



Ordinary Meeting of Council

Wednesday 17 July 2019

To be held at Council Chambers, 6177 Great Northern Highway, Bindoon

Preface

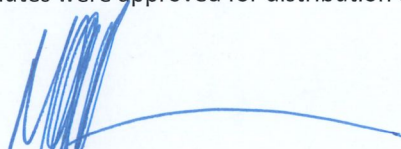
When the Chief Executive Officer approves these Minutes for distribution they are in essence "*Unconfirmed*" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 26 July 2019.

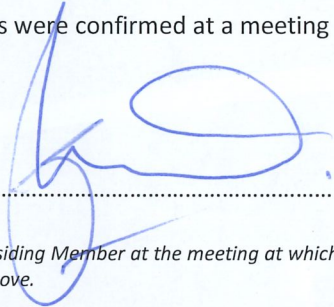


Matthew Gilfellow
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 21 August 2019.

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.

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS.....	1
2.1	Attendance.....	1
2.2	Apologies.....	1
2.3	Approved leave of absence.....	1
2.4	Announcements.....	2
3.	DISCLOSURE OF INTEREST.....	3
4.	PUBLIC QUESTION TIME	3
4.1	Response to previous public questions taken on notice	3
4.2	Public question time	3
4.2.1	John Curtis, Bindoon.....	3
4.2.2	John Curtis asked the following question on behalf of Robert Pizzino, Bindoon.....	3
4.2.3	John Nagel, Bindoon	4
4.2.4	Lee Martin, Bindoon	4
4.2.5	Kylie Hughes, Muchea	4
4.2.6	Bill Nobes, Bindoon.....	5
4.2.7	Dennis Boyanich, Bindoon	5
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	5
5.1	Petitions	5
5.1.1	New Petitions Received	5
5.1.2	Update on Petitions.....	5
5.2	Presentations	6
5.3	Deputations.....	6
6.	APPLICATIONS FOR LEAVE OF ABSENCE	6
6.1	Cr Carmel Ross	6
7.	CONFIRMATION OF MINUTES.....	6
7.1	Ordinary Meeting of Council: Wednesday 19 June 2019.....	6
8.	ANNOUNCEMENT FROM THE PRESIDING MEMBER	6
9.	REPORTS.....	7
9.1	DEVELOPMENT SERVICES.....	7
9.1.1	Mountain Bike Park Feasibility Study, and Subsequent Revision of the Bindoon Lifestyle Village and Caravan Park Expression of Interest: Lots 88 and 89 Great Northern Highway, Bindoon*	7
9.1.2	Application for Development Approval "Oversized Outbuilding": Lot 163 (RN 6) Corella Close, Lower Chittering*.....	16
9.2	TECHNICAL SERVICES	24
9.3	CORPORATE SERVICES.....	24
9.3.1	Wear Ya Wellies Event held on Sunday 26 May 2019	24
9.3.2	Facility Review*	31
9.3.3	List of Accounts Paid for the period ending 30 June 2019*	39

9.4	CHIEF EXECUTIVE OFFICER	41
9.4.1	Electors Special Meeting held on Monday 17 June 2019*	41
9.4.2	Petition - Lower Chittering Sport & Recreation Facility*	45
10.	REPORTS OF COMMITTEES	49
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	49
12.1	Lower Chittering Sports Facility and the Sale of the Land to Immaculate Heart College – Cr Aaron King.....	49
12.2	Lower Chittering Sports Facility Architectural Design Works – Cr Aaron King	50
12.3	Land Transactions of Shire properties – Cr Aaron King.....	50
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING ..	51
14.	MEETING CLOSED TO THE PUBLIC	51
14.1	Matters for which the meeting may be closed.....	51
14.1.1	Contract of Sale (Disposal of Land); Lot 99 Santa Gertrudis Drive, Lower Chittering*	52
14.2	Public reading of resolution that may be made public.....	53
15.	CLOSURE.....	53

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7:00PM.

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

2.1 Attendance

The following Members were in attendance:

Member:	Cr Gordon Houston	President (Presiding Member)
	Cr Peter Osborn	Deputy President
	Cr Aaron King	
	Cr George Tilbury	
	Cr Carmel Ross	
	Cr Mary Angus	
	Cr Don Gibson	

Quorum – 4 members

The following Shire staff were in attendance:

Staff	Matthew Gilfellow	Chief Executive Officer
	Rhona Hawkins	Executive Manager Corporate Services
	Peter Stuart	Executive Manager Development Services
	Natasha Mossman	Executive Assistant to the CEO (Minute Secretary)

Members of
the public 20

Media 0

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

2.4 Announcements

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

Cr Gordon Houston

28 June – Avon Midland Country Zone meeting, Gingin
16 July – 2019/20 Annual Budget workshop, Bindoon

Cr Peter Osborn

24 June – Development Assessment Panel Teleconference
26 June to 3 July – Approved Leave of Absence
3 July – Chittering Tourist Association Sundowner
9 July – Information Session, Bindoon
9 July – Agenda Forum, Bindoon
11 July – Chittering Bushfire Advisory Committee meeting, Bindoon
12 July – Astro Tourism meeting, Bindoon
15 July – Chittering Community Bus meeting, Bindoon
16 July – 2019/20 Annual Budget workshop, Bindoon

Cr Aaron King

9 July – Information Session, Bindoon
9 July – Agenda Forum, Bindoon

Cr George Tilbury

4 July – Lower Chittering Sports & Recreation Facility Reference Group meeting, Lower Chittering
8 July – Community Assistance Grants and Sponsorship Funding Assessment Meeting, Bindoon
16 July – 2019/20 Annual Budget workshop, Bindoon

Cr Carmel Ross

4 July – Lower Chittering Sports & Recreation Facility Reference Group meeting, Lower Chittering
9 July – Information Session, Bindoon
9 July – Agenda Forum, Bindoon
11 July – Chittering Bushfire Advisory Committee meeting, Bindoon
16 July – 2019/20 Annual Budget workshop, Bindoon

Cr Mary Angus

8 July to 15 July – Approved Leave of Absence
16 July – 2019/20 Annual Budget workshop, Bindoon

Cr Don Gibson

5 July – meeting with CEO, Bindoon
9 July – Information Session, Bindoon
9 July – Agenda Forum, Bindoon

3. DISCLOSURE OF INTEREST

<i>Item 9.3.2 "Facility Review"</i>		
Councillor/Officer	Type of Interest	Nature/Extent of Interest
Cr Peter Osborn	Impartiality	<p>Nature: Shire appointed Delegate to the Chittering Tourist Association. Private business is a member of the Chittering Tourist Association.</p> <p>Nature: Closely related person. Wife is the President of the Chittering Tourist Association.</p>

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 John Curtis, Bindoon

Question 1: What was discussed at the secret meeting last month in regard to the recycle contract?

Answer 1: The President advised that Council resolved to approve a two year extension with Avon Waste, and this information is available in the public minutes from that meeting.

Question 2: Was the monthly recycle bin a consideration?

Answer 2: The President advised that the contract was under the current conditions, which is fortnightly recycle bin collection.

Question 3: It has been five years since the contract was signed, why didn't Council review it sooner?

Answer 3: The President advised that the contract was up for renewal, and a condition of the contract allowed the Shire to extend without going out to tender.

4.2.2 John Curtis asked the following question on behalf of Robert Pizzino, Bindoon

Question 1: How much are rates going to increase?

Answer 1: The President advised that Council is still finalising the budget, and a decision by Council has not been made.

4.2.3 John Nagel, Bindoon

Question 1: What amount can the Chief Executive Officer spend without Council approval?

Answer 1: Through the Chair, Mr Gilfellon advised that under Delegation he has the approval to spend up to \$150,000, however this is only if the money has been approved by Council in the adopted budget.

Question 2: Who authorised the extension to Mr Hartley's contract?

Answer 2: The President advised that Council agreed to extending Mr Hartley's services with the Shire as a consultant a couple of weeks ago, and that a Council resolution was not required.

4.2.4 Lee Martin, Bindoon

Question 1 Is Council complying with the Local Government Act, in particular with expenditure (land at Immaculate Heart College)?

Answer 1: The President advised that yes Council is complying with all relevant legislative requirements.

4.2.5 Kylie Hughes, Muchea

Question 1: With regard to the Commonwealth Standard Grant Agreement, Council is required to report on the fulltime employment. In a submitted document it states that there will be 22 fulltime jobs during construction and 20 fulltime jobs after construction, is this correct?

Answer 1: The President advised that this information is included in the background to the document, however was not able to advise exactly on numbers.

Question 2: If this condition cannot be met, what will happen?

Answer 2: The President advised that as per most Government grants there is a 'generalisation' with most factors. There was considerable investigative work undertaken prior to grant approval, and this formed the basis of the final application.

Question 3: If Council cannot fulfil this condition will this result in failure to comply with the grant conditions, therefore will Council have to return the grant?

Answer 3: The President advised that there are standard conditions with most grants, and that the Shire will need to report to the Government on how the money is being spent.

Question 4: In relation to the last Council meeting, a letter was sent to me from McLeods as they were instructed by Council to respond to me; how much did that letter cost?

Answer 4: The President advised that as he and the Mr Hartley were the subject of your issues, it was imperative that a subjective response was provided. Therefore, Council engaged the Shire's legal services to ensure that a formal and unbiased response was provided, and that this cost several thousands of dollars, but the exact figure I could not say.

4.2.6 Bill Nobes, Bindoon

Question 1: Why should I not apply to the Supreme Court to have this project stopped? I also ask for a meeting with the new Chief Executive Officer so that he gets an understanding of where I am coming from.

Answer 1: The President advised that there Council have held in the last month two public information sessions, where attendees were given a lot of information, and this information is also available on the Shire's website, and these documents can be made available to you at any time.

Question 2 I would like to form a foundation to different avenues of funding, and aged care, and I ask Council to give me permission to use the land where the aged care facility is going to be located.

Answer 2: The President advised that Mr Nobes is able to formally apply to Council, and your request to meet with me and Mr Gilfellon will be actioned.

4.2.7 Dennis Boyanich, Bindoon

Question 1: The lawyers for Ms Hughes matter, how much exactly did it cost?

Answer 1: The President advised that 'off-hand' the exact figure he didn't know.

Question 2: The petition that was presented for the Special Electors Meeting had about 150 signatures, how many signatures on the one presented last month?

Answer 2: The President advised that in total there was 362 signatures, with a maximum of 298 signatures from electors.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.1.1 New Petitions Received

Nil

5.1.2 Update on Petitions

Lower Chittering Sport and Recreation Facility

Cr George Tilbury presented a signature with 362 signatories requesting Council to continue supporting the development and delivery of the Lower Chittering Sport and Recreation Facility.

