



# Ordinary Meeting of Council

Wednesday 11 December 2019  
Commencing at 7pm

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



### 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

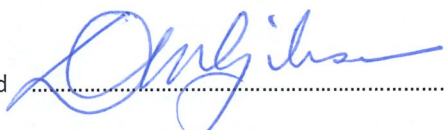
These minutes were approved for distribution on 20 December 2019.



**Matthew Gilfellon**  
Chief Executive Officer

### Confirmed Minutes

These minutes were confirmed at a meeting held on 19 February 2020.

Signed 

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

### Disclaimer

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

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

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

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

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\* indicates separate attachments

## ACKNOWLEDGEMENT OF COUNTRY

*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.*

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

The Presiding Member declared the meeting open at 7:04PM.

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

### 2.1 Attendance

The following Members were in attendance:

Member:	Cr Don Gibson	President (Presiding Member)
	Cr John Davis	Deputy President
	Cr Carmel Ross	
	Cr John Curtis	
	Cr Peter Osborn	
	Cr Mary Angus	
	Cr Kylie Hughes	

The following Shire staff were in attendance:

Staff	Matthew Gilfellow	Chief Executive Officer
	Sue Mills	Acting Executive Manager Corporate Services
	Peter Stuart	Executive Manager Development Services
	Tresa White	Human Resources Coordinator (Minute Secretary)

Members of  
the public      23

Media            0

## 2.2 Apologies

Nil

## 2.3 Approved leave of absence

Nil

## 2.4 Announcements

### Cr Don Gibson

26 November – President and Deputy President meeting with CEO (Bindoon)

27 November – Local Emergency Management Committee meeting (Bindoon)

### Cr John Davis

21 November – BP Muchea Sod Turning ceremony (Muchea)

22 November – WALGA Avon Midland Country Zone meeting (Dalwallinu)

22 November – Synergy Interactive workshop (Dalwallinu)

25 November – New Mayors, Presidents and Deputies workshop (Leederville)

26 November – President and Deputy President meeting with CEO (Bindoon)

27 November – Local Emergency Management Committee meeting (Bindoon)

29 November – Wanneroo Agricultural Show Opening ceremony (Wanneroo)

3 December – Council Information Session (Bindoon)

3 December – Council Agenda Forum (Bindoon)

5 to 6 December – WALGA ‘Serving on Council’ (West Leederville)

### Cr Mary Angus

21 November – WALGA ‘Chairing Meetings’ webinar

30 November – Volunteers Thankyou BBQ (Bindoon)

3 December – Council Information Session (Bindoon)

3 December – Council Agenda Forum (Bindoon)

### Cr John Curtis

30 November – Volunteers Thankyou BBQ (Bindoon)

3 December – Council Information Session (Bindoon)

3 December – Council Agenda Forum (Bindoon)

### Cr Kylie Hughes

21 November – WALGA ‘Chairing Meetings’ webinar

3 December – Council Information Session (Bindoon)

3 December – Council Agenda Forum (Bindoon)

4 December – Chittering Tourist Association Sundowner (Nesci Estate)

6 December – Chittering Chamber of Commerce, Business after hours (Muchea)

Cr Peter Osborn

- 27 November to 2 December – Approved leave of absence
- 3 December – Council Information Session (Bindoon)
- 3 December – Council Agenda Forum (Bindoon)
- 4 December – Chittering Tourist Association Sundowner (Nesci Estate)
- 6 December – Chittering Chamber of Commerce, Business after hours (Muchea)

Cr Carmel Ross

- 30 November – Volunteers Thankyou BBQ (Bindoon)
- 3 December – Council Information Session (Bindoon)
- 3 December – Council Agenda Forum (Bindoon)
- 6 December – Chittering Chamber of Commerce, Business after hours (Muchea)

### 3. DISCLOSURE OF INTEREST

<i>Item 14.1.1 "Chief Executive Officer Qualifying Period"</i>		
<i>Councillor/Officer</i>	<i>Type of Interest</i>	<i>Nature/Extent of Interest</i>
Matthew Gilfellon	Financial	<b>Nature:</b> Relates to contract of employment.

<i>Item 11.2 Rental Charges on Shire Owned Commercial Buildings</i>		
<i>Councillor/Officer</i>	<i>Type of Interest</i>	<i>Nature/Extent of Interest</i>
Cr Peter Osborn	Impartiality	<b>Nature:</b> Wife and I are a members of the Chittering Tourist Association
Cr Carmel Ross	Impartiality	<b>Nature:</b> Committee member of the Chittering Tourist Association

### 4. PUBLIC QUESTION TIME

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

Nil

## 4.2 Public question time

### Summary of questions received during the meeting

#### 4.2.1 Chris Waldie, Bindoon

**Question 1: When a vote is taken will we be recording councillor names to votes?**

**Answer 1:** The Presiding Member advised that Council has the intention of recording the names in reference of votes.

Through the Chair, the Chief Executive Officer advised that Council had previously discussed doing this, but under the local laws, Council must make a request each time that they wish they want their vote or every Councillors' vote recorded.

## 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

### 5.1 Petitions

Nil

### 5.2 Presentations

#### 5.2.1 Lauren Dry – Proposal for Rural Tourism and Safe Technology

Ms Dry has proposed to utilize and champion Chittering's existing landscape and area to boost eco-tourism by creating a rural tourist zone, focusing on wildlife and safe technology, minimising wireless radiation similar to the model of Byron Bay. Further, not to focus on the economy at the expense of the area and to use this model to keep the economic benefits of the area in the community.

Ms Dry proposed the creation of a radio quiet zone in order to ensure the minimisation of radiation in the area. In addition to council to be aware that the data in use relating to radiation is largely old data. New research is providing evidence of the dangers which is currently being tried through litigation processes underway in court.

In summary Ms Dry requests the main points to be considered are:

1. Cessation of powered street lights, in favour of reflective lighting options.
2. Implementation of weekly market stalls to keep economy local.
3. Creation of an eco-tourism plan.
4. Creation of a Radio quiet zone legislation for a broader scale change.
5. Chittering to position as a leader in eco-tourism.



### 5.3 Deputations

#### 5.3.1 Item 9.1.2 “Application for Development Approval “Internal and Perimeter Fencing”: Lot 484 (RN72) Sussex Bend, Lower Chittering”

- 1) Brian and Trudy Riley spoke AGAINST the recommendation

##### Summary of deputation

- The fencing, as stipulated, does not meet the requirements of the existing *Local Planning Policy No. 22, Section 5.4.e.*
- The proposed fence is not aesthetically pleasing.
- The property value of the adjoining owners may decrease, as the proposed fence will be different to the other boundary fences on the property.
- There may be a cost to the adjoining property owners as legislation advises that adjoining property owners are responsible for the cost of the installation of boundary fencing meaning landowners are expected to contribute 50% to an adjoining boundary fence, which the applicant has acknowledged they will not pay.
- The resident has had to install an internal fence to protect the family and animals from the applicant’s dog which has attacked previously.

##### Points / Requests for Clarification by Councillors

- The applicant has not taken steps to stop the dog.
- The dogs have not gone over the ‘super six’ fence.
- There should be an internal fence on the applicant’s property.
- The breed of dogs are an Alsatian and a Mastiff.
- The applicant’s dogs have escaped and no action was taken by the Shire.

- 2) Domenic and Joshua spoke in SUPPORT of the recommendation

##### Summary of deputation

- The animals including sheep and a cow from the adjacent property located at 76 Sussex Bend have been entering the property the proposed fence, this was reported to the Shire of Chittering and the fence is to stop the animals from entering Lot 484 (RN72) Sussex Bend, Lower Chittering.
- The proposed installation is to give their pets’ free range of the property as currently on a chain for up to 11 hours per day.
- The applicant is not asking for any contribution from adjoining landowners.
- Only one of the adjoining property owners objects to the proposal.
- In relation to the comments about the dog being previously out. The applicant advised that there was no proof of the ownership of the wandering dog but has acknowledged in this instance that that was correct.
- The applicant is just trying to make better.

##### Points / Requests for Clarification by Councillors

- The applicants have tried a dog collar but the wire keeps breaking.
- The neighbours’ livestock plough through the fence, with the sheep punching their way through.

- The applicant is wanting to install better fencing as would like livestock (i.e. sheep) to be contained within their property.
- The applicant advised that the proposed fence would be installed three quarters of the block for the dogs and the last quarter for livestock. Only 1.8m to the three quarter then to the 1.2m fence with a smaller gauge ring lock, however has advised that will put the proposed fence the same height all the way if approved. The applicant is willing to install the same fence around the property.
- The applicant has not and never will demand half-payment for the installation of the fence from adjoining landowners.
- The two dogs have not been declared dangerous.
- The dog is secured to ensure that it does not escape, as if livestock enter the property there is a high chance that they would be attacked – securing to prevent.

