



COUNCIL MINUTES

CONFIRMED: 18 MAY 2022

Ordinary Meeting of Council

7pm, Wednesday 20 April 2022

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

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

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

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

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

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

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

PREFACE

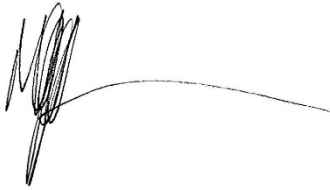
When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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 3 May 2022.



Matthew Giffellon
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 18 May 2022.



Signed _____

NOTE: the Presiding Member at the meeting at which these minutes are 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 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.

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

The Presiding Member declared the meeting open at 7.00pm.

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

Attendance

The following members will be in attendance:

Cr Aaron King	President
Cr Mary Angus	Deputy President
Cr Kylie Hughes	
Cr Carmel Ross	
Cr John Curtis	
Cr David Dewar	
Cr Mark Campbell	

The following staff will be in attendance:

Matthew Gilfellon	Chief Executive Officer
Melinda Prinsloo	Executive Manager Corporate Services
Leo Pudhota	Executive Manager Technical Services
Denaye Kerr	EA to the CEO

Members of the General Public: 3

Media: 0

Apologies

Peter Stuart	Executive Manager Development Services
Jake Whistler	Principal Planning Officer

Approved leave of absence

Nil

Announcements

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

Cr Aaron King

16 March 2022	Ordinary Council Meeting
22 March 2022	President & CEO Meeting
25 March 2022	Meeting with Chalice Resources – Alex Dorsch
28 March 2022	Aged and Disability Care Presentation Verso
29 March 2022	President & CEO Meeting
4 April 2022	Muchea Recreation Centre Reference Group Meeting
5 April 2022	President & CEO Meeting
12 April 2022	Workshop of Councillors
13 April 2022	Agenda Forum and Briefings
19 April 2022	President & CEO Meeting
20 April 2022	Minister Bridget McKenzie Meeting – Local Issues and Regional Communications

Outgoing correspondence:

- Sandra Carr LMC (WA Labor Member for the Agricultural region)
- Darren West MLC (WA Labor Member for the Ag Region)
- Martin Aldridge MLC (National Member for the Agricultural Region; Shadow Minister for Emergency Services; Regional Health; Road Safety; Volunteering; Regional Communications)
- Shane Love MLA (Nationals Deputy Leader; Deputy Leader of The Nationals WA | Member for Moore; Shadow Minister for Transport; Mines and Petroleum; Climate Action, Manager of Opposition Business)
- Steve Martin MLC (Liberal Member for Agriculture Region, Shadow Minister for Housing; Forestry)
- Rob Cossart– CEO Wheatbelt Development Commission.
- Mia Davies – Leader of the Opposition; Shadow Minister for Regional Development; Finance; Electoral Affairs; Federal-State Relations; Public Sector Management; Women's Interests; Jobs & Trade; Regional Cities
- Melisa Price – Hon Member for Durack
- ABC Geraldton – Bridget Herrmann

Cr Mary Angus

16 March 2022	Ordinary Council Meeting
22 March 2022	President & CEO Meeting
28 March 2022	Aged and Disability Care Presentation Verso
29 March 2022	President & CEO Meeting
31 March 2022	Audit & Risk Committee Gathering
5 April 2022	President & CEO Meeting
12 April 2022	Workshop of Councillors
3 April 2022	Agenda Forum and Briefings

Cr Kylie Hughes

16 March 2022	Ordinary Council Meeting
28 March 2022	Aged and Disability Care Presentation Verso
30 March 2022	Public Sector Audit Committee Chair Forum Microsoft Teams
31 March 2022	Audit & Risk Committee Gathering
12 April 2022	Workshop of Councillors
13 April 2022	Agenda Forum and Briefings

Cr Carmel Ross

16 March 2022	Ordinary Council Meeting
28 March 2022	Aged and Disability Care Presentation Verso
31 March 2022	Audit & Risk Committee Gathering
4 April 2022	Muchea Recreation Centre Reference Group Meeting
11 April 2022	Wannamal Community Centre Committee Meeting
12 April 2022	Workshop of Councillors
13 April 2022	Agenda Forum and Briefings

Cr John Curtis

16 March 2022	Ordinary Council Meeting
11 April 2022	Bindoon & District Historical Society
13 April 2022	Agenda Forum and Briefings
14 April 2022	Wheatbelt North Regional Road Group Moora Sub Group Meeting

Cr Mark Campbell

16 March 2022	Ordinary Council Meeting
28 March 2022	Aged and Disability Care Presentation Verso
31 March 2022	Audit & Risk Committee Gathering
12 April 2022	Workshop of Councillors
13 April 2022	Agenda Forum and Briefings

Cr David Dewar

16 March 2022	Ordinary Council Meeting
28 March 2022	Aged and Disability Care Presentation Verso
12 April 2022	Workshop of Councillors
13 April 2022	Agenda Forum and Briefings

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

PQT01 – 03/22 Bill Thomas, President, South Midlands Polocrosse Club

Questions 1: On the 23rd of February 2021 L Kay CDC sent us a copy of the 'license agreement' for review. However in the Feb 2022 meeting minutes, said CDC advised that a process was commenced on 15 June 2020, to establish this license agreement. What exactly was that process that was undertaken between June 2020 and Feb 21? Apart from being told we'd have to sign a new lease agreement, we had no involvement in that process.

Response: On the 15 June 2020 an email was sent to South Midlands Polocrosse Club informing SMPC that the lease for Sandown Park, Muchea had expired and requesting a meeting to commence the process of a new licence for this facility.

Two further interactions were held with SMPC, between June and July 2020, outlining the process. Concurrent to this, the Shire had to go through the quote process to find a legal firm to develop the lease. Once the firm was appointed, the firm had to liaise with the shire to determine the best path to go down in terms of lease versus licence. Once this was determined, they commenced preparation of a licence document.

Between June 2020 and February 2021, Civic Legal and Shire staff liaised in the development of a template license agreement for facilities where there are multiple users within one property. This involved consultation with internal departments across the Shire and our insurance company and resulted in many interactions with Civic Legal to clarify questions from Civic Legal in the development of the draft license.

An email was sent to the SMPC representatives on 30 June 2020 and 14 October 2020 providing updates and explaining that the process was taking a while as we were working within the Lawyers and Insurance Company schedules.

On 28 October 2020 an in-person meeting was held at Sandown Park with representatives of the South Midlands Polocrosse and Muchea Bush Fire Brigade to discuss issues at the ground. This was required so that the license could cover off on the issues to prevent similar issues happening in future, such as polocrosse events preventing emergency services from access to their building.

On 23 February 2021 a draft license was provided to the SPMC for consideration, offering a License agreement for a portion of Sandown Park. SMPC were asked to consider the licence and advise us if there are any areas of concern or if they believed there to be anything missing from this licence that they felt required inclusion.

On the 23 March, SMPC were reminded that they had not submitted any response to the email sent on the 23 February and asked to provide comment to this by COB, Friday 9 April 2021. With no comment received by the 19 May 2021 a meeting with the Shire CEO and CDC was scheduled with representatives of SMPC.