Update

An Officer Report (Item 9.4.2) is being tabled at tonight's Ordinary Meeting of Council for Council's consideration.

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Carmel Ross

6.1 COUNCIL RESOLUTION 010719

Moved Cr Ross / Seconded Cr Tilbury

That Council approve the Application for Leave of Absence for Cr Ross for the period Saturday 3 August 2019 until Sunday 18 August 2019 inclusive.

CARRIED 7/0
7:24PM

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: Wednesday 19 June 2019

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020719

Moved Cr Osborn / Seconded Cr Gibson

That the minutes of the Ordinary meeting of Council held on Wednesday 19 June 2019 be confirmed as a true and correct record of proceedings.

CARRIED 7/0
7:25PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

The President welcomed the Shire's new Chief Executive Officer, Matthew Gilfellon. Mr Gilfellon was come from the Shire of Dumbleyung and has been with the Shire now for about 2½ weeks. Mr Gilfellon is extensively well trained and educated, and we welcome him to our vigorous and busy Council.

The President also expressed his thanks to our Acting Chief Executive Officer, Mr Hartley who managed the Shire for the last six months. Mr Hartley did an admirable job and whilst here provided a great deal of advice.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Mountain Bike Park Feasibility Study, and Subsequent Revision of the Bindoon Lifestyle Village and Caravan Park Expression of Interest: Lots 88 and 89 Great Northern Highway, Bindoon*

Report date	1 July 2019
Applicant	Shire of Chittering
File ref	A9502, A1414
Prepared by	Executive Manager Development Services Economic Development Coordinator
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Wastewater Treatment and Disposal for a Proposed Caravan Park and Lifestyle Village at Bindoon/ River Engineering (March 2019) 2. Bindoon Mountain Bike Park Feasibility Study (June 2019)

Executive Summary

Council is requested to revise the approval of the Expression of Interest that intends to invite submissions by prospective developers for tourism and accommodation based industries associated with the development of a Mountain Bike and Adventure Park for, and on, the former Bindoon golf course site located at Lots 88 and 89 Great Northern Highway, Bindoon.

Council is further requested to receive the Mountain Bike Park feasibility study in order to progress with negotiations to purchase the adjoining property to the rear of Lots 88 and 89, being lot 3874 Chinkabee Road (also known as Chinkabee Hill, Red Hill, Bindoon Hill or Parkinson's Hill).

All such development will be subject to a further, proposed report relating to a Sport and Recreation Facilities Masterplan, including a number of business plans.

Background

The subject of developing the former golf course in Bindoon has been addressed over a number of occasions, although each iteration primarily related to alternative accommodation. Most recently, Council pursued expressions of interest pertaining to developing the land for a Lifestyle Village and Caravan Park, per the following resolution of April 2019:

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040419

Moved Cr Osborn / Seconded Cr Tilbury

That Council:

- 1. Approves the advertising of the attached Expression of Interest (EOI) to prospective developers for a Lifestyle Village/ Caravan Park on the former Bindoon golf course site located at Lots 88 and 89 Great Northern Highway, Bindoon for a minimum period of eight weeks; and*
- 2. A further report be submitted to Council to consider the outcome of the EOI's received.*

*CARRIED 6/1
8:28 PM*

This development option for the site remains valid to the extent that it is a viable use of the land, and desirable in the area. An engineer's report relating to a Site and Soil Evaluation (SSE), with a view to establishing options for on-site wastewater treatment and disposal was undertaken by River Engineering is included as **Attachment 1**.

In summary, the SSE report highlighted the constraints of the site due to its heavy clay soil profile. It concluded that the only viable option was to construct a centralised treatment facility that produces a high-quality effluent for land disposal by actively controlling irrigation, with an appropriate sized wet weather storage facility (pond). An area of 2.25 hectares would be required for land disposal of treated effluent and a fenced winter storage dam holding 630 cubic metres. The cost of the infrastructure was estimated at \$960,000 plus annual operational costs of \$115,000. There would be additional costs for maintenance of the irrigation field and inspections which would also need to be borne.

It may therefore be that the density of the development may require reduction in order to reduce capital costs. It may also be that such accommodation may better work elsewhere within the vicinity of Binda Place. Regardless, it remains a desired form of accommodation for elderly persons wishing to reside in Bindoon without having the burden of a large property to maintain. Additionally, a Lifestyle Village in this location would benefit from reduced capital in terms of access to services such as medical, pharmaceutical and common (Chinkabee Complex).

In the time since the Lifestyle Village was being investigated for feasibility, preliminary research into purchasing the undulating allotment to the rear for the purposes of creating a mountain bike park was being undertaken. Early suggestions were that the lifestyle village and an active-tourism venture could be compatible (this was asked of professionals within the lifestyle village development industry), however this remains an unknown, and potentially a market consideration. Accordingly, a feasibility study was undertaken by Breakaway Tourism to provide detail on whether a mountain bike park attraction could benefit the town and the Shire generally.

Per **Attachment 2**, the feasibility study has strongly recommended that Council pursue developing a mountain bike park at this location. Therefore the Expression of Interest (EOI) for the Lifestyle Village and Caravan Park may not be the optimum use for the site. Instead, the EOI is recommended to be deferred until such time that it can appropriately consider incorporating land uses that are both compatible and complimentary to active tourism pursuits such as mountain biking, while maintaining a desire to create alternative forms of accommodation for senior persons.

Accordingly, further work is being undertaken to prepare a Sport and Recreation Masterplan for the Shire generally. It will seek to ensure that the potential for such a mountain biking development can be maximised, and interruption to a Lifestyle Village can be minimised. This will be prepared for Council's consideration at a later date, and will likely include substantial community consultation.

Consultation/Communication Implications

Local

There has not been any formal consultation in relation to this matter specifically. The feasibility study however included a survey that also reached local residents. The results of the survey are included in the study.

State

Similarly to the above, the feasibility study includes a survey which included state based organisations.

Legislative Implications

State

- A Lifestyle Village and/or Caravan Park would be developed and operated under the Caravan Parks and Camping Grounds Act 1995 and the Caravan and Camping Grounds Regulations 1997.
- The Environmental Protection Regulations 1987 (prescribed premise Category 85) and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 provide provisions for licensing of onsite wastewater.
- The Local Government Act 1995 provisions apply to land disposal arrangements where applicable. Provisions under this act will be considered in more detail once an EOI has been received for development of the land.

Local

- Lots 88 and 89 are located in the Townsite zone in the Shire's Local Planning Scheme No.6 (LPS6), which provides land for a high range of services, residential types, community and recreational facilities. A caravan park is a discretionary land use in LPS6.
- Lot 3874 is zoned Agricultural Resource, where the Private Recreation land use is a discretionary use in LPS6.

Policy Implications

State

- The Draft Government Sewerage Policy 2016 controls the density of development on land, particularly where that land is not connected to a service reticulated service provider.
- The Department of Transport are developing a policy framework relating to cycling as a mode of transport. According to the Department, as cycling for transport becomes increasingly popular, local governments will find that having a strategic, long term bicycle plan is more important than ever before. To align with (their) long term Cycling Network Plan, the Department is currently updating its guidance for local governments across WA. This fresh approach will create plans that are easier to understand, less repetitious and have a connected, strategic network at their core.

While the subject report relates to use of private land for the purposes of creating a tourism facility based around cycling, the Department is working on creating a cycling strategy for the region which will connect localities, with the intent to encourage more visitors. It would be a worthy use of resources for the Shire to investigate opportunities to garner a reputation for having cycling as a major tourism asset.

Local

- Various Local Planning Policies under Shire of Chittering Local Planning Scheme No. 6 may apply at the time of development application for tourism based activities. Following the approval of the Local Planning Strategy, it may be pertinent that Council investigate adopting a local planning policy relating to tourism to enhance and provide better certainty to such developments.

Financial Implications

The feasibility study provides for three scenarios for which the Shire can pursue in developing the three lots for active tourism. Estimated costs are contained within, along with the advantages and disadvantages for each scenario. Additionally, should Council agree to pursue purchasing of Lot 3874, an outlay of up to \$800,000 (pending negotiations) will be required. This number may also depend on a third, decisive valuation for the land.

A figure of \$100,000 has been recommended to be included in the 2019/20 budget for a Sports and Recreation Masterplan. This masterplan will include business plans for the Chinkabee complex, mountain bike and adventure park, and ultimately how Shire facilities will function together in order to optimise their potential.

Strategic Implications

Council has previously recognised that the land is located in a desirable location for development.

Local

- Strategic Community Plan 2017-2027

Focus area: Our Community

Objective: S1.1 An active and supported community

Strategy: S1.1.2 Activate out local town centres

Focus area: Our Built Environment

Objective: S3.1 Development of local hubs

Strategies: S3.1.2 Activate local town centres to ensure a good mix of residential, commercial and social infrastructure

S3.1.3 Plan for an facilitate housing choice

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategies: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth.

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

State

The Department of Transport are currently working on a regional cycling strategy for the Wheatbelt, for which Bindoon has been selected as a major centre. This strategy is under development, and is expected to be completed in 2020.

WestCycle maintain a State Mountain Bike Strategy, however Chittering was not included. The Strategy rather recommended regional master planning and the establishment of a development process to ensure that all aspects of trail planning, design, construction and maintenance are realised in a sustainable manner.

The need for marketing to realise the tourism and participation of mountain biking was identified, with the potential to unlock significant benefits in tourism, local community engagement and enjoyment, increased participation in healthy outdoors activity and economic benefits to local businesses.

Site Inspection

There have been numerous site visits over an extensive period of time, including consultants associated with feasibility studies and economic analysis. The land generally consists of heavy soil profiles with a moderate slope and is considered to be suitable for development of residential based land-uses, subject to the installation of a suitable wastewater treatment and disposal system.

Triple Bottom Line Assessment

Economic implications

As described above, the feasibility study outlines three scenarios in which the land could be developed. In each scenario, the report essentially concludes that a mountain bike park, along with associated facilities and activities, could draw in significant funds to the local economy. The report also states that these associated facilities, such as overnight stays, are critical to maximising the economic returns for the community in general.

It is for this very reason that the Mountain Bike and Adventure Park trends as the optimum development for the economic sustainability of Bindoon, following the completion of the Bypass, and for Chittering overall. According to the Feasibility study, the Mountain Bike and Adventure Park has the potential to become regionally significant. It bases these assumptions on existing examples within WA, and Australia generally.

