning Policy 2.5 has the objectives of:

- *providing a providing a framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- *avoid and minimise land use conflicts;*
- *promote sustainable settlements in, and adjacent to existing urban areas; and*
- *protect and sustainably manage environmental, landscape and water resource assets.*

- Visual Landscape Planning in Western Australia (2008)

In undertaking the assessment of this application, officers took due regard in relation to the *Western Australian Planning Commissions State Planning Policy 5.2* and also the guiding document, *Visual Landscaping Planning in Western Australia (2007)*.

This guiding policy states the importance of the provision of telecommunications, as ‘the WAPC State Planning Strategy that advocates the provision of effective statewide telecommunications network in a manner consistent with the state’s sustainability objectives (environmental, economic and social planning objectives).’

The document acknowledges that ‘Telecommunications Infrastructure may be negatively perceived as, ‘regardless of the visual prominence of utility towers, the community’s perception of the importance of their function may impact on their perceived visual impact and therefore on the extent of visibility that is acceptable. For example, towers designed to provide safety, including lighthouses and airport control towers, may be perceived favourably....Public suspicion about potential health risks associated with mobile phone towers and power transmission lines may result in these being less tolerated.’

Local

Nil

Financial Implications

Nil

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
- Shire of Chittering Local Planning Strategy 2019
The Shire's Local Planning Strategy anticipated the demand for telecommunication towers within the Shire and noted that there were ongoing upgrades to telecommunications infrastructure to support lifestyle and commercial activities within the Shire.

State

- State Planning Strategy 2050 (2014)
The *State Planning Strategy 2050* (Strategy) outlines its strategic direction for the state and ascertained a variety of areas it envisaged to achieve social, environmental and economic objectives. The document outlines areas 'Telecommunications' from which they wish to plan for, outlining "Telecommunications facilities are also crucial to improving regional and remote education and training outcomes." The Strategy also states that 'Telecommunications services in Western Australian are provided through a mixture of fixed, wireless and satellite based networks operated by a number of licenced commercial carriers. Technology improvements mean that telecommunications infrastructure is in a constant state of upgrade and replenishment.'

The State's strategic document outlines the State government's support in establishing a broad range of telecommunications infrastructure for both urban and regional centres, with an underpinning theme of enhancing the social and economic benefits of its residents.

Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken by the assessing officer and it was noted that much of the locality remains cleared of vegetation, though there are large patches of mature tree and shrubs interspersed between the estate properties. The adjacent property located to the western boundary has dense vegetation.

Triple Bottom Line Assessment

Economic implications

The economic implications as a result of the establishment of the Telecommunications Infrastructure may provide the following significant benefits to Chittering residents and in the long term the broader Shire of Chittering in the following ways:

- 1) Meet the objectives outlined in the *Shire of Chittering's Strategic Community Plan 2012 -2022* in terms of supporting local business and advocating for improved broadband access;
- 2) Provide opportunities for local business to conduct business activities over the internet in a more efficient and time effective way due to faster speeds.

Economic sustainability for the Shire ultimately relies on the availability of services for which Telecommunications Infrastructure is viewed as a key service that has the potential to provide further opportunity for home businesses.

Social implications

Administration received positive feedback regarding the telecommunications infrastructure such that it would help create and increase internet businesses due to expanded connectivity. Residents also stated that they have poor reception and have to take phone calls outside. However, administration also received comments that the telecommunications facility would lead to a diminished level of visual amenity for residents living in close proximity to the proposal.

Environmental implications

The proposed location of the Telecommunications Infrastructure is generally clear of vegetation with no additional vegetation required to be removed.

Officer Comment/Details

Site assessment

The proposed telecommunications infrastructure is located on privately owned land, containing a single dwelling located at a distance of approximately 70 metres from the compound. The applicant has previously undertaken detailed studies to ascertain a suitable location. After reviewing the assessment, it appears that a weighted assessment was undertaken where it was deemed to be suitable in comparison to other sites due to the proximity of vacant land, Radio Frequency (RF) coverage, and distance from housing and landowner interest.

Health

The application was referred to the Shire's Principal Environmental Health Officer whom did not object to the proposal. Administration is aware of community angst regarding 5G and telecommunications coverage. Upon reviewing the submissions received by administration, it is noted that community members have relied on various sources ascertained from the internet, some of these sources rely on a dated article which the reader implies a conspiracies directed at the Australian government and telecommunications industry – without any proof to justify these claims. The author of these articles or advertorials within holistic publications, promote their own products which claim to reduce or eliminate the health risk.

The applicant on behalf of NBN (Co), stated that they aware of concerns in the community regarding radio frequency technology and relies upon the expert advice of national and international health authorities, such as the Australian Radiation protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts. SPP5.2 specifies that typical exposures to radiofrequency fields be well below 1% of the ARPANSA Standards public exposure limits, the EME maximum provided by the applicant is 0.3%.

A statement from Australia's Chief Medical Officer, Professor Brendan Murphy, contained on the Department of Health website and states: *"There is no evidence telecommunication technologies, such as 5G, cause adverse health impacts"* and *"The radio waves to which the general public is exposed from telecommunications are not hazardous to human health."* Administration considers the advice from the Department of Health to be credible and should be given significant weight.