At the subsequent meeting SMPC representatives outlined several issues and were asked to document these for Shire response. Subsequent follow-up to these issues was provided within an email sent to SMPC on 15 July 2021 outlining the following steps:

- If there was no agreement reached on these points, SMPC would seek legal advice and advise the Shire of any recommended amendments.*
- If there was agreement based on the Shire responses, the necessary amendments would be made and the document presented to SMPC for signing.*

As per the agreed outcomes, SMPC were asked to review the attached document and advise the Shire of how they wished to proceed by Friday, 30 July 2021. To date, the Shire has not been advised and Shire officers and the CEO have fielded many emails that seek answers to questions that have already been addressed.

Approval is yet too sought by the Department of Lands prior to the license agreement being executed by both parties. This has been held off as we have not had indication of agreeance from the South Midlands Polocrosse on the prepared license agreement. As the land is owned by the State Government with the shire having a Management Order, all leases must be approved by the Department of Lands prior to them being signed by all

parties. Failure to do so could result in the management order being rescinded, which would affect all users of the land, including the Muchea Fire Brigade.

Question 2: The license agreement is a 27 page legal document, how does the Shire expect a sporting club to have the resources on hand to appropriately review and inform ourselves on the legal ramifications of signing this document? Any profit the club generates is all put back into maintenance and improvements at Sandown Park, how do we do this if we have to waste thousands with a lawyer to sort this out?

Response: *The legal obligations and liabilities that the club would take on from signing this licence are not different to what the club took on when they signed their previous lease. Any club taking on a lease of a facility comes with a lot of legal obligations and potential liabilities while at the same time reducing the shires ability to control its obligations and liabilities, increasing risk for ratepayers and other facility users. A club wishing to enter into a lease must ensure that they have the necessary resources to take on these obligations.*

In order to assist the South Midlands Polocrosse, the shire has held additional meetings and provided feedback on every point or query on the lease that was raised by south Midlands Polocrosse. Many of the points raised by SMPC appear to be a lack of understanding on what would be considered normal requirements under a lease/licence agreement and in many instances where not dissimilar to those requirements imposed on them with their original lease agreement.

We understand that this does not suit every club and that is why we have a range of access agreements such as annual user agreements and casual hire agreements. These are used by many other clubs and we have offered to enter into these agreements with the SMPC. This would allow SMPC to have the same access to the facility while reducing the obligations and liabilities of SMPC.

Question 3: It appears as though it took the Shires lawyers 8 months to write this agreement, how much did that cost the ratepayers?

Response: *The preparation of the license cost \$2226.70 with a further \$1258.95 to review the original agreement. However, this was to set up a common agreement that can be used at all facilities. There has been a cost to ratepayers in terms of staff costs with the many meetings and emails from SMPC to the shire and the stemming unwillingness to take the shire up on the other options provided that would address the concerns of SMPC, while allowing the same access as previously provided.*

Question 4: What was wrong with the existing peppercorn lease that was in place?

Response: *The previous peppercorn lease had reached its end of life and there were a number of problems with the way that Sandown Park was being run. Despite the lease not allowing sub-leasing, SMPC were subleasing the facility to Pony Club. This sub lease was not approved by the Department of Lands as required under the Management Order and as the lease was not directly with the shire it was not allowed under the management order. This puts the management order in jeopardy which would potentially stop access to the facility by all users including SMPC, Pony Club and the Bush Fire Brigade. SMPC had also given permission for a company to run their operations on the facility, despite the reserve being for recreation and subleasing not being allowed. The expired lease*

arrangements were for the full facility which would have created problems in allowing access to the Bush Fire Brigade and Pony Club.

Question 5: Why can't the existing peppercorn lease continue to roll forward until a new agreement is reached between the Polocrosse Club, Pony Club & the Shire?

Response: *The existing lease expired on 30 June 2019 and was rolled forward until the 25 August 2021. The lease was terminated on 25 August 2021 due to a lack of action on behalf of the SMPC since negotiations had commenced on 23 February 2021. As the SMPC had breached major conditions of the lease and appeared reluctant to entertain a new lease, a decision was made to terminate the lease and allow alternative access arrangements such as an annual user agreement or casual hire.*

Question 6: L Kay CDC emailed me on 14 March 22 and advised that the negotiations, with regards to who does what, who's responsible for what and who pays for what at Sandown Park, should be done by negotiating a Service Level Agreement. Why does the Shire expect the Polocrosse and Pony Clubs to sign the license agreement if the details of how it all works are yet to be negotiated? Does the Shire in the ordinary course of business, sign contracts then work out and negotiate the details? How would the Shire then resolve an issue with a contractor, when the contractor built a gravel road and the Shire wanted a bitumen one?

Response: *As was stated within the initial meeting with SPMC regarding the lease, there was never an intention to change the relationship between the shire and SMPC. It was envisioned that the roles of both parties would remain the same. The service level agreement was introduced as determined by Council following the facilities review and has been successfully used with many other clubs. It provides an opportunity for both parties to sit together and develop a future plan for items such as facility upgrades, maintenance and club based plans rather than putting in requests on an ad-hoc basis. The SLA provides an avenue for Council to determine facility related actions within each year's budget across the 5 year license term. The service level agreements underpin the license agreements and do not override the obligations of parties that are contained in the license. Prior to the implementation of the Service agreements, the details that are contained in the SLA were not captured within lease / licensing arrangements and led to considerable confusion and frustration on behalf of all parties to the lease/license agreements. The Facilities review highlighted this and the SLA was established to address this.*

Question 7: The Shire claims to have evicted the Polocrosse Club from Sandown Park in August 2021. This being the case why has the Shire not mowed the fields or set up and ran the irrigation on the fields since that time? (The field irrigation takes an hour of club volunteered labour, every day to move, set up and turn on the sprinklers). How does the Shire propose to fund or do this 7 days a week from October to April/May each year, so there is something there for users other than a big dusty black sand pit? Imagine that blowing through Muchea with the easterly all summer.

Response: *The shire does not intend to irrigate the fields. The shire is responsible for 70.33 hectares of parks and reserve of which, 31.30 hectares are mowed, 18.23 hectares of gardens maintained, 6.94 hectares are reticulated with water coming from 7 bores and 20.8 hectares natural bush. Resourcing constraints and the intended use of each of the reserves determines the level of maintenance provided to each of the Shire managed reserves.*

Question 8: Why didn't the Shire mow the fields at Sandown Park so that the water bomber choppers could land there during the recent fires? How much has it cost the Shire to fix the shade sail damaged at the footy oval as a result of this?

Response: *The helicopters landing on the Muchea Oval was not due to the condition of Sandown Park at the time, as the helicopters have been landing on Muchea oval for many years. The decision on where the helicopters landed included other considerations such as having facilities where the pilots could recuperate while the helicopters were being maintained and a tarmac or green field site, such as provided by the oval, due to the static electricity generated by the Black Hawks that could produce a fire on grounds such as Sandown Park, even when the fields have been irrigated for club use. The cost in repairing the oval was covered by DFES, and compared to damage of shire assets that have been created by other incidents, it was a minimal cost. The Shade sail was replaced following damage from strong winds, not the helicopters, where we also experienced the same issue on the same day at a reserve in Lower Chittering.*

Question 9: The Shire has claimed to members of the Polocrosse Club last year when we were attempting to get the shire to mow the facility, that the Shire has incurred maintenance costs of \$40,000 in one year and over \$200,000 over ten years at Sandown Park. We requested the account ledgers to support these figures and to show us where and how all that money was spent, so we can really appreciate all the work the shire does at the facility. CEO Matthew Gilfellon said the shire won't provide this information as they have extremely limited resources. Can we please have these records? Or do we need to go down the freedom of information Act route, to source this information? We have asked for this information several times since last year. Could these limited resources be anything like the limited resources a Polocrosse Club suffers from in trying to get a 27 page legal document and review and appropriate advice to such?

