



COUNCIL MINUTES

Ordinary Meeting of Council

7pm, Wednesday 17 February 2021

Council Chambers, 6177 Great Northern Highway, Bindoon

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

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

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

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

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

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Preface

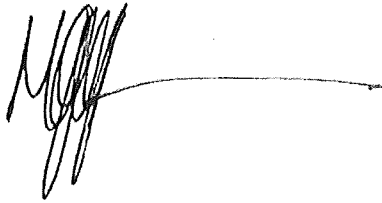
When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

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

Unconfirmed Minutes

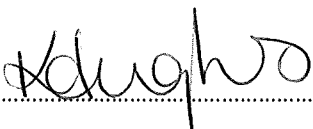
These minutes were approved for distribution on 24 February 2021.



Matthew Gilfellow
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 17 March 2021.

Signed


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

Disclaimer

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

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

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

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

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Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

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

Cr Hughes declared the meeting open at 7:00PM

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

Attendance

The following Members were in attendance:

Member:	Cr Kylie Hughes	(Presiding Member)
	Cr Carmel Ross	
	Cr John Curtis	
	Cr Peter Osborn	
	Cr Mary Angus	

The following Shire staff are in attendance:

Matthew Gilfellow	Chief Executive Officer
Melinda Prinsloo	Executive Manager Corporate Services
Peter Stuart	Executive Manager Development Services
Jim Garrett	Executive Manager Technical Services
Jake Whistler	Principal Planning Officer
Vienna Schnell	Planning Officer
Majella Heaton	Executive Assistant/Council Support

Member of the General Public:

7

Media:

0

Apologies

Nil

Approved leave of absence

Nil

Announcements

Cr Kylie Hughes

Nil

Cr Peter Osborn

10 December – Slow Food Group, Terra Madre Celebration at the Locavore
19 December – Wannamal Christmas Party
26 January – Australia Day
30 January – Wannamal Long Table Dinner
8 February – Wannamal Community Centre Management Committee Meeting
10 February - Agenda Forum

Cr John Curtis

26 January – Australia Day

Cr Carmel Ross

15 December - President & CEO Meeting
22 December - President & CEO Meeting
11 January - MHUG Meeting
13 January - President & CEO Meeting
26 January - Shire Australia Day Awards Ceremony
27 January - President & CEO Meeting
4 February - Bendigo Bank Foundation Bushfire Appeal Meeting
8 February - Wannamal Community Centre Committee Meeting
10 February - President and CEO Meeting

Cr Mary Angus

26 January – Australia Day
30 January – Wannamal Long Table Dinner

ITEM 3. DISCLOSURE OF INTEREST

CEO-0202/21 Muchea Clubroom and Changeroom Upgrade		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Kylie Hughes	Impartiality	Nature: Member of Netball Club

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

PQT02-12/20 Lee Martin, Bindoon

Question 1: Is there any money held in cash back reserves from the land sale with Retirees WA that is to be used for sporting facilities?

Answer 1: A letter was sent to Mr. Martin dated 13 January 2021 from Matthew Gilfellow "Thank you for attending the Ordinary Meeting of Council held on 9 December 2020. During public question time, you asked if there is any money held in cash backed reserves from the land sale with Retirees WA that is to be used for sporting facilities, which was not able to be answered during the meeting.

Following intensive investigation, I can advise that there is no money held in cash backed reserves from the land sale with Retirees WA to be used for sporting facilities."

Public question time

PQT01-02/21 Clint O'Neil, Chittering

In relation to Council Agenda Item CEO02-02/21

Question 1: Could the Council President provide a reasoned and logical explanation as to why ratepayers should be satisfied with incurring a debt of some \$3.0M, with ongoing costs of some \$384,000pa, based on back of the envelope speculated calculations, to support a proposed facility expansion in Muchea, servicing a population of 970 residents, as an acceptable solution for the provision of female change room facilities.

Answer 1: Cr Hughes replied that estimate of 970 residents doesn't take into account the number of residents that will be using that facility from other areas in the shire, because there are the two biggest sporting clubs being the Chittering junior cricket and junior football from all of Chittering, although they are based in Muchea, have members from all over the shire as have the other clubs that are using that facility. The estimates that we have in the agenda item tonight that is a top estimate we don't need to spend all of that money and we certainly will not be aiming to do that, but I think its best that we are upfront with this one to say what with our communication with these things, that why we've got it that way.

Question 2: Has the Shire sought and received written technical advice from Western Power with regards to the network capacity to support the proposed development and the costs of any upgrades that may be required, to confirm the Shire claims that upgrades are required?

Answer 2: Cr Hughes refers question to CEO. Matthew Gilfellow, answers; we haven't received confirmation from Western Power but we have had an electrician there to do the sums for what's required, so that's come from a qualified electrician.

Question 3: Has the Shire sought and received reliable independent cost estimates for:

- a) Wastewater infrastructure suitable for the environmentally sensitive landform that is subject to flooding and high water tables.
- b) Infrastructure necessary to provide safe drinking water supply in conformity with the Australian Drinking Water Guidelines catchment to tap risk management principles and processes.
- c) Infrastructure necessary to provide built environment fire protection.

Answer 3: Cr Hughes replied; yes, we are in the process and one of the agenda points on that item was the appointment of an architect and then we have the tendering processes as well that we need to go through which will be where we will be getting that degree of advice from those professional companies that we will be engaging to do those services.

Question 4: So why would a proposition be put that council approve a loan for \$2.2m before it's done a business plan?

Answer 4: There is a business case there, but the final appointment of who will be delivering those services will be confirmed during those processes. We have got the advice from our planning department about what we must comply with in all the regulations.

PQT02-02/21 John Nagel, Bindoon (addressing Matthew Gilfellow, CEO)

Question 1: At a couple of those workshops you've had for the mountain bike track, I'm trying to recollect, was it 17,000 people you anticipated to come through per year, correct?

Answer 1: Yes, according to the feasibility study.

Question 2: The figures show you would be charging about \$15 per head, correct?

Answer 2: It was variable. So, the feasibility study indicated how many people would be prepared to pay so much to attend, so if you were charging \$50 per head how many people would be willing to attend at that price and different price points from that.

Question 3: In relation to a similar situation with the proposed mountain bike track why would the shire be going ahead and wanting to buy the land now when they have to wait two years to do an environmental study on it.

Answer 3: There was a council decision to apply for funding, and we do have to have the land available to us because otherwise you're applying for funding on a project for which you don't have the property. The environmental study is only required for the western side of the hill, and so the eastern side of the hill can be developed without an environmental study.

Question 4: Has the shire, if everything goes ahead we'll be in fair debt, considered approaching the people with a five ten lease with the option to purchase with the lease cost to come off the purchase price.

Answer 4: We've considered many options for those sort of things and the best ownership model for the land, the decision was made that the best ownership model is to purchase the land outright especially considering you could take out a lease and in ten years' time the interest rates may be a lot higher, so as much as it spread the debt, debt is at record low levels. With the shire the funding we take out is fixed, so if you lock in the funding now at the record low levels that continues through for twenty years.

Question 5: The other thing that concerns me is that there was a meeting in town a few weeks ago and there were two staff members there apparently and these they were talking about getting the lights fixed on the basketball court and these staff members said that the shire had, how can the staff members have the authority to say that and if that's the case why are we looking at these projects if the shire can't afford to fix the lights at the basketball court.

Answer 5: Matthew Gilfellow replied that he is unaware of the context, or whether they're talking current budget or long term plans, so is unable to comment.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

DS01-02/21 Application to Amend Development Approval – Airfield and Educational Establishment – Lots 1543 and 2941 (887) Brand Highway, Muchea

Deputation

Mr Michael Byrne spoke IN SUPPORT of the Officers Recommendation in their entirety.