Visual Impact

The 45m monopole and associated infrastructure will have some visual impact on the amenity of the area. The streamline design of the monopole is less obtrusive than a traditional truss style tower. The area within the site which the proposed monopole is to be sited is largely surrounded by trees and requires no clearing, and which in turn reduces the impact of the infrastructure from the street level. The telecommunications facility is located atop the plateau of the subject property. The infrastructure is to be located on a small portion of a panoramic vista. Therefore the design of the slim line monopole is not considered to be significantly visually obtrusive when viewed from the eastern adjoining properties, particularly as a significant portion of dwellings located in close proximity to the subject property are orientated away from the proposed location itself and are otherwise obstructed by mature evergreen trees.

Conclusion

The proposed development has the potential to generate a significant improvement in communications in the surrounding Rural Residential areas via high speed internet. This development may also have the potential to provide a broad range of residents and businesses with social and economic benefits to the Maryville Estate. The proposal assists the Shire in being able to achieve its strategic goal as detailed in the Shire's *Strategic Community Plan* in supporting local businesses and advocate for improved broadband access that can be achieved through the Telecommunications Infrastructure. Upon review of the advice on the Department of Health's website it is reasonable to conclude that the proposed development will not adversely impact the health of nearby residents and is significantly below the acceptable standards referred to in SPP 5.2

The subject location is appropriate for the development given the significant catchment of potential users covering a large portion of people living in the Maryville Downs Estate and also further afield. The applicant has stated that this location provides the most evenly distributed coverage for the NBN sectors, consequently providing an optimal network service. Other locations explored by the applicant indicate a diminished catchment of potential users and a reduced efficiency of the service. Other alternative sites explored may result in a larger, more visually obtrusive structure, which may not, even with the increased height, meet the residential catchment as the subject location. SPP5.2 requires an assessment based on the compatibility of development, the impact on the community as a whole and submissions received and has been addressed in this report.

Therefore, it is recommended that the subject Telecommunications Infrastructure be approved subject to appropriate conditions.

RECOMMENDATION

Moved Cr Curtis / Seconded Cr Osborn

That Council grant planning approval for the proposed Telecommunications Facility at Lot 191, (RN 51) Hereford Way, Lower Chittering subject to the following:

1. All development is to be in accordance with the approved plans.
2. An Asset Protection Zone is to be created around underlying infrastructure associated with the proposed tower.
3. A Construction Management Plan shall be submitted and approved by the Shire prior to the installation of the facility. The Management Plan shall detail heavy vehicle delivery, trades parking, dust and noise minimisation as part of the installation.

Advice Notes

Note 1: A building permit shall be issued by the Shire of Chittering prior to the commencement of any work on the site.

Note 2: This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where planning approval has lapsed, no further development is to be carried out.

Note 3: The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within 28 days of Council's decision.

LOST 3/4

CR ANGUS, CR ROSS, CR OSBORN VOTED IN FAVOUR
CR CURTIS, CR HUGHES, CR DAVIS, CR GIBSON VOTED AGAINST THE MOTION

9:28PM

Reasons why not supported:

Cr Gibson stated that as previously stated to the proponents why it should not be installed a residential area; there is more and more health concerns being found out all the time, there is never ending research going into this, and there is real risk and that is the reason why we are not endorsing this.

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 List of Accounts Paid for the period ending 31 March 2020*

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 12/03/4 |
| Author | Finance Officer - Accounts |
| Authorising Officer | Executive Manager Corporate Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. List of Accounts Paid as at 31 March 2020 |

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 March 2020.

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 March 2020" is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040420

Moved Cr Gibson / Seconded Cr Ross

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$787,168.98 for the period ending 31 March 2020:

1. PR5427, PR5445;
2. EFT19497, EFT19609 – EFT19732;
3. Direct Debits, Cheques and Transfers as listed; and
4. Trust Fund payments as listed.

CARRIED 6/1

CR ANGUS, CR ROSS, CR HUGHES, CR CURTIS, CR OSBORN, CR GIBSON VOTED IN FAVOUR

CR DAVIS VOTED AGAINST THE MOTION

9:30PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 COVID-19 Relief Measures

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 13/07/3 |
| Author | Chief Executive Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | Nil |

Executive Summary

Council is requested to adopt a range of measures to provide relief to businesses and households in the Shire of Chittering due to the hardships that they may be facing as a result of the COVID-19 Global Pandemic.

Background

COVID-19 social distancing measures have had a marked impact on the lives and livelihoods of Shire of Chittering residents. Additionally, the Shire of Chittering's own businesses have been impacted, creating gaps in service provision, while constraining revenues which would typically be redirected to social programs.

Western Australia's Premier, the Honourable Mark McGowan, has requested all local governments to:

- Freeze increase in rates, fees and charges to ease the burden on some households;
- Fast track approvals and defer fees;
- Keep employees employed so as not to contribute to unemployment;
- Use their workforce to assist health and police if required;
- Use your budget to stimulate the economy.

Consultation/Communication Implications

Local

None. The proposed measures are designed to provide immediate relief and support to the community and small businesses

State

Consultation has been undertaken with the Wheatbelt Development Commission, RDA Wheatbelt and several Local Government Chief Executive Officers and information received from the Western Australian Premier, Local Government Minister and WALGA.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

The measures will result in a reduction of income for the Shire of Chittering. Due to the changed circumstances it is hard to ascertain the true amount of income that will be lost, but under normal circumstances it could be around \$23,000.