### 5.3.2 Item 11.2 “Cr Don Gibson – Rental Charges on Shire Owned Commercial Buildings”

- 1) Colleen Osborn and Chris Waldie spoke AGAINST the motion

#### Summary of deputation

- Mr Waldie advised that the motion relating to ongoing maintenance, and asked if these figures have been quantified, and what is the value so that Council is informed of the impact on Shire’s budget.
- The motion indicates that the Australia Post as the Tenant, however Mr Waldie advised that this is not the case, the tenant is the Chittering Tourist Association. Consequently, an amendment to the motion would be needed to include the names of the lease holders.
- Mr Waldie asked why three facilities have been isolated prior to the release of the Facility Review that is currently being undertaken by consultant John Ravlich, and also asked that the item be laid on the table until the Facility Review is assessed and debated.
- Mr Waldie acknowledged the confusion about the mention of the tenancy agreement to provide floor cover and internal paint, and also acknowledged the significant cost of the consultant who undertook the facility review would have provided maintenance cover for a period of 10 years.
- There was a request that Council to be better informed, and a fact sheet was provided by the Chittering Tourist Association for all elected members.
- Requested Council to think carefully as to the detrimental effect and ramifications of a commercial fee on all not-for-profit organisations.
- Acknowledged that all not-for-profit organisations are working to bring funding into the local community.
- This would set a precedent for all not-for-profit organisations as they will all have to rethink their objectives and review how Council is failing to protect or support their local community.
- The impact of such a fee could mean the Chittering Tourist Association will not be able to support the employment of three existing staff who are ratepayers. This may cause the mail services to be reduced to only one delivery per week, which would affect a fourth Australia post employee. This could lead to Australia Post downgrading the centre to an agency, and therefore revenue would be severely affected.

Points / Requests for Clarification by Councillors

- The annual grant that the Chittering Tourist Association receive from the Shire is \$30,000 (excluding GST) and this is for the sole purpose of employing a tourist officer on a part-time basis of 20 hours per week.
- The Chittering Tourist Association does pay superannuation to all employees, which is a requirement under Australian law.
- The employees are employed by the Chittering Tourist Association – not the Shire of Chittering.
- The Facility Review recommendations (to date) include that all leases and contracts within the Shire are to be reviewed and become standardised.
- The difference between ‘voluntary’ community groups (i.e. art society, museum, local men sheds, etc.) do not employ staff and their focus when holding events, is to raise any surplus that be returned back to the group.

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

### 6.1 Cr John Curtis

Council is requested to approve leave of absence for Cr John Curtis for the period inclusive of Thursday 19 December 2019 to Monday 23 December 2019.

**6.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011219**

**Moved Cr Curtis / Seconded Cr Angus**

**That Council grant Cr John Curtis leave of absence for the period inclusive of Thursday 19 December 2019 to Monday 23 December 2019.**

**CARRIED 7/0**  
7.32PM

## 7. CONFIRMATION OF MINUTES

### 7.1 Ordinary Meeting of Council: 20 November 2019

**7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021219**

**Moved Cr Ross / Seconded Cr Davis**

**That the minutes of the Ordinary Meeting of Council held on Wednesday 20 November 2019 be confirmed subject to the following amendments:**

**Page 11, Public Question Time, questions from George Tilbury**

In response to Mr Tilbury's question re whether Councillors had an interest in any corporations:

*Cr Ross indicated two such interests:*

1. *Carmel Ross Consulting Pty Ltd - owner and director*
2. *MercyCare Ltd - company member. This is a public company limited by guarantee and therefore is a not-for-profit company that cannot pay*

*dividends. My shareholding is \$10.*

**Page 12, Public Question time, question from Dennis Boyanich**

In response to this question, Cr Ross indicated:

*My response to this question is related to my previous answer to Mr Tilbury's question concerning whether I support compulsory voting for local government elections. My view is that when the total percentage of voters is 42%, then we do not know the majority view of the community because more than half of them have declined to vote. No current councillor has been elected with more than 50% of our almost 4,000 electors supporting them, so we must be aware there are many in our community whose views we are unaware of.*

**Page 82, item 9.4.7**

Cr Ross's rationale for suggesting that reference to Moringa Home Services be updated to the following:

*Moringa Home Services does not appear to have an ABN or ACN and my internet research provides no information about this business. It is unwise for Council to engage with a business that we cannot, at this stage, obtain the bona fides of. With the business not yet established with an ABN, it is likely they will struggle to secure funding for the services they seek to provide.*

**CARRIED 7/0**  
7:47PM

**8. ANNOUNCEMENT FROM THE PRESIDING MEMBER**

Nil



## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Amendment to Local Planning Policy No. 7 - Outbuildings\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/06/0007
<b>Prepared by</b>	Principal Planning Officer
<b>Supervised by</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Amended Local Planning Policy No. 7 - Outbuildings

#### **Executive Summary**

Council is requested to consider amendments to the Shire of Chittering *Local Planning Policy No. 7 – ‘Outbuildings’*. The amendments to the Policy provide clarity to the statutory exemptions already available. This essentially results in less approval requirements for outbuildings in the Rural Residential zone and less restrictions on the size of outbuildings also in this zone.

#### **Background**

Within the last 12 months, Council has made resolutions on outbuilding development applications that are variations to the Shire of Chittering *Local Planning Policy No. 7 – ‘Outbuildings’* (LPP7). Council have typically allowed increased floor area and height limits of outbuildings in the Rural Residential Zone. Council also permitted a shed to be constructed prior to the construction of a dwelling. These variations were considered significant and warranted a review of LPP7 to ensure it maintain its validity into the future.

In July 2019, Shire officers workshopped LPP7 with Council with the following matters being raised and discussed:

1. Floor area of outbuildings in the Rural Residential zone;
2. Height restriction on outbuildings in the Rural Residential zone;
3. Outbuildings constructed before dwellings in the Rural Residential zone; and
4. Outbuildings in Townsite zone (with no R-code) having no assessable criteria.

The general outcome of the workshop was to allow larger outbuildings in the Rural Residential zone and to investigate legal avenues for outbuildings to be constructed (and used for storage) prior to a dwelling.

In light of the above, Shire officers commenced a review of LPP7. The review however, uncovered some further legality issues with the Policy’s interaction with the Shire of Chittering *Local Planning Scheme No. 6* (LPS6) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). These issues have been addressed in the amended LPP7 which is presented to Council for consideration.

## Consultation/Communication Implications

### Local

The Regulations direct a local government to advertise an amendment to a Local Planning Policy, unless the amendment is considered to be of a minor nature. Officers do not consider the amendment to be minor, and therefore will recommend it be advertised in accordance with the Regulations in the following ways:

- (i) Publish a notice of the amendment in the local newspaper; and
- (ii) Publish a notice of the amendment on the Shire's website.

### State

Further to the local advertising requirements, the Regulations require that any Local Planning Policy adoption (or amendment) is referred to the Western Australian Planning Commission (WAPC) for comment, if the Policy is a variation to a State Planning Policy. LPP7 consists of outbuilding size variations to *State Planning Policy 7.3 (Residential Design Codes of WA)* and therefore, it is appropriate for the WAPC to comment on the amended Policy.

## Legislative Implications

### State

- *Planning and Development (Local Planning Schemes) Regulations 2015*  
Sch. 2, Pt. 2, Cl. 5 of the Regulations dictate the process for amending a Local Planning Policy. Typically, the Council resolve to amend a Policy, advertises the amendment(s), and then again considers the amendment(s) in light of any submissions received.

Following the advertising period and consultation with the WAPC, Council will have the opportunity to further modify the Policy, in response to any submissions.

### Local

- *Shire of Chittering Local Planning Scheme No. 6 – Outbuilding Exemptions*  
As highlighted in the background of this report, the review of LPP7 uncovered some statutory inconsistencies with the Policy and LPS6. In the event of any inconsistency between a Local Planning Policy and a Local Planning Scheme, the Scheme shall always prevail.

The cause for the inconsistency is embedded within Schedule A – ‘Supplemental Provisions’ of LPS6. Schedule A provides specific exemptions for development approval, in addition to those exemptions provided for in the Regulations. This Schedule was introduced into LPS6 via a Scheme Amendment gazetted in February 2017.

Schedule A, Clause 61(1)(m) provides the following exemption for development approval (underlined words for emphasis):

- (m) *the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:*
  - i. *Entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or*
  - ii. *The subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or*

- iii. *Included on a heritage list prepared in accordance with this Scheme; or*
- iv. *Within an area designated under the Scheme as a heritage area; or*
- v. *The subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or*
- vi. *In a vegetation protection area, identified in an approved environmental management plan or structure plan; or*
- vii. *The proposal requires access from an unconstructed road; or*
- viii. *The proposal is located within a designated bushfire hazard area, as identified in Schedule 10 – Bushfire Hazard Areas of the Scheme.*

The above provisions exempts the requirement for development approval to be obtained for all outbuildings in the Rural Residential zone, if a dwelling is on the lot. At present, LPP7 provides maximum floor areas and wall heights that if exceeded, required development approval to be obtain. This is inconsistent with the above exemption of LPS6, and as noted previously, where there is an inconsistency, the Scheme shall always prevail.