Summary of Deputation

- Mr Byrne clarified that unforeseen aviation safety issues were present while operating under the previously approved guidelines, which these amendments would address.
- Operator of Air Field Flying School agreed that the new amendments negated any further concerns

Points/Request for clarification by Councillors

- Cr Angus asked Mr Michael Byrne to reconfirm he was happy with the amendments in their entirety. Mr Byrne replied that initially he didn't anticipate an issue in relation to safety, so was happy with the previous approval, however when put into practice it was found there was an aviation safety issue that really needed to be addressed so that the operation of the air field can remain safe long term. The Operator of the Top Fun Flying School, responsible for ensuring maximum safety for its students, outlined that the proposed amendment, in his opinion, increased safety by two to three times for only a very limited set of circumstances, that we originally did not foresee. Shortly after the approval was given to us we had a situation whereby we had aircraft complying with the previous approval with outcomes that were somewhat risky, which is why we came back for the amendment, we now believe that the amended program is going to negate any further concerns and we have no expectation to be back here.

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Peter Osborn

MOTION / COUNCIL RESOLUTION 010221

Moved Cr Osborn / Seconded Cr Ross

That Council approve the application for leave of absence for Cr Osborn for the period inclusive of Tuesday 23 February 2021 – Sunday 07 March 2021

CARRIED 5/0

7:15PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 9 December 2020

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020221

Moved Cr Angus / Seconded Cr Osborn

That the minutes of the Ordinary Meeting of Council held on Wednesday 9 December 2020 be confirmed.

CARRIED 5/0

7:16PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

With deepest sadness Cr Hughes shares the news that Dave Barker and Tom Hayden, both Life Members of the Bindoon and District Historical society, passed away recently. Both will be sadly missed. Our thoughts and sympathies are extended to the families of two extraordinary men who gave willingly and enthusiastically to the community, their families and friends. Cr Hughes thanks Cr Curtis for bringing this to our attention, and is honoured to extend our condolences and acknowledge the generous contribution of both these gentlemen to the Chittering community.

ITEM 9. REPORTS

DEVELOPMENT SERVICES

DS01-02/21 Initiation of Local Planning Policy No.34 – Telecommunications Infrastructure

Applicant	Shire of Chittering
File ref	PLN.POL.TELECOMMS
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Draft Local Planning Policy No.34 – Telecommunications Infrastructure

Executive Summary

Council is requested to resolve to prepare the draft Local Planning Policy No.34 Telecommunications Infrastructure for public comment.

The Shire's development services staff have prepared a draft Local Planning Policy (LPP) giving guidance for the development of Telecommunications Equipment within the Shire. The LPP has been drafted pursuant to Council's resolution of 9.1.1 at its 1 July 2020 Special Council meeting.

Background

The reasoning for creating the LPP derives from Council's resolution on a related matter whereby an application for telecommunications infrastructure was refused by Council outside of planning grounds. The resolution to initiate the LPP occurred at the Special Council Meeting of 1 July 2020. Council reconsidered its position in relation to a refused NBN telecommunications tower in Lower Chittering. As part of the resolution to

reconsider its reasons for refusal, it became apparent that a local planning policy relating to telecommunications equipment was needed. The resolution for investigating the policy intended to investigate regulatory control over the siting and visual landscape of such developments.

Subsequent research has found that only a small number of local authorities have local planning policies relating to telecommunications equipment. Additionally, only a smaller number of those appear to be commensurate with the standards and requirements contained within State Planning Policy 5.2 (SPP5.2) Telecommunications Infrastructure, since many were drafted and adopted prior to SPP5.2 coming into effect.

Following this research, the first copy of the policy has been drafted. The draft policy attached has borrowed heavily from two WA LGA local planning policies – the Cities of Joondalup and Mandurah - as these two examples appear to be most up to date and legally sound. The resultant draft is attached at **Attachment 1**.

Consultation/Communication Implications

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) require the preparing of a new local planning policy to be advertised through:

- (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of—
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) where the proposed policy may be inspected; and
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made.

Legislative Implications

State

Division 2 Part 3 of the Regulations sets out the manner in which a Local Planning Policy may be prepared and adopted.

In preparing the policy, the Regulations provide specific and strict guidance on what a local planning policy can regulate and how.

For this reason, the subject local planning policy cannot contain measures which conflict with SPP5.2, LPS6, the Regulations, nor apply health based standards since a local government cannot regulate this through a planning control.

Policy Implications

State

- State Planning Policy 5.2 – Telecommunications Infrastructure
SPP5.2 sets out the State standards for regulating telecommunications towers and equipment.

Local

Nil

Financial Implications

An allocation of the budget has been applied to advertising draft policies such as this, as the Regulations require the policy to be advertised within a local news print that circulates the Shire.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Our community

Objective: S1.1 An active and supportive community
Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

- *Shire of Chittering Local Planning Strategy 2019*

The Shire's Local Planning Strategy anticipates the demand for telecommunication towers within the Shire and notes that there are ongoing upgrades to telecommunications infrastructure to support lifestyle and commercial activities within the Shire.

State

- *State Planning Strategy 2050 (2014)*

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

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

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

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

Social implications

The policy intends to provide greater assurance to the placement of infrastructure as well as more clarity around the local authority's role. Therefore the social impacts are likely proximity and that health based implications are confirmed not applicable to the local authority's decision making process.

Environmental implications

The policy proposes to assess the appropriateness of the Telecommunications Infrastructure in terms of topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding developments.

Officer Comment/Details

The LPP is being drafted to reflect current legislation and issues associated with telecommunications land use not being covered by LPS6 or SPP5.2. The clauses have been proposed so as to include requirements for siting and vegetation retention.

While Health issues remains a significant concern for a number of residents, the policy helps to clarify how this applies in a local government context.

A copy of the proposed Local Planning Policy is attached to this report (see attachment 1).

Initiation of the proposed policy

If Council resolves to prepare the proposed *Local Planning Policy No. 34 'Telecommunications'*, the policy, pursuant to the Regulations, is required to be published for public comment via:

- (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of—
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) where the proposed policy may be inspected; and
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

For a period of not less than 21 days from the date of the first notice submissions may be made to the Shire. The proposed policy will be referred to the Western Australian Planning Commission for their comment.

After the expiry of the submissions period, the proposed policy will be reviewed in the light of any submissions made. Subsequently, the policy will be put to the next available Ordinary Council Meeting where Council is to resolve to proceed with the policy with or without modification, or not to proceed with the policy.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030221

Moved Cr Ross / Seconded Cr Osborn

That Council:

- 1. Resolves to prepare the *Local Planning Policy No.34 Telecommunications*.**
 - 2. Pursuant to Part 2 Schedule 2 Clause 4.1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a notice of the proposed policy in a newspaper circulating in the Scheme Area, giving details of the following:
 - a. the subject and nature of the proposed policy; and**
 - b. the objectives of the proposed policy; and**
 - c. where the proposed policy may be inspected; and**
 - d. to whom, in what form and during what period submissions in relation to the proposed policy may be made;****
- 3. Pursuant to Part 2 Schedule 2 Clause 4.3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* after the expiry of the period within which submissions may be made, all submissions will be tabled at the next available Ordinary Council Meeting for its consideration.**

CARRIED 5/0

07:18PM

DS02-02/21 Application for Home Business (Dog Training Classes) – 14 Red Poll Ct, Lower Chittering

Applicant	Bethwyn Innes
File ref	A4018; P147/20
Author	Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Site plans 2. Schedule of submissions

Executive Summary

Council is requested to consider an Application for Development Approval for a Home Business conducting dog training classes at 14 Red Poll Court, Lower Chittering, in the Maryville Downs estate. Two neighbouring landowners have objected to the application.

IMAGE 1: Location Plan



Background

The Shire is in receipt of an Application for Development Approval for a Home Business (dog training classes) at 14 Red Poll Court, Lower Chittering (the site).

The site is zoned Rural Residential under the Shire's *Local Planning Scheme No. 6 (LPS 6)* and is approximately 2.2 hectares in area. The site contains an existing dwelling and associated structures, and is mostly vegetated apart from a cleared area at the rear of the property facing Muchea East Road, which is where the classes are proposed to be held. Further details on the class area, parking and access has been provided as an attachment to this report (**Attachment 1**). The application proposes to conduct up to 3 dog training classes of one hour each per day on Saturdays and Sundays only, with a maximum of 5 dogs in each class.