Strategic Implications

Economic Growth is one of the five areas of Council's Strategic Community Plan. While the Plan is centred around supporting private investment; developing the Muchea Industrial Park; encouraging and supporting local businesses; and increasing visitors to the area the changed circumstances brought about by COVID-19 requires that Council try and support the economy to ensure it bounces back as quickly as possible once the pandemic is over.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The measures are designed to provide some boost to the Shire of Chittering's economy by providing relief to affected businesses and households.

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 COVID-19 Global Pandemic has brought about a change in the shire's economy and this is likely to get worse as the restrictions put in place to control the virus negatively affect the economic conditions. This is a time when Council will need to show leadership to the community and do all they can to stimulate the economy. These measures will only provide a small amount of relief compared to what some of the businesses and residents are suffering. The measures should only be a start, with more stimulus provided as the economy further deteriorates and Council's role in stimulating the economy grows ever more important.

RECOMMENDATION

Moved Cr Curtis / Seconded Cr Ross

That Council BY AN ABSOLUTE MAJORITY:

1. Freeze Rates for the 2020/2021 Financial Year;
2. Freeze Fees and Charges for the 2020/2021 Financial Year;
3. Offers, upon request, a waiver of interest on outstanding rates for the period from 23 March 2020 to 31 August 2020 for those businesses experiencing financial hardship as a result of decisions by the State Government or Federal Government to close or restrict business;
4. Offers, upon request, a waiver of interest on outstanding rates for the period from 23 March 2020 to 31 August 2020 for those residents experiencing financial hardship as a result of decisions by the State Government or Federal Government to close or restrict business;
5. Provide flexible payment terms for debtors;
6. Charge no fees or charges for inspection services until 31 March 2021;
7. Waive all animal registration fees until 31 October 2020;
8. Provide and express planning service for small business, and waive charges for businesses requiring planning approval as a result of changes to businesses required by the COVID-19 Pandemic;
9. Writes and lobbies State Government for financial assistance that can be used to assist the community;
10. Writes to the Federal Government and the Western Australian Local Government Association requesting and doubling of the Federal Assistance Grant Scheme.
11. Lobby the Federal Government to make Local Government eligible for the JobKeeper Payment.

AMENDMENT

Moved Cr Ross / Seconded Cr Gibson

That the recommendation be amended by deleting Conditions 1. and 2. as they will form part of the 2020/21 budget deliberations

CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

9:46PM

Cr Ross provided the following reasons:

Conditions 1 and 2 should be used as a guideline in the preparation of the 2020/2021 budget.

9.4.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 050420

That Council BY AN ABSOLUTE MAJORITY:

- 1. Offers, upon request, a waiver of interest on outstanding rates for the period from 23 March 2020 to 31 August 2020 for those businesses experiencing financial hardship as a result of decisions by the State Government or Federal Government to close or restrict business;**
- 2. Offers, upon request, a waiver of interest on outstanding rates for the period from 23 March 2020 to 31 August 2020 for those residents experiencing financial hardship as a result of decisions by the State Government or Federal Government to close or restrict business;**
- 3. Provide flexible payment terms for debtors;**
- 4. Charge no fees or charges for inspection services until 31 March 2021;**
- 5. Waive all animal registration fees until 31 October 2020;**
- 6. Provide and express planning service for small business, and waive charges for businesses requiring planning approval as a result of changes to businesses required by the COVID-19 Pandemic;**
- 7. Writes and lobbies State Government for financial assistance that can be used to assist the community;**
- 8. Writes to the Federal Government and the Western Australian Local Government Association requesting and doubling of the Federal Assistance Grant Scheme; and**
- 9. Lobby the Federal Government to make Local Government eligible for the JobKeeper Payment.**

CARRIED 7/0

9:47PM

9.4.2 Policy Register Update: Financial Hardship – Collection of Rates and Service Charges*

| | |
|-------------------------------|--|
| Applicant | Shire of Chittering |
| File ref | 04/03/1 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. "DRAFT" Finance Policy 2.17 Financial Hardship – Collection of Rates and Service Charges 2. DA18 Rates and Service Charges Agreement |

Executive Summary

Council consider adoption of a Financial Hardship – Collection of Rates and Services Charges Policy (the **Policy**), which allows flexibility for payment of overdue Rates and Service Charges for residents in severe financial distress.

Background

The administration had been preparing a Financial Hardship Policy with the aim of presenting it to Council in early 2020. The Policy is aimed at providing relief to residents, who at no fault of their own, have found themselves in financial hardship.

Recently, at the WALGA Special State Council Meeting held on 27 March 2020, a decision was passed that included in it a recommendation that Council's adopt a Financial Hardship Policy.

Consultation/Communication Implications

Local

Nil

State

Consultation has occurred with the Department of Local Government, Sport and Cultural Industries who have confirmed that the Shire can write off an amount of rates and service charges under Delegated Authority. If the Shire waives an amount of rates and service charges, then this will require Council approval.

Legislative Implications

State

- Local Government Act 1995

6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
- a rate or service charge (or any instalment of a rate or service charge); and
 - any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.

* Absolute majority required.

- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (3) *Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,**which is owed to the local government.*

* Absolute majority required.

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

[Section 6.12 amended: No. 64 of 1998 s. 39.]

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

* Absolute majority required.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

To be considered with each case.