Notwithstanding the above, providing for alternative accommodation types for senior persons can help to generate additional income for existing businesses within Binda Place.

Social implications

Providing a regional attraction within close proximity to Binda Place would enhance the sense of place, and definition for the community. It also offers a world class recreation space within their district.

Providing senior accommodation in the form of a Lifestyle Village within Binda Place, along with a purpose built caravan park, can provide additional lifestyle amenity to permanent residents using the former, and transient visitors utilising the latter.

Environmental implications

Proponents would be required to demonstrate how any development would retain significant trees, and particularly if Carnaby's Cockatoo habitat is found at the site. In any event, the trees at the site provide good visual amenity and should be retained where possible.

Lessons learnt from other mountain bike parks suggest that using only half of the maximum developed 'runs' can aid to maintain the existing environmental assets and amenity associated with the lots as they currently appear. An environmental management plan would be required as part of any development of the site in any event.

The site is located close to the Brockman River and is in a sewage sensitive location under the Draft *Government Sewerage Policy 2016*. Disposal of wastewater is critical however achievable.

Officer Comment/Details

Expression of Interest

As described in the report to Council in April 2019, the land is centrally located in the Bindoon townsite and offers a strategic development location. The development of a Lifestyle Village and a small Caravan Park would provide desirable social and economic benefits to the community, however it can be at risk of reduced amenity as a result of development of a mountain bike park.

The feasibility study relating to the Mountain Bike and Adventure Park is clear in its conclusion that it is an opportunity to create a regionally significant tourism feature in an economic climate that is experiencing considerable success in mountain biking. Council may look no further than Derby in Tasmania to understand the implications it has had on their local economy to understand how it may impact on Chittering's.

The report by River Engineering reflects the site difficulties, which have always been of concern. The understanding of the type of wastewater treatment and disposal system and estimated costs is a positive step as it provides certainty for market to progress development of the land.

Thus, Council is recommended to formally agree to delaying publication and marketing of the EOI until such time as an overall Masterplan for Bindoon can be developed.

Mountain Bike Feasibility Study

The feasibility study undertaken by Breakaway Tourism for the Mountain Bike and Adventure Park in Bindoon can be encapsulated as concluding with a strong recommendation to proceed. The reasons for proceeding are compelling and comprehensive as it is based on empirical and analytical evidence.

Accordingly the recommended progression of such a development is described within the feasibility study, and can be summarised as follows:

- Establish a steering committee, which would plan go/no-go decision points;
- Reconcile land value through either negotiation or a third decisive valuation;
- Investigate grant / government funding opportunities (which may form part of the steering group's role);
- Undertake environmental impact assessment and subsequent management plan/s; and
- Final trails design.

The report suggests finding opportunities for co-development with various third parties who are involved in adventure based enterprises.

It is for this reason that Council is requested to acknowledge the report and its findings, thereafter allowing Shire staff to proceed with undertaking all things necessary to progress to purchase and develop Lot 3874 as a dedicated mountain bike and adventure park. It should be noted that all things necessary includes consultation with the community along with developing a business plan, and linkages to other projects within the Shire to ensure maximum economic benefits are realised by both the Shire in returns, and the wider population.

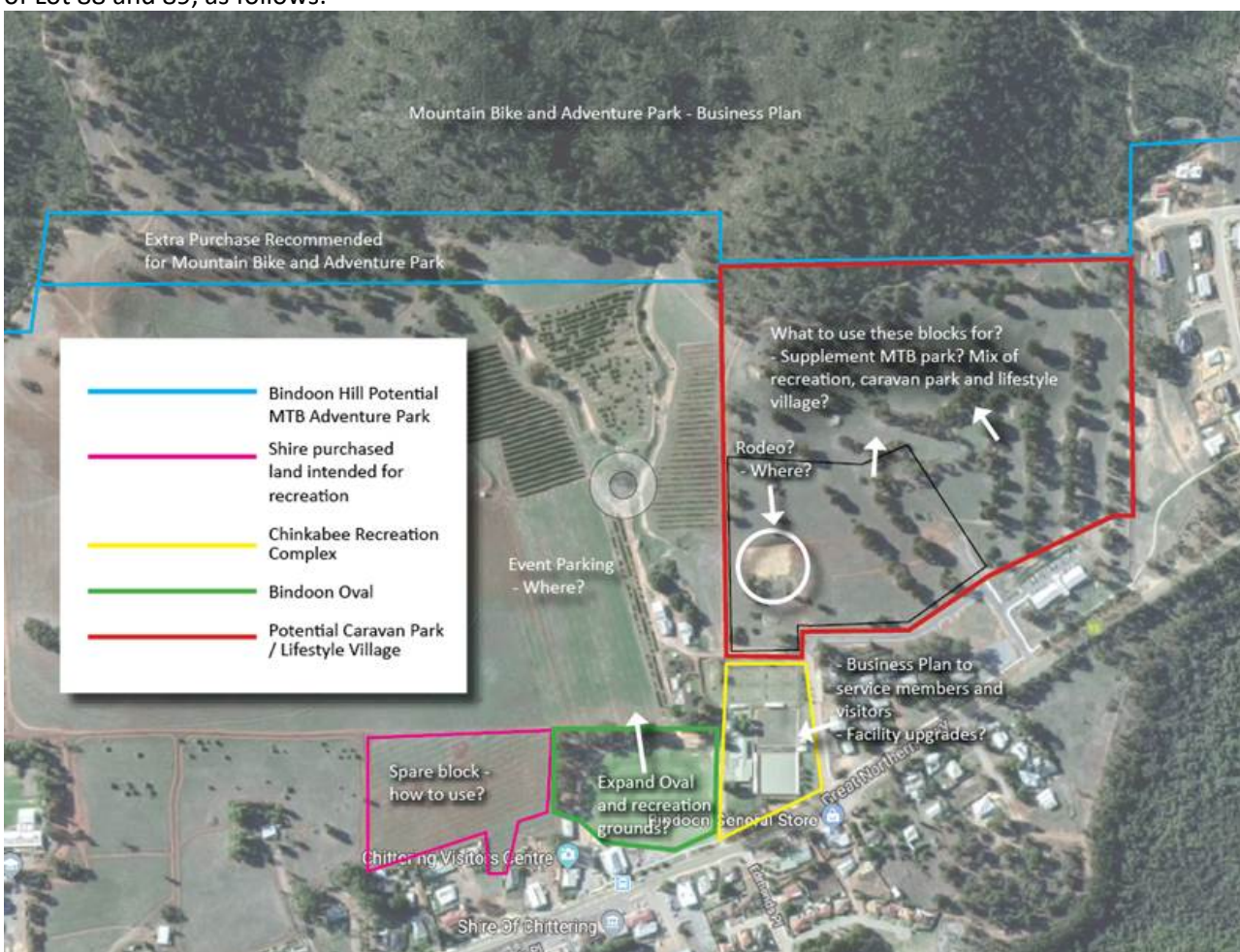
Masterplan

Council is pursuing a number of recreation projects concurrently. At the same time the structure and activities of Council's new and existing facilities are in need of evaluation.

Within the Bindoon locality there are several projects that are dependent on one another's input and alignment for success. For example, to realise the potential of a mountain bike and adventure park (estimated

to be attracting 17,000+ visitors and \$600,000 in spend annually), accommodation offerings will be required beyond the current carrying capacity of the town. Additionally, thought must be given to the facilities required at the site's entry point from the initial access. Both a caravan park/accommodation and a lifestyle village may require co-locating facilities with those offered by Chinkabee Sports Complex. This is because the affordability and feasibility of these current proposals have been based upon access to existing community facilities, assuming these proposals are still the best fit for the currently outlined location given the recent findings in the Mountain Bike and Adventure Park Feasibility Study.

In accordance with Council's decision of June 2019, a Sport and Recreation Masterplan is being undertaken with a view to strategically address a number of these concerns concurrently to ensure optimal future use. This plan should also include business plans for Chinkabee Sports Complex, Bindoon Mountain Bike and Adventure Park, Lower Chittering Sport and Recreation Facility and Muchea Hall. In graphic terms, it can be surmised that a number of projects will need Masterplanning in order for the optimisation of development of Lot 88 and 89, as follows:



Council have already highlighted a need to conduct a comprehensive review of sport and recreation facilities in the Shire per Council Resolution 170619 of Council's Ordinary Meeting of 19 June 2019:

MOTION / COUNCIL RESOLUTION 170619

Moved Cr Tilbury / Seconded Osborn

That Council:

- 1. Conduct a comprehensive review of all sport and recreation facilities in the Shire, with a view to formulating a master plan; and*
- 2. Consider the allocation of appropriate provision for this purpose as part of the 2019/20 Annual Budget.*

*CARRIED 5/1
8:18PM*

Accordingly, for the reasons described above, Council is recommended to review and modify the previously endorsed EOI for Lots 88 and 89 to include interest in developing Bindoon for the purposes of active tourism and associated land uses et al; receive the Breakaway Tourism Mountain Bike and Recreation Feasibility Study; and acknowledge that prior to issuing the EOI for advertising, that a Masterplan will be required to be developed in a logical and comprehensive manner.

OFFICER RECOMMENDATION

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Receives the 'Breakaway Tourism Mountain Bike and Adventure Park Feasibility Study' as per Attachment 2;
2. Acknowledge the need to review and optimise development over Lots 88 and 89, noting the continuing interest in developing seniors' accommodation and a purpose built caravan park, along with other tourism based accommodation within Bindoon; and
3. Delays any development and formal marketing of, an Expression of Interest until such time that the Masterplan per Council Resolution of 170619 of its 19 June 2019 Ordinary Meeting can be developed and endorsed.

AMENDMENT

Moved Cr Ross / Seconded Cr King

That Condition 2 be amended by adding the words "potential expansion of the Bindoon Show Precinct" after the word "park", so that Condition 2 now reads as follows:

2. Acknowledge the need to review and optimise development over Lots 88 and 89, noting the continuing interest in developing seniors' accommodation and a purpose built caravan park, potential expansion of the Bindoon Show Precinct, along with other tourism based accommodation within Bindoon; and

AMENDMENT CARRIED 7/0
7:34PM

Cr Ross provided the following reasons

It is important that Council remembers the needs of the Bindoon Ag Show in any future development.