The proposed training area is securely fenced on all four sides, and the applicant has stated that gates on the property boundaries will also be closed during classes for backup security. All dogs are proposed to stay on-lead for the duration of classes, for training purposes and to minimise the potential for dogs to escape the site. Client parking is proposed to be located on-site, at the rear of the property adjacent to where the classes are to be held.

The application was advertised to neighbouring residents within an approximate 250 metre distance from the training area, and three responses were received; two in objection and one in support of the proposal. The responses have been tabulated in a schedule of submissions provided as an attachment to this report (**Attachment 2**). The reasons for objection are summarised as follows:

- Noise concerns from barking dogs
- Potential for sheep to be attacked
- Concerns about dogs escaping
- The classes should be carried out in a public location, not in a residential area.

Consultation/Communication Implications

Local

Consultation was undertaken with surrounding residents within an approximate 250-metre radius, who were deemed by administration to potentially be affected by noise and/or vehicle movements associated with the proposal, and whom could offer local knowledge of the area. Three responses were received, two in objection and one in support of the proposal.

State

Nil

Legislative Implications

State

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

Schedule 2, Part 9, Clause 67 of the Regulations provides a list of 'matters to be considered by local government' when determining a development application. The following 'matters' are considered to be relevant to the subject application and have been addressed below:

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

While the proposed development is expected to have minimal impact on the environment and character of the locality, public submissions have raised concerns regarding potential adverse social impacts including noise and safety. These concerns can be addressed and potential impacts mitigated through conditions of approval, such as limiting the number of dogs in each class, ensuring dogs are kept on-leash, and limitations on the number of classes per day and hours of operation. Further, the proposed development may reduce the likelihood of dog attacks by teaching dogs good behaviour. Administration deems the potential social impacts of the proposed home business to be minimal and not sufficient grounds for refusal of the application, subject to appropriate conditions.

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

A maximum of 3 classes per day with 5 dogs in each class on weekends could be expected to generate a maximum of 30 vehicle movements to/from the premises on each day that the business operates.

The site is located on the southern boundary of the Maryville Downs estate, with traffic accessing the site via Devon Way from Muchea East Road. The proposal is not expected to have a significant impact on the local road network or an adverse effect on local residents from excessive vehicle movements.

(y) *any submissions received on the application*

The submissions received are in itself a 'matter for consideration'. As discussed above, the concerns raised regarding noise and safety of stock and humans can be addressed and mitigated through conditions of approval. Another point of issue raised in the submissions was that an activity of this nature should be carried out on public land rather than in a private residential area. Council is to determine the application as it was submitted, which is for the activity to be carried out on the applicant's private property. Suggested alternate locations for the activity are not relevant to the application as it currently stands. Notwithstanding, the applicant has been made aware of the concerns and have addressed this aspect within the response to submissions (**Attachment 2**).

Local

- Shire of Chittering Local Planning Scheme No. 6 – Rural Residential zone

The objectives of the Rural Residential zone are to:

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

Administration considers the proposal to be consistent with the objectives of the Rural Residential zone as it will not have a detrimental effect on the environment or rural character of the area. The proposal may enhance the rural lifestyle, as many local dog owners will have the option to provide their dogs with training within their local area.

- Shire of Chittering Local Planning Scheme No. 6 – 'Schedule 1 – Land Use Definitions'

The proposal can be categorised under LPS 6 as a 'Home Business' which is defined as:

'means a business, service or profession carried out in a dwelling or on land in the curtilage of a dwelling by an occupier of the dwelling which –

- (a) *does not employ more than two persons full time, or a part time or mixed full time and part time equivalent of two full time employees over the year, in any case where such employees are not members of the occupier's household;*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) *does not occupy an area greater than 50m² unless in the Agricultural Resource zone or Rural Smallholdings zone where the local government may permit an area up to 200m²;*
- (d) *does not involve the retail sale, display or hire of goods of any nature;*
- (e) *does not involve the provision for refuelling, repair or maintenance of motor vehicles;*
- (f) *in relation to vehicles and parking, will not result in traffic difficulties as a result of inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;*
- (g) *does not involve the use of an essential service of greater capacity than normally required in the zone; and*
- (h) *does not involve the display of a sign of more than 1.0m².'*

The proposal meets each of the above requirements, but proposes variations to the maximum area and signage size. The proposed training area is an existing cleared area of 1,500m² at the rear of the

property, exceeding the 50m² area as per requirement (c). A sign has already been erected at the rear of the property facing Muchea East Rd, which measures 900mm x 1200mm in area (1.08m²), slightly exceeding the 1m² sign limit as per point (h). It is however important to read this definition in the context of Clause 3.4.2 of LPS6 (*Interpretation of the Zoning Table*) which states:

'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the local government may.....'

This clause speaks about the process for a 'use not listed', but at the same time, highlights that a proposed activity/land use only needs to fall within the type, class, or genus of another use class category. It is a case of 'best fit' when classifying a proposed land use activity, into a particular LPS6 land use of the zoning table.

In the context of the subject dog-training proposal, it is considered that the proposal falls within the 'type, class or genus' of the 'Home Business' use class as it is consistent with the majority of this definition. Despite the proposal utilising a larger area than the 50m² area, the space is out in the open and will not result in a greater impact on neighbouring residents than if it were carried out in a smaller area, as the number of dogs in each class will remain the same. It is also the applicant's view that utilising a larger area for the classes will result in less noise from barking, as dogs will be subjected to less stimuli from not having other dogs close by.

- Shire of Chittering Local Planning Scheme No. 6 – 'Schedule 1 – Zoning Table'

Pursuant to Schedule 2 – 'Zoning Table' of LPS 6, a 'Home Business' is a discretionary (D) use within the Rural Residential zone.

Clause 3.3.2 of LPS 6 defines a 'D' use as:

'means that the use is not permitted unless the local government has exercised its discretion by granting development approval'.

The above definition of a 'D' use demonstrates that the subject application for a dog training home business can be considered for approval by Council.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.3 A safe and healthy community

Strategy: S1.3.1 Improve the safety of our community

The proposed dog training home business may assist in improving dog behaviour and reducing dog related problems in the community by providing a local service where residents can train their dogs in a

secure and controlled environment, consistent with the strategies of the Shire's Strategic Community Plan.

State

Nil

Site Inspection

A site inspection was carried out on Thursday 28 January 2021. All fencing and signage is already in place. A gravel track provides vehicle access to the area, and there is sufficient space for car parking and manoeuvring. The fencing surrounding the proposed training area is in good condition and sufficient height to prevent dogs jumping over. Shrubs have been planted on the fence line alongside Muchea East Road to provide an extra buffer once they have grown to their full size.

IMAGES: Photos taken at site visit by Shire planning staff

Image 1: Area where training classes are to be held.



Image 2: Fencing on property boundary between the site and adjacent property.



Image 3: Gate and fencing between training area and car parking area, fencing on property boundary facing Muchea East Road.



Image 4: Existing sign (taken from rear), facing Muchea East Road.



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 proposed home business is not expected to have an adverse impact on the safety and amenity of the area or affected neighbours' peaceful enjoyment of their properties. There is sufficient distance between the training area and neighbouring dwellings (the closest dwelling being 118 metres away) and dense vegetation in between the training area and surrounding dwellings to buffer any noise. The area is securely fenced and parking is on the subject property and not on public roads. Any impacts on neighbouring properties from noise or traffic are able to be mitigated through conditions of approval, including limiting class sizes, duration and frequency and days of the week which classes may take place.