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

This policy may assist in providing relief to residents that are under financial hardship.

Environmental implications

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

Officer Comment/Details

Whilst Council considers the impact of Rates on residents each year when determining the Shire's annual budget, at times there are individuals and families who for a variety of reasons legitimately experience financial hardship and may require some financial support in order to meet their obligations.

The Ombudsman recently released the '*Local government collection of overdue Rates for people in situations of vulnerability: Good Practice Guidance*' to assist Local Governments. One of the recommendations in this document is that a Local Government develop and publish a Financial Hardship Policy that is responsive to the needs of people in situations of vulnerability.

At the moment there is no discretion available to Administration to modify arrangements to assist people in situations of vulnerability beyond special repayment arrangements, however, these special repayment arrangements can only be made as per the Delegated Authority Council resolution. The Delegated Authority DA18 provides authority to make an agreement with a person for the payment of rates or service charges, subject to the arrangement agreed to being on the basis that the total debt outstanding is extinguished 12 months from the date of the arrangement.

The implementation of this Policy will allow greater flexibility in responding to the needs of residents experiencing severe financial hardship.

There is currently a detailed Collection of Rates and Service Charges Management Procedure guiding the debt recovery process for overdue Rates and Service Charges. Through the adoption of this 'Financial Hardship – Collection of Rates and Services Charges Policy', the key changes will be embedded into the management procedure and actioned accordingly.

Upon adoption of this Policy, amendment will be required to Delegated Authority DA18 Rates and Service Charges Agreement as to Payment of Rates and Service Charges (**Attachment 2**).

The Shire recognises its responsibility in responding to the needs of residents experiencing severe financial hardship. This policy (**Attachment 1**) establishes clear guidelines ensuring that they are treated with respect, dignity, fairness, equity and confidentiality:

- The level of relief applicants may receive will be based on the evidence of genuine financial hardship because of trauma/tragedy, level of income, reliance on social security, illness/disability, business failure or other factors considered relevant by the Chief Executive Officer;
- The Shire will determine the financial contribution amount an applicant may contribute to the reduction of the debt;
- In the case of severe financial hardship, as determined by the Chief Executive Officer, the Shire will not impose additional arrangement fees or interest (excluding the late payment interest applicable to the Emergency Services Levy); and
- Authority is delegated to the Chief Executive Officer to determine alternative payment options based on individual circumstances. This will be subject to the arrangement agreed being on the basis that the total debt outstanding will be extinguished three years from the date of the arrangement.

The Australian Government Guides to Social Policy Law – Social Security Guide give the definition of a waiver as that once approved the debt is extinguished. The definition of a write off is that once approved recovery action stops either for a defined or an undefined period. At any time, the write off can be reversed and recovery proceedings recommence. Unlike a waiver, write off does not extinguish the debt.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060420

Moved Cr Ross / Seconded Cr Angus

That Council adopts:

- 1. The Financial Hardship – Collection of Rates and Services Charges Policy as per Attachment 1; and**
- 2. The amended Delegated Authority 18 Rates and Service Charges Agreements as per Attachment 2.**

CARRIED 7/0

9:49PM

9.4.3 Financial Management Review Requirement*

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 12/01/1 |
| Author | Support Officer Governance |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. **CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE** |

Executive Summary

Council is requested to approve the securing of the services of Butler Settineri (Audit) Pty Ltd to fulfil our regulatory requirements pursuant to the *Local Government (Financial Management) Regulations 1996, Section 5.2* to carry out the requisite Financial Management Review.

Background

Regulations 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every three financial years) and report to the local government the results of those reviews.

The last review was completed by Moore Stephens in April 2017.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

- Local Government (Financial Management) Regulations 1996

The financial management responsibilities of the Chief Executive Officer are established under Regulation 5 of the *Local Government (Financial Management) Regulations 1996*:

(1) *Efficient systems and procedures are to be established by the CEO of a local government:*

 - for the proper collection of all money owing to the local government;*
 - for the safe custody and security of all money collected or held by the local government;*
 - for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
 - to ensure proper accounting for municipal or trust:*
 - revenue received or receivable;*
 - expenses paid or payable; and*
 - assets and liabilities;*
 - to ensure proper authorisation for the incurring of liabilities and the making of payments;*
 - for the maintenance of payroll, stock control and costing records; and*

- (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these Regulations.*

In addition, the Chief Executive Officer is to:

- (2) (a) *ensure that the resources of the local government are effectively and efficiently managed;*
(b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
(c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and no less than once in every 4 financial years) and report to the local government the results of those reviews.*

Local

Nil

Policy Implications

In accordance with the purchasing thresholds, the shire submitted an Expression of Interest (EOI) through the WALGA equates system. At the close of expressions only one quote was received (**Attachment 1 – confidential and not for public disclosure**).

Accordingly, the quote falls under \$10,000, which allows the Shire to order direct from suppliers.

Financial Implications

There will be costs incurred for the use of Butler Settineri (Audit) Pty Ltd to fulfil our regulatory requirements. Fees will be approximately \$6,500, which will be charged against GL 2040251.2100 OTH GOV–Consultancy - Strategic.