Therefore, as outbuildings in the Rural Residential zone are exempt from development approval, maximum floor area and height limits within LPP7 are redundant. As such, the amended LPP7 has removed all reference to floor area and height limits in this zone.

It is noted that the removal of floor area and height restrictions on outbuilding in the Rural Residential zone is generally consistent with Council's historical decisions to permit larger outbuildings, in order to facilitate the storage needs of the community. It should be made clear that although the amended Policy does not restrict the dimensions of an outbuilding, LPS6 still controls how it can be used. An outbuilding can only be used in association with a dwelling on the same lot (personal storage). Any commercial activities proposed within an outbuilding will require the development approval from the Shire.

Further to the above, it is noted that LPS6 provides restrictions on outbuildings in Special Control Areas (Landscape Protection, Water Prone, Military Considerations, Basic Raw Materials, Muchea Employment Node and Land Refuse) and also imposes restrictions on reflective material being used. In these instances, development approval will be required and an application will be assessed against the relevant LPS6 provisions.

- *Shire of Chittering Local Planning Scheme No. 6 - Outbuilding before Dwelling*

Council have previously approved an outbuilding before a dwelling, contrary to the provisions of the current LPP7. It was understood that this was to assist a landowner in transitioning to the property, prior to building a dwelling. It was also indicated through the Council workshop in July 2019 that this opportunity should be formalised through the Policy. The intent was to allow an outbuilding to be used for the storage or personal items while the landowner builds a house and transitions to the property.

The issue with this concept is that an outbuilding is only exempt from development approval where there is a 'single house' on the lot. Therefore any outbuilding prior to a dwelling requires development approval. It would also be categorised as a 'shed', as the definition of an outbuilding requires some association with a dwelling (as per the R-Codes definitions). The shed could not technically be used for any household storage purpose, as this is a land use in its own right that requires development approval. Storage of domestic or personal items is only permitted with a dwelling, as it is considered 'incidental' to the predominant residential land use. The 'Storage' land use in the Rural Residential zone is an 'x' (not permitted) use, pursuant to LPS6.

Due to these difficulties, the amended policy cannot technically allow the use of an outbuilding/shed on rural residential land prior to a dwelling being constructed. The amended Policy does however offer some flexibility in that an outbuilding can be constructed, if a dwelling has been substantially commenced on the same lot (entire slab poured). This is expected to offer land owners an ability to transition to the property by having on-site, safe and secure storage, whilst the Shire can have the confidence that a dwelling will be built shortly. It avoids the risk that a shed is built on the property, and remains in place without a dwelling, creating opportunities for illegal habitation of the shed. If this aspect requires control in the future, it can be addressed through a future scheme amendment or when LPS6 is reviewed in its entirety.

### **Policy Implications**

#### State

- State Planning Policy 7.3 – Residential Design Codes of Western Australia  
State Planning Policy 7.3 – Residential Design Codes of Western Australia (R-Codes) provides size limitations for outbuildings in R-coded areas (i.e. parts of Muchea Townsite and Bindoon Townsite). The R-Codes restrict outbuilding sizes to a maximum 60m<sup>2</sup>.

The current and proposed amended LPP7 increase the R-Code floor area limit to 120m<sup>2</sup>. This is better reflective of the lot sizes available in the Muchea and Bindoon Townsites and the understood needs of the community.

The outbuilding limit of the R-Codes can be varied by a Local Planning Policy, subject to the approval of the WAPC. As such, the WAPC will be provided within an opportunity to review the amended Policy during the advertising period.

#### Local

Nil

### **Financial Implications**

The amended Policy is likely to reduce the amount of development applications submitted to the Shire for outbuildings, which attracts a standard fee (\$147 fee if the cost of constructing the outbuilding is less than \$50,000). This could result in a loss of annual revenue for the Shire however, this should not be seen as a reason to maintain the Policy in its current form.

### **Strategic Implications**

Nil

### **Site Inspection**

Not applicable



### **Triple Bottom Line Assessment**

#### Economic implications

The amended Policy is expected to reduce the likelihood for development applications to be submitted for outbuildings in the Rural Residential zone, saving the ratepayer the cost of an application fee. It also allows flexibility in terms of outbuilding sizing which may encourage prospective ratepayers to invest in Rural Residential land within the Shire, as opposed to a Local Governments that have stringent controls on outbuilding sizes.

#### Social implications

Over recent times, there has been a significant amount of interest and approvals granted for 'oversized sheds' (greater than 200m<sup>2</sup>). Making the amendments to the Policy creates opportunities for ratepayers to develop their land in a manner that suits their needs.

There is also an opportunity for large sheds to be constructed in plain sight of other properties and public spaces having adverse impacts on the visual amenity of the area. It is however acknowledged, that this is currently permitted by Schedule A of LPS6, and the amendment to the Policy is simply correcting an existing inconsistency.

#### Environmental implications

There are no known environmental implications associated with this proposal.

### **Officer Comment/Details**

The proposed amendments to the Policy are primarily correcting inconsistencies that exist between the Policy and LPS6. These amendments will, in summary, achieve the following in the Rural Residential zone:

- (i) Remove size limitations on outbuildings; and
- (ii) Remove development approval requirements for all outbuildings (outside of Special Control Areas).

In the Agricultural Resource zone, the following will be achieved by the amended Policy:

- Remove the development approval requirements for rural sheds and outbuildings (outside of Special Control Areas);

In addition to the above proposed changes, the current LPP7 has no parameters or guidance on outbuildings in the Townsite zone that does not have an R-Code. This affects the central portion of the Muchea Townsite. Planning staff have previously applied a pragmatic approach when faced with development applications in this area, and assessed the outbuilding against the size of the property and other outbuilding sizes in the locality. Amending the Policy to include sizing parameters gives the Shire formal guidance when assessing these applications, in addition to providing the ratepayers and prospective purchaser of a clear indication of acceptable outbuildings sizes.

It is proposed to limit outbuilding floor sizes to 200m<sup>2</sup> in these areas as this seems to be generally reflective of current outbuildings in this area, and is considered contextually appropriately given the larger lot sizes (2 ha - 4 ha), while recognising it as a Townsite zone.

It is acknowledged 'Schedule A' of LPS6 exempts the requirement for development approval in this area however, due to the presence of a Water Prone Special Control Area (SCA), a development approval is required. It is only through the presence of this SCA that the outbuilding sizes can be controlled. Although not a perfect solution, it will be effective to achieve the intended purpose, until such time that a complete review of LPS6 is conducted.

In terms of the usability of the Policy by the public, some elements may be challenging to understand. Particularly with reference to the exemptions provided by the Regulations. It is expected that if the amended Policy is adopted, Shire staff will develop a simple to read flowchart, which can be used by the Public to clearly identify whether or not development approval is required, for their land. This would be provided simply as an information sheet associated with the Policy, but not part of the Policy itself. It therefore would not require any endorsement from Council.

The proposed amendments to the Policy are effectively correcting inconsistencies with LPS6 to ensure the statutory provisions of LPS6 are applied correctly. The changes will reduce planning approval requirements and provide greater flexibility to the community for their personal storage needs. Council are reminded that the LPP7 will be again reviewed following the period of advertising, where further modifications can be made, if considered necessary.

It is recommended that Council proceed with the amended LPP7 and advertise it for a minimum period of 21 days in accordance with the Regulations.

**OFFICER RECOMMENDATION**

Moved Cr Curtis / Seconded Cr Osborn

That Council:

1. Proceed with the amended Local Planning Policy No. 7 – ‘Outbuildings’ as provided in Attachment 1 pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Advertise a notice of the amended Local Planning Policy No. 7 – ‘Outbuildings’ as provided in Attachment 1 in accordance with Schedule 2, Part 2, Clause 4(1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**MOTION / COUNCIL RESOLUTION 031219**

Moved Cr Hughes / Seconded Cr Ross

That Council suspend *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members* to allow for free and open debate.