The proposed home business will support the Shire's commitment to improving the safety of the community by providing a local service where residents may take their dogs to improve manners and behaviour. The application will also add to the social infrastructure of the Lower Chittering community and support the economic development ambitions of the Shire. Shire officers recommend approval.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040221

Moved Cr Osborn /Seconded Cr Ross

That Council approves the application for a Home Business (Dog training classes) and existing associated signage at 14 Red Poll Court, Lower Chittering, subject to the following conditions:

- 1. Classes may operate only on Saturdays and Sundays between the hours of 9am and 4pm.**
- 2. Class sizes shall not exceed 5 dogs and their owners per class.**
- 3. Classes shall only operate within the designated area marked on the approved plans.**
- 4. No more than three classes are permitted to take place on any day in accordance with Condition 1.**
- 5. The area where classes are to take place shall be securely fenced at all times such that a dog cannot go under, over or through the fence.**
- 6. Overnight board of dogs is not permitted unless otherwise approved by the Shire.**
- 7. No additional signage may be erected in association with the business unless otherwise approved by the Shire.**

CARRIED 5/0

7.20pm

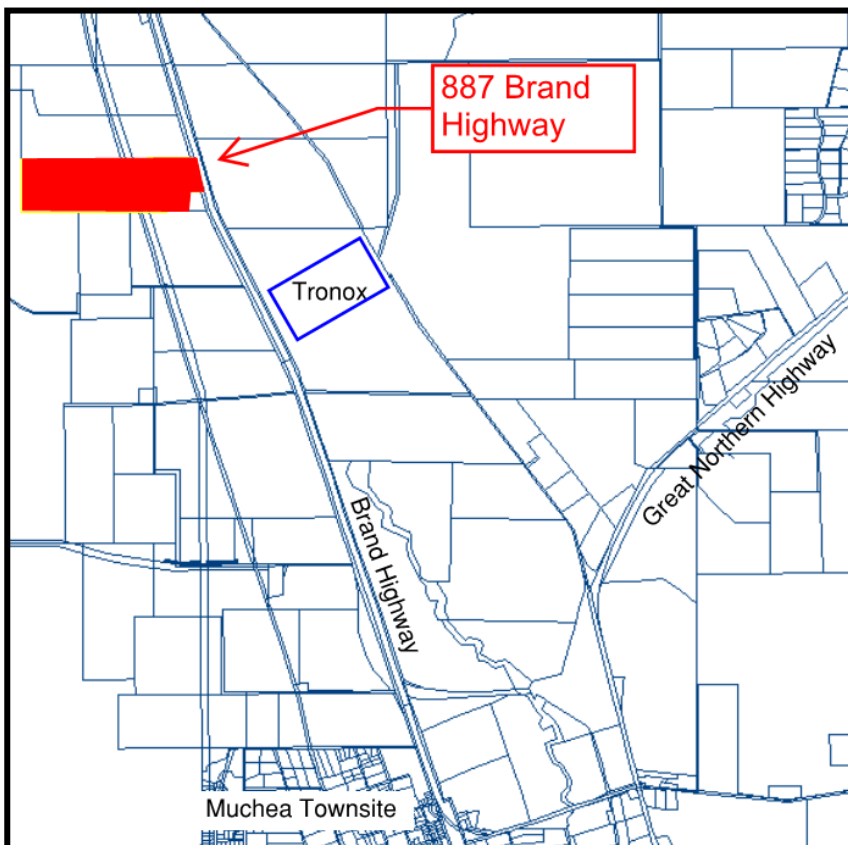
DS03-02/21 Application to Amend Development Approval – Airfield and Educational Establishment – Lots 1543 and 2941 (887) Brand Highway, Muchea

Applicant	M. Byrne
File ref	A11726
Author	Principal Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure or relevant details
Voting requirements	Simple Majority
Attachments	1. Copy of Council Report – May 2020 2. Amended Application Details

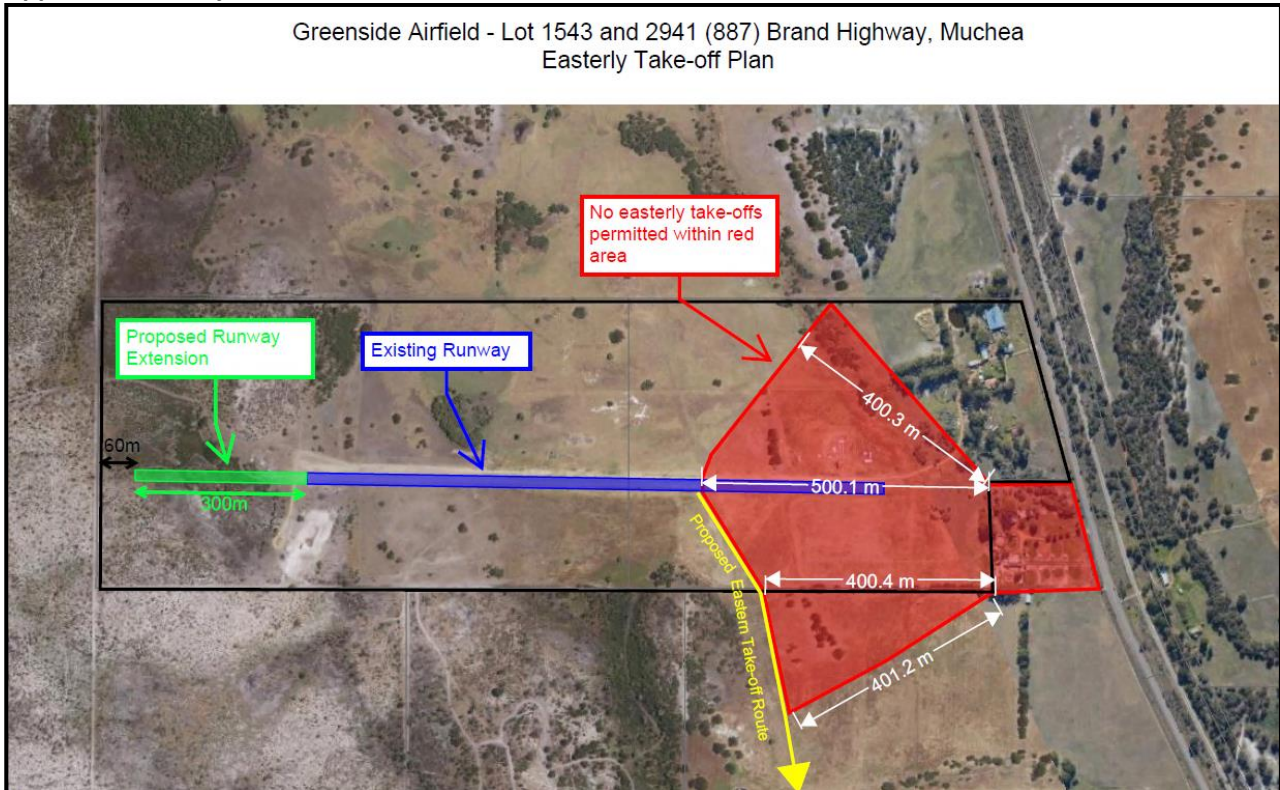
Executive Summary

Council is requested is to consider an application to amend a Development Approval for an Airfield and Educational Establishment at Lots 1543 and 2941 (887) Brand Highway, Muchea. The application is for a condition of development approval to be reworded to permit aircraft to fly through a 'red area' (no fly zone), in the event of an emergency.

Location Plan



Approved Easterly Take-Off Plan



Background

At its meeting held 20 May 2020, Council resolved (030520) the following:

That Council approve the application for development approval for an 'Airfield' and 'Educational Establishment' on Lots 2941 and 1543 (RN887) Brand Highway, Muchea subject to the following conditions:

1. *All development shall be in accordance with the approved plans;*
2. *Prior to the use of the approved buildings associated with the educational establishment, all recommended fire mitigating measures contained within the Bushfire Management Statement dated 28 January 2020 shall be established and thereafter maintained to the satisfaction of the Shire;*
3. *No aircraft that take-off in an easterly direction shall enter the 'red area' defined on the approved 'Easterly Take-off Plan' at any time;*
4. *No aircraft that land in a westerly direction shall enter the 'red area' defined on the approved 'Westerly Landing Plan' at any time;*
5. *No more than five 'fly ins' shall occur within any 12 month period with a maximum of five aircraft, not ordinarily associated with the approved airfield and educational establishment, permitted per 'fly in', without the prior approval of the Shire;*
6. *Operation of the education establishment aspect of the airfield dictate these hours:
7:00am – 7:00pm Monday to Saturday, inclusive; and
8:00am – 5:00pm Sunday and Public Holidays;*
7. *No aircraft that has a manufacturer's registered noise emission greater than 74 decibels is permitted to use the airfield at any time without the prior approval of the Shire; and*
8. *The approved 'Fuel Spill Mitigation Program for Greenside Recreational Airfield' shall be implemented at all times to the satisfaction of the Shire.*