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 030719

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

- 1. Receives the 'Breakaway Tourism Mountain Bike and Adventure Park Feasibility Study' as per Attachment 2;**
- 2. Acknowledge the need to review and optimise development over Lots 88 and 89, noting the continuing interest in developing seniors' accommodation and a purpose built caravan park, potential expansion of the Bindoon Show Precinct, along with other tourism based accommodation within Bindoon; and**
- 3. Delays any development and formal marketing of, an Expression of Interest until such time that the Masterplan per Council Resolution of 170619 of its 19 June 2019 Ordinary Meeting can be developed and endorsed.**

CARRIED 7/0

7:37PM

9.1.2 Application for Development Approval “Oversized Outbuilding”: Lot 163 (RN 6) Corella Close, Lower Chittering*

Report date	1 July 2019
Applicant	A.E. Crawford and T.L. Crawford
File ref	A11109
Prepared by	Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Development Plans

Executive Summary

Council is requested to consider an Application for Development Approval for an oversized outbuilding on Lot 163 Corella Close, Lower Chittering. The proposal consists of extending the existing shed by erecting a 108m² lean-to structure, and a 34.8m² patio, which increases the total gross floor area of outbuildings on the property to 448.8m². As the proposal is a major variation to the Shire’s *Local Planning Policy No. 7 – ‘Outbuildings’*, the application is brought before Council for determination.

IMAGE 1: Location Plan



IMAGE 2: Site Plan



Background

An application for Development Approval has been received for an oversized outbuilding on Lot 163 Corella Close, Lower Chittering. The proposal consists of extending the existing shed by erecting a 108m² lean-to structure, and a 34.8m² patio which increases the total gross floor area of outbuildings on the property to 448.8m². The proposed outbuilding extensions will have a maximum wall height of 5.15m and ridge height of 5.67m. The applicant advised that the lean-to addition to the shed is to be used for private farm machinery storage, hay storage and boat storage. The patio addition to the shed is to be used as a shaded area for growing plants. Both the patio and lean-to additions to the shed are to be finished in Colorbond 'Monument' to match the existing shed, water tanks and roof of the dwelling. A copy of the development plans have been included in **Attachment 1** to this report.

Lot 163 Corella Close, Lower Chittering is zoned 'Rural Residential' under the Shire's Local Planning Scheme No. 6 (LPS6), is approximately 2.03ha in area and is located within the Rosa Park Estate. The property contains a dwelling, an outbuilding and two water tanks. It has secondary frontage on Turtledove Drive and abuts similarly zoned properties. The property has a designated building envelope as per Rosa Park Estate Development.

The proposed shed extensions are inconsistent with the Shire's Local Planning Policy No. 7 'Outbuildings' (LPP7) as they exceed the 200m² floor area limitation by 248.8m² and exceed the permissible wall and ridge heights, which are quoted as 4m and 5m respectively, in the Rural Residential zone.

Consultation/Communication Implications

Local

The Development Application was advertised to six surrounding landowners in the area due to the proposed outbuilding's inconsistency with LPP7 in terms of the aggregate floor area of outbuildings. Four responses were received and no objections were made.

State

Nil

Legislative Implications

State

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

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

The application of LPP7 is discussed further in this report.

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

The proposed development is set back 35m from Corella Close, 23m from western boundary and 80m from existing dwelling with little to no tree screening on site. Because there is no tree screening on site the size, bulk and appearance of the subject shed can be visibly seen from Corella Close, Turtledove Drive and the neighbouring property. Although highly visible from Corella Close, it is not inconsistent with development in the Rosa Park Estate whose vistas are largely dominated by residential development (including outbuildings).

Local

Nil

Policy Implications

State

Nil

Local

- Local Planning Policy No. 7 – Outbuildings (LPP7)
LPP7 is not part of the LPS6 and therefore is not legally binding, however in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 the local government shall have due regard to the provisions of any policy, and the objectives of any policy. LPP7 provides the Shire with the ability to control the development of outbuildings to ensure appropriate enclosed structures do not have adverse impacts on the streetscape, character, and amenity or environmental attributes of the surrounding area.

Part 5.1 of LPP7 provides maximum development requirements for outbuildings within the 'Rural Residential' zone with the maximum floor area set at 200m². The proposal is a variation to the above Policy requirement by 248.8m². Although this provision of LPP7 has been consistently varied in the past for Rural Residential zoned lots, this particular variation is considered to be greater than what can be allowed with it representing a 224.4% increased departure from Council's Policy position.

LPP7 also stipulates the maximum wall and ridge height of outbuildings to be 4m and 5m respectively. The proposed extensions are a continuation of the existing roof heights being 5.15m and 5.67m respectively. Although a variation to LPP7, it is not considered to be an unreasonable variation as it is simply a continuation of the existing roofline. This aspect of the development is considered to be acceptable.

It is clear that the continual approval of outbuildings beyond the provisions of the Policy undermines the integrity of the Policy itself and clouds the limitations, particularly regarding floor area, to which landowners are required to adhere.

Financial Implications

Nil

Strategic Implications

Approval of the application would suggest that Council is not abiding by the provisions of LPP7 in which they adopted in 2016. The continual variation of LPP7 undermines the integrity of the Policy, makes its application difficult, and creates an unclear strategic direction in the context of shed sizes and urban design within the Rural Residential zone.

Site Inspection

Site inspection undertaken: Yes

A site inspection has been undertaken from Turtledove Drive and Corella Close to ascertain the visual and amenity impacts of the proposal. The existing shed can be seen from both street frontages and the site has little to no tree screening present.



Photo 1: Taken from Turtledove Drive (Planning Officer, 2019)



Photo 2: Taken from Turtledove Drive (Planning Officer, 2019)



Photo 3: Taken from Corella Close (Planning Officer, 2019)

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

The approval of this application may predicate variations to LPP7 being allowed and the validity and status of the Policy will diminish. This will set a precedent in the future that oversized sheds are permitted in Rural Residential zones with the bulk and scale of such having adverse impacts on the amenity of area and being likened to that of development in an industrial area.

Environmental implications

There are no known environmental implications associated with this proposal.

Precedents

At the Ordinary Council Meeting on 20 March 2019 a 200m² shed extension was approved by Council at 23 Honeypot Road, Lower Chittering, which meant a 536m² sized shed was permitted in a Rural Residential zoned area.

An aerial review of the properties in the vicinity of Lot 163 indicated that only two outbuildings exceeded the 200m² limitation of which both were approximately 215m².

Officer Comment/Details

The subject application proposes to increase the aggregate floor area of outbuildings on Lot 163 Corella Close, Lower Chittering to 448.8m²; a variation to LPP7 of 248.8m². The 248.8m² variation proposed is considered a large variation to the maximum standards for outbuilding in cl.5.1.2 of LPP7. It is on the basis of this large departure from Council's Policy that officers cannot recommend that the application is approved.

Council are made aware that LPP7 is currently under review as a consequence of previous approved variations to the Policy as noted in the Precedents section of this report. The review seeks to assess the 200m² floor area requirement among other elements. The review of LPP7 is only in the investigation/workshop phase and therefore, officers are obliged to enforce the provisions of the current version of the Policy.

The *Planning and Development (Local Planning Schemes) Regulations* require a decision maker to take into consideration the height, bulk, scale and appearance of a proposed development. The height, bulk and scale of the proposed development contributes to its dominating appearance as viewed from neighbouring properties and the public street, which subsequently adversely impacts the amenity of the area. Based on these aspects of the development, in conjunction with its non-compliance with the current version of LPP7, officers cannot recommend its approval.

If Council resolve to approve the application, it is recommended that a condition is imposed to screen the proposed development from Corella Close and Turtledove Drive, through the use of vegetative plantings. Furthermore, Council are strongly advised to review LPP7 in the near future to ensure that the decisions being made are reflective of the provisions of the Policy.

OFFICER RECOMMENDATION

That Council refuse to grant Development Approval for the proposed outbuilding extension on Lot 163 (RN 6) Corella Close, Lower Chittering for the following reasons:

1. The proposed outbuilding extensions exceed the maximum floor area limitation of *Local Planning Policy No. 7 – 'Outbuildings'* by 248.8m², which is a 224.4% increase to what the Policy allows; and
2. Approval of the application will undermine the maximum aggregate outbuilding floor area requirement of *Local Planning Policy No. 7 – 'Outbuildings'*, within the Rural Residential zone and establish an undesirable precedent.

ALTERNATIVE RECOMMENDATION

Moved Cr King / Seconded Cr Angus

That Council grant approval of the Development Application for shed extensions on Lot 163 (RN 6) Corella Close, Lower Chittering, in accordance with the following conditions:

1. All development shall be in accordance with the approved plans;
2. The approved shed extensions shall not be used for habitation, commercial and/or industrial purposes at any time, unless otherwise approved by the Shire;
3. The approved shed extensions shall be constructed of non-reflective material and matching the existing shed to the satisfaction of the Shire; and
4. A landscaping plan shall be provided and approved in writing by the Shire that details the implementation of vegetation within the property's boundaries to provide visual relief of the approved shed from Turtledove Drive and Corella Close. The approved Landscaping Plan shall be implemented to the satisfaction of the Shire prior to use of the approved shed extensions and maintained at all times.

Cr King provided the following reasons

Whilst the Officer Recommendation is in accordance with the current Council Policy, it is the intent of this Council to change this policy. The Alternative Recommendation is in accordance with the size of the current draft that is being workshopped by Council.

MOTION / COUNCIL RESOLUTION 040719

Moved Cr King / Seconded Cr Ross

That Council suspend *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) of Part 8 – Conduct of Members* to allow for free and open debate.

CARRIED 7/0
7:46PM

MOTION / COUNCIL RESOLUTION 050719

Moved Cr King / Seconded Cr Angus

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) Part 8 – Conduct of Members*.

CARRIED 7/0
7:53PM

9.1.2 ALTERNATIVE RECOMMENDATION / COUNCIL RESOLUTION 060719

Moved Cr King / Seconded Cr Angus

That Council grant approval of the Development Application for shed extensions on Lot 163 (RN 6) Corella Close, Lower Chittering, in accordance with the following conditions:

- 1. All development shall be in accordance with the approved plans;**
- 2. The approved shed extensions shall not be used for habitation, commercial and/or industrial purposes at any time, unless otherwise approved by the Shire;**
- 3. The approved shed extensions shall be constructed of non-reflective material and matching the existing shed to the satisfaction of the Shire; and**
- 4. A landscaping plan shall be provided to and approved in writing by the Shire that details the implementation of vegetation within the property's boundaries to provide visual relief of the approved shed from Turtledove Drive and Corella Close. The approved Landscaping Plan shall be implemented to the satisfaction of the Shire prior to use of the approved shed extensions and maintained at all times.**

CARRIED 4/3

7:56PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Wear Ya Wellies Event held on Sunday 26 May 2019

Report date	8 July 2019
Applicant	Shire of Chittering
File ref	26/01/7
Prepared by	Community Development Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to acknowledge the efforts of staff and volunteers in the organisation and running of another successful Wear Ya Wellies Event for 2019.