**CARRIED 7/0**  
7:51PM

**MOTION / COUNCIL RESOLUTION 041219**

Moved Cr Davis / Seconded Cr Osborn

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

**CARRIED 7/0**  
7:55PM

**9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051219**

Moved Cr Curtis / Seconded Cr Osborn

That Council:

1. Proceed with the amended Local Planning Policy No. 7 – ‘Outbuildings’ as provided in Attachment 1 pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Advertise a notice of the amended Local Planning Policy No. 7 – ‘Outbuildings’ as provided in Attachment 1 in accordance with Schedule 2, Part 2, Clause 4(1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**CARRIED 6/1**  
7:56PM

**9.1.2 Application for Development Approval “Internal and Perimeter Fencing”: Lot 484 (RN72) Sussex Bend, Lower Chittering\***

<b>Applicant</b>	J Maiolo
<b>File ref</b>	A10484
<b>Prepared by</b>	Planning Officer
<b>Supervised by</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Development Plans 2. Maryville Downs Stage 8 Development Plan 3. Advertising Response

**Executive Summary**

Council is requested to consider an Application for Development Approval for the construction of internal and perimeter fencing on Lot 484 (RN 72) Sussex Bend, Lower Chittering. The proposal consists of removing the existing boundary fencing and erecting 1.8m high small-profile ring lock fencing along the western and eastern property boundaries, and through the middle of the abovementioned property. The applicant also proposes to erect a 2.14m high limestone screen wall along the front of the property.

**IMAGE 1: Location Plan**





IMAGE 2: Site Plan



### Background

Lot 484 (RN 72) Sussex Bend, Lower Chittering is zoned 'Rural Residential' under the Shire's *Local Planning Scheme No. 6 (LPS6)* and is approximately 2.03ha in area. The property contains a dwelling, outbuilding and water tank onsite. It has frontage to Sussex Bend and abuts similarly zoned properties. The property has a designated building envelope as per Maryville Downs Stage 8 Development Plan (**Attachment 2**). It is understood that the majority of properties within the Maryville Downs Estate have standard 1.25m high ring lock wire boundary fencing. No provisions relating to the proposed fencing are included on the development plan. Strategic fire breaks are located alongside the property boundaries.

The Development Plans in **Attachment 1** show the design the two types of fencing proposed. A 2.14m high limestone screen fence is proposed on the front boundary and will consist of an approximately 1m high limestone block wall with 1.1m high vertical slats on top. The visual permeability of the proposed limestone screen wall is 80%. As shown on the Development Plans, the colour of the limestone screen wall is cream and front gate is the same height as the limestone screen fencing.

The second type of fencing is a 1.8m high small profile ring lock fence on the western and eastern common boundaries, and internal northern section. The applicant originally proposed a 1.8m chain link mesh fence however, due to concerns raised during advertising regarding amenity, the applicant modified the style of fence to be used. An example of the small profile ring lock fencing (Kangaroo Fencing) is shown in **Image 3**.

The illustration is an example only and does not represent the proposed height of the fence. Material of subject fencing is galvanised steel.

The nature of the two types of fencing proposed are inconsistent with *Local Planning Policy No. 22 – ‘Fences’*(LPP 22) and as such, development approval is required.

The applicant has advised they require the proposed fencing to securely contain their two large dogs onsite. The Shire has record that the two dogs registered for 72 Sussex Bend have previously escaped the confines of the property. The applicant believes the existing boundary fence to be insufficient and incapable of confining their dogs. The applicant requires the proposed fencing to ensure the dogs are confined.

**IMAGE 3: Image of Proposed Small Profile Ring lock Fencing**



The Development Application was advertised to surrounding landowners and one objection was received. Shire Officers have mediated with the both objector and the applicant but were unable to reach an agreed outcome. As such, the application is presented to Council for determination.

### **Consultation/Communication Implications**

#### Local

The Development Application was advertised to two neighbouring landowners and one objection was received (**Attachment 2**). The objector raised a number concerns in their response back to the Shire, of which some can be considered as a relevant planning consideration. The following are the concerns raised that need consideration:

- The proposed fencing does not match the rural streetscape; and
- The proposed (cyclone) fencing is an eyesore.

Shire Officers mediated with both the objector and the applicant in person, over the phone and via email. A total of 7 phone calls were made between Shire Officers and the Applicant, and approximately 8 phone calls were made between Shire Officers and the Objector. Through the mediation process Officers examined and tried to resolve the objectors concerns regarding the proposed perimeter fence along the western boundary of the subject property. Below is a summary of the mediation:

- (i) The proposed fencing along the western, eastern and middle of the property was originally a 1.8m Cyclone Fence made of galvanised steel. Due to amenity concerns, the 1.8m high Cyclone Fence along the western boundary was then proposed to be offset 2m from the property boundary.

- (ii) In order to provide visual relief, tree screening was also proposed along the fence line at 72 Sussex Bend, Lower Chittering. Ultimately, the tree screening proposal was not accepted by the objector due to the time it would take for the vegetation to grow.
- (iii) Also due to amenity concerns, the 1.8m high Cyclone Fence was changed to a 1.8m high small profile ring lock fence located along the western property boundary line.

After months of discussions with both parties, Officers were unable to reach an acceptable outcome that both parties agreed upon. Therefore, the application requires Council determination.

It is noted that the applicant has agreed to continue with the modified boundary fencing style of the small profile ring lock, at the suggestion of Officers.

State

Nil

**Legislative Implications**

State

- Planning and Development (Local Planning Schemes) Regulations 2015

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

- (g) *any local planning policy for the Scheme Area.*

The application of LPP22 is discussed further in this report.

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

It is apparent that the height and appearance of the proposed fencing is an alternate style to the standard 1.25m high ring lock wire fencing in Maryville Downs Estate, and therefore may be visually incompatible with the general setting of the area. Although the colour and material of the 1.8m high small profile ring lock fencing is similar to the existing boundary fence onsite, the height of the fence is vastly different to that of the existing. The justification for the height of the proposed small profile ring lock fencing is for pet containment, which will be further explored in this report.

It is noted that the proposed 2.14m high limestone screen fence along the front of the property is different from every other front fence in the street. Whilst acknowledging this, there are a number of properties with a limestone wall along the front of their property within Lower Chittering. Officers noted that another property in the local vicinity (150 Holstein Loop, Lower Chittering), has a limestone block wall along the front of their property. Photos 1, 2 and 3, were taken of the Limestone wall from Holstein Loop. Although the limestone wall at 150 Holstein Loop, Lower Chittering does not include vertical slats and is therefore not of a similar height to the limestone screen wall proposed, the limestone wall is considered aesthetically pleasing from the road.



- Dividing Fences Act 1961

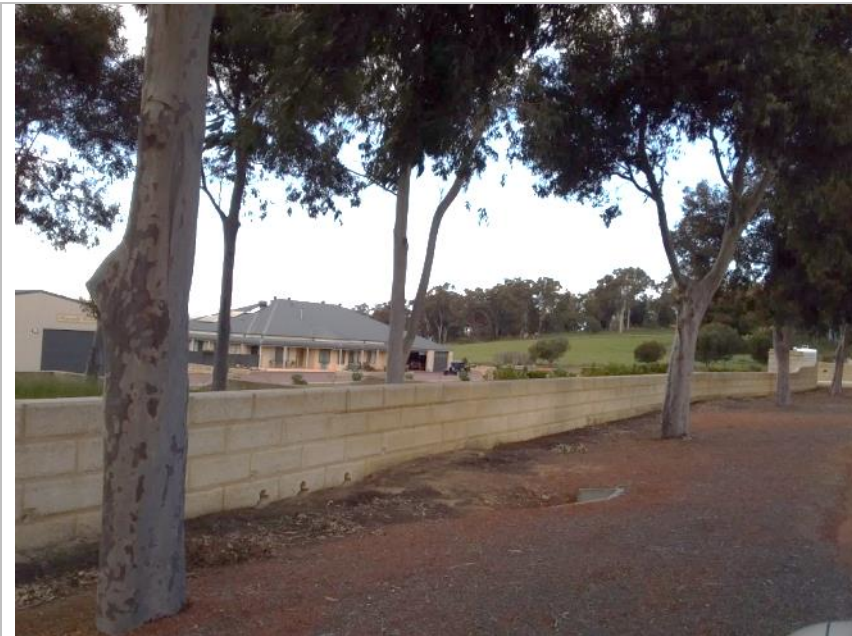
The Dividing Fences Act (the Act) applies to the extent between neighbouring properties. While the Act applies, Shire Officers have utilised LPP22 to provide a conduit between neighbours to the extent where disagreement has occurred and due to the non-standard type of fencing applied for.



**Photo 1:** Entry statement at Holstein Loop, Lower Chittering (Planning Officer, 2019)



**Photo 2:** Front limestone wall (looking north) at Holstein Loop, Lower Chittering (Planning Officer, 2019)



**Photo 3:** Front limestone wall (looking south) at Holstein Loop, Lower Chittering (Planning Officer, 2019)

It is noted that the top half of proposed fencing for 72 Sussex Bend is visually permeable from the road and from neighbouring properties, due to the slatted inserts. It is considered the proposed limestone screen fencing adds to the aesthetic appeal of the property as viewed from Sussex Bend. The proposed fencing is considered to maintain the streetscape of Sussex Bend and would continue to provide passive street surveillance from the property.