9. *That the proposed runway extension in the northeast direction be constructed.*

Advice Notes:

1. *If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.*
2. *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.*
3. *The applicant is advised that this is not a Building Permit. A Building Permit is required to be obtained from the Shire prior to commencement of construction of the proposed buildings. The applicant is encouraged to contact the Shire's Building Surveyor on (08)95764600 for further information.*
4. *The applicant is advised that the westerly extension of the existing runway may require the clearing of native vegetation. The applicant should contact the Department of Water and Environmental Regulation on (08)63647000 to determine whether a clearing permit is required, prior to commencement of works.*
5. *The applicant is advised to contact the Australian Gas Infrastructure Group on (08)92234300, if a larger aircraft is being used to that described in the Application for Development Approval, with respect to protecting the Dampier to Bunbury Natural Gas Pipeline.*
6. *The applicant is advised to contact the Civil Aviation Safety Authority to obtain any necessary approvals for the proposed flight paths and flying operations associated with the approved airfield.*

A full copy of the Council report that informed the above resolution is provided in the attachments (Attachment 1) for Council's information.

Following issuance of this development approval, the applicant lodged an appeal of this decision with the State Administrative Tribunal (SAT) in July 2020, as they wished for a modification to be made to Condition No. 3. Shire officers discussed the SAT appeal with the applicant, and at the applicant's request, the SAT appeal was placed on hold to enable a mediated outcome (outside of SAT) to be explored.

Following deliberations between the applicant and Shire staff, a revised wording for Condition No. 3 with an additional advice note was proposed by the applicant. The revised wording of Condition No. 3 and the additional advice note proposed is as follows:

- 3. No aircraft that take-off in an easterly direction shall enter the 'red area' defined on the approved Easterly Take-off Plan at any time unless required to do so due to a potential emergency. Any pilot entering the 'red area' shall report the incident to the airfield safety or club complaints officer, who shall maintain a register of such occurrences and make this available to the Council on request.**

Advice Note:

- 7. The applicant is advised that Regulations 157(1)(b) & 157(4)(e) of the Civil Aviation Regulations prohibits aircraft being flown over non-urban areas at a height of less than 500 feet unless in the act of taking off or landing.**

The above proposed amended wording has been formally submitted to the Shire as an Application for Development Approval, and is to be considered outside of the SAT appeal process, which is still officially under adjournment. As the original Development Approval for the Airfield and Educational Establishment was

determined by Council, officers consider it appropriate that the proposed amendment to this Development Approval is also brought before Council for determination.

In addition to the above, the applicant has also requested consideration of a slight adjustment to the approved 'Easterly Take-Off Plan' and has included the addition of a further building on-site to be used in conjunction with the airfield and educational establishment. Details and plans of the amended application can be found in the attachments of this report (Attachment 2).

Consultation/Communication Implications

Local

As part of the advertising period for the original application for Development Approval for the Airfield and Educational Establishment, one objection was received. This objection came from the landowner of the neighbouring property, Lot 200 (853) Brand Highway, Muchea.

The proposed amendment to Condition No. 3 of the Development Approval was advertised to the landowner of Lot 200 by email, and was afforded 21 days to provide comment for Council's consideration. No response was received during the allotted advertising period and as such, it needs to be assumed that no objection is held.

State

No advertising to State agencies/authorities was considered necessary as the subject application is simply proposing a change of wording to a condition of approval, which will not alter the overall intent of the development.

Legislative Implications

State

- Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, Clause 77. – 'Amending or cancelling development approval' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) provides the process for dealing with applications to amend a development approval.

An amendment to the wording of a condition of a development approval can be considered pursuant to Cl. 77(1)(b), with such application being treated as if it were a new application. Discretion is held by the local government to waive any requirements of the assessment process if deemed unnecessary due to the minor nature of the proposed amendment.

Clause 77 of the Regulations reads as follows:

77. Amending or cancelling development approval

- 1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following –*
 - a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - b) to amend or delete any condition to which the approval is subject;*
 - c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - d) to cancel the approval.*

- 2) *An application under subclause (1) —*
 - a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - b) *may be made during or after the period within which the development approved must be substantially commenced.*

- 3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*

- 4) *The local government may determine an application made under subclause (1) by —*
 - a) *approving the application without conditions; or*
 - b) *approving the application with conditions; or*
 - c) *refusing the application*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes.

Site inspections were undertaken during the assessment of the original application. This included inspection of the neighbouring property (Lot 200) with the owner of this lot.

Triple Bottom Line Assessment

Economic implications

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

Social implications

The social implications are focused on the neighbouring landowners of Lot 200. At present, the current Development Approval does not permit any plane to take-off over the neighbouring property due to potential noise impacts. The proposed amended wording allows pilot discretion to fly over Lot 200 in the instance of an aviation emergency. If this does occur, noise disturbance may be experienced by the owners of Lot 200.

Shire officer's deliberations with the applicant however, have led to an understanding that these instances are expected to be minimal and only in certain unfavourable and unpredictable wind conditions following an easterly take-off manoeuvre. This is coupled with the 300 metre runway extension which will afford planes taking off towards the east, to be at a greater height when in proximity to Lot 200. Given the limited amount of times that planes will be required to fly over Lot 200, the social impact is also expected to be limited to an acceptable level.

Environmental implications

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

Officer Comment/Details

The proposed amended wording to Condition No. 3 (with additional advice note) is as follows:

- 3. No aircraft that take-off in an easterly direction shall enter the 'red area' defined on the approved Easterly Take-off Plan at any time unless required to do so due to a potential emergency. Any pilot entering the 'red area' shall report the incident to the airfield safety or club complaints officer, who shall maintain a register of such occurrences and make this available to the Council on request.**

Advice Note:

- 7. The applicant is advised that Regulations 157(1)(b) & 157(4)(e) of the Civil Aviation Regulations prohibits aircraft being flown over non-urban areas at a height of less than 500 feet unless in the act of taking off or landing.**

The subject application to amend the wording of Condition No. 3 of the development approval has undergone comprehensive consultation between Shire officers and the applicant. Several versions of this wording were proposed and amended until Shire officers were satisfied that it represented a good outcome for the airfield operations, and afforded the owner of Lot 200 a level of protection of their amenity.

The revised proposed wording affords a pilot an alternative route, should unforeseen and unfavourable wind conditions not allow them to turn north or south during take-off. The reason for such is to avoid an unsafe manoeuvre that may present safety risks to a plane and its occupants. The applicant has indicated that there are occasions where these unfavourable conditions are only known and experienced once a plane is already in the air, and a take-off cannot be aborted. Shire officers agree that in these instances, a pilot should do what is necessary to avoid an accident. The revised wording of Condition No. 3 affords the pilot this discretion.

Officers also discussed with the applicant the potential for this discretion to be abused by the airfield operators and the pilots, as it would be difficult for the Shire to regulate should planes constantly fly through the 'red area' (no fly zone), without consequence. As such, it was considered necessary that a register be kept by the airfield operators and made available to the Shire, to ensure a level of accountability is maintained. In the instance that planes flying consistently through the 'red area' is reported, and the required register cannot justify these occurrences, the Shire can undertake compliance action.