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

In essence, the Financial Management Review is conducted in similar fashion to the interim audit, except that it delves into a lot more detail. While under the regulations the CEO can carry this out and report on it, it is suggested that an independent audit firm be engaged to ensure that it is conducted with the necessary rigor to give Council peace of mind that the high level of controls that are in place, as demonstrated by the shire's most recent Management Letter and Audit Report, is as reported.

The financial management review will provide the Chief Executive officer, and the Council, with an independent assessment of the appropriateness and effectiveness of the Shires Financial management Systems.

The review procedures will include documentation, analysis and testing of financial internal controls.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070420

Moved Cr Hughes / Seconded Cr Ross

That Council defer the engagement of Butler Settineri (Audit) Pty Ltd to fulfil our regulatory requirements pursuant to the *Local Government (Financial Management) Regulations 1996, Section 5.2* to carry out the requisite Financial Management Review until 2020/21 financial year.

CARRIED 4/3

**CR ANGUS, CR HUGHES, CR ROSS AND CR OSBORN VOTED IN FAVOUR
CR DAVIS, CR CURTIS AND CR GIBSON VOTED AGAINST**

9:55PM

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

In accordance with the *Local Government (Council Meetings) Local Law 2014, c5.3(1), (2)* the following motions are included in the agenda.

11.1 Cr Don Gibson: Freeze Shire Salaries, Wages, Allowances and Sitting Fees for 2020/21 Financial Year

PROPOSED MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Council resolve to freeze all Shire salaries, wages, allowances and sitting fees for the 2020/21 financial year.

Cr Gibson provided the following reasons:

This action is required to limit the cost of keeping the Shire solvent in the foreseeable future in recognition of the current economic recession

Chief Executive Officer comment/details:

History has shown that during times when the economy starts to struggle, the best role that a government can play is to be a leader through positive behaviour and the provision of stimulus. It is understood that as a part of range of measures, there will need to be a range of cost-cutting measures and this was already being done before COVID-19 as a part of trying to run an efficient organisation. It is disappointing however, that whenever it is proposed to not increase or cut expenses, staff are always the first targets. If Council wished to truly run an efficient shire, they need to understand that employees are an integral part to providing efficient services to ratepayers.

Although this motion will not have any effect unless it is actually incorporated into the budget, Council did also freeze salaries last year. This would make it two years in a row that in real terms, Council is cutting employee's salaries. While continually cutting employee remuneration may seem to save money when looked at from an accounting perspective, Council as leaders of an organisation should be able to recognise that continually making decisions to the detriment of employees can have a demotivating effect that will result in greater efficiencies losses than any accounting saving.

AMENDMENT

Moved Cr Gibson / Seconded Cr Curtis

That the motion be amended by:

1. Replacing the word "resolve" with the word "consider"; and
2. Adding the words "in the budget" after the words "2020/21 financial year".

Cr Osborn foreshadowed the following Alternative Motion in the event that the Proposed Motion was lost:

That a decision on this matter be deferred and referred to Council for workshopping during budget deliberations.

Cr Osborn provided the following reasons

Cr Osborn stated that this matter has not yet been discussed with all Councillors. The reasons given by the MOVER do not adequately inform us of any background or reasoning behind the motion.

AMENDMENT

Moved Cr Gibson / Seconded Cr Curtis

That the motion be amended by:

1. Replacing the word “*resolve*” with the word “*consider*”; and
2. Adding the words “*in the budget*” after the words “*2020/21 financial year*”.

CARRIED 7/0

AND FORMED PART OF THE SUBSTANTIVE MOTION

10:02PM

11.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 080420

That Council consider to freeze all Shire salaries, wages, allowances and sitting fees for the 2020/21 financial year in the budget.

CARRIED 7/0

10:04PM

11.2 Cr Don Gibson: Defer Tourism and Related Expenditure

PROPOSED MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Council resolve to defer all tourism and related expenditure from Council funds, and concentrate on supporting our community by reducing costs.

Cr Gibson provided the following reasons:

Any future tourism events should be supported by Government grants and the businesses that profit from visitors to Chittering.

Chief Executive Officer comment/details:

Tourism expenditure has already been deferred due to COVID-19. This motion does not put an end point on the deferral of expenditure, though the adoption of the 2020/2021 Budget would override this decision.

The Shire of Chittering community, households, businesses and shire are not easily separable entities, they are inextricably linked. Strong businesses equals greater rate income for the shire which takes the pressure of households. Strong businesses also support the community, they provide jobs to people that get involved in community groups and provide sponsorship to community groups. They have been supporting the community for some time and now is a time when they needed to be supported back. The shire's spending on tourism is one small way to do this.

Until recently tourism in the Shire of Chittering was doing very well. In 2018, the value of tourism was worth \$6million in Accommodation and Food Services; had estimated Salaries and Wages of \$115 million: and was worth \$12 million to Chittering's economy. Due to unforeseen circumstances, well beyond the control of these businesses, this has effectively fallen to \$0. They now need the Shire's help and a decision to stop spending on tourism may mean that this sector may not get up of the canvas.

If the tourism businesses do not get back up and running, the 30-40 estimated jobs that have already been lost will remain lost. When these residents leave the area, other non-tourism businesses will be hit. More jobs may be lost and the town will no longer have the amenities required to support the population. Particularly vulnerable to this will be our aged population who do not always have the mobility to go to Perth to carry out their necessary activities.