Local

- Shire of Chittering Dog Local Law 2011

The *Shire of Chittering Dog Local Law 2011* (Local Law) needs consideration with this application, as the justification for the non-standard fencing is to contain dogs on the property. Clause 3.1 of the Local Law states:

**3.1 Dogs to be confined**

- (1) *An occupier of premises on which a dog is kept must—*
  - (a) *cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;*
  - (b) *ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;*
  - (c) *ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;*
  - (d) *maintain the fence and all gates and doors in the fence in good order and condition; and*
  - (e) *where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.*
- (2) *Where an occupier fails to comply with subclause (1), he or she commits an offence.*



The Local Law is consistent with the *Dog Act 1976*, and failure to comply with the provisions of the Local Law, would be considered an 'offence', which could attract prosecution. The applicant (who is also the landowner), has a responsibility to effectively confine their two dogs onsite. The proposed fencing is required to keep their two dogs safe and secure.

The history of the applicant's dogs suggests that they have previously been difficult to contain using standard fencing. The proposal for higher and more secure fencing is to ensure compliance with the Local Law is achieved.

### **Policy Implications**

#### State

Nil

#### Local

- Local Planning Policy No. 22 – Fences (LPP22)

Because the Shire does not have a Gazetted Fencing Local Law, fencing in the Shire is currently captured under LPP22. LPP22 is not part of LPS6 and therefore is not law, but the local government shall have due regard to the provisions of any policy, and the objectives of any policy.

Clause 5.4 d) and e) of LPP22 requires that all fences within the Rural Residential zone requires planning consent (development approval), unless it is a sufficient fence. LPP22 defines a sufficient fence as a 1.25m high ring lock or similar fence. As the proposal exceeds the height of the stipulated 'sufficient fence', development approval is required.

One of the objectives of LPP22 is '*to allow appropriate fencing for stock and domestic pets*'. This relates directly to the applicant's justification for the proposed fencing which is to ensure their two dogs are effectively confined within the property by erecting suitable fencing. The height and design of the proposed fencing is considered suitable in ensuring their dogs don't escape the property.

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Yes

A site inspection was undertaken in which the planning team met with the applicant to discuss the proposal. Officers mediated with the applicant during the site visit and took photos of the existing fencing. As depicted in Photos 4 and 5, the existing western internal fence (within neighbouring property) is parallel to the eastern boundary fence on the neighbouring property. It is understood that the neighbouring property erected the additional internal fence due to issues they had experienced with the applicant's dogs and ensuring the safety of their children. The existing front fence is depicted in Photos 6, 7 and 8.



**Photo 4:** Existing western boundary fence (looking north)  
(Planning Officer, 2019)



**Photo 5:** Existing western boundary fence (looking south)  
(Planning Officer, 2019)





**Photo 6:** Existing front fence at 72 Sussex Bend, Lower Chittering (Planning Officer, 2019)



**Photo 7:** Eastern corner of existing front fence at 72 Sussex Bend, Lower Chittering (Planning Officer, 2019)



**Photo 8:** Western corner of existing front fence at 72 Sussex Bend, Lower Chittering (Planning Officer, 2019)

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known economic implications associated with this proposal.

#### Social implications

It is considered that the proposed fencing may impact the amenity and character of the locality as it may stand out from the standard 1.25m high ring lock wire fencing in the area. It may also be thought that the proposed fencing is not visually compatible with its surrounding built form and affects the amenity and character of Maryville Downs Estate. As a contrary view, the proposed fencing is required for pet containment and therefore by allowing the fencing to be constructed, the dogs will be contained on the property thereby reducing risk the applicant's dogs will cause social issues in the neighbourhood.

#### Environmental implications

There are no known environmental implications associated with this proposal.

### **Officer Comment/Details**

Pursuant to the provisions of the Local Law and giving LPP22 due regard, Shire officers recommend that Council grant approval of the subject development application. Every dog owner in the Shire is charged with the responsibility of effectively containing their dogs onsite by ensuring fencing is of a type, height and construction to prevent dogs from passing through, over or under it. The proposed fencing is of a greater height than the LPP22 sufficient fence, to enable the containment of the applicant's two dogs onsite.

Officers have acknowledged the concerns raised by the objector and have examined and addressed the visual amenity impact of the proposed fencing. The applicant has modified the style of fencing from chain link mesh fence, to the small profile ring lock fence to reduce amenity impacts. The colour and material of the 1.8m high small profile ring lock fencing is similar to the existing boundary fence onsite and is recommended to be supported by Council. The proposed 2.16m high limestone screen fencing is also recommended to be supported by Council as the fencing provides an accepted level of visually permeability from the road and will not adversely affect the streetscape of Sussex Bend.

#### OFFICER RECOMMENDATION

Moved Cr Angus/ Seconded Cr Gibson

That Council grant Development Approval for the internal and perimeter fencing on Lot 484 (RN 72) Sussex Bend, Lower Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans.
2. The front fence shall be maintained in good order and condition at all times to the satisfaction of the Shire.

#### Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be made within 28 days of the determination.

Note 4: This approval does not constitute a building permit. The applicant is advised to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.

Note 5: This approval does not withstand or override the provisions of the *Dividing Fences Act 1961*.

#### AMENDMENT

Moved Cr Hughes/ Seconded Cr Ross

That the Recommendation be amended to include the following two additional Advice Notes:

**Note 6: Change the height of the fence to 1.8m for the full length of the western fence.**

**Note 7: Acknowledge that the applicant has agreed to pay the entire cost.**

**AMENDMENT CARRIED 5/2  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

8:03PM



**9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061219**

Moved Cr Angus/ Seconded Cr Gibson

That Council grant Development Approval for the internal and perimeter fencing on Lot 484 (RN 72) Sussex Bend, Lower Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans.
2. The front fence shall be maintained in good order and condition at all times to the satisfaction of the Shire.

**Advice Notes:**

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be made within 28 days of the determination.

**Note 4:** This approval does not constitute a building permit. The applicant is advised to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.

**Note 5:** This approval does not withstand or override the provisions of the *Dividing Fences Act 1961*.

**Note 6:** Change the height of the fence to 1.8m for the full length of the western fence.

**Note 7:** Acknowledge that the applicant has agreed to pay the entire cost.

**SUBSTANTIVE MOTION CARRIED 6/1**

8:06PM

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

### 9.3.1 List of Accounts Paid for the period ending 30 November 2019\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Finance Officer - Accounts
<b>Supervised by</b>	Acting Executive Manager Corporate Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 30 November 2019

#### Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 November 2019.

#### Background

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

#### Consultation/Communication Implications

##### Local

Acting Executive Manager Corporate Services

##### State

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

#### Policy Implications

##### State

Nil

##### Local

Nil

### Financial Implications

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

### Strategic Implications

#### State

Nil

#### Local

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

The attached "List of Accounts Paid as at 30 November 2019" is presented to Council for endorsement.

#### **9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071219**

**Moved Cr Gibson / Seconded Cr Angus**

**That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$938,917.12 for the period ending 30 November 2019:**

- 1. PR5220, PR5253;**
- 2. EFT19025 – EFT19201;**
- 3. Direct Debits, Cheques and Transfers as listed; and**
- 4. Trust Fund payments as listed.**

**CARRIED 7/0**  
8:08PM

### 9.3.2 Monthly Financial Reports for the Period Ending 30 November 2019\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Acting Executive Manager Corporate Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1 Monthly Financial Report for period ending 30 November 2019

#### Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 November 2019.

#### Background

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

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

#### Consultation/Communication Implications

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil

#### Site Inspection

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Officer Comment/Details**

The attached “Monthly financial Report for period ending 30 November 2019” is presented to Council for endorsement.

#### **9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081219**

**Moved Cr Angus/ Seconded Cr Osborn**

**That Council receives the Monthly Financial Reports for period ending 30 November 2019, as per Attachment 1.**

**CARRIED 7/0**  
8:08PM



## 9.4 CHIEF EXECUTIVE OFFICER

### MOTION

That Item 6.4.1 “Register of Policies: Amendments” be raised from the table.