Response: *The statement of expenditure over the past ten years was in reply to the statement from BJ Thomas, the President of South Midlands Polocrosse that "The 1960's was a time when Local Government built roads & imposed a lot less influence & control over the local community. All levels of government should be of the people, by the people, for the people, this lease agreement does not appear to be of, by or for the South Midlands PC or any other community based user groups. It is a clear example of government overreach, the scourge of the 21st century." It was not seeking appreciation from the SMPC but pointing out the "government overreach" does have benefits such as support of around \$20,000 per year in maintenance of a facility.*

Question 10: At last month's meeting CEO Matthew Gilfellon compared Sandown Park a 32 acre reserve with 6 polocrosse fields, a pony club arena and cross country course, with a number of sheds on it to the Muchea Hall, we would like to know what those similarities are and why this is an appropriate comparison for the Councillors of the Shire?

Response: *The comparison between both reserves was drawn, highlighting that both of the reserves have playing fields, facilities, and a number of users of the facilities and user groups that contribute volunteer labour to maintaining the facilities so that their clubs are able to use them.*

Question 11: The license agreement provided by the Shire includes as one of its provisions an annual license fee, this annual license fee is an open undocumented amount that the Shire intends to decide upon and charge the Polocrosse Club each year, I imagine it is a very similar provision as well in the license fee for the Pony Club. How can we sign up to any contract where we don't know what annual fee we'll be charged each year?

Response: Under the Local Government Act, only Council can set a fee or charge. As has been offered a number of time to the SMPC, shire officers would be happy to take an agenda item to Council so that they can decide on an annual fee amount, and the SMPC could have some certainty in regards their fee. This point has been further addressed in point 6 above.

Question 12: What is the actual reason that the existing peppercorn lease needs to be replaced by this new license agreement? Has there been recent legislative change that has forced this upon us and the Shire? The peppercorn lease has worked for the last 52 years, why doesn't it anymore? Peppercorn leases have been in existence since the late 16th century, so they've worked for over 300 years now it appears. Had the Shire not spent its full budgeted legal fees, during 2021 is that why the license agreement was written?

Response: It has never been said that the shire is moving away from a peppercorn lease, as all non-commercial lease/license agreements that the shire have a nominal fee. The common legal agreement was an outcome of the facilities review. Currently all lease agreements are different, which creates a large workload for staff to manage, a cost for ratepayers. While the shire tries to work with all community groups, it must also balance the interests of particularly groups of interests within the community at large, so any legal agreement must also provide adequate protection to the community, via the shire.

As the reserve is not owned by the shire, all lease agreements for Sandown Park must also be approved by the Department of Lands. As highlighted in point 4 above, the failure to do this in the past and by continuing to disregard this requirement may jeopardise access of all of the community groups and the community in general.

Public question time

PQT01 – 04/22 Bill Nobes, Bindoon

Bill didn't ask any questions, however, spoke about the importance of getting Aged Care in the Shire of Chittering.

The President advised that Council have received the final study for the Aged and Disability Feasibility Study and are reviewing and discussing the way in which it wants to move forward. There is a lot of support for developing aged care in the Shire, so what we are doing at the moment is we are meeting and discussing a way forward and we will come out at an appropriate time once we have put those views together and can be concise on what we intend on doing and how and when we intend to do it. I can assure you, it is right in the forefront of Council.

PQT02 – 04/22 Chris Waldie, Bindoon

Question1: At the meeting last July I broached the subject of street lighting in particular the lighting at Hibernia Way, I was assured something was being done about this and with winter approaching this is a very dangerous section of road, has anything been done about this.

Response: The Chief Executive Officer advised that we did receive black spot funding for this and we have put in the application. It needs to go through Western Power and their design process and that is where it sits currently and they can take some time. It has been with them since last year so we are hoping it will be dealt with soon.

Question1: I am very concerned on the condition of the stretch of road on Forrest Hills Parade from number 103 up across the top of the hill past the water tower, that piece of road is fast developing into serious disrepair, is there anything that can be done about this.

Response: *The Chief Executive Officer advised that when you are starting to look at that amount of work then it becomes a Budget issue so it will be going through the Budget process again.*

The President advised that a roads condition report was going to be undertaken and after that report has been completed Council will prioritise the works based on a needs basis.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 010422

Moved Cr Campbell, seconded Cr Angus

That Council approve the following leave of absence:

- Cr Mark Campbell – Wednesday 20 July 2022

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.16PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 16 March 2022

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020422

Moved Cr Angus, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 16 March 2022, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.17PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Cr John Curtis would like to thank the Chittering Tourism Association on their pledge of \$48,000 for the Mountain Bike Park.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 04/22 Withdrawal of Caveat No.G2912412: 25 Almeria Road, Muchea**

Applicant	Bellmac Settlements
File ref	A10418
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	Simple Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider withdrawing a caveat over 25 Almeria Road, Muchea and authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal.

Background

Correspondence was received on 1 September 2020 advising the property was on the market to be sold and requesting to have the caveat withdrawn prior to sale. They have since been advised to lodge an application with Landgate for the Withdrawal of Caveat. The Shire has now received the Landgate form which requires signing and affixing of the Shire's Common Seal.

Correspondence received 25 March 2022 advised that the property has been sold and condition of the Contract for Sale is that the Caveat be withdrawn prior to settlement on 29 April 2022.

Consultation SummaryLocal

No consultation has been undertaken with surrounding landowners since the matter relates to a caveat only.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

Nil

Financial Implications

Any legal assistance will be required to be covered by the applicant.

Strategic Assessment / Implications

Nil

Site Inspection

Not applicable.

Risk Assessment / Implications

Withdrawing the caveat is not expected to expose Council to any risk associated ramifications.

Officer Comment/Details

The removal of the caveat will allow for the land in question to be free of encumbrance. Accordingly, Council is recommended to allow for the process to have the caveat withdrawn.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030422

Moved Cr King, seconded Cr Ross

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Withdrawal of Caveat form, pursuant to the *Transfer of Land Act 1893* (as amended), for Caveat Number G2912412 on Lot 71 on Diagram 91624 (25 Almeria Road, Muchea) as the original intent for the caveat is obsolete.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.19PM

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 04/22 List of Accounts Paid for the Period Ending 31 March 2022**

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 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 March 2022.

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 ImplicationsLocal

Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

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 2021/22 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Low Risk – Rare chance of there being an insignificant impact.

Officer Comment/Details

The attached “List of Accounts Paid as at 31 March 2022” is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040422

Moved Cr Campbell, seconded Cr Curtis

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,218,159.48 for the period ending 31 March 2022:

- 1. PR5994, PR6009, PR6013;**
- 2. EFT23138 – EFT23285; and**
- 3. Direct Debits, Cheques as listed.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.20PM

CS02 – 04/22 Monthly Financial Report for the Period Ending 31 March 2022

File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	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. Monthly Financial Report for the Period Ending 31 March 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider the financial statement for the period ending 31 March 2022.