All of this will affect the attractiveness of the area. Chittering was in a prime position with Wildflower Ridge just about complete, the Chittering Resort at a Structure Plan stage, St Claire Club at the building permit stage and Tiny Cabins conducting a trial in our shire. All of this was because of the attractiveness of our shire and all of this would be the best long-term strategy to keep rates low and relieve pressure from households.

The Shire is already currently saving on Tourism expenditure as many budgeted expenses are not being used due to COVID-19 Pandemic Restrictions. An events review was ready to be presented to Council this month but was delayed to allow for Council to deal with more urgent items. An Operational Recovery Plan, including Economic Recovery is in the process of being completed. It would seem to make more sense to wait for the completion of these before making decisions such as the motion put forward.

Cr Osborn foreshadowed the following Alternative Motion in the event that the Proposed Motion was lost:

That a decision on this matter be deferred and referred to Council for workshopping during budget deliberations.

Cr Osborn provided the following reasons

Cr Osborn stated that this matter has not yet been discussed with all Councillors. The reasons given by the MOVER do not adequately inform us of any background or reasoning behind the motion.

AMENDMENT

Moved Cr Gibson / Seconded Cr Curtis

That the following be added to the motion after the words "Council Funds" with the words "for the 2020/2021 Financial Year".

LOST 3/4

CR DAVIS, CR CURTIS AND CR GIBSON VOTED IN FAVOUR
CR ANGUS, CR HUGHES, CR ROSS AND CR OSBORN VOTED AGAINST

10:20PM

Cr Gibson provided the following reasons:

This amendment puts a timeline on this, as there will be no more tourists for this financial year.

11.2 MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Council resolve to defer all tourism and related expenditure from Council funds, and concentrate on supporting our community by reducing costs.

LOST 3/4

CR DAVIS, CR CURTIS AND CR GIBSON VOTED IN FAVOUR
CR ANGUS, CR HUGHES, CR ROSS AND CR OSBORN VOTED AGAINST

10:24PM

11.3 Cr John Curtis: 2020/21 Fees and Charges

PROPOSED MOTION

Moved Cr Curtis / Seconded Cr Davis

That Council remove the landfill access/maintenance rate for the 2020/21 financial year.

LOST 3/4

CR DAVIS, CR CURTIS AND CR GIBSON VOTED IN FAVOUR
CR ANGUS, CR HUGHES, CR ROSS AND CR OSBORN VOTED AGAINST

10:28PM

Cr Curtis provided the following reasons:

This would be a big saving for ratepayers at this time.

Chief Executive Officer comment/details:

This would reduce payments from ratepayers, but as the waste site will still need to be maintained, it will end up either affecting another service or increasing payments from ratepayers in another way. A wide range of economic stimulus measures are being looked at and it may be better to find more targeted ways to provide stimulus to the economy than through this motion. Nevertheless, unless included in Council's adoption of Fees and Charges for 2020/21, this motion would have no effect.

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

MOTION / COUNCIL RESOLUTION 090420

Moved Cr Ross / Seconded Cr Osborn

That Council, in accordance with *Local Government (Council Meetings) Local Law 2014, c5.4(2)* consider "Item 13.1 Naming of Former Brand Highway" as the matter is unable to be dealt with administratively by the local government and must be considered and dealt with by Council before the next meeting.

CARRIED 7/0

10:31PM

13.1 Naming of Former Brand Highway

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 28/05/0001 |
| Author | Technical Officer |
| Authorising Officer | Executive Manager Technical Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

Executive Summary

Council is requested to consider the request from Main Roads WA to rename the “old” Brand Highway to ‘Granary Drive’.

Background

When the NorthLink WA Project is finished, a section of the current Brand Highway near Muchea will no longer be part of Brand Highway. This section of road requires a new name to avoid confusion.

Main Roads WA has received pre-approval for the name ‘Granary Drive’. To proceed with the name, they require endorsement from Council.

The reason for choosing Granary Drive is as follows:

The area surrounding the former Brand Highway is a strategic location for surrounding grain growers with potential bulk grain storage and handling. The Cambridge definition of ‘Granary’ is:

- 1. a large building for storing grain*
- 2. an area where a lot of grain is grown*

Both of the above definitions of ‘Granary’ fit the area surrounding the old Brand Highway.

Consultation/Communication Implications

Nil

Legislative Implications

- Land Administration Act 1997-

Clause 26 (2)

The Minister may by order —

- (a) constitute land districts and townsites; and*
- (b) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and townsites; and*
- (c) name, rename and cancel the name of any topographical feature, road or reserve.*

Policy Implications

Council has no policy on the selection of road names other than relying on the Department of Lands Information Guidelines.

Financial Implications

There are no financial implications to the Shire, as the costs of installing the new road signs are the responsibility of the developer, i.e. Main Roads WA.

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Detail

There has been some difficulty in finding new road names in the Shire of Chittering. This is due to the rules of the Geographic Names Committee and our location to the Metropolitan Area. For this section of road, names such as "Mucheá", "Muchela" and "Millers" have all been touted, but they did not pass the initial pre-approval from Landgate.

Suitable Names

Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant contribution, war causality lists and the thematic names nautical, sporting, flora and fauna). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplications. All the name proposals must be clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Name Duplication

Name duplication within local government or adjoining local government shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than five times in the metropolitan area, must be at least 10km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar surrounding suburbs even if more than 10km away. In **rural areas** the distance should be at least 50km away.