Officers are comfortable that the amendment to the Condition No. 3 wording, coupled with the minor changes to the 'red area' on the approved 'Easterly Take-Off Plan' present an acceptable compromise between pilot safety and protection of amenity to the owners of Lot 200. It is recommended that the application to amend the development approval is granted.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050221

Moved Cr Ross/ Seconded Cr Angus

That Council approve the application to amend the development approval for an 'Airfield' and 'Educational Establishment' on Lots 2941 and 1543 (RN887) Brand Highway, Muchea with the following revised conditions and advice notes:

1. All development shall be in accordance with the approved plans;
2. Prior to the use of the approved buildings associated with the educational establishment, all recommended fire mitigating measures contained within the Bushfire Management Statement dated 28 January 2020 shall be established and thereafter maintained to the satisfaction of the Shire;
3. No aircraft that take-off in an easterly direction shall enter the 'red area' defined on the approved Easterly Take-off Plan at any time unless required to do so due to a potential emergency. Any pilot entering the 'red area' shall report the incident to the airfield safety or club complaints officer, who shall maintain a register of such occurrences and make this available to the Council on request.
4. No aircraft that land in a westerly direction shall enter the 'red area' defined on the approved 'Westerly Landing Plan' at any time;
5. No more than five 'fly ins' shall occur within any 12 month period with a maximum of five aircraft, not ordinarily associated with the approved airfield and educational establishment, permitted per 'fly in', without the prior approval of the Shire;
6. Operation of the education establishment aspect of the airfield dictate these hours:
7:00am – 7:00pm Monday to Saturday, inclusive; and
8:00am – 5:00pm Sunday and Public Holidays;
7. No aircraft that has a manufacturer's registered noise emission greater than 74 decibels is permitted to use the airfield at any time without the prior approval of the Shire; and
8. The approved 'Fuel Spill Mitigation Program for Greenside Recreational Airfield' shall be implemented at all times to the satisfaction of the Shire.
9. That the proposed runway extension in the northeast direction be constructed.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. 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.
3. The applicant is advised that this is not a Building Permit. A Building Permit is required to be obtained from the Shire prior to commencement of construction of the proposed buildings. The applicant is encouraged to contact the Shire's Building Surveyor on (08)95764600 for further information.
4. The applicant is advised that the westerly extension of the existing runway may require the clearing of native vegetation. The applicant should contact the Department of Water and Environmental Regulation on (08)63647000 to determine whether a clearing permit is required, prior to commencement of works.
5. The applicant is advised to contact the Australian Gas Infrastructure Group on (08)92234300, if a larger aircraft is being used to that described in the Application for Development Approval, with respect to protecting the Dampier to Bunbury Natural Gas Pipeline.
6. The applicant is advised to contact the Civil Aviation Safety Authority to obtain any necessary approvals for the proposed flight paths and flying operations associated with the approved airfield.
7. The applicant is advised that Regulations 157(1)(b) & 157(4)(e) of the *Civil Aviation Regulations 1988* prohibits aircraft being flown over non-urban areas at a height of less than 500 feet unless in the act of taking off or landing.

CARRIED 5/0

7.22 pm

TECHNICAL SERVICES

Nil

CORPORATE SERVICES

CS01-02/21 List of Accounts Paid for the Period Ending 31 December 2020

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

Executive Summary

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

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2020/21 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The attached "List of Accounts Paid as at 31 December 2020" is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060221

Moved Cr Curtis / Seconded Cr Osborn

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$897,920.63 for the period ending 31 December 2020:

- 1. PR5697, PR5701;**
- 2. EFT20963 – EFT21118; and**
- 3. Direct Debits, Cheques as listed.**

CARRIED 5/0

7.24 pm

CS02-02/21 Monthly Financial Reports for the Period Ending 31 December 2020

Applicant	Shire of Chittering
File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1 Monthly Financial Report for period ending 31 December 2020

Executive Summary

Council is requested to consider the financial statement for the period ending 31 December 2020.

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications

State

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

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation
Finance Policy 2.2 Investment of Funds
Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

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

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

Site Inspection

Not applicable

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 adopted the Annual Budget for the 2020/21 financial year on 29 July 2020 (Resolution280720). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070221

Moved Cr Ross / Seconded Cr Angus

That Council receives the Monthly Financial Reports for period ending 31 December 2020, as per Attachment 1.

CARRIED 5/0

7.25 pm

CS03-02/21 List of Accounts Paid for the Period Ending 31 January 2021

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 31 January 2021

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 January 2021.

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2020/21 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The attached "List of Accounts Paid as at 31 January 2021" is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080221

Moved Cr Osborn / Seconded Cr Angus

That Council endorses the following List of Accounts Paid as per Attachment 2 totalling \$610,393.40 for the period ending 31 January 2021:

- 4. PR5707, PR5709;**
- 5. EFT21119 – EFT21238; and**
- 6. Direct Debits, Cheques as listed.**

CARRIED 5/0

7.25 pm

CS04-02/21 Monthly Financial Reports for the Period Ending 31 January 2021

Applicant	Shire of Chittering
File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 31 January 2021

Executive Summary

Council is requested to consider the financial statement for the period ending 31 January 2021.

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications

State

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

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation
Finance Policy 2.2 Investment of Funds
Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

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

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

Site Inspection

Not applicable

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 adopted the Annual Budget for the 2020/21 financial year on 29 July 2020 (Resolution280720). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090221

Moved Cr Ross / Seconded Cr Angus

That Council receives the Monthly Financial Reports for period ending 31 January 2021, as per Attachment 1.

CARRIED 5/0

7.27 pm

CHIEF EXECUTIVE OFFICER

CEO01-02/21 Local Government Ordinary Elections 2021

Applicant	Western Australian Electoral Commission
File ref	GOV.ELC.2021
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

Council is requested to endorse the Electoral Commissioner to be responsible for the conduct of the 2021 Local Government Ordinary Election and that the method of the election be as a postal election.

Background

The next local government ordinary elections are being held on Saturday 16 October 2021. The Western Australian Electoral Commission has written to the Shire advising that the Commission is again available to assume responsibility for these elections, should the Shire of Chittering wish to retain the postal voting method.

Postal elections have been available to Western Australian Local Government since 1995, and in a short period have become the preferred way that elections are conducted by many Councils.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

- Local Government Act 1995
In accordance with *Part 4, Division 3, cl4.5*, a local government is to hold ordinary elections every two years.

As per *Part 4, Division 3, cl4.7*, ordinary elections are usually held on the third Saturday in October, i.e. Saturday 16 October 2021.

In accordance with *Part 4, Division 7, cl4.20(4)*, a local government may, having first obtained the written agreement of the Electoral Commissioner, declare¹ the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

¹ Absolute Majority required

In accordance with *Part 4, Division 9, cl4.61(2)*, a local government may decide¹ to conduct the election as a postal election

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The estimated cost provided by the Western Australian electoral Commission for them to conduct the postal election is \$29,820 (inc GST); which has been based on the following assumptions:

- 4,100 electors
- Response rate of approximately 45%
- Three vacancies
- Count to be conducted at the offices of the Shire of Chittering
- Appointment of a local Returning Officer
- Australia Post Priority delivery service to apply for the lodgement of the election packages.

Costs not incorporated in this estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increase by Australia Post
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic

These costs will be included in the 2021/22 Annual Budget under **COA 2040116.2101**.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
 - Focus area: Strong leadership - A responsive and empowering Council which values consultation, accountability and consistency
 - Objective: S5.1 An engaged community
 - Strategy: S5.1.1 Encourage and promote community engagement
 - Objective: S5.3 Accountable governance
 - Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

There are two methods for conducting local government elections; this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the Western Australian Electoral Commission (WAEC).

There are two significant benefits for conducting elections by postal vote:

- (i) It increases the voter turnout.
- (ii) It removes Shire of Chittering staff from the process (the Returning Officer is appointed by the WAEC), therefore creating independence and impartiality. Having an external person appointed by the WAEC as the Returning Officer creates separation and provides independence to the process.