Background

In accordance with *Local Government (Financial Management) Regulations 1996*, the Financial Activity Statement has been prepared in compliance with the following:

“Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. For the 2019/20 financial year the statement of financial activity will be presented by nature and type.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2019/20 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation/Communication Implications

This document has been prepared in consultation with Responsible Officers for review and analysis.

Legislative Implications**State**

This monthly financial report complies with *Section 6.4 of the Act and Regulations 34(5) of the Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2017-2027
Focus area: Strong leadership
Objective: S5.2 Strong partnerships and relationships
Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance
Strategy: S5.3.1 Good governance, which supports efficient and effective service delivery

Site Inspection

Not applicable

Risk Assessment/Implications

Low Risk – Rare chance of there being an insignificant impact.

Officer Comment/Details

Council adopted the Annual Budget for the 2021/22 financial year on 23 June 2021 (Resolution 130621). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050422

Moved Cr Hughes, seconded Cr Angus

That Council receives the Monthly Financial Report for period ending 31 March 2022, as per Attachment 1.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.22PM

CS03 – 04/22 Request To Waive Fees: Dog & Cat Registrations

Applicant	Shire of Chittering
File ref	22/02/72
Author	Executive Manager Corporate 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	1. RSPCA Pet Sterilisation Program Correspondence

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to waive fees and charges for Lifetime registration of pets for owners participating in the RSPCA Pet Sterilisation Program.

Background

The RSPCA is running a pilot program from 1 June through 30th June this year, aimed at removing the burden placed on Local Government due to deficient pet management by some owners.

Their work under the Animal Welfare indicates that pet owners who lack funds are most likely to fail to comply with these needs for their animals.

To support those with financial difficulties, RSPCA WA is launching this pilot Pet Sterilisation Program which offers reduced sterilisation costs, free microchipping and (where supported by the Local Government) lifetime pet registration for pet owners who hold a WA Seniors Card, Pensioner Concession Card or Health Care Card. With support from the Department of Primary Industries and Regional Development, the program is part funded by the State Government and administered by RSPCA WA.

Sterilisation and microchipping is carried out by veterinary practices with whom RSPCA WA is partnering to deliver these services to the community.

This pilot program will:

- Help community members meet requirements to register and sterilise their pets.
- Support local veterinary businesses.

- Enable those experiencing financial hardship to better care for their pets.
- Assist cat owners to comply with the Cat Act 2011, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.
- Assist dog owners to comply with sterilisation requirements introduced under the Dog Amendment (Stop Puppy Farming Bill 2021), at a reduced cost when the Bill becomes law.
- Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds.

The RSPCA is seeking support from Shire of Chittering by requesting us to offer free lifetime registration to those pet owners who participate in the Pet Sterilisation Program.

It is anticipated that most of the program participants will be those who would ordinarily not consider getting their pets sterilised and registered, or those who are unaware of the need to do both. Therefore, increasing the number of pets that are sterilised and microchipped in Shire of Chittering will both benefit local residents, and reduce workload on your rangers and other related services.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Local Government Act 1995

6.17. Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

- Dog Act 1976

15. Registration periods and fees

(1) Subject to the provisions of this section, the registration fee payable in relation to a dog shall be such amount as is prescribed by regulation.

and

(3) Regulations may provide that concessional rates of registration fee shall be payable —

- (a) by persons of a specified class or in specified circumstances; and*
- (b) by persons who elect to effect registration of a dog for such extended period as is prescribed; and*
- (ca) by persons who elect to effect registration for the lifetime of a dog; and*
- (c) in respect of registration for a period of less than one year; and*
- (d) in respect of a dog that is proved, in such manner as is prescribed, to have been sterilised; and*
- (e) in respect of a dog that is kept in an approved kennel establishment licensed under section 27; and*

(f) *in respect of a dog that is kept in prescribed circumstances.*

(4A) *A local government may discount or waive a registration fee, including a registration fee prescribed under subsection (3), for any individual dog or any class of dogs within its district.*

- Cat Act 2011

- 5. *Cats to be registered*

- (1) *The owner of a cat that has reached 6 months of age must ensure that the cat is registered with the local government in whose district the cat is ordinarily kept.*

and

- 14. *Cats to be microchipped*

- (1) *The owner of a cat that has reached 6 months of age must ensure that the cat is microchipped, unless the cat is exempt from microchipping.*

and

- 18. *Cats to be sterilised*

- (1) *The owner of a cat that has reached 6 months of age must ensure that the cat is sterilised by a veterinarian, unless the cat is exempt from sterilisation.*

Local

- Dogs Local Law 2011

- 4.10 Fees

- (1) *On lodging an application for a licence, the applicant is to pay a fee to the local government.*
 - (2) *On the issue or renewal of a licence, the licensee is to pay a fee to the local government.*
 - (3) *On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.*
 - (4) *The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16-6.19 of the Local Government Act 1995.*

- Cats Local Law 2015 (amendment) 2016

- 3.3 Application for permit

- An application for a permit under clause 3.2 shall be—*

- (f) *accompanied by the application fee for the permit determined by the local government from time to time.*

Policy Implications

State

Nil

Local

Nil

Financial Implications

Possible loss of income from fees and charges. This is not anticipated to be a major loss of income for the Shire.

Strategic Assessment / Implications

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Low Risk – Rare chance of there being an insignificant impact.

Officer Comment/Details

The Shire currently charges \$100 for a Lifetime registration of a dog or cat, and \$50 for the lifetime registration of a sterilised dog or cat owned by a pensioner.

During the Ordinary Meeting of Council on 15 April 2020, the CEO submitted item 9.4.1 COVID-19 Relieve Measures, which was adopted unanimously. This included:

"7. Waive all animal registration fees until 31 October 2020".

This was due to the anticipated financial impact during the initial stages of COVID. The uptake of the free lifetime registration of dogs and cats during that period was disappointing. Very few animals were registered, despite the shire contacting pet owners to invite them to take up the offer for free lifetime registration.

The initiative of the RSPCA to offer free Sterilisation and Microchipping of the animals might have a positive impact and might have some new owners coming through to register their dogs. This would be a very good outcome for the Shire, and benefits of having more animals sterilised and identified would outweigh the possible loss of income from fees and charges.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060422

Moved Cr Campbell, seconded Cr Ross

That Council approve that fees for lifetime registration of dogs and cats be waived for all animals that form part of the RSPCA pilot that will be run in June 2022.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 7.25PM

CS04 – 04/22 Monthly Financial Dashboard

Applicant	Shire of Chittering
File ref	22/02/22
Author	Executive Manager Corporate 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	1. Financial Dashboard Survey Outcomes

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to make a decision on whether to continue producing a Financial Dashboard and, if so, at which frequency.

Background

In the interest of Transparency, Shire officers were instructed to create a Monthly Financial Dashboard and to engage the community on the contents and need for such a dashboard.

The dashboard was first circulated to Council to determine if there were any additional items to be incorporated, and the final draft was circulated through the Northern Valleys News, Facebook and the Shire's Website on 9 April 2022. These publications were accompanied by a request for feedback, and links to a survey.

The survey had three questions:

Should this dashboard be created each month at a minimum cost of \$130 each month?
Apart from publishing the dashboard on our Website and Social Media, should this dashboard be published in the Northern Valley News each month (At an annual cost of \$4,400)?
Does this cover the items most important to our community? If not please list what else would you like this dashboard to cover.