RECOMMENDATION

Moved Cr Ross / Seconded Cr Osborn

That Council:

1. Recommend to Landgate that the “old” Brand Highway is to be renamed to “Granary Drive”.
2. Advise residents within the Shire of Chittering of the proposed road name and the theme.

AMENDMENT

Moved Cr Hughes / Seconded Cr Ross

That Condition 1 be amended to say that the preferred name is “Muchela Way” however if it is not accepted by Landgate, then the secondary option is “Granary Drive”.

**AMENDMENT CARRIED 4/3
CR HUGHES, CR ROSS, CR OSBORN AND CR GIBSON VOTED IN FAVOUR
CR DAVIS, CR CURTIS AND CR ANGUS VOTED AGAINST**

10:37PM

Cr Hughes provided the following reasons:

Renaming ‘Muchela Way has a much stronger historical meaning for the residents and ratepayers in not only the Muchea area, but the wider Avon and South Midlands Regions. Having spoken with long-time residents in Muchea regarding the renaming, they all suggested ‘Muchela’ right off the bat. They concurred that ‘Muchela Way’ would be the perfect name given its strong connection to both Muchea’s Aboriginal and European heritages. It is also mentioned multiple times in the Municipal Heritage Place records for this region and also our Shire website. Muchea was originally known as Muchela, which is its Aboriginal placename meaning ‘place of water’ and the train station which was the original European settlement was also known by this name. It was only when the sign was put up and the ‘L’ was missed in error that Muchea became the name the subsequent settlement and townsite was known as. I disagree that the Muchea area has a strong association with grain storing and bulk handling silos’ that is more so synonymous with the likes of Northam and other Wheatbelt towns still operating as such. In Muchea we have the Muchea Industrial Precinct, which is where there are several feed mills and the like earmarked to be located, perhaps Granary Road could be reserved for one of the local service roads throughout the industrial area. The land throughout that section of ‘Old Brand Highway’ is all rezoned ‘agricultural Resource’, and circumnavigates the townsite itself, I am sure that the implication that any more large rural industrial grain handling, or similar infrastructure development, in that section of road will draw a fair amount of angst from those in the townsite, given that the industrial area is supposed to be the new home for such developments, away from the townsite which is the expectation.

AMENDMENT

Moved Cr Davis / Seconded Cr Curtis

That the preferred name be “*Muchea Bypass*” or “*Muchea North Drive*”.

LOST 3/4

CR DAVIS, CR CURTIS, CR GIBSON VOTED IN FAVOUR
CR ANGUS, CR HUGHES, CR ROSS, CR OSBORN VOTED AGAINST

10:43PM

Cr Davis provided the following reasons:

Granary drive is not appropriate. We have Muchea South Road which virtually leads into Muchea, and with the road continuing, north we could call it Muchea North Drive. To me this also adds Muchea East Road which goes down to Chittering. To me ‘Muchea North Road/Drive’ to me would be the perfect name.

Mr Garrett informed the meeting that if Muchea is in the preferred name it would not be accepted.

13.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 100420

That Council:

- 1. Recommend to Landgate that the “old” Brand Highway is to be renamed to “Muchela Way” however if it is not accepted by Landgate, then the secondary option is “Granary Drive”.**
- 2. Advise residents within the Shire of Chittering of the proposed road name and the theme.**

CARRIED 4/3

**CR ANGUS, CR HUGHES, CR ROSS, CR OSBORN VOTED IN FAVOUR
CR DAVIS, CR CURTIS AND CR GIBSON VOTED AGAINST**

10:48PM

MOTION / COUNCIL RESOLUTION 110420

Moved Cr Davis / Seconded Cr Curtis

That Item 14.1.1 "Lease Agreement: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon" be moved from the Confidential Agenda and be put in the public domain.

CARRIED 4/3

CR DAVIS, CR CURTIS, CR ANGUS AND CR GIBSON VOTED IN FAVOUR
CR ROSS, CR OSBORN AND CR HUGHES VOTED AGAINST

10:53PM

14.1.1 Lease Agreement: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon*

| | |
|-------------------------------|---|
| Applicant | Visionstream on behalf of Telstra Ltd |
| File ref | 04/18/118; A11773 |
| Author | Executive Manager Development Services |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | <ol style="list-style-type: none">**CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE**Letter from Department of Planning, Lands and Heritage (dated 9 October 2019) |

Executive Summary

Council is requested to consider agreeing to entering a ground lease for the portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon for the period from a commencement date of 1 May 2020 until to 1 May 2030 (a period of approximately 10 years), with a further two terms of five years each, and for the amount listed under the conditions precedent. The lease relates to the ground based equipment only.

Background

The planning history previous to this matter has been a long and contentious. Relevantly, Council's determination to approve the telecommunications facility at its Ordinary Meeting of 28 May 2016, and thereafter its extension of time in 2018, provided the necessary approval to erect the monopole at this location. Concurrent to the local government approvals process, the applicant applied to have the land allocated for telecommunications excised from the Crown lot.

The Crown Title means that is not owned by Council, rather it is 'owned' by the Crown. A number of ministerial decisions have been made over the site pertaining to its pre-European settlement and its purpose, which fall beyond the legislative power of Council.