Other benefits that have been quoted for postal elections are:

- It is easier for electors to vote.
- It assists new candidates as all electors get the profile of all candidates.
- There is a perception that the playing field is more level for sitting Councillors versus nominated candidates and that the success of being elected is not correlated to previous experience.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100221

Moved Cr Angus / Seconded Cr Curtis

That Council BY AN ABSOLUTE MAJORITY:

1. **Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.**
2. **Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

CARRIED 5/0

7.28 pm

CEO02-02/21 Muceha Clubroom and Changeroom Upgrade

Applicant	Shire of Chittering
File ref	GRT.CSRFF.MUCHEA HALL
Author	Principal Building Surveyor
Authorising Officer	Acting Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Major Land Transaction Business Plan - Proposed Construction and Use of the Muceha Clubroom & Changerooms

Executive Summary

Council is requested to consider three requirements for the Muceha Clubrooms and Changeroom Upgrade to proceed. The first is to consider the release of funds in the 2010/2021 budget for services necessary to get the project to a shovel ready stage so that it can commence when funding becomes available on 1 July 2021, or as soon as possible following that date. The second is to increase the amount of the Shire of Chittering funding to make up for the proposed Building Better Regions Fund reallocation of funding not being accepted and the full funding request to the Community Sport and Recreation Facilities Fund not being received, and to include the necessary ancillary infrastructure around the building. The third is to approve the advertisement of a Business Plan for a period of six weeks as is required under Section 3.59 of the *Local Government Act 1995*.

Background

In September 2020, a grant application was submitted for the State Government's Community Sport and Recreation Facility Fund (CSRFF) for the construction of new Clubrooms and Changerooms in Muceha. This development will replace the currently outdated facilities at Muceha.

The proposed Muceha Recreation Centre is intended to be built ready for use with all ancillary infrastructure completed, which will include:

- Architecturally designed Pavilion which complies to all Sporting and Building Regulations
- Parking with lighting, landscaping and drainage
- Pathways connecting other buildings on the site
- Spectator viewing in front of building
- Sewage treatment and watering area

Ancillary items were not in the original budget prepared by the Muceha Hall User Group for the CSRFF Grant application, however these are essential to ensure compliance with *Western Australia Building Act 2011*, *Western Australia Building Regulations 2012* and *the National Construction Code 2019*.

To achieve an accurate cost analysis the following items were considered:

● **Cost of Pavilion**

The original budget for the pavilion was prepared by Muceha Hall User Group for the CSRFF Grant application. The Building industry has changed considerably since then and is now in the middle of a boom with trades in short supply and costs increasing. The attached budget estimate for the pavilion has been based on advice from Architects of the m2 rate that a building, such as this is currently costing.

● **Western Power Upgrade- not required**

An electrician was engaged to calculate the amperage available from the Western Power Transformer on site. The transformer is set to 400 A. Calculations of the existing electrical draw and the electrical use from the proposed building and infrastructure would require all of the available power. However it was taken into consideration that the water bore pump is set for early morning and will not be used while the flood lights will be on or during a function in the pavilion. Also the facilities in the existing hall will be reduced,

such as hot water for showers, which will reduce power draw. It has been advised that an upgrade of the Western Power Transformer is not required.

- **Sewage disposal**

Sewage disposal has been a problem in the past at the Muchea Sports Grounds. The new facilities will include a new wastewater treatment system and large watering area. This will meet all the new Water Regulations requirements. Supply installation and earthworks have been considered.

- **Parking**

- The asphalt parking area will provide a long lasting solution to parking.
- The area will be well-lit and will provide safe access for users of the facility.
- All aspects of the parking area construction costs were considered.

- **Retaining and spectator area**

- Costs have been allowed for a veranda area overlooking the playing field.
- This will include retaining and possibly terracing. The final design will be completed by the Architects.

- **Miscellaneous**

- Costs for the moving of the dugouts, shed and fencing have been considered.

The grant application placed the cost of the project at \$1.65m. The CSRFF grant-funding was to make up \$550,000 of this amount, but only \$300,000 of this was received. The Revised estimate which is based on quality design and materials, including all access ways and ancillary services, as well as architect oversight of the building process, would ensure the success of the project, and ensure the facility is ready to be used without additional aspects needing attention within the short- to medium term. The estimated total cost of the project is \$3.1m, which increases the funding by the Shire (loan) to \$2,241,464. Of this amount, some of the architect fees would be required upfront to finalise the designs.

Further to the design and costing, a project of this nature needs to be advertised to the public for comment, according to Section 3.59 of the *Local Government Act of 1995*, therefore the council resolution will include this compliance item.

Consultation/Communication Implications

Local

Council has been previously consulted regarding this process and the shire has been successful in securing grant funding. The community groups are also intimately involved, and has set aside funding which has been secured through fund-raisers for this project.

State

Not Applicable

Legislative Implications

State

- *Local Government Act 1995*

Policy Implications

Nil

Financial Implications

The additional loan amount to be approved to finance this project, is \$889,891. The overall repayment of the loan would increase by \$30,793.53 per annum. These loan repayments will be included in the long term financial plan.

Strategic Implications

The proposed development accords with the vision and aspirations of the community and the strategies of the Shire of Chittering's plans for the future and the project is incorporated in the Shire's strategic planning documents, as follows:

- Strategic Community Plan 2017-2027
 - Focus area: S1 Our Community: An Active and supportive Community
 - Strategy: S3.1.1 Develop and enhance existing recreation and social facilities for local communities
 - Action: Recreational and sporting facilities to service the growing population in Lower Chittering/Muchea

- The Corporate Business Plan 2017-2021 contained the following proposed initiatives:
 - Continued upgrade/enhancement of existing recreational facilities. This included \$98,000 for a pavilion & changeroom extension.
 - Community Gymnasiums in Bindoon and Muchea

The development of this facility will achieve the implementation of a key element of these plans.

Site Inspection

Site inspection undertaken: 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 advice received from industry experts place costing between \$2500 and \$2800 per square metre. In order to assure project success, the requested budget reallocation is based on the larger figure. This accordingly allows for a realistic budget for a building to be built and provide a long life without large maintenance costs.

On a project of this scale, architectural fees will be incurred leading up to the commencement of the building phase. These fees, including oversight of the building and sign-off process are estimated at \$324,000 and have

been included in the overall cost of the project. It would, however, need to be released from the budget to enable the project to progress from a Business Plan to a shovel-ready project.

The additional cost would ensure the professional delivery of a fully operational facility with access pathways, car park and all ancillary services in place at an additional \$30,800 per year added through the fixed rated loan account.

PROCEDURAL MOTION / COUNCIL RESOLUTION 110221

Moved Cr Osborn / Seconded Cr Angus

That Council:

Defer consideration of item until the March OCM, to give the CEO an opportunity to fully brief council on future Sport and Recreation requirements in the South of the shire.

LOST 2/3

7.43 pm

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120221

Moved Cr Ross / Seconded Cr Hughes

That Council:

- 1. Increase the allocation of funding set aside for the Muchea Clubrooms upgrades from the original building cost of \$1,65m to the revised total project cost of \$3.01million to incorporate the ancillary infrastructure and all items that would ensure a fully functional facility;**
- 2. Approve a loan of \$2,241,464 for a period of 20 years as per Section 6.20(1)(a) of the *Local Government Act 1995*;**
- 3. Instruct the Chief Executive Officer to commence public advertising of the loan as per Section 6.20(2)(b) of the *Local Government Act 1995*.**
- 4. Instruct the Chief Executive Officer to commence public advertising of the Major Land Transaction Business Plan as per Section 3.59 of the *Local Government Act 1995*.**

LOST 3/2

7.48 pm

CEO03-02/21 Blackboy Ridge Name Change

Applicant	Shire of Chittering
File ref	05/03/0009
Author	Executive Manager Corporate Services
Authorising Officer	Acting Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Due to State Government encouragement in addressing cultural sensitivity, and Lotterywest indicating their reluctance to support a project at Blackboy Ridge with its potentially culturally insensitive name, Council resolved during the September 2020 OCM authorise Shire Officers to engage and consult with local Indigenous groups to investigate a change of name to the Reserve, and to present the outcome to Council before commencing a period of community consultation on the name change.

Background

Subsequent to the September Council Meeting, Cr Ross and Melinda Prinsloo attended the Yued Working Party meeting on 20 November 2020. During the meeting, the Working Group was requested to propose alternative names for Blackboy Ridge that would best fit the area and its traditional reference. Despite positive engagement during the interaction, only one name was put forward, which was "Djidi-djidi", which has the same reference as "Chittering". The group was requested to submit any other names they might deem appropriate via email by the end of December, but no other names were submitted.

Council has also committed to commence with its Reconciliation Action Plan during 2021, and considering names that are suggested by the Yued Working Parking for local points of interest, would form part of this process.