MOTION LAPPED FOR WANT FOR A MOVER

### 9.4.1 Register of Policies: Amendments\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Prepared by</b>	Support Officer Governance
<b>Supervised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Register of Policies Timeline</li><li>2. Administration Policy 1.4 Service Level Complaints Handling</li><li>3. External Complaint Form</li><li>4. Administration Policy 1.5 Execution of Documents</li><li>5. Exert of Local Government Act 1995, Sec 9.49A(4)</li><li>6. DA5 – Signing of Documents</li><li>7. Administration Policy 1.10 Recycled Purchasing</li><li>8. Administration Policy 2.12 Purchasing - “Sustainable Procurement”</li><li>9. Administration Policy 1.12 Security Cameras and CCTV</li><li>10. Updated Administration Policy 1.4 Complaints Reporting (showing track changes)</li></ol>

### Executive Summary

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

### SOG Updated Executive Summary

*Council is requested to endorse Administration Policy 1.4 Complaints Reporting, Administration Policy 1.8 Record Keeping and Administration Policy 1.12 Security Cameras and CCTV.*

*Council is also requested to delete Administration Policy 1.5 Executive of Documents, Administration Policy 1.10 Recycled Purchasing and Administration Policy 1.17 Community Engagement.*

### Background

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

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

### **SOG Updated Executive Summary**

*This report was considered at the Ordinary Meeting of Council held on 20 November 2019, where Council resolved as follows:*

#### **9.4.1 MOTION / COUNCIL RESOLUTION 121119**

*Moved Cr Gibson / Seconded Cr Hughes*

*That Item 9.4.1 Register of Policies: Amendments be laid on the table to allow Council to have the opportunity to workshop the policies.*

**CARRIED 7/0**  
7.56PM

*Cr Gibson provided the following reasons*

*Council has not had the opportunity to workshop the amendment policies and would like the opportunity to discuss in a group forum.*

*The Councillors held a workshop on 3 December 2019 and the outcomes of that workshop have informed the revised policies now provided in **Attachment 10**, which addresses the following changes identified during the workshop:*

- *The Service Level Complaints Handling Policy be amended to a Complaint Reporting to reflect the change from a procedural policy to a policy requiring the reporting of the number of complaints each month to be reported to Council.*

### **Consultation/Communication Implications**

#### Local

Council Workshop was held on 3 December 2019

#### State

Nil

### **Legislative Implications**

#### State

- *Local Government Act 1995*
- *Transfer of Land Act 1893*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### Strategic Implications

#### Local

Community Engagement Plan 2012

#### State

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

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

#### Administration Policy 1.4 Complaints Handling

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

#### Administration Policy 1.5 Execution of Documents

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

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

#### Administration Policy 1.8 Communications

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

Administration Policy 1.10 Recycled Purchasing

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

Administration Policy 1.12 Security Cameras and CCTV

The Policy has been updated in line with every day, operational use (**Attachment 9**)

Administration Policy 1.17 Community Engagement

The Policy is predominantly covered by the Shire’s “Community Engagement Plan”, Attachment C of this Policy is to be transferred to the Shire’s Community Engagement Plan and the Policy deleted.

**OFFICER RECOMMENDATION**

That Council:

1. Endorse the following amended policies:
  - a. Administration Policy 1.4 Complaints Handling;
  - b. Administration Policy 1.8 Record Keeping; and
  - c. Administration Policy 1.12 Security Cameras and CCTV.
2. Delete the following policies and ensure that the numbering is updated accordingly:
  - a. Administration Policy 1.5 Execution of Documents;
  - b. Administration Policy 1.10 Recycled Purchasing; and
  - c. Administration Policy 1.17 Community Engagement.
3. Endorse amended DA5 – Signing of Documents.
4. Endorse the amendment of the Shire’s Community Engagement Plan.

#### 9.4.2 Rural Water Council of WA (Inc): Appointment of Delegates and Deputies\*

<b>Applicant</b>	Rural Water Council of WA (Inc)
<b>File ref</b>	04/06/1
<b>Prepared by</b>	Executive Assistant
<b>Supervised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Rural Water Council of WA (Inc) Rules

#### Executive Summary

Council is requested to appoint two delegates and two deputies to the Rural Water Council of WA (Inc) ('RWC').

#### Background

The Chief Executive Officer was recently invited to attend a meeting of the Rural Water Council of WA (Inc) on 18 October 2019. Due to the nature of the topics discussed it was deemed worthwhile that the Shire of Chittering seek membership to the RWC.

Membership to the RWC is discussed under 'Financial Implications'.

In summary, the aims of the RWC are:

- To raise awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas.
- To endeavour to obtain equitable distribution state wide of funds for water supply improvement to minimise the difficulty caused by the inadequate domestic, spraying and stock water in dryland agricultural areas.
- To work with all relevant Government agencies, water advisory groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies.
- To raise awareness of the need to improve and maintain rural and town water supplies and infrastructure.
- To contribute to regional planning and policies relating to the allocation and use of water resources in rural and dryland agricultural areas.
- To represent the water needs of our member communities.
- To raise awareness of the need to effectively manage water resources.
- To provide input to and seek membership of appropriate water advisory groups and the like.

Representatives from the Water Corporation and the Department of Water and Environmental Regulation attend the RWC's meetings and provide reports and updates and seek feedback from delegates. Local members of Parliament also regularly attend meetings.

The RWC meets three times per year, with the 2020 meeting schedule as follows:

- Friday 20 March 2020 – Northam (Water Corporation)
- Friday 3 July 2020 – Merredin (Shire of Merredin)
- Friday 16 October 2020 – Northam (Water Corporation)

The RWC has no MOUs or other agreements in place.



### Consultation/Communication Implications

#### Local

Nil

#### State

Rural Water Council of WA (Inc)

### Legislative Implications

#### State

Nil

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

Membership to the RWC is \$200, which will be deducted from account 2040141.2101 MEMBERS-Subscriptions & Publications.

### Strategic Implications

#### Local

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

#### State

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

Council is hereby requested to appoint two delegates and two deputies to represent the Shire of Chittering on the Rural Water Council of WA (Inc).

It is recommended that the Shire’s Chief Executive Officer and the Councillor with the Natural Environment portfolio be the appointed Delegates, with Council to nominate their two deputies.

<b>9.4.2 OFFICER RECOMMENDATION/ COUNCIL RESOLUTION 091219</b>	
<b>Moved Cr Hughes / Seconded Cr Osborn</b>	
<b>That Council appoints the following two delegates and two deputies to the Rural Water Council of WA (Inc):</b>	
<b>Delegate</b>	<b>Deputy</b>
Chief Executive Officer Matthew Gilfellon	Cr Osborn
Cr Kylie Hughes	Cr Curtis
<b>CARRIED 7/0</b> 8:11PM	

#### 9.4.3 Targa West: Memorandum of Understanding\*

<b>Applicant</b>	Targa West
<b>File ref</b>	26/01/5
<b>Prepared by</b>	Executive Assistant
<b>Supervised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Resolution 020615 2. Survey Results

#### Executive Summary

Council is also requested endorse the extension of the Memorandum of Understanding with Targa West for a period of five years, expiring in 2024.

#### Background

The Targa West rally has been run in the Shire of Chittering for 15 years, with previous stages incorporating the Bindoon Townsite, and more recently Lower Chittering and Muchea.

In 2009, Council at the time refused the Rally to be run within the Shire primarily due to community opposition.

In 2014, as part of Targa West's 10 year anniversary, they contacted the Shire to seek running an event in the Maryville Downs Estate given this locality supported the event.

On 17 June 2015, Council approved the event (refer to **Attachment 1**) for five years. This approval is sub sequential to this report. Council is requested to note the 2020 Targa West Rally dates for the Muchea Stage on Friday 7 August 2020 and Maryville Downs Estate on Saturday 8 August 2020.

#### Consultation/Communication Implications

##### Local

On the 12 December 2019, Targa West addressed Council to debrief on the 2019 event and to advise Council of their request to extend the Rally for another five years.

On the 26 November 2019 the Shire uploaded a survey to the Shire's website under "Have Your Say" asking for feedback on the following three questions:

1. Do you support the rally?
2. What are the positives of the rally?
3. What are the negatives of the rally?

At the conclusion of the survey (12noon on 4 December 2019) the Shire received 150 responses in total. Of these responses, 136 (91%) were in support and 14 (9%) were against. To read more about the positive and negative responses please refer to **Attachment 2**.

It should be noted that Targa West undertake their own community consultation every year. Targa West are looking at running the Muchea Stage in 2020 and are seeking Council's approval to consult with Muchea residents. Targa West have indicated that they are investigating answers to the interruptions of the school buses.

The Maryville Stage will be run on the same roads during the same timeframe, but in a different direction.

State

Not applicable

**Legislative Implications**

State

- Road Traffic Act 1974  
Local roads will be closed in accordance with this Act for the event.

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

The Shire provides 'in-kind' support to the event through making suitable thoroughfares available for rallying, staging and servicing the event. The Shire also promotes the event through their website and official Facebook page, as well as at the Visitor Centre, in local newsletters and newspaper. The Shire also has the opportunity to promote participation by local volunteers in fundraising activities associated with marshalling or organising the event / servicing competitors/supporters or visitors.

**Strategic Implications**

Local

- Strategic Community Plan 2017-2027

Focus area:	Our community
Objective:	S1.2 Strong sense of community
Strategy:	S1.2.2: Strengthen and grow social events and festivals
Focus area:	Economic growth
Objective:	S4.3 Increase visitors
Strategy:	S4.3.2: Support and grow events to attract visitation
Focus area:	Strong leadership
Objective:	S5.1 An engaged community
Strategy:	S5.1.1: Encourage and promote community engagement
Objective:	S5.2 Strong partnerships and relationships
Strategy:	S5.2.1: Build effective partnerships with stakeholders

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

State

Nil

**Site Inspection**

Prior and after each event the Shire will inspect each road for damage, and report to Targa West.