The outcome of the survey as well as the engagement report on Facebook is attached at Annexure 1.

Consultation Summary

Local

Dashboard and survey published in the Northern Valleys News, on the Shire of Chittering Website, and on the Shire of Chittering Facebook page.

State

Nil

Legislative Implications

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

\$130 per month to produce the report, if required, as well as \$4,400 per annum to publish in Northern Valleys News, if required.

Strategic Assessment / Implications

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Low Risk – Rare chance of there being an insignificant impact.

Officer Comment/Details

The Engagement insights statistics indicated that 1,800 people were reached by the post. Of those, 235 viewed the post, and 50 clicked on it to view the contents.

15 Viewers liked the post, and 7 clicked on the link to complete the survey.

In total, 10 surveys were completed, with 6 people indicating that they would want to see a regular dashboard, and four indicating it should be on a quarterly basis, not a monthly basis.

The overall reaction and interest in the post was disappointing. Given the time and cost incurred to produce a dashboard in which there is little public interest, this initiative should be reconsidered. It is acknowledged though that a Transparency Project is currently being progressed, so to avoid ad-hoc decision making with resource implications, a decision on the future of the dashboard should be deferred until the completion of the Transparency Project.

OFFICER RECOMMENDATION

That Council:

1. Note the lack of interest displayed in the dashboard; and
2. Defer a decision on the implementation of the Financial Dashboard until the completion of the Transparency Project.

ALTERNATIVE MOTION / COUNCIL RESOLUTION 070422

Moved Cr King, seconded Cr Ross

That Council:

1. Instruct the Chief Executive Officer to amend the dashboard to include the total borrowing amount and repayments;
2. Instruct the Chief Executive Officer to advertise the Financial Dashboard quarterly in the Northern Valley News, Facebook, Chatter and the Shire's Webpage, with the first publication being in July 2022;
3. Defer a decision on the continuation of the Financial Dashboard until the completion of the Transparency Project.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 7.34PM

CHIEF EXECUTIVE OFFICER**CEO01 – 04/22 Sandown Park Licence Agreements**

Applicant	N/A
File ref	Shire's SYNERGY reference
Author	Community Development Coordinator
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. Council Resolution 110222

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

The South Midlands Polocrosse Club (SMPC) is currently occupying Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016) under no formal agreement with the Shire, despite there being a requirement within the Management Order under section 41 of the Land Administration Act 1997 and, considerable effort by Shire officers seeking a formal agreement with the Club.

Council are requested to set a fee for an Annual Licence, which is raised as the main area of concern for South Midlands Polocrosse. This fee can then be offered to the South Midlands Pony Club, which is also citing this as a problem. It is also requested to give a deadline for the clubs to accept this offer, after which the offer will terminate and the clubs, should they wish to still use the facility, will need to move to an Annual User Agreement or Casual Use option.

Background

South Midlands Polocrosse Club continue to occupy Sandown Park, under no formal agreement despite several requests to enter into agreement with the Shire.

This issue has been ongoing for some time and has taken considerable staff resources without any outcome seeming imminent. This is evidence through the below actions of Shire officers.

On the 15 June 2020 an email was sent to SMPC informing SMPC that the lease for Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016) had expired and requesting a meeting to commence the

process of a new licence for this facility.

Two further interactions were held with SMPC, between June and July 2020, outlining the process. Concurrent to this, the Shire had to go through the quote process to find a legal firm to develop the lease. Once the firm was appointed, the firm had to liaise with the shire to determine the best path to go down in terms of lease versus licence. Once this was determined, they commenced preparation of a licence document.

Between June 2020 and February 2021, Civic Legal and Shire staff liaised in the development of a template licence agreement for facilities where there are multiple users within one property. This involved consultation with internal departments across the Shire and our insurance company and resulted in many interactions with Civic Legal to clarify questions from Civic Legal in the development of the draft licence.

An email was sent to the SMPC representatives on 30 June 2020 and 14 October 2020 providing updates and explaining that the process was taking a while as we were working within the Lawyers and Insurance Company schedules.

On 28 October 2020 an in-person meeting was held at Sandown park with representatives of the South Midlands Polocrosse and Muchea Bush Fire Brigade to discuss issues at the ground. This was required so that the licence could cover off on the issues to prevent similar issues happening in future, such as polocrosse events preventing emergency services from access to their building.

On 23 February 2021 a draft licence was provided to the SPMC for consideration, offering a licence agreement for a portion of Sandown Park. SMPC were asked to consider the licence and advise us if there are any areas of concern or if they believed there to be anything missing from this licence that they felt required inclusion.

On the 23 March, SMPC were reminded that they had not submitted any response to the email sent on the 23 February and asked to provide comment to this by COB, Friday 9 April 2021. With no comment received by the 19 May 2021 a meeting with the Shire CEO and CDC was scheduled with representatives of SMPC.

At the subsequent meeting SMPC representatives outlined several issues and were asked to document these for Shire response. Subsequent follow-up to these issues was provided within an email sent to SMPC on 15 July 2021 outlining the following steps:

- If there was no agreement reached on these points, SMPC would seek legal advice and advise the Shire of any recommended amendments.
- If there was agreement based on the Shire responses, the necessary amendments would be made and the document presented to SMPC for signing.

As per the agreed outcomes, SMPC were asked to review the document and advise the Shire of how they wished to proceed by Friday, 30 July 2021. To date, the Shire has not been advised and Shire officers and the CEO have fielded many emails that seek answers to questions that have already been addressed.

Approval is yet to be sought from the Department of Lands prior to the licence agreement being executed by both parties. This has been held off as we have not had indication of agreeance from the South Midlands Polocrosse on the prepared licence agreement. As the land is owned by the State Government with the shire having a Management Order under section 41 of the Land Administration Act 1997, all leases must be approved by the Department of Lands prior to them being signed by all parties. Failure to do so could result in the management order being rescinded, which would affect all users of the land, including the Muchea Fire Brigade.

The existing lease expired on 30 June 2019 and was rolled forward until the 25 August 2021. The lease was terminated on 25 August 2021 due to a lack of action on behalf of the SMPC, since negotiations commenced on 15 June 2020. As the SMPC had breached major conditions of the lease and appeared reluctant to entertain a new lease, a decision was made to terminate the lease and allow alternative access arrangements such as an annual user agreement or casual hire as per Council Resolution 110222 (Attachment 1).

Shire officers have inspected the facility in preparation for alternative hire options offered under annual licenses and casual hire. There are several safety concerns and non-compliant items that will need to be addressed prior to the facility being offered under these options.

Consultation Summary

Local

South Midlands Polocrosse Club
South Midlands Pony Club
Mucnea Fire Brigade

State

Nil

Legislative Implications

State

- *Section 41 of the Land Administration Act 1997*

Local

Nil

Policy Implications

Nil

Financial Implications

The implementation of a licence fee of \$372.50 per annum for the 5 year licence for SMPC for Sandown Park, Mucnea Reserve 24724 (Lot 149 on Deposited Plan 195016) would necessitate an amendment to the Shire of Chittering 2021 – 2022 Fees and Charges.