The infrastructure envisaged co-location through its original excision design, as it provided for three leasing spaces: the monopole itself; the ground based equipment shelters for NBN; and the ground based equipment shelters for the additional carrier (in this instance, Telstra). Notwithstanding, the Department of Planning Lands and Heritage (DPLH, or Lands) wrote to the Shire in October 2019 (**Attachment 2**) confirming the purpose and intent of the Telstra co-location remains in the jurisdiction of the State, except where otherwise granted to the Local Government, as is the case in this instance.

Accordingly lease documentation has been drafted pursuant to this power, whereby Council is now requested to endorse the agreed terms, and allow for the application of the Common Seal to formalise the lease agreement

Contained within the lease are the conditions pertaining to a ground lease. It does not represent, or attempt to control, any aspect of the equipment that may be placed upon the monopole tower.

Consultation/Communication Implications

Local

Communication with the leaseholder. Much indirect correspondence has been received relating to the tower regarding its health, visual, and property value impacts. Not discounting the submissions, Council is unable to consider the impacts of electromagnetic energy as a factor in this lease, since it does not have any bearing or relationship to any emitting structures. Likewise, property value impacts are not able to be considered by Council since they are subjective. The visual impacts were previously assessed and approved by Council. This lease agreement will not modify this aspect.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

Nil

Financial Implications

By agreeing to this lease, Council will receive an income of \$5,000 per annum.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: 3. Our Built Environment
Objective: S3.3 Improved Infrastructure and Amenities
Allowing for the Telstra infrastructure to co-locate its service will improve community safety within a known blackspot location.

Site Inspection

Site inspection undertaken: Yes – the infrastructure is located at the crest of Bell Hill Reserve.

Triple Bottom Line Assessment

Economic implications

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

Social implications

Additional telecommunication infrastructure is undoubtedly a divisive subject within the locality. While aspects of the community are advocating for the removal of such infrastructure, others are relying upon it. Those that are advocating against the infrastructure are acknowledged, however their concerns are incapable of being addressed since Council does not have legislative power to determine the impacts associated with electromagnetic energy. Council does however have the ability to advocate for a more connected community, including those without a consistent connection to emergency services.

Environmental implications

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

Officer Comment/Details

This proposal requests Council to determine whether or not it accepts the ground lease for telecommunications equipment. It has been prepared with the rights and protection of Council in mind.

While the health and safety of those immediately surrounding is respected, those in the greater Bindoon area are equally respected. Without the necessary infrastructure in place, those who do not currently have a consistent reception to telecommunications are vulnerable in an emergency. It is for this reason the Federal Government are offering funding towards infrastructure in known blackspot regions. It also forms the fundamental reason why Telstra are applying to service Bindoon.

Notwithstanding, the purpose of this report is to confirm whether Council accepts the lease contract. No approval is otherwise required for the infrastructure associated with the lease.

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120420

Moved Cr Curtis / Seconded Cr Davis

That Council BY AN ABSOLUTE MAJORITY:

- 1. Agrees to lease part Lot 303 of Reserve 44213 in accordance with agreed terms in Attachment 1; and**
- 2. Authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the lease agreement.**

CARRIED 4/3

**CR ANGUS, CR HUGHES, CR ROSS AND CR OSBORN VOTED IN FAVOUR
CR DAVIS, CR CURTIS AND CR GIBSON VOTED AGAINST**

11:04PM

The Presiding Member spoke about his motion to withdraw Item 14.1.2 “Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument” from the agenda as the State Government have implemented a two year suspension to comply with development conditions.

There was general discussion amongst the Councillors on the ruling from the State Government.

MOTION / COUNCIL RESOLUTION 130420

Moved Cr Ross / Seconded Cr Hughes

That Item 14.1.2 “Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument” be laid on the table to allow for further research by the Chief Executive Officer on the scope, health and safety risks to be presented at the next Ordinary Council Meeting.

CARRIED 7/0
11:13PM

Cr Ross provided the following reasons:

There are some doubts as to what the ruling of the State Government covers and to get clarity from the Chief Executive Officer on what that is, to find out whether this item is covered or not. There also could be health and safety issues about the location of the monument, which is a separate issue and as a Council it would be irresponsible not to deal with anything that has a health and safety impact.

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 OFFICER RECOMMEDATION / COUNCIL RESOLUTION 140420

Moved Cr Gibson / Seconded Cr Osborn

That Council moves into a confidential session to discuss items:

- **14.1.2 ‘Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument’; and**
- **14.1.3 ‘Jupiter Health and Medical Services Group’.**

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:*

- (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.

CARRIED 6/1
CR DAVIS VOTED AGAINST
11:14PM

Cr Angus left the meeting at 11:16PM and did not return to the meeting.

14.1.2 Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument

Reasons for confidentiality

In accordance with the Local Government Act 1995, s5.23:

(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.

14.1.3 Jupiter Health and Medical Services Group

Reasons for confidentiality

In accordance with the Local Government Act 1995, s5.23:

(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

14.1.3 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 140420

That Council defer the rental charge with Jupiter Health Medical Centre for a period of three months, commencing 1 May 2020, with the amount to be paid back at the end of the period.

CARRIED 5/1

CR CURTIS, CR HUGHES, CR ROSS, CR OSBORN AND CR GIBSON VOTED IN FAVOUR

CR DAVIS VOTED AGAINST

11:30PM

15. CLOSURE

The Presiding Member declared the meeting closed at 11:32PM