Consultation/Communication Implications

Local

The Chief Executive Officer and Executive Manager Development Services provided feedback on process to progress future maintenance programs given Lotterywest's feedback.

Relevant State Departments, local Indigenous Groups have been engaged in order to better inform Council's options.

State

Lotterywest
Minister for Aboriginal Affairs, Lands (Hon. Ben Wyatt LA)
Minister for Local Government (Hon. David Templeman MLA)

Legislative Implications

State

- Land Administration Act 1997

The Land Administration Act provides Council with the authority to care and control Crown land in which its care has been vested in the Local Authority.

Local

Nil

Policy Implications

State

Policies & Standards for Geographical Naming in Western Australia

Local

Engineering, Construction and Maintenance Policy 7.3 Naming of Shire Facilities

Financial Implications

Changing the signage for the reserve would be approximately \$3,500.

Changing the name would, however, also enable the Shire to apply for and obtain grant funding from Lotterywest, which would be an ongoing financial benefit.

Strategic Implications

Local

• Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.2.1 Actively support community, volunteer groups and networks

Focus area: Our Natural Environment

Objective: S2.1 A protected

environment

Strategy: S1.2.2 Develop an integrated network of walking and cycling trails

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There is a potential for a lack of funding from grant providers for any works into the future if the name is not changed. Informal feedback thus far has suggested a greater willingness to invest in the reserve on the basis it has a culturally sensitive name. The intent of this report is to confirm this.

Social implications

Changing the name of the Reserve away from a potentially culturally insensitive name may assist in reconciling with the Indigenous community.

Environmental implications

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

Officer Comment/Details

Blackboy Ridge is the Shire of Chittering's most promoted outdoor walking area with residents and visitors, particularly in wildflower season. Trail users can recreate along the walk trails, learn about endemic flora and fauna and take in the views of the Chittering Valley from the lookout.

Other nearby Local Governments in Joondalup and Mundaring are reviewing the names of their local recreation spaces "Blackboy Park" and "Blackboy Hill" respectively, after the respective Councils publicly identified the names as 'politically incorrect and potentially offensive'.

Landgate's Policies and Standards for Geographical Naming in Western Australia states that it is expected that all new local parks will be named after an adjoining road. The Shire's Naming of Public Facilities Policy reinforces this expectation. In this instance the current park name does not conform to this requirement notwithstanding that it is an existing local park. The adjoining road is Chittering Road. The Geographical Naming Committee has provided preliminary approval for the use of "Djidi-djidi Reserve", pending the council resolution and additional supporting documents.

Chittering is thought to be named after the indigenous word for the local fantale birdlife (Willie Wagtail) birds and their sound. The name "Djidi-djidi", is the precise Aboriginal reference to that sound, and would be an elegant solution to the renaming of the reserve, as it would still refer to a species found in abundance in the reserve – not plants, but birds. It would also address all the requirements set out in the above Policies.

It has been identified in minutes from a now defunct Blackboy Ridge action group as far back as 2001 that they also found the name inappropriate, describing it as "*not tactful, and should be changed*". This group also tried and failed to receive grant money to upgrade the trail.

Whilst not all people find the term "Blackboy" offensive, there may be a vulnerable part of the Indigenous community that feel this term is deprecating and possibly feel isolated by the Shire celebrating this reserve through its ongoing promotion. In addition, other potential users and visitors who sympathise with this sentiment will form a negative view of the Shire for this same reason. Whether or not an individual feels as though the Reserve name is appropriate or not from their own personal viewpoint does not assist in developing inclusivity for those that it does make feel inferior.

It is recommended that Council set a positive example by changing the name to "Djidi-djidi", as suggested by the Yued Working Party. The community will be informed of the name change, and the Shire's website and tourism information will be updated accordingly.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130221

Moved Cr Ross / Seconded Cr Angus

That Council resolves to rename change the reserve name from "Blackboy Ridge" to "Djidi-djidi Ridge".

CARRIED 5/0

7.54 pm

ITEM 10. REPORTS OF COMMITTEES

COM01-02/21 Local Emergency Management Committee Meeting Dates & Unconfirmed Minutes from Wednesday 25 November 2020

File ref	09/02/1
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" minutes from Local Emergency Management Committee meeting held on 25 November 2020

Executive Summary

Council is requested to receive the minutes from the Chittering Local Emergency Management Committee meeting held on Wednesday 25 November 2020.

Background

The Chittering Local Emergency Management Committee meeting met on Wednesday 25 November 2020 where the following formal recommendations were resolved:

6.1 OFFICER RECOMMENDATION

Moved Matthew Gilfellon / Seconded Kylie Hughes

That:

1. The Local Emergency Management Committee meeting dates for 2021 are as follows:

- a. Wednesday 24 February*
- b. Wednesday 26 May*
- c. Wednesday 25 August*
- d. Wednesday 24 November*

2. The Local Emergency Management Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10:00am.

CARRIED UNANIMOUSLY

Consultation/Communication Implications

Local

Local Emergency Management Committee

State

Nil

Legislative Implications

State

- Local Government Act 1995, s5.12 and s5.13
- Emergency Management Act 2005

38. Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government's district.

- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of—*
- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established—

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be charge for advertising the 2021 Local Emergency Management Committee meeting dates in the local newspapers. These charges have been included for in the 2020/21 Annual Budget.

Strategic Implications

- Strategic Community Plan 2017-2027

Focus area: Our natural environment
Objective: S2.3 Protection of life and property
Strategy: S2.3.1 Improve bushfire preparedness and recovery

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

Following the meeting of the Local Emergency Management Committee, Council is requested to endorse the 2021 committee meeting dates. The unconfirmed minutes from the meeting are also presented to Council to be received. The dates will be advertised in the local newspapers following Council's resolution.

OFFICER/COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 140221

Moved Cr Ross / Seconded Cr Angus

That Council:

- 1. Approves the 2021 Local Emergency Management Committee meeting dates as follows:**
 - a. Wednesday 24 February**
 - b. Wednesday 26 May**
 - c. Wednesday 25 August**
 - d. Wednesday 24 November**
- 2. Approves the Local Emergency Management Committee meetings are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10am.**
- 3. Receives the unconfirmed minutes from the Local Emergency Management Committee meeting held on Wednesday 25 November 2020.**

CARRIED 5/0

7.55 pm

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150221

Moved Cr Angus / Seconded Cr Osborn

That Council moves into a confidential session to discuss items:

CON01-02/21 Purchase of land: Lot 3874 and a section of Lot 101 Bindoon

under the terms of the *Local Government Act 1995, Section 5.23(2)*:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal –*
 - (iii) *information about a business, professional, commercial or financial affairs of a person.*

CARRIED 5/0

7.58 pm

CON01-02/21 CONFIDENTIAL ITEM: Purchase of Land: Lot 3874 and a section of Lot 101 Bindoon

Applicant	Shire of Chittering
File ref	ECDEV.PROJECT.MOUNTAIN BIKE
Author	Executive Manager Corporate Services
Authorising Officer	Acting Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Attachment 1 – Annexures A & B

Reason for confidentiality

Local Government Act 1995, Section 5.23(2)(c)(e) Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal –*
 - (iii) *information about a business, professional, commercial or financial affairs of a person.*

Public reading of resolution that may be made public

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160221

Moved Cr Osborn / Seconded Cr Ross

That Council BY AN ABSOLUTE MAJORITY:

- 1. Resolve to proceed with the purchase of Lot 3874 and a portion of Lot 101 on DP 175546.**
- 2. Authorise the Chief Executive Officer and Shire President to sign and apply the Common Seal on any documents associated with the purchase of the subject properties.**
- 3. Approve a loan of \$386,700 for a period of four years as per Section 6.20(1)(a) of the *Local Government Act 1995*; and**
- 4. Instruct the Chief Executive Officer to commence public advertising of the loan as per Section 6.20(2)(b) of the *Local Government Act 1995*.**

CARRIED 5/0

8.04 pm

ITEM 15. CLOSURE

Cr Hughes closed the meeting at 8.05pm