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2017-2027*

Focus area:	S1 Outcome: An active and supportive community
Objective:	S1.1 An active and supportive community
Strategy:	S1.1.2 Develop and enhance existing recreation and social facilities for local communities
Objective:	S1.2 Strong sense of community
Strategy:	S1.2.3 Activate our local centres and towns
Focus area:	S3 Outcome: Improved infrastructure and amenities
Objective:	S3.3 Improved infrastructure and amenities
Strategy:	S3.3.1 Improved asset management across all asset classes

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Moderate Risk. This has a Minor Consequence, Reputation and Financial Impact, and a Likely Likelihood.

Officer Comment

Nil

OFFICER RECOMMENDATION

Moved Cr King, seconded Cr Hughes

That Council:

1. Set a licence fee of \$372.50 per annum, for the term of a five (5) year licence for Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016);
2. Instruct the Chief Executive Officer to write to South Midlands Polocrosse Club and South Midlands Pony Club advising of the fee and that they have until 30 June 2022 to sign the licence, after which only an annual hire agreement or casual use options will be available;
3. Rescind the offer of a five (5) year licence agreement on 1 July 2022, should a licence agreement not be in place.
4. Provide only the option of an annual agreement or casual hire of the facility from 1 July 2022;
5. From 1 July 2022, should no agreement be in place, instruct the Chief Executive Officer to make good the facilities of Sandown Park to ensure that it is available for booking.

AMENDMENT

Moved Cr King, seconded Cr Campbell

That the Officer Recommendation be amended to exchange point 4 to the following:

4. Instruct the Chief Executive Officer to advertise Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016) for a term of a five (5) year licence or the option of an annual agreement or casual hire of the facility;
5. Instruct the Chief Executive Officer to provide a report to Council recommending the user(s) of the facility for consideration by Council at an Ordinary Council Meeting.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.39PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 080422

Moved Cr King, seconded Cr Hughes

That Council:

1. Set a licence fee of \$372.50 per annum, for the term of a five (5) year licence for Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016);
2. Instruct the Chief Executive Officer to write to South Midlands Polocrosse Club and South Midlands Pony Club advising of the fee and that they have until 30 June 2022 to sign the licence, after which only an annual hire agreement or casual use options will be available;
3. Rescind the offer of a five (5) year licence agreement on 1 July 2022, should a licence agreement not be in place.
4. Instruct the Chief Executive Officer to advertise Sandown Park, Muchea Reserve 24724 (Lot 149 on Deposited Plan 195016) for a term of a five (5) year licence or the option of an annual agreement or casual hire of the facility;

5. Instruct the Chief Executive Officer to provide a report to Council recommending the user(s) of the facility for consideration by Council at an Ordinary Council Meeting.
6. From 1 July 2022, should no agreement be in place, instruct the Chief Executive Officer to make good the facilities of Sandown Park to ensure that it is available for booking.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.41PM

CEO02 – 04/22 Amendment to Shire of Chittering 10.6 Trading in Thoroughfare and Public Places Policy

Applicant	N/A
File ref	04/03/1
Author	Principal Environmental Health 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	1. Amended Policy 10.6

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	When Council initiates or adopts a policy position, or a local law
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider an amendment to Policy 10.6 "Trading in Thoroughfare and Public Places". The amendment is proposed in order to allow food vans to trade within the Bindoon, Muchea townsites, consistent with recent Council decisions. This amendment is recommended as there are currently applicants wishing to trade with the town sites, all of whom will need individual approvals from Council.

In order to allow food vans to trade within the town sites without seeking approval from Council, request that the following amendments be made to the Policy:

- Traders permits for food vehicles/stalls be issued for venues within the Bindoon townsite, Muchea town site or other locations of commercial sensitivity if they meet the requirements of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law (Local Law).
- Traders permits for Clune Park will only be issued for 5pm – 9pm trading on any given day.

The above changes have been requested as the food van operators will be able to comply with Local Law and the Policy as well as not have an impact on the permanent businesses within the townsites.

Additionally, it is recommended that Council consider differential fees for locations within the Shire, with townsite locations commanding the highest fee, for the 2022/23 financial year.

Background

The Shire of Chittering Policy 10.6 Trading in Thoroughfare and Public Places (Policy) was passed on 12 December 2018.

The objective of this Policy is to provide conditions subject to which an application for a trader's permit may be approved under Part 6 of the local law.

Part 2 of The Policy states 'trader's permits for food vehicles/stalls will not be issued for venues within the Bindoon town site, Muchea town site or other locations of commercial sensitivity' this therefore requires that all food van operators looking at trading within a town site will need approval from Council.

Since implementing the Policy there have been three applications that have been approved by Council for food vans to be able trade within the Bindoon and Muchea town sites.

Currently there isn't a variety of food options available after 5pm within the townsites, and this has created a demand from the community for more options to be available. This has led to an increase in the number of enquiries from food van operators in order to meet the demand however once an officer explains the approval process for a townsite location. Subsequently, food van operators have decided to go and trade within other local government areas.

As the community continues to grow there is an opportunity to activate a night time economy and encourage a sense of community by amending the Policy to allow food vans to trade within the townsites.

Consultation/Communication Implications

Local

An Assessment of amending the Policy was conducted by the Principal Environmental Health Officer in consultation with the Executive Manager Development Services.

Additional consultation was undertaken with economic development and community development officers. The resultant outcomes from these consults were a change to the fee structure that governs such uses.

State

Nil

Legislative Implications

State

The Food Act 2008 requires all food businesses to be registered with the Local Government where they operate from or in the case of food vehicles where they are permanently located (i.e. home or commercial premises).

Local

Nil

Policy Implications

State

Nil

Local

The Shire of Chittering adopted the Council Policy 10.9 Trading in Thoroughfares and Public Places (The Policy) on 12 December 2018. The Policy provide conditions subject to which an application for a trader's permit may be approved under Part 6 of the local law.

Currently Part 2 of The Policy, does not permit for trader's permits for food vans/stalls will to be issued for venues within the Bindoon town site, Muchea town site or other locations of commercial sensitivity.

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.2 Local business growth

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

State

Nil

Site Inspection

Not applicable.

Risk Assessment/Implications

There are no anticipated implications for the applicants to trade within the townsites as the locations have adequate bins and lighting to ensure that trading is conducted safely.

Fire risk has been identified as a concern during the summer, however applicants will need have a bush fire plan in place and ensure compliance with fire danger rating and fire ban notices issued by Emergency WA.

Officer Comment/Details

There have been an increase in enquiries about trading in the townsites from a food van owners and a coffee van operators who are currently registered under the *Food Act 2008* with of local governments within Western Australia.

Townsites offer a higher degree of traffic and a safe area for customers to park and transact with the operators. This has evidently proved popular with existing approved food van operators and customers alike.

While this is a positive outcome for the Shire's night time economy, the long term vision for the Shire's townsites is to maintain permanent traders, rather than itinerant traders.

Nonetheless, in the short and mid-term, it is expected that the Shire will continue to receive trader's permit enquiries and applications in the future therefore it is important that an amendment be made to the Policy in order to enable the best possible outcome in an economic and social sense.

In relation to the amendment, food van operators looking at trading within the townsite will need to comply with Section 6.8(2)(a) which states:

'a stallholder or trader shall not attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader except with the written approval of the local government'.

The townsite location that is not in compliance with the local law is Clune Park. However, by amending the Policy for approvals for Clune Park to only be granted for trading between 5pm -9pm on any given day when the permanent business that is to be affected is closed, the local law would not otherwise apply.