**Triple Bottom Line Assessment**

Economic implications

The Rally is promoted state wide and with the Shire's logo prominently displayed on the official website of Targa West, and also promoted in written and digital material, the economic implications to the Shire are mostly positive.

Social implications

Targa West continue to work with a local charity or a service club to support a fund raising event cross promoted with the Rally. There are issues with adjoining landowners being affected by road closures, however Targa West advise residents of these road closures prior to each event. Aa Council can see by the results of the survey, most residents enjoy the social gatherings that this event has on their community.

Environmental implications

There are no known significant environmental implications associated with this proposal. However, one survey respondent has suggested that Targa West plant some trees to offset their carbon footprint.

**Officer Comment/Details**

If Council approve the MOU, the Shire will:

1. In a timely manner, consider all event applications, road closure applications, traffic management plans, and other approval necessary for the event;
2. Include the event in the Shire and Visitor Centres newsletters, websites and event calendars;
3. Make all rally preparations such as road sweeping and additional rubbish receptacles in good and sufficient time for the event;
4. Provide details of any damage to public or private property to Targa West as soon as is reasonably practicable after the Shire becomes aware of such damage; and
5. Provide current mailing list of affected residents and businesses so details of road closures, maps, times and emergency contact details of Targa representatives can be posted to these residents and business.

If Council approve the MOU, Targa West will:

1. Undertake a mail out exercise to affected residents with details of road closures, maps, times and emergency contact details of Targa representatives;
2. In a timely manner, deliver to the Shire all event applications, road closure applications, traffic management plans, and other approval requests necessary for the event;
3. Organise the event in a professional and workmanlike manner including abiding by any undertakings and obligations contained in any approvals for the event;
4. Provide to all businesses, landowners and stakeholders contact details of event organisers available to resolve any problems or issues that may arise during the event;



5. Respond in a timely manner to any reports or loss or damage resulting from the event;
6. Cooperate with any agreed companion events or activities that may be arranged by the Shire to coincide with the event.

**OFFICER RECOMMENDATION**

Moved Cr Hughes / Seconded Cr Angus

That Council endorses the extension of the Memorandum of Understanding with Targa West for a period of five years, expiring in 2024.

**AMENDMENT**

Moved Cr Davis / Seconded Cr Gibson

That the Recommendation be amended by adding the following condition:

Undertakes a postal survey of the residents of the Shire that will be affected by the closure of the road(s) for the purpose of the Targa West Rally, with all costs to be borne by the Applicant.

LOST 3/4

CRS CURTIS, DAVIS AND GIBSON VOTED IN FAVOUR

CRS ROSS, OSBORN, ANGUS AND HUGHES VOTED AGAINST

8:21PM

Cr Davis provided the following reasons

That property owners affected in the Maryville Downs Estate should be sent a survey to see how they feel, as these are the residents that are being affected and need to be heard. The survey that was sent out was not sufficient.

**9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101219**

Moved Cr Hughes / Seconded Cr Angus

That Council endorses the extension of the Memorandum of Understanding with Targa West for a period of five years, expiring in 2024.

CARRIED 5/2

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

CR GIBSON AND CR DAVIS VOTED AGAINST

8:23PM

## 10. REPORTS OF COMMITTEES

### 10.1 Chittering Bushfire Advisory Committee: 23 October 2019

#### 10.1.1 Setting of 2020 Meeting Dates\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	09/02/4
<b>Prepared by</b>	Development Services Support Officer
<b>Supervised by</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. CBFAC 'Unconfirmed' Meeting Minutes 23 October 2019

#### Executive Summary

Council's consideration is requested to endorse the Chittering Bushfire Advisory Committee meeting dates for the 2020 calendar year

#### Background

The Chittering Bushfire Advisory Committee (CBFAC) met on 23 October 2019 and during the meeting the 2020 meeting dates for the Committee were carried:

##### 8.1 OFFICER RECOMMENDATION

*Moved Shane Robertson / Seconded Kim Haeusler*

*That the Chittering Bushfire Advisory Committee:*

1. *Meeting dates for 2020 are as follows:*
  - a. *Tuesday 10 March;*
  - b. *Tuesday 9 June; and*
  - c. *Tuesday 13 October.*
  
2. *Meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.*

*CARRIED BY AN ABSOLUTE MAJORITY*

#### Consultation/Communication Implications

##### Local

Chittering Bushfire Advisory Committee

##### State

Nil

#### Legislative Implications

##### State

- *Local Government Act 1995 – Sections 5.8 and 5.11*
- *Bush Fires Act 1954 – Section 67*

Local

- *Shire of Chittering Brigades Local Law 2012*

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

There will be charge for advertising the 2020 Chittering Bushfire Advisory Committee meeting dates in the local newspapers. These charges have been included for in the 2019/20 Annual Budget.

**Strategic Implications**

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Not applicable

**Officer Comment/Details**

The meeting dates for the Chittering Bushfire Advisory Committee for the 2020 calendar year are presented to Council for endorsement. The dates will be advertised in the local newspapers following Council's resolution

**10.1.1 OFFICER/COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 111219**

**Moved Cr Ross / Seconded Cr Angus**

**That Council:**

- 1. Endorses the Chittering Bushfire Advisory Committee meeting dates for 2020 as follows:**
  - a. Tuesday 10 March;**
  - b. Tuesday 9 June; and**
  - c. Tuesday 13 October.**
- 2. Endorses that meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.**
- 3. Receives the "unconfirmed" Chittering Bushfire Advisory Committee Minutes from 23 October 2019.**

**CARRIED 7/0**  
8:23PM

## 10.2 Audit and Risk Committee: 12 November 2019

### 10.2.1 Receiving of the Unconfirmed Minutes\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/01/1
<b>Prepared by</b>	Executive Assistant
<b>Supervised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Unconfirmed Minutes – 12 November 2019

#### Executive Summary

Council is requested to receive the unconfirmed minutes from the Chittering Audit and Risk Committee meeting that was held on Tuesday 12 November 2019.

#### Background

The Chittering Audit and Risk Committee meeting met on Tuesday 12 November 2019 to elect their Presiding Member and Deputy Presiding Member, in accordance with the Committee's Terms of Reference.

There were no recommendations from the Committee.

#### Consultation/Communication Implications

##### Local

Chittering Audit and Risk Committee

##### State

Nil

#### Legislative Implications

##### State

Nil

##### Local

Nil

#### Policy Implications

##### State

Nil

##### Local

Nil

**Financial Implications**

Nil

**Strategic Implications**

Local

Nil

State

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

The unconfirmed minutes from the Chittering Audit and Risk Committee meeting held on Tuesday 12 November 2019 are presented to Council to be received.

**10.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121219**

**Moved Cr Angus / Seconded Cr Hughes**

**That Council receives the unconfirmed minutes from the Chittering Audit and Risk Committee meeting held on Tuesday 12 November 2019.**

**CARRIED 7/0**  
8:24PM



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

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

### 11.1 Cr Mary Angus – Community Resource Centre

Cr Angus tabled the following motion for Council's consideration at the December Ordinary Council Meeting:

#### PROPOSED MOTION

Moved Cr Angus / Seconded Cr Ross

That Council meet with the Chittering Health Advisory Group prior to their next meeting (20 February 2020) to discuss the possibility of opening a "Community Resource Centre" in the Bindoon townsite.

*Cr Angus provided the following in support of her motion*

*It was brought to my attention by other members of the group at the last CHAG meeting that many rural towns are serviced by a Community Resource Centre, providing information to the community including health, ageing and Medicare information, along with many other things but we do not have one in our Shire. WA Country Health Service and Avivo members at the meeting were very surprised by this. We have had ongoing issues in our Shire trying to get information to our residents and ratepayers. A Community Resource Centre could only improve this.*

#### AMENDMENT

Moved Cr Osborn / Seconded Cr Hughes

That the Recommendation be amended by adding the following condition:

2. Directs the Chief Executive Officer to investigate the feasibility of establishing a Community Resource Centre in Chittering. This should include but not limited to:
  - a. State and local funding availability;
  - b. Staffing requirements;
  - c. Demonstrated need for the CRC; and
  - d. Estimated impost on the Shires budget,and provide a report by the April Ordinary Meeting of Council.