Background

Perfect weather in the lead up to the event and sunshine on the day, meant the annual "Wear Ya Wellies" Event for 2019 was another resounding success. The total number through the gate was just over 7,500. A survey of the attendants is currently underway, with results so far showing overwhelming support for the ethos of the Event, the range of activities and the organisation of the Event. Many of these participants have posted photos on the Event Facebook page resulting in a total of 2,352 people now following the Wear Ya Wellies Facebook page.

People from as far away as Wongan Hills and Mandurah attended the Event. An analysis of postcode numbers collected at the gate indicated the following:

- Local Attendees (includes Gingin and Bullsbrook): 25%
- Metropolitan/Other: 75%

There was a decrease in the number of locals attending the event from 31% to 25%, but this could be attributed to increased social media promotions across a number of the metropolitan groups attending the Event this year, and clashes with sporting events for locals.

There was no admission fee for the Event, however people were encouraged to make a gold coin donation with some donating much more than that. A total of \$677 was raised at the entry gate and given this was a family event with an average of four people per family, it equates to approximately 30c per family. Approximately 5,000 people arrived between 10:00am and 12:00pm resulting in a fair bit of congestion at the entry point making it impossible to stop and ask every person for a donation. Next year it is recommended an entry fee of \$1 per person be charged and encourage participants to purchase tickets prior to the Event to expedite entry. This should result in a better flow of access during the peak time. It is not expected this will deter participation as event goers are already requested to pre-book their admission, and this was well embraced with a total of 7,266 pre-bookings this year. Attendees surveyed on the day, were asked if they would be prepared to pay a minimal entry fee and in the main this was well received.

The Event has grown in attendance and popularity since it was first held in 2013. The venue is now at capacity in the morning, with most attendees arriving before lunch. Thought will need to be given to how we can spread the attendance to ensure patrons continue to have a great experience. Pre-purchasing of tickets will go a long way to assisting organisers to understand anticipated attendance levels. A prominent morning and afternoon program may also help spread attendance. Traffic management and ease of access/egress for Emergency Services will continue to be a high priority when planning the 2020 Event.

Once again, volunteers provided support in assisting with the setup, running and pack up of the Event, with most of the backbone provided by Shire staff and Councillors. An assessment of volunteer staff hours indicates that 93 hours unpaid staff time was involved in assisting with the Event. Staff time assisting with preparations in the lead up to the Event is difficult to quantify, however the Community Development Officer works on the event intermittently through the year with approximately 75% of her time spent on the Event in the final four months. The final four weeks are purely dedicated to the Event, with additional time spent on social media liaison outside of work hours. Assistance is provided by the Community Development Coordinator for two days prior to the event and one day after to the Event. Other staff assist with the preparation of the Event during the final week.

Another 50+ hours, across 30 individual community and Youth Krew volunteers was also required to run the Event. Most of that occurred on the day prior to and on the day of the Event. It would be difficult to run such an Event without unpaid volunteers.

However, the volunteer hours above do not reflect the true social capital investment in this Event, which is massive. Leading up to the Event and across the weekend there is a large number of groups, companies and individuals involved in supporting the Event including:

Youth Krew	Assisting with set-up / pack-down, greeting people at the gate, collecting gold coin donations and recording of postcodes.
Bindoon Volunteer Bushfire Brigade & Upper Chittering Volunteer Bush Fire Brigade	Water for mud pits, Mini Mud Run and other activities/stalls during the day.
Muchea Plumbing and Gas	“Shower” tunnel at the end of the mud-run which was updated this year and was enjoyed by all. Also the creation of an “outdoor shower wash down station” this year, made the flow in to the showers much better. The supply of pumps, pipes, and connections for the water slide. Connection of water from tanker to showers. Also, cleaning of the shower block at the conclusion of the event. Two staff members.
Bindoon & Districts Agricultural Society	Hire of large marquee for stage area. This included the bump in and out of the marquee.
Dynamic Group	On-site power supply and electrical reticulation. Supply of generators, power boards and staffing.
Bindoon Men’s Shed	(\$450 donation to club) Volunteer assistance with the management and parking of vehicles. Plus volunteer assistance with running a catering stall, raising funds for the club.
Chittering Tourist Association.	Volunteer assistance both prior to and on the day of the event as well as promoting the event.
ADRA.	Generator.



Dik Brownlie, Mark Kay, Wilko, Blake Howard, Gary White, Sam Young	Assistance on the Friday and Saturday, creating the Mini Mud Run and Mud Pits, laying out marquees, fencing.
SDERA and Roadwise	Free activities and information, and assistance with welcoming visitors.
Northern Valleys News	Discounted advertising.
Last Drop Water Carriers	Supply of potable water for showers at the event.
Spuddy	Supply of volunteer lunches.
Educated By Nature	Free clay face painting and other nature based activities.
Messy Moments	Free messy play activity, and running of the slide.
Waterponyz	Free activity.
Bindoon Farmers Market	Volunteer management of the Market Stalls / liquor licence.
Bindoon Primary P&C	Volunteer assistance to run the Mother Hen's Tent.
Chittering Landcare	Volunteer Run Free Activity and catering raising funds for the group. \$4,000 in kind donation of Bush Foods Kitchen workshop.
Chittering Wildlife Carers	(\$500 donation to group) Volunteer Run Free Activity
Koorunga CWA	Welly Tossing Competition.
Gingin/Chittering Lions Club	(\$300 donation to group) Volunteer assistance with Kids Train Rides.
Emerald Acres	Discounted fees for petting zoo.

Information on volunteer hours has been requested from Community Group Stallholders, to allow us to better gauge the social investment.

Preference was given to local food, wine and cottage industry stands in collaboration with the Bindoon Farmers Market. An improved range of food offerings were available for this year's event. Feedback from stallholders was very positive. A request for feedback and ideas has been requested from the volunteer and business groups involved in the day. Other surveys will include staff, stallholders, sponsors, and major contractors.

In terms of approvals, it is noted that all Events are subject to a formal approval process, with a documented Risk Management Plan. Authorised electrical and plumbing contractors are on site to inspect all installations. St John Ambulance is available on site for the duration of the Event.

It is clear that this Event will require more infrastructure, such as toilets and showers, and signage. As stated above, different logistical issues have been identified and will be researched over the next few months.

Consultation/Communication Implications

Advertising and promotion of the Event is definitely hitting the mark with pre-sales of tickets "selling out" two weeks prior to the Event. Additional tickets were released as it is expected that some of attendees at free event will not turn up on the day. Weather on the day was perfect, and numbers through the gate far exceeded those of 2018. A number of nature play, and parent Facebook groups and businesses share the event each year, and word of mouth is always our biggest advertising. There has also been a 35% increase in the amount of people following the WYW Facebook Page. One post this year reached over 16,000 people with 2,568 engagements.

Legislative Implications

Not Applicable

Policy Implications

Local

- Administration Policy 1.17 Community Engagement
- Community Facilities and Recreation Policy 5.2 Concerts, Events and Organised Gatherings

Financial Implications

Council supported the Event by allocating \$11,200 in the 2018/19 Budget, external Grants have been received as anticipated, volunteer hours and in-kind sponsorship have assisted in keeping the cost of running this Event to a minimum. Gold coin donations were down on previous years and probably attributed to heavy congestion at the entry gate during the peak period. The main expense of the event is the Marquee, tables and chairs at \$9,273 and the toilets/showers at \$6,596.

Below is a summary of the final Income Budget for the Event:

	Cash	In Kind
Lotterywest	10,000	
Road Safety Commission	1,300	
Volunteering WA	1,000	
Shire of Chittering (cash)	10,000	
Gold Coin Donation	677	
Shane Love	250	
Martin Aldridge MLC	250	
Merchandise	1,455	
Shire NVW Cash	500	
Stallholder Fees	3,612	
Dynamic Group Muchea		1,200
Shire of Chittering (in-kind)		4,338
Chittering Landcare		4,000
Bindoon Agricultural Society		150
EBN Sponsor		2,300
Last Drop Sponsor		200
Messy Moments		1,000
Bindoon Farmers Market - Site Management etc.		200
Avon Waste		500
Northern Valleys News		520
Bindoon IGA		50
MPG		3,000
Total	\$29,044	\$17,458
Total Event Value	\$46,502	

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus Area: Our Community
Objective: S1.2 Strong sense of community
Strategy: S1.2.2. Strengthen and grow social events and festivals.

Focus Area: Our Natural Environment
Objective: S2.1 Protective Environment
Strategy: S2.1.3. Explore opportunities for other eco based recreational activities.

Focus Area: Our Economic Growth
Objective: S4.3 Increased Visitors
Strategy: S4.3.2 Support and grow events to attract visitation.

Site Inspection

Numerous site inspections were undertaken during the planning of the Event.

Triple Bottom Line Assessment

Economic implications

Economic Development through promotion of a popular local event and support for local retail, local services and cottage industries.

Social implications

Events such as “Wear Ya Wellies” bring the community together for a common cause. The faces of thousands of kids (and parents) covered in mud says it all.

The Event is aimed at getting kids outdoors and active in nature, even in winter, thus creating more opportunity for social interaction and active participation in the natural environment.

Environmental implications

Not applicable (although it is noted that Landcare was present with information relating to biodiversity and environmental protection within the Shire of Chittering). The nature based focus of the Event creates links to Chittering Landcare and other similarly focused groups.

Officer Comments/Details

In light of the high number of participants this year, which is only expected to increase for future events, it is recommended that traffic management be contracted out. This will enable volunteers to concentrate on other components of the Event, and will also ensure that the traffic management is undertaken in accordance with Main Roads standards.

OFFICER RECOMMENDATION

Moved Cr Osborn / Seconded Cr King

That Council:

1. Receive the above report and thank staff for supporting the Event and volunteering their time and effort to plan and run another successful "Wear Ya Wellies" Event;
2. Note that staff will formally write to all those who supported the Event, thanking them for their efforts; and
3. Considers allocating an additional \$10,000 for the 2020 Wear Ya Wellies Event to cover additional infrastructure and safety requirements.

MOTION / COUNCIL RESOLUTION 070719

Moved Cr King / Seconded Cr Gibson

That Council suspend *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) of Part 8 – Conduct of Members* to allow for free and open debate.