The rationale is that while permanent businesses pay high rates or rent, mobile food vans pay a relatively

low cost to access the same clientele. Conversely, mobile food vans are able to operate from places that are not otherwise occupied for commercial trading. Accordingly, it may be pertinent to establish a fee structure that is commensurate with location.

In order to appropriately establish such a structure, Council may wish to workshop before adopting it within the 2022/23 budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090422

Moved Cr Hughes, seconded Cr Campbell

That Council:

- 1. Pursuant to Part 6, of the Shire of Chittering's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*, APPROVES the amendments to the Policy to include the following:**
 - a. Traders permits for food vehicles/stalls will be issued for venues within the Bindoon townsite, Muchea town site or other locations of commercial sensitivity if they meet the requirements of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law (Local Law);**
 - b. Traders permits for Clune Park will only be issued for 5pm – 9pm trading on any given day.**
- 2. Instruct officers to investigate and provide recommendations on the current structure and fee level of Trading Permits.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.44PM

CEO03 – 04/22 Joint Venture Housing

Applicant	N/A
File ref	
Author	Chief Executive Officer
Authorising Officer	N/A
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

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to not the update of the investigation into the sale of the Joint Venture Units and to provide direction on the preferred outcome of the process.

Background

In November 2020, Council decided to commence the process of investigating the sale of the shire's Joint Venture Units that are located in Bindoon.

The results of the investigation were presented to Council, with the key points being that:

- Under the three agreements held, the sale of the units is possible. In order to keep the units as social housing, as sale can occur to either a community housing organisation or to Department of Communities;
- Should a sale not arise, leasing the units to a community group is possible if a community housing organisation can be found; and
- Due to the configuration of the units, the parcels of land and sewerage regulations, before sale the units would need to get placed onto a Strata Title. Pre-approval for this was received from the Western Australian Planning Commission.

Since the presentation to Council the following updates have been received:

- Based on an appraisal received and the shire's level of equity in the properties, the value of the shire's equity would be approximately \$909,532-\$975,760;
- A community group is potentially interested in leasing the units from the shire; and
- For the Department of Housing to purchase the housing, they would need to make a decision to do so.

To proceed along the path of selling the units to the Department of Communities, the shire would need to provide the following information:

- Land ownership, it is freehold;
- Other units on the same site, (not part of the JVA);
- Demand for seniors accommodations in the area;
- Age of units;
- Require Shire Of Chittering to arrange a Valuation by a qualified valuer; and
- Require a full building report from a qualified building assessor.

It is also noted that Stage 2 expired January 2022, if the option going forward is for the Shire to retain the units then a Deed of Variation to extend the term of the JVA would need to be considered, all three Agreements could be aligned to have the same future expiration date.

Consultation/Communication Implications

Local

Nil

State

Department of Communities

Western Australian Planning Commission

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil. Required costs can be covered under the current budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Risk Assessment/Implications

This has a Moderate Risk with a Minor Consequence, in both Reputation and Financial Impact, and a Possible Likelihood.

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100422

Moved Cr King, seconded Cr Curtis

That Council:

- 1. Note the information provided in the report;**
- 2. Acknowledge that while Council wishes for the units to remain as Social Housing, the preference is to sell of the shire's equity in the units with leasing being the second preferred option;**
- 3. Instruct the Chief Executive Officer to prepare the necessary information to allow Department of Communities to consider the purchase of the equity in the units and provide this information to the Department of Communities.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.47PM

CEO04 – 04/22 Community Assisted Transport Service Trial

Applicant	N/A
File ref	
Author	Chief Executive Officer
Authorising Officer	N/A
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. Community Assisted Transport Service Policy

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to approve a trial of a Community Assisted Transport Service. The service is intended to assist residents of the shire to attend appointments.

Background

Investigations have been conducted into the potential operation of a Community Assisted Transport Service for the Shire of Chittering. While there has been calls for such a service, it there are many potential issues with the conduct of the service, some which may not be able to be determined until a service is in operation.

The shire has recently ordered a new pool vehicle, which would be suitable for a Community Assisted Transport Service. This will allow for a trial of the service to be conducted that can assess demand for the service and potential issues with the service.

Consultation/Communication ImplicationsLocal

Nil

State

Providers of Community Assisted Transport Services.

Legislative Implications

Nil

Policy Implications

The decision will create a new policy to guide the conduct of the scheme.

Financial Implications

The true financial implications of the scheme include staff resources required, and the effect on vehicle changeovers cannot currently be ascertained. This trial has not been budgeted so will be operating under pool vehicle expenses.

Strategic Implications

Nil

Site Inspection

Not applicable

Risk Assessment/Implications

This is a Moderate Risk, with a Minor Consequence, for both Reputation and Financial Impact, and a Likely Likelihood.

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110422

Moved Cr Ross, seconded Cr Hughes

That Council:

1. Commit to a three month trial of the Community Assisted Transport Service;
2. Adopt the Community Assisted Transport Service Policy; and
3. Adopt the following Fees and Charges;
 - a. Service Fee Midland \$50.00.
 - b. Service Fee Joondalup \$50.00.
 - c. Service Fee Perth \$75.00.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 7.51PM

CEO05 – 04/22 Occupational Safety and Health Statistics Report

Applicant	N/A
File ref	GOV.REP.OSH
Author	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. OSH Statistics Report for the period ending March 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the Shire of Chittering's Occupational Safety and Health Statistics Report for the period ending March 2022.

Background

At the Ordinary Meeting of Council held 17 November 2021, Council adopted the following motion:

<p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 1. <i>"The Shire of Chittering" adopts the following position statement: "Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council".</i> 2. <i>Council requires the Chief Executive Officer to provide a quarterly report (February (previous quarter), April, July and October of each calendar year) of the following key safety performance indicators (KPI's) for the Shire workforce and contractors; including but not limited to:</i> <ol style="list-style-type: none"> a. <i>Number of safety observations;</i> b. <i>Number of safety audits and inspections;</i> c. <i>Number of working hours (total, workforce and contractors)</i> d. <i>Number of training hours;</i> e. <i>Number of toolbox talks;</i> f. <i>Number of equipment breakdowns;</i> g. <i>Average overtime per person by department.</i> 3. <i>Council requires the Chief Executive Officer to provide a monthly report to be tabled at each</i>

Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:

- a. Number of Drug and Alcohol tests performed;
- b. Number of positive Drug test and BAC Exceedances;
- c. Number of worker compensation claims;
- d. Number of "current" worker compensation claims;
- e. Number of Near Misses;
- f. Number of Medically Treated Injuries;
- g. Number of Restricted Work Injuries;
- h. Number of Lost Time Injuries.

CARRIED UNANIMOUSLY 7/0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Work Health and Safety Act 2020

Local

Nil

Policy Implications

State

Nil

Local

- Shire of Chittering Policy 3.8 Occupational Safety and Health (OSH)

Financial Implications

Nil

Strategic Assessment / Implications

Local

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

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120422

Moved Cr King, seconded Cr Hughes

That Council receive the Shire of Chittering Occupational Safety and Health Statistics Report for the period ending March 2022.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.53PM

ITEM 10. REPORTS OF COMMITTEES

COM01 – 04/22 Chittering Tourism Advisory Group

Applicant	N/A
File ref	ECDEV.TOUR.CTAG
Author	Economic Development Coordinator
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. CTAG March 2022 Minutes

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the Chittering Tourism Advisory Group (CTAG) Minutes from March 2022 and decide upon whether to proceed towards making a financial commitment towards a showcase style event for Chittering in spring 2022.