**AMENDMENT CARRIED 7/0**

**AND FORMED PART OF THE SUBSTANTIVE MOTION**

8:32PM

*Cr Osborn provided the following reasons:*

*My amendment does not alter the proposed motion, it just adds more 'meat'. To give Council more information as to whether it is a worthwhile proposition. With our close proximity to Perth we may run into problems. We need to look at funding availability so that we do not run into any problems.*

**11.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 131219**

**Moved Cr Angus / Seconded Cr Ross**

**That Council:**

- 1. Meet with the Chittering Health Advisory Group prior to their next meeting (20 February 2020) to discuss the possibility of opening a "Community Resource Centre" in the Bindoon townsite.**
- 2. Directs the Chief Executive Officer to investigate the feasibility of establishing a Community Resource Centre in Chittering. This should include but not limited to:
  - a. State and local funding availability;**
  - b. Staffing requirements;**
  - c. Demonstrated need for the CRC; and**
  - d. Estimated impost on the Shires budget,**and provide a report by the April Ordinary Meeting of Council.**

**SUBSTANTIVE MOTION CARRIED 7/0**

**8:30PM**

## 11.2 Cr Don Gibson – Rental Charges on Shire Owned Commercial Buildings

Cr Gibson tabled the following motion for Council's consideration at the December Ordinary Council Meeting:

### **PROPOSED MOTION**

That Council requires tenants of Shire owned commercial buildings to pay commercial rent, premises include the old Bakery, Post Office, and old Medical Centre to partly offset the ongoing cost of maintenance on these properties.

Cr Gibson provided the following in support of his motion

Nil

Comments from the Chief Executive Officer

Leases, including rental amounts, are dealt with by Council at the time of approving the lease. A decision of this nature will have nil effect.

### **ALTERNATIVE MOTION**

Moved Cr Osborn / Seconded Cr Davis

That the item be laid on the table to ensure that members can be fully informed by the Chief Executive Officer of all details of the present arrangements, prior to the next Ordinary Meeting of Council.

Cr Osborn provided the following reasons

*There is value in knowing the full facts, as we do not know the full situation. We do some information as we received an email this afternoon regarding the arrangements with the Department of Treasury. We do not know what the commercial rents are, and whether the businesses that are being talked about can actually withstand paying commercial rent, which may lead to businesses leaving the Bindoon townsite.*

### **MOTION / COUNCIL RESOLUTION 141219**

Moved Cr Hughes/ Seconded Cr Osborn

That Council suspend *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members* to allow for free and open debate.

**CARRIED 7/0**  
8:34PM

### **MOTION / COUNCIL RESOLUTION 151219**

Moved Cr Angus / Seconded Cr Gibson

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

**CARRIED 7/0**  
8:35PM

**11.2 ALTERNATIVE MOTION / COUNCIL RESOLUTION 161219**

**Moved Cr Osborn / Seconded Cr Davis**

**That the item be laid on the table to ensure that members can be fully informed by the Chief Executive Officer of all details of the present arrangements, prior to the next Ordinary Meeting of Council.**

**CARRIED 7/0**  
8:36PM

### 11.3 Cr Don Gibson – Delegated Authority Register

Cr Gibson tabled the following motion for Council's consideration at the December Ordinary Council Meeting:

**PROPOSED MOTION**

That Council reviews all Council delegations at the next Council Forum.

Cr Gibson provided the following in support of his motion

Nil

Comments from the Chief Executive Officer

All local governments in Western Australian are required to conduct an annual review of their delegations. The Shire's Delegated Authority Register was last reviewed by the Shire's Audit Committee on 29 January 2019, and subsequently endorsed by Council at a Special Meeting on 29 January 2019. This decision will merely bring forward the annual review by a few months.

The Local Government Act 1995, s5.46 states that:

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**11.3 MOTION / COUNCIL RESOLUTION 171219**

**Moved Cr Gibson / Seconded Cr Davis**

**That Council reviews all Council delegations at the next Council Forum.**

**CARRIED 6/1**

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

**CR OSBORN VOTED AGAINST**

**8:37PM**



#### 11.4 Cr Don Gibson – Prosecution of Ratepayers

Cr Gibson tabled the following motion for Council's consideration at the December Ordinary Meeting of Council.

**PROPOSED MOTION**

That Council requires all proposed prosecutions of ratepayers to be referred to Council before legal action is commenced.

*Cr Gibson provided the following in support of his motion:*

*It is common sense to extend the opportunity of a face to face meeting to potentially arrive at a mutual resolution, rather than escalate a dispute with lawyers demands, resulting in a negative perception of the Shire.*

*Comments from the Chief Executive Officer*

Prosecutions are rare and normally stem from complaints that cannot be solved by staff attempting to mediate. This leaves staff in a position where a decision to prosecute or not to prosecute results in a negative perception of the Shire. Staff support Council taking on this responsibility.

**11.4 MOTION / COUNCIL RESOLUTION 181219**

**Moved Cr Gibson / Seconded Cr Davis**

**That Council requires all proposed prosecutions of ratepayers to be referred to Council before legal action is commenced.**

**CARRIED 6/1**

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

**8:40PM**

### 11.5 Cr Don Gibson – Accidents involving Employees and/or Vehicles

Cr Gibson tabled the following motion for Council's consideration at the December Ordinary Meeting of Council.

**PROPOSED MOTION**

That Council requires a report on all accidents involving Shire employees and/or vehicles to facilitate awareness of our health and safety performance.

Cr Gibson provided the following in support of his motion

*In the past Council hasn't been aware of damage to vehicles and accidents, not suggesting that our current CEO is in that position, but we have been kept in the dark. It has been a battle to find out what the damage has cost and the circumstances. This will make it clearer to Council on what is going on, what the costs are to ratepayers and how our health and safety performance is standing up.*

Comments from the Chief Executive Officer

This decision has no effect as a report to facilitate Council awareness of the Shire's Occupational Safety and Health performance would be provided as part of the Chief Executive Officer's Performance Review.

**11.5 MOTION / COUNCIL RESOLUTION 191219**

**Moved Cr Gibson / Seconded Cr Davis**

**That Council requires a report on all accidents involving Shire employees and/or vehicles to facilitate awareness of our health and safety performance.**

**CARRIED 7/0**  
8:45PM

## 11.6 Cr Don Gibson – Future purchases of Shire Vehicles

Cr Gibson tabled the following motion for Council's consideration at the December Ordinary Meeting of Council.

### PROPOSED MOTION

Moved Cr Gibson/ Seconded Cr Curtis

That Council imposes a \$25,000 limit on all further purchases of passenger vehicles, due to the availability of a wide selection of safe and efficient passenger vehicles at or below that price, suitable for Shire work purposes.

LOST 3/4

CR GIBSON, CR DAVIS AND CR CURTIS VOTED IN FAVOUR

CR ROSS, CR OSBORN, CR ANGUS AND CR HUGHES VOTED AGAINST

8:53PM

*Cr Gibson provided the following in support of her motion:*

*It has been widely known that we have spent upwards of \$70,000 on luxury vehicles and I believe that that era has long gone past, especially for work purposes. There is a huge range of much cheaper and fuel efficient and safe vehicles on the market. We should move with the times, and also more economical.*

*Comments from the Chief Executive Officer*

This decision will have no effect as there will be no purchase of a passenger vehicle above \$25,000 in this financial year and further years will be dealt with at the time of approving the budget.

## 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

### PROCEDURAL MOTION / COUNCIL RESOLUTION 201219

Moved Cr Hughes / Seconded Cr Angus

That Council considers item of urgent business regarding the purchasing of community event kits.

CARRIED 7/0

8:55PM

### 13.1 Donation to the Lower Chittering Volunteer Bushfire Brigade

Cr Hughes discussed with Council, making donations to the Lower Chittering Volunteer Bushfire Brigade and Muchea Volunteer Bushfire Brigade of \$250 each to put towards a community event kit that all the brigades can share to facilitate engagement and to also use it to attract and recruit new volunteers. The kit will consist of a water slide and water activity equipment that is reusable.

#### 13.1 MOTION / COUNCIL RESOLUTION 211219

Moved Cr Hughes / Second Cr Angus

That Council provide a donation of \$500 from Account '2040129.2700 MEMBERS – Donations to Community Groups' to the Muchea Volunteer Bushfire Brigade and Lower Chittering Volunteer Bushfire Brigade to be used for the purchase of a community event kit.

CARRIED 7/0  
8:59PM

## 14. MEETING CLOSED TO THE PUBLIC

### 14.1 Matters for which the meeting may be closed

#### 14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 221219

Moved Cr Gibson / Seconded Cr Osborn

That Council moves into a confidential session to discuss item 14.1.1 'Chief Executive Officer Qualifying Period under the terms of the *Local Government Act 1995, Section 5.23(2)*:

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

CARRIED 7/0  
9:02PM

#### 14.1.1 Chief Executive Officer Qualifying Period

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

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

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

The meeting was not reopened to the general public and therefore the resolution of Council was not read aloud.

**14.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 231219**

**Moved Cr Davis / Seconded Cr Osborn**

**That Council:**

- 1. Confirm the Chief Executive Officer's employment as per Section 3.32 of the Chief Executive Officer's Employment Contract; and**
- 2. Reviews the Chief Executive Officer's KPIs in June 2020.**

**CARRIED SUBSTANTIVE MOTION 7/0**

**9:06PM**

**15. CLOSURE**

The meeting concluded at 9:07PM.