CARRIED 7/0
7:57PM

MOTION / COUNCIL RESOLUTION 080719

Moved Cr King / Seconded Cr Ross

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) Part 8 – Conduct of Members*.

CARRIED 7/0
8:05PM

AMENDMENT

Moved Cr Gibson / Seconded Cr Ross

That the following Condition 4 be added to the Officer Recommendation:

4. Reviews current major events with a view to developing a policy and strategy for Shire supported events.

CARRIED 7/0
8:14PM

Cr Gibson provided the following reasons

This is ratepayers money and I don't believe that the town is getting any benefit from the event.

9.3.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 090719

Moved Cr Osborn / Seconded Cr King

That Council:

- 1. Receive the above report and thank staff for supporting the Event and volunteering their time and effort to plan and run another successful “Wear Ya Wellies” Event;**
- 2. Note that staff will formally write to all those who supported the Event, thanking them for their efforts;**
- 3. Considers allocating an additional \$10,000 for the 2020 Wear Ya Wellies Event to cover additional infrastructure and safety requirements; and**
- 4. Reviews current major events with a view to developing a policy and strategy for Shire supported events.**

CARRIED 7/0
8:15PM

9.3.2 Facility Review*

Report date	1 July 2019
Applicant	Shire of Chittering
File ref	05/04/1
Prepared by	Community Development Coordinator
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Service Level Agreement (SLA) Template2. Management of Community Facilities Policy and Corporate Framework - Draft Policy3. Management of Community Facilities Policy and Corporate Framework - Draft Corporate Framework4. Case Studies Report5. Consultation Stage Final Report6. Management of Community Facilities Review Report7. Facility Data Sheet

Executive Summary

Following a realisation that inconsistencies prevailed with the Shire's management of its community facilities a review of the Shire's Facility Management processes commenced in June 2017. A significant amount of consultation has occurred and in order to develop a standardised system with equitable outcomes, Council is requested to:

1. accept the *Management of Community Facilities Review Report* and *Case Studies Report* prepared by John Ravlic of Ravim RMC;
2. adopt the following frameworks and related templates:
 - o Management of Community Facilities Policy and Corporate Framework - Draft Policy
 - o Management of Community Facilities Policy and Corporate Framework - Draft Corporate Framework
 - o Service Level Agreement (SLA) Template
 - o Facility Data Sheet and;
3. support the progression of the following recommendations:
 - o provide its facility managers with sufficient guidance on operating its community facilities and delivering various services and programs;
 - o establish sufficient controls, such as regular reporting, to monitor facility managers' performance and compliance;
 - o adopt an open and transparent approach to its dealings with facility managers, where their agreements, financial transactions and ongoing returns are on the public record and accessible by all;
 - o consider calculating and comparing the value of its forgone rental income and the value of the community benefit created by facility managers and the various services and programs they deliver.
 - o consider adopting service level agreements with facility managers as part of its policy and corporate framework.
 - o consider adopting tighter conditions around the use of leases for exclusive occupancy as part of its corporate framework.
 - o consider reviewing its lease terms back to five years.
 - o continue to gather costing/financial data and consider reviewing the employee charge/oncost.

Background

A review of facility management processes across the Shire of Chittering commenced in June 2017 through the appointment of consultant, John Ravlic of Ravim RMC. The project began with a review of existing Facility Management Policies and Corporate Frameworks.

As reported at the December 2018 Ordinary Meeting of Council, the result of the initial research undertaken by the Consultant highlighted that there are currently no specific policies in place governing or guiding the provision of community facilities and the related services and programs running from these facilities.

Additionally, a review of existing tenancy agreements demonstrated that the standard lease agreement utilised by the Shire has varying lease terms, some provided on a 20 year term. What is not captured in these agreements is any governance or executive oversight. Also there are no reporting requirements within existing lease arrangements for the provision of occupancy numbers and club income and expenditure directly related to the provision of the community facility.

Consultation/Communication Implications

Local

Benchmarking against neighbouring Councils commenced the consultation phase of the project with a benchmarking workshop held on 25 July 2018 with representatives of:

- City of Swan Leisure Services Officer;
- Shire of Gingin Chief Executive Officer and Coordinator Corporate Planning;
- Shire of Toodyay Manager Community Development and Manager Planning & Development;
- Shire of Serpentine Jarrahdale Acting Director Corporate and Community, Acting Manager Community Engagement and Leasing and Property Officer;
- Shire of Dandaragan Club Development Officer;
- Shire of Northam Manager Recreation Services; and
- Shire of Coolgardie Recreation Services Coordinator.

Participants were asked to provide an overview of what steps their Shire has taken to:

- Set a vision for the provision of community facilities;
- Adopt guiding principles in the management of community facilities;
- Adopt a policy and corporate framework; and
- Participants were asked what management models they use and why.

What was evident from these discussions was that the Shire of Chittering is not unique in our experiences surrounding facility management. Many of the participants identified that they have also inherited long standing management practices and ambiguous leasing arrangements and all indicating an interest in learning of the outcomes from the Shire of Chittering Review process.

A Council briefing was conducted on 21 March 2018 presenting the *Management of Community Facilities Review (Draft Report) - Stage 1* of the project.

Stage 2 of the project commenced with a pre-consultation workshop for facility managers (vis. Clubs/associations that lease or otherwise manage a shire facility) which was held on 5 June 2018. Attendees were presented with the findings from Stage 1 and offered an opportunity to provide feedback on the report. Of the twenty-one existing facility user groups invited, only eight however were represented at the workshop including:

- Bindoon & Districts Historical Society;
- Bindoon Entertainment Arts and Theatre (BEAT);
- Bindoon Sport & Recreation Association;
- Chittering Tourist Association;
- Bindoon Arts & Crafts Group;
- Chittering Junior Cricket Club;
- Muchea Senior Cricket Club; and
- Chittering Bindoon Branch CWA.

All facility managers and user groups were then advised of the next stage of the process involving “one on one” meetings with the Consultant and Shire Community Development Coordinator.

Facility managers were requested to complete and return Facility Data Sheets prior to the 1:1 meetings which captured the regular activities conducted at the facility, and the income and expenditure for the facility users. This information was collated and formed the establishment of case studies for each of the facilities as part of the final report for the overall project.

One on one Facility Manager Meetings were held during June – August 2018 to capture the necessary information to establish a clearer understanding of:

- the Council's true cost and commitment to providing community facilities;
- provide a more consistent way to managing its community facilities; and
- recognise the contribution community facilities occupiers make to the community.

Facility Manager 1:1 meetings held 23 – 25 July 2018 with:	Facility Manager 1:1 meetings held 20 – 22 August 2018 with:
Bindoon and Districts Agricultural Society Bindoon and Districts Historical Society Bindoon Sport & Recreation Association Bindoon Arts & Crafts Group Bindoon Men’s Shed Chittering Tourist Association Muchea Netball Club South Midlands Polocrosse Club	Chittering Bindoon CWA Branch Bindoon Entertainment Arts & Theatre (BEAT) Chittering Junior Football Club Muchea Judo Club Jupiter Health Service Chittering Junior Muchea Senior Cricket Clubs Wannamal Community Centre Lower Chittering Scouts Group Chittering Hall Zumba Group

These meetings focused on building an understanding of the clubs history at the respective facilities, determining their experiences under their existing lease or hire arrangements, club strategic plans and future growth projections. Findings from these discussions included the importance of recognizing volunteer contribution to the overall management of Shire facilities and lack of strategic planning undertaken by the facility managers.



A report to Ordinary Council Meeting 12 December 2018 consolidated all the findings to date including a *Management of Community Facilities: Consultation Stage report* submitted to Council with the following resolution recorded:

9.4.2 ALTERNATIVE MOTION / COUNCIL RESOLUTION 151218

Moved Cr Gibson / Seconded Cr King

That Council:

- 1. Receives the preliminary Management of Community Facilities Consultation Report prepared by John Ravlic of Ravim RMC.*
- 2. Thank the facility managers/user groups for participating in the consultations.*
- 3. Workshop the final report and recommendations to develop a policy to be tabled at the Ordinary Council Meeting in March 2019.*

THE ALTERNATIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:30 PM

A Council Briefing was held on Tuesday, 12 February 2019 – presenting updates to the *Management of Community Facilities: Consultation Stage Report* and *Case Studies Report*. Council sought further clarity on the Case studies presented in regard to expenditure and the inclusion of depreciation.

An internal Shire stakeholder workshop was conducted on Tuesday, 12 February 2019 involving the Executive Management Team, Building Coordinator, Casual Bookings Officer, Records Officer and Community Development Coordinator. Staff were briefed on the project to date and discussed the possibility of developing and implementing Service Level Agreements and multi-year lease arrangements for our facilities.

A Council Briefing was held on Wednesday, 17 April 2019 where Council were presented:

- *Consultation Stage Final Report;*
- *the updated Case Studies Report;*
- *Service Level Agreement (SLA) template;*
- *Management of Community Facilities Policy and Corporate Framework - Draft Policy; and*
- *Management of Community Facilities Policy and Corporate Framework - Draft Corporate Framework.*

Following this briefing, Council were requested to provide comment on both reports prior to the of the Agenda item for the Ordinary Council Meeting, July 2019.

State

Not applicable

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

- Administration Policy 1.13 Asset Management – Infrastructure Assets
- Administration Policy 1.1.6 Risk Management
- Finance Policy 2.4 Rating of Council Property
- Finance Policy 2.15 Improvement to Council Properties by External Groups

Financial Implications

An allocation of \$20,000 has been submitted for Council consideration within the 2019/2020 Budget to enable implementation of the Facility Management Review recommendations.

Strategic Implications

Recent matters to Council have highlighted the need for Council to conduct a comprehensive review of all sport and recreation facilities in the Shire, with a view to formulating a master plan and; consider the allocation of appropriate provision for this purpose as part of the 2019/20 Annual Budget. Refer to Council resolution 170619 Ordinary Council Meeting held Wednesday 19 June 2019 below:

MOTION / COUNCIL RESOLUTION 170619

Moved Cr Tilbury / Seconded Osborn

That Council:

- 1. Conduct a comprehensive review of all sport and recreation facilities in the Shire, with a view to formulating a master plan; and*
- 2. Consider the allocation of appropriate provision for this purpose as part of the 2019/20 Annual Budget.*

CARRIED 5/1

8:18PM

This aligns with the recommendations of the Facility Management Review with facility managers required to agree to Service Level Agreements (SLA) which should be underpinned by their Clubs/ Associations strategic and business plans.

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local and; communities.