Background

CTAG officially became an advisory group to Council at the September 2020 Ordinary Council Meeting. To ensure that Council remain abreast of CTAG activities, future minutes of the CTAG will be reported to Council under Reports of Committees, requesting that Council receive the Minutes and any specific Council resolutions will be outlined within the report.

The minutes of CTAG will be available to the public via the Ordinary Council Meeting minutes. Shire officers will also ensure that CTAG minutes are uploaded to the Shire website. Any confidential information will be redacted prior to public circulation.

Consultation SummaryLocal

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

\$18,000 Expense committed for the 2022-2023 Annual Financial Budget. While the budget will override any decision made prior to the budget, a commitment is required by Council now to allow adequate planning for the event.

Strategic Assessment / Implications

- Strategic Community Plan 2017-2027

Objective:	S4.3 Increased Visitors
Strategy:	S4.3.1 Support and promote accommodation options
	S4.3.3 Facilitate, promote and support ecotourism

Site Inspection

Not Applicable

Risk Assessment / Implications

This has a Moderate Risk with a Minor Consequence, Reputation, and a Possible Likelihood.

Officer Comment/Details

While there are no statutory requirements for Council Advisory Groups to report to Council, the regular reporting of CTAG minutes to Council will ensure that Council is kept up to date on CTAG activities and proposed actions including recommendations to Council for consideration.

The provision of these minutes as part of the Ordinary Council Meeting Minutes will also ensure that CTAG minutes are recorded as a public document.

Whilst further details of the March CTAG Meeting can be found in the Appendix, the group have made a recommendation to Council that they would like a showcase style event to proceed as, or in place of, A Taste of Chittering – with the name to be decided in the future (in consultation with a Steering Group made up of local stakeholders).

The Group has been involved in a community workshop and this subsequent March meeting to determine the Purpose, Objectives and Principles of the event. They recommend the following:

Purpose:

“To showcase Chittering producers, our lifestyle and opportunities through genuine connections and experiences”

Objectives:

- a) To provide 'tastes' of Chittering to locals and visitors e.g. food, wine, produce, history, science, lifestyle, wildlife, arts etc.
- b) Improve awareness and understanding of what Chittering produces and grows.
- c) To encourage regular visitation and exploration to the Chittering area.
- d) To engage with and raise awareness of local businesses and community groups.

Principles:

A Taste of Chittering (or its replacement);

- a) Predominantly features a majority of local businesses, community groups, experiences etc., with a focus on Chittering growers, producers and makers.
- b) Event organisers demonstrate synergy with our community's values and way of life, ensuring that there are low-cost fees for participants.
- c) Is affordable for locals and visitors to access.
- d) Has a clear sense of place in the Chittering events calendar, is held in spring in synergy with other events.
- e) Provides a positive, active and engaging experience for locals and visitors.
- f) Is sensitive to the care and protection of natural resources, with consideration to the environment.
- g) Understands local needs and the target audience to deliver a distinctive event, with a point of difference from other events.

In order for Shire Officers to plan ahead for this event an early pre-budget commitment must be made by Council in order to effectively plan for the event. An amount of \$18,000 is requested in line with previous year's events. However, as in other years, this amount will need to be bolstered by sponsorship and grants (if there are any that may be achievable in the time period leading up to the event) as the total event cost is generally far greater.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130422

Moved Cr Ross, seconded Cr Campbell

That Council:

- 1. Receive the Chittering Tourism Advisory Group, March 2021 Minutes;**
- 2. Endorse the new Purpose, Objectives and Principles for the 'Taste of Chittering' as outlined in the March Minutes of CTAG in the Appendix;**
- 3. Endorse Shire Officers to manage the 2022 A Taste of Chittering (or its successor), to enable sufficient time for organisation to be undertaken;**
- 4. Commit to funding for suitable resourcing be provided in the 2022-23 Shire Budget, with an anticipated amount of \$18,000.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 8.01PM

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

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

MOTION / COUNCIL RESOLUTION 140422

Moved Cr King, seconded Cr Ross

That Council approve the 'Appointment of Consultant to facilitate the Chief Executive Officer's Annual Performance Review' as new business of an urgent nature.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.05PM

NB01 – 04/22 Appointment of Consultant to facilitate the Chief Executive Officer's Annual Performance Review

MOTION / COUNCIL RESOLUTION 150422

Moved Cr King, seconded Cr Ross

That Council:

1. Authorises the engagement an independent consultant to facilitate the Chief Executive Officer's annual performance review in accordance with the *Guidelines for Local Government CEO Recruitment and Selection Performance Review and Termination* February 2021.
2. The appointed consultant shall as a minimum undertake the following as part of the review process:
 - a. Meet with the Performance Review Panel to confirm expectations for performance appraisal;
 - b. Prepare and have the Performance Review Panel review a questionnaire that encompasses qualitative and quantitative input;
 - c. Prepare and distribute the approved questionnaire to all Elected Members;
 - d. Where possible, meet individually with each Elected Member to seek further input;
 - e. Gather and collate the written and verbal input from all Elected Members.
 - f. Facilitate CEO performance self-assessment, noting this is confidential to Elected Members;
 - g. Compile a draft Feedback Report and workshop this with the Performance Review Panel;
 - h. Compile the Final Feedback Report;
 - i. Assist the Performance Review Panel to provide performance feedback to the CEO;
 - j. Conduct a review of the CEO's remuneration package in accordance with the Salaries and Allowances Tribunal 2022 determination for local government CEOs and elected members which will take effect from 1 July 2022;
 - k. Facilitate CEO KPI development for 2021/22 period with the CEO and the Performance Review Panel.
3. Authorises the establishment of a Performance Review Panel consisting of all seven Councillors;
4. Instructs the Chief Executive Officer to obtain quotations from at least three (3) suitably experienced independent consultants and present to Council, with at least two recent referees from local government CEO reviews completed in the last twelve months.

5. The Performance Review Panel and the Chief Executive Officer will determine the criteria for selecting the successful consultant and using these, will select the most suitable consultant.
6. Authorise the consultancy fees to be funded from the 2021/2022 budget;
7. Receives the completed CEO Appraisal Report from the consultant at the July Ordinary Council Meeting or no later than the August Ordinary Council Meeting.

CARRIED 6 / 1

TIME: 8.08PM

For: Cr King, Cr Angus, Cr Dewar, Cr Campbell, Cr Ross, Cr Hughes

Against: Cr Curtis

Executive Summary

Council's consideration is requested to engage a consultant to facilitate the Chief Executive Officer's annual performance review in accordance with the Local Government Act 1995, s5.38.

Background

Section 5.38 of the Local Government Act 1995 requires Council to review the performance of the Chief Executive Officer at least once each year. The last annual performance review covered the period 1 July 2020 to 30 June 2021. Council is required to undertake a review of the Chief Executive Officer's performance for the period 1 July 2021- 30 June 2022. To assist Council with the appraisal process, an independent consultant is proposed to be appointed to facilitate the process.

At the same time, it is appropriate for Council to also conduct an annual review of the CEO's remuneration package and develop KPI's to apply for the period 1 July 2022 – 30 June 2023.

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

Nil

Public reading of resolution that may be made public

N/A

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 8.08pm.