Objective: S1.2 Strong sense of community

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

S1.2.3 Activate our local centres and towns

Focus area: Our built environment

Objective: S3.1 Development of local hubs

Strategy: S3.1.1 Plan for new and enhanced community facilities and;

Objective:	S3.3 Improved infrastructure and amenities
Strategy:	S3.3.1 Improved asset management across all asset classes
Focus area:	Strong leadership
Objective:	S5.1 An engaged community
Strategy:	S5.1.1 Encouraged and promote community engagement and;
Objective	S5.2 Strong partnerships and relationships
Strategy:	S5.2.1 Encouraged and promote community engagement

- Shire of Chittering Community Development Plan 2014 – 2024
Our communities have expressed a desire to have a sustainable built environment that continues to meet its needs and reflects our lifestyles and values.
- Shire of Chittering Youth Strategy 2015-2018
Priority Area 2: Things to do and places to go.

State

- Active Living for All 2017–2019 Department of Local Government, Sport and Cultural Industries
Key Priority 2. Providing appropriate environments and programs (active places and active people).
Key Priority 4. Promoting partnerships.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Facility management in its current form, across all community facilities within the Shire, is heavily reliant on volunteer management delivered by community groups. The review of existing management practices needs to value the role of the existing facility managers to better understand the cost/benefit of insourcing versus outsourcing various elements of facility management including the provision of services and programs for the community.

Social implications

A socially inclusive, active, healthy and connected community is one that is supported through the provision of community facilities that are accessible to the community. Community facilities within the Shire of Chittering provide an avenue for local people to come together for social interaction, civic engagement and volunteering for the benefit of the broader community.

As reported at the Ordinary Council Meeting, 12 December 2018 there is a strong sense of community ownership and pride in many of the existing facilities within the Shire of Chittering. Most of these facilities have been built through the determination and hard work of community volunteer who have continued to maintain and grow these facilities through the investment of thousands of hours of club volunteer time.

Environmental implications

There are no known environmental implications associated with this proposal.

Officer Comment/Details

Considerable time and effort has been undertaken as part of the Facility Review for Community Facilities, spanning a two year period. The engagement of existing facility managers and user groups has been essential to this review, ensuring adequate input to and; open and transparent review of existing processes.

Consultation with facility managers and user groups has ensured that the proposed changes to facility management practices are relevant to the local community and in line with the Shire's aims for the facilities.

The final design of the policy and corporate framework has relied on feedback and input from Council, Shire officers and its facility managers and user groups. The proposed policy, corporate framework and related templates will ensure that interactions between the Shire of Chittering are transparent with clear expectations from both the Shire and its facility managers.

The proposed reporting mechanisms will also ensure that Council has a solid understanding of the value of the community benefit created by its facility managers.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100719

Moved Cr Osborn / Seconded Cr Gibson

Council is requested to:

1. accept the *Management of Community Facilities Review Report and Case Studies Report* prepared by John Ravlic of Ravim RMC;
2. receive for further Council workshopping the following frameworks and related templates:
 - a. Management of Community Facilities Policy and Corporate Framework - Draft Policy;
 - b. Management of Community Facilities Policy and Corporate Framework - Draft Corporate Framework;
 - c. Service Level Agreement (SLA) Template; and
 - d. Facility Data Sheet; and
3. support the progression of the following recommendations:
 - a. provide its facility managers with sufficient guidance on operating its community facilities and delivering various services and programs;
 - b. establish sufficient controls, such as regular reporting, to monitor facility managers' performance and compliance;
 - c. adopt an open and transparent approach to its dealings with facility managers, where their agreements, financial transactions and ongoing returns are on the public record and accessible by all;
 - d. calculate and compare the value of its forgone rental income and the value of the community benefit created by facility managers and the various services and programs they deliver;
 - e. adopt service level agreements with facility managers as part of its policy and corporate framework;
 - f. adopt tighter conditions around the use of leases for exclusive occupancy as part of its corporate framework;
 - g. review lease terms back to five years; and
 - h. continue to gather costing/financial data and review the employee charge/oncost.

CARRIED 7/0

8:19PM

9.3.3 List of Accounts Paid for the period ending 30 June 2019*

Report Date	3 July 2019
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Finance Officer Accounts
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 30 June 2019

Executive Summary

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

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2018/19 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110719

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

- 1. Endorse the Accounts Paid:**
 - a. PR4967, PR4982;**
 - b. EFT18096 – EFT18342;**
 - c. Cheque 14348;**
 - d. Direct Debits and Transfers as listed; and**
 - e. Trust Fund payments as listed,****Totalling \$1,462,374.75 for the period ending 30 June 2019.**

CARRIED 7/0
8:20PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Electors Special Meeting held on Monday 17 June 2019*

Report date	28 June 2019
File ref	13/02/37
Prepared by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Minutes of the Electors' Annual General Meeting of 17 June 2019

Executive Summary

An Electors' Special Meeting was held on Monday 17 June 2019. Decisions made at the meeting need to be considered by Council.

The purpose of this report is to outline those decisions made, and provide recommended responses for Council's consideration.

Background

At the Electors' Special Meeting of Monday 17 June 2019, the following decisions (vis. motions passed) were made and are now presented for Council's consideration:

MOTION:

The ratepayer electors of the special meeting of the Shire of Chittering demand that any agreements regarding the Lower Chittering Sport and Community Facility, made between the Shire Council and the owners of the Immaculate Heart College, be presented to the Minister for Local Government, Sporting and Culture Industries, and the Department of Treasury WA for their opinions on the legality or otherwise on the proposed agreement, and also furthermore no contracts to be signed off, and the seal of the Shire of Chittering not applied until after the local council elections, to be held in October 2019.

Consultation/Communication Implications

Local

The decisions of the Electors' Annual General Meeting were made at the 17 June 2019 Electors' Special Meeting.

State

Nil

Legislative Implications

State

- Local Government Act 1995

Section 2.7 (Role of council) outlines that council—

- (a) governs the local government's affairs;
- (b) is responsible for the performance of the local government's functions;
- (c) oversee the allocation of the local government's finances and resources; and
- (d) determine the local government's policies.

Section 2.10 (Role of councillors) outlines that a councillor—

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

Section 5.32 (Minutes of electors' meetings) outlines that the Chief Executive Officer is ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 (Decisions made at electors' meetings) outlines that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable, at the first ordinary council meeting after that meeting. If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There are no significant financial implications relevant (noting that this report deals with the question of how for example, the execution of a Self Supporting Loan Agreement is managed, not the value of the loan in itself).

Strategic Implications

State

Nil

Local

The project is incorporated in the Shire's strategic planning documents, namely –

- Strategic Community Plan 2017-2027
Focus area: Our community
Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local communities (recreational and sporting facilities to service the growing population in the Lower Chittering/Muceha area).
- Corporate Business Plan 2017-2021
Regional Sports Facility in Lower Chittering.
Two Stages (2019/20 and 2022/23).
- Long Term Financial Plan 2018/19 – 2027/28
Two Stages (2019 - 21 and 2021 -23) of \$9.5m and \$6.1m, with grants/contributions of \$6.6m and \$3.5m (vis. \$2.9m and \$2.6m Shire contributions = \$5.5m total).

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

A delay in the construction program would have a minor impact on the local economy.

Social implications

Whilst the practice of holding Electors' Meetings is dated and the few communications opportunities of the distant past have been substantially overtaken by contemporary practices and communications opportunities. The meeting however, can still serve a valuable opportunity to engage with the community of the district.

Any delay in the Lower Chittering Sport and Recreation Facility project's completion will have a minor impact on its eventual ability to provide positive social and health benefits (associated with sporting and recreation facilities to service the growing population in Lower Chittering).

Environmental implications

Any environmental implication will be delayed until the project is undertake.

Officer Comment/Details

It is the role of the Council to govern the local government's affairs and to be responsible for the performance of it's functions. The role of the Council is also to make the decisions necessary to allow the local government to continue to undertake its activities. As Council has therefore already resolved (17 April 2019 - 9.4.3 Lower Chittering Sport and Recreation Facility – Stage 1) to "Commit to using its best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility." any unreasonably based delay of this project to specifically await the arrival of the biennial election process to conclude, would not be in keeping with the spirit or intensions of the Local Government Act.

In regard to the second outlined purpose of the electors meeting resolution. That is, to ensure that the agreements between the Shire and Immaculate Heart College are legal, this is a very reasonable expectation (of this or any other agreement the Shire might wish to enter into). As the Loan Agreement will be prepared by McLeods Barristers & Solicitors, and the funds will be being drawn from Western Australian Treasury Corporation, the Council can have absolute confidence that the loan and the agreement will be consistent with WA State Government expectations, and meet the requirements of all relevant legislation.

OFFICER RECOMMENDATION

Moved Cr Ross / Seconded Cr Osborn

That Council:

1. Note the Electors' Special Meeting (Monday 17 June 2019); and
2. Do not change current processes in relation to receiving advice on agreements or signing and sealing agreements.

AMENDMENT

Moved Cr Gibson / Seconded Cr Angus

That the following Condition 3 be added to the Recommendation:

3. Acknowledges the motion from Mr Davis and Mr Martin that was passed at the Electors Meeting.

LOST 3/4
8:25PM

Cr Gibson provided the following reason

I believe that we should put up what was passed by the ratepayers. We should take notice of the motions from the residents.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120719

Moved Cr Ross / Seconded Cr Osborn

That Council:

1. Note the Electors' Special Meeting (Monday 17 June 2019); and
2. Do not change current processes in relation to receiving advice on agreements or signing and sealing agreements.

CARRIED 6/1
CR GIBSON VOTED AGAINST THE MOTION
8:28PM

9.4.2 Petition - Lower Chittering Sport & Recreation Facility*

Report date	2 July 2019
Applicant	Shire of Chittering
File ref	A11560; 15/01/6
Prepared by	Casual Project Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Petition (Letter and one [only] Petition Page)

Executive Summary

An informal petition was presented to the June 2019 Council Meeting. The petition was signed by 362 people and reads as follows –

“We, the undersigned, do respectfully request that the Council takes all necessary action to continue supporting development and delivery of the Lower Chittering Sport & Recreation Facility. This fantastic project will provide significant benefits for our community, so we therefore seek your ongoing commitment to ensure construction commences as soon as possible.”

Council at its meeting of 17 April 2019 resolved that it *“commits to using its best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility”*.

The progression of that April resolution is being facilitated and whilst the formalisation of the architect’s contract and the eventual actual construction of the Facility still requires several steps to be completed to Council’s satisfaction before the physical delivery of the project can occur, Council remains supportive of *the development and delivery of the Lower Chittering Sport & Recreation Facility*.

Background

An informal petition was presented to the June 2019 Council Meeting via a letter from Ms Michelle Rossouw. The petition was presented through Cr Tilbury. The petition was signed by 362 people and reads as follows:

“We, the undersigned, do respectfully request that the Council takes all necessary action to continue supporting development and delivery of the Lower Chittering Sport & Recreation Facility. This fantastic project will provide significant benefits for our community, so we therefore seek your ongoing commitment to ensure construction commences as soon as possible.”

The Council at its 17 October 2018 Meeting.... *authorised the Chief Executive Officer to lodge a funding application under the Building Better Regions Fund (BBRF3)*. That occurred and the grant application was submitted, and was successful. A Building Better Regions Fund grant of \$4.71m was subsequently offered. This project will involve the Shire of Chittering, in partnership with Immaculate Heart College, developing the Lower Chittering Sport & Recreation Facility. The \$9.71m project will be developed using a multi-stage approach, with this Stage 1 including multi-use indoor and outdoor sporting and cultural facilities. This partnership approach is designed to deliver a significant benefit to both the development and operational phases, in that costs can be shared, providing both parties with access to quality infrastructure with a significantly reduced financial cost. The Shire will contribute \$3m and a \$2m capital contribution (includes a land purchase of \$275,000) is being made by Immaculate Heart College (plus an annual College contribution towards the Facility’s operational costs).

Council at its meeting of 17 April 2019 resolved that it *“commits to using its best endeavours to bringing the project to realisation as soon as reasonably possible, in order that the Chittering community and the Immaculate Heart College students and families can benefit from the facility”*.

Progress to date includes searching for a sustainable water supply; establishing the Reference Group; progressing the Self Supporting Loan Agreement; progressing the land sale to the College; and calling Tenders for the Architects’ services (and selecting a preferred tenderer); amongst other things.

Consultation/Communication Implications

Local

Nil

State and Federal

Nil

Legislative Implications

State

Nil

Local

Shire of Chittering Local Government (Council Meetings) Local Law 2014 at Clause 6.10 (Petitions) outlines that petitions received are to be deliberated upon as part of a report to Council, so Council can consider the issues raised in the petition.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Whilst the process of considering the petition itself only has a minor financial impact, generally related to the operational cost of preparing and coordinating the Council Agenda item, the cost of the Lower Chittering Sports and Recreation Facility is estimated at \$9.71m.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community outlines that communities will have services and facilities within their local community areas. Also, that communities will be inclusive and connected through engagement, interaction, and participation.

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The petition in itself does not have any economic implications.

Social implications

Both the petition and the Lower Chittering Sports & Recreation Facility have social implications. The capacity to lodge a petition is core to the democratic right of the community to engage with its local government (albeit there are many communications opportunities available in addition to petitions). The Facility itself will provide new and additional opportunities for the Chittering community to actively engage in sport and cultural activities at this multi-use centre.

Environmental implications

There are only limited environmental implications resultant from the actual lodgement of a petition. Environmental implications (if any) will be dealt with as part of the planning and building approval process of the Facility itself.

Officer Comment/Details

The Lower Chittering Sports & Recreation Facility project is large, complex, and not without its challenges, but suitable progress with Council's April resolution is considered to be being made. There have been reports to the March; April; May; and June 2019 Council Meetings on a variety of aspects to progress the provision of this new facility and whilst the formalisation of the architect's contract and the eventual actual construction of the Facility still requires several steps to be completed to Council's satisfaction before the physical delivery of the project occurs, the project continues to be progressed.

It is considered therefore that the organisation is making reasonably good progress with the progression of the facility, whilst simultaneously managing the numerous critical issues of the project and that Council still remains supportive of *the development and delivery of the Lower Chittering Sport & Recreation Facility*.

OFFICER RECOMMENDATION

Moved Cr Tilbury / Seconded Cr Ross
That Council receives the petition.

AMENDMENT

Moved Cr Ross

That council receives the petition which contains ____ valid signatures.

Cr Ross provided the following reasons

It should be wise of Council to include in the recommendation the valid number of signatures that were on the petition.

MOTION / COUNCIL RESOLUTION 130719

Moved Cr King / Seconded Cr Gibson

That Council suspend *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) of Part 8 – Conduct of Members* to allow for free and open debate.

CARRIED 7/0

8:31PM

MOTION / COUNCIL RESOLUTION 140719

Moved Cr King / Seconded Cr Gibson

That Council resume the meeting in accordance with *Local Government (Council Meetings) Local Law 2014, Clause 8.8 (Speaking Twice) Part 8 – Conduct of Members*.

CARRIED 7/0

8:39PM

AMENDMENT WITHDRAWN

Moved Cr Ross

That council receives the petition which contains ____ valid signatures.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150719

Moved Cr Tilbury / Seconded Cr Ross

That Council receives the petition.

CARRIED 7/0

8:39PM

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Lower Chittering Sports Facility and the Sale of the Land to Immaculate Heart College – Cr Aaron King

Can the Chief Executive Officer advise if previous decisions of Council pertaining to the Lower Chittering Sports Facility and the Sale of Land to Immaculate Heart College (IHC) are “in force” given the Shire’s failure to follow due process and comply with S3.59 of the LGA 1995.

Note s. 3.59

(5) After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

For clarity, Council resolutions pertaining to the Lower Chittering Sports Facility are listed below:

Meeting Type	Date	Month	Year	Item No	Agenda Page No	Resolution	Resolution No	
OCM	19-Apr-18	April	2018	9.4.1 Proposed Lower Chittering Sports and Community Centre Project: Stage 1*	24	Carried 7/0	70418	Pre- Grant
OCM	17-Oct-18	October	2018	9.4.6 Lower Chittering Sports and Recreation Facility*	53	Carried 7/0	141018	Pre- Grant
OCM	20-Mar-19	March	2019	9.4.3 Lower Chittering Sport & Recreation Facility - Stage 1	56	Carried 6/0	260319	Post Grant Approval
OCM	17-Apr-19	April	2019	9.4.3 Lower Chittering Sport and Recreation Facility - Stage 1	40	Carried 4/3	110409	Post Grant Approval
OCM	15-May-19	May	2019	9.4.2 Lower Chittering Sport & Recreation Facility:	42	Carried 4/3	80519	Post Grant Approval

Meeting Type	Date	Month	Year	Item No	Agenda Page No	Resolution	Resolution No	
				Immaculate Heart College Self-Supporting Loan				
OCM	15-May-19	May	2019	14.1.4 CONFIDENTIAL ITEM: Lower Chittering Sport & Recreation Facility Project Advisory Group*	51	Carried 7/0	210519	Post Grant Approval
OCM	19-Jun-19	June	2019	9.4.2 Lower Chittering Sport & Recreation Facility: Immaculate Heart College Self-Supporting Loan Agreement*	45	Carried 5/1	130619	Post Grant Approval
OCM	19-Jun-19	June	2019	14.1.3 CONFIDENTIAL ITEM: RFT SC19-001 Assessment - Provision of Architectural Services - Lower Chittering Sport and Recreation Facility Project*	63	Carried 4/2	300619	Post Grant Approval

12.2 Lower Chittering Sports Facility Architectural Design Works – Cr Aaron King

Will the Chief Executive Office suspend all architectural design works on the Lower Chittering Sports Facility pending (1) receipt of public submissions on 20th August 2019, (2) a confirmed long-term sustainable water supply (and quality) meeting the total project water requirements by an independent hydrologist, (3) an approved water licence issued by DWER?

12.3 Land Transactions of Shire properties – Cr Aaron King

Can the Chief Executive Officer advise if the following previous transactions qualify for compliance with S3.58 or S3.59 of the LGA 1995 and confirm that this was done?

1. *Sale of property - Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway) (WA Retirees)*
2. *Re-Purchase of property - Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway) (March 19)*
3. *Purchase of Property – Lot 168 Binda Place, Bindoon (old Bindoon bakery) (July 2017)*
4. *Purchase of Property – Lot 215 Great Northern Highway, Bindoon (land behind Bindoon oval) (July 2017);*
5. *Leasing (Disposal) of Property: 21 Binda Place, Bindoon (old medical centre) (November 17)*
6. *Sale of the Shire owned house - Lot 121 (RN 6169) Great Northern Highway, Bindoon (Sept 2018);*
7. *Transfer of Land for New Ambulance Station: (July 2018)*

Lease of Property - Lot 168 Binda Place, Bindoon (November 2017)

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160719

Moved Cr Ross / Seconded Cr King

That Council moves into a confidential session to discuss items:

14.1.1 “Contract of Sale (Disposal of Land): Lot 99 Santa Gertrudis Drive, Lower Chittering”;
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 —***
 - (i) *a trade secret; or***
 - (ii) *information that has a commercial value to a person; or***
 - (iii) *information about the business, professional, commercial or financial affairs of a person,***
where the trade secret or information is held by, or is about, a person other than the local government;

CARRIED 7/0
8:54PM

14.1.1 Contract of Sale (Disposal of Land); Lot 99 Santa Gertrudis Drive, Lower Chittering*

Report date	3 July 2019
Applicant	Shire of Chittering
File ref	A11560; 15/01/16; A11763
Prepared by	Governance Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	1. Draft Contract of Sale: Lot 99 Santa Gertrudis Drive, Lower Chittering 'CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE'

Reason for confidentiality

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

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

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

14.2 Public reading of resolution that may be made public

The meeting was reopened to the general public at 9:12PM.

In accordance with the *Local Government (Council Meetings) Local Law 2014, c6.2(7)* the Presiding Member read aloud the resolutions of Council to the seven members of the general public who returned to the meeting.

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190719

Moved Cr Osborn / Seconded Cr Ross

That Council:

1. Confirms its decision to sell a portion of Lot 99 Santa Gertrudis Drive, Lower Chittering;
2. Endorses the Draft Contract of Sale subject to deletion of Clause 2(1)(c);
3. Authorises the Chief Executive Officer to offer to sell the land for \$275,000, and to facilitate all necessary sale arrangements on the Shire's behalf; and
4. Authorises as per Administration Policy 1.5 Execution of Documents in regard to the processing of this land sale, the Shire President and the Chief Executive Officer, or their deputies, to place the Shire's Common Seal upon and to sign all relevant land purchase and other relevant documentation.

CARRIED 7/0
BY AN ABSOLUTE MAJORITY
9:11PM

15. CLOSURE

The Presiding Member declared the meeting closed at 9:14PM.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8:30am - 4:30pm