

Ordinary Meeting Minutes Wednesday 19 June 2019

Held at Council Chambers, 6177 Great Northern Highway, Bindoon



Preface

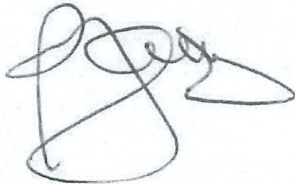
When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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 28 June 2019.



Neil Hartley
Acting Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 17 July 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.....	4
4.1	Response to previous public questions taken on notice	4
4.2	Public question time.....	4
4.2.1	Michelle Rossouw, Lower Chittering	4
4.2.2	Clint O’Neil, Chittering.....	4
4.2.3	Ruth Sprague, Chittering	5
4.2.4	Lee Martin, Chittering.....	6
4.2.5	John Curtis, Bindoon	6
4.2.6	Robert Pizinno, Bindoon	6
4.2.7	Neva Harris, Bindoon	7
4.2.8	Dennis Boyanich asked the following questions on behalf of John Nagel, Bindoon	7
4.2.9	Dennis Boyanich, Bindoon	8
4.2.10	John Davis, Lower Chittering	8
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	9
5.1	Petitions.....	9
5.1.1	New Petitions Received	9
5.1.2	Update on Petitions	9
5.2	Presentations	9
5.3	Deputations	9
6.	APPLICATIONS FOR LEAVE OF ABSENCE	9
6.1	Cr Peter Osborn.....	9
6.2	Cr Mary Angus.....	10
7.	CONFIRMATION OF MINUTES	10
7.1	Ordinary Meeting of Council: 15 May 2019	10
8.	ANNOUNCEMENT FROM THE PRESIDING MEMBER	10
9.	REPORTS	11
9.1	DEVELOPMENT SERVICES	11
9.1.1	Management Order ‘Public Recreation Reserve 49735’: Lot 106 Honeyeater Way, Chittering (Department of Planning, Lands and Heritage)*	11
9.1.2	Permission to Advertise to Surrounding Land Owners: Road Reserve Closure on land adjoining Lot 505 Chittering Road, Chittering*	14
9.2	TECHNICAL SERVICES.....	19
9.2.1	Wheatbelt Secondary Freight Network – Updated Financial Contribution Allocation.....	19
9.2.2	Request for New Playground, Chittering Springs*	25

9.3	CORPORATE SERVICES.....	30
9.3.1	List of Accounts Paid for the period ending 31 May 2019*	30
9.3.2	Monthly Financial Reports for the Period Ending 31 May 2019	32
9.3.3	Sundry Debtor Write-off	34
9.3.4	Community Liability Insurance*.....	38
9.4	CHIEF EXECUTIVE OFFICER.....	42
9.4.1	Lease Extension: Chittering Tourist Association Inc.*	42
9.4.2	Lower Chittering Sport & Recreation Facility: Immaculate Heart College Self-Supporting Loan Agreement*	45
9.4.3	Muchea Hall & Sports Ground, Lot 151 (RN 48) Archibald Street, Muchea: Change-rooms and proposal for new clubrooms/change-rooms*	50
10.	REPORTS OF COMMITTEES.....	59
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	59
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	59
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	60
14.	MEETING CLOSED TO THE PUBLIC	60
14.1	Matters for which the meeting may be closed	61
14.1.1	CONFIDENTIAL ITEM: Ferguson House: Lot 91 (RN 6138) Great Northern Highway, Bindoon*.....	62
14.1.2	CONFIDENTIAL ITEM: Kerbside Refuse & Recyclable Collection Service Contract*.....	62
14.1.3	CONFIDENTIAL ITEM: RFT SC19-001 Assessment - Provision of Architectural Services – Lower Chittering Sport and Recreation Facility Project*	63
14.1.4	CONFIDENTIAL ITEM: Sale of Land for Unpaid Rates in excess of Three Years.....	63
14.2	Public reading of resolution that may be made public	64
15.	CLOSURE.....	66

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7:03PM.

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 George Tilbury	
	Cr Carmel Ross	
	Cr Mary Angus	
	Cr Don Gibson	

Quorum – 4 members

The following Shire staff were in attendance:

Staff	Neil Hartley	Acting Chief Executive Officer
	Rhona Hawkins	Executive Manager Corporate Services
	Peter Stuart	Executive Manager Development Services
	Jim Garrett	Executive Manager Technical Services
	Jake Whistler	Senior Planning Officer ^(left at 8:21PM)
	Alexandria Wood	Planning Officer ^(left at 7:46pm)
	Nathan Gough	Building Surveyor
	Natasha Mossman	Executive Support Officer (Minute Secretary)

Members of
the public 32

Media 0

2.2 Apologies

Cr Aaron King

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

15 May – Ordinary Meeting of Council
30 May – Meeting with Acting Chief Executive Officer
10 June – Information Session at Lower Chittering
17 June – Presentation by Breakaway Tourism
17 June – Special Meeting of Electors at Bindoon Hall

Cr Peter Osborn

15 May – Ordinary Meeting of Council
2 June – Tribute to Alex Douglas
4 June – Chittering Tourist Association meeting (Council Delegate)
8 June – Chittering Incident Support Brigade AGM – presented Peter Hall with 20yrs Service Medal
10 June – Information Session at Lower Chittering
11 June – Budget Workshop
11 June – Agenda Forum
17 June – Wheatbelt North Regional Road Group Meeting (Council Delegate)
17 June – Presentation by Breakaway Tourism
17 June – Special Meeting of Electors at Bindoon Hall

Cr Aaron King

15 May – Ordinary Meeting of Council
11 June – Budget Workshop
11 June – Agenda Forum
10 June – Information Session at Lower Chittering

Cr George Tilbury

15 May – Ordinary Meeting of Council
25 May – Seven News Young Achiever Awards WA
5 June – Lower Chittering Sport and Recreation Facility Project Advisory Group Meeting at Lower Chittering
10 June – Information Session at Lower Chittering
11 June – Budget Workshop
11 June – Agenda Forum
17 June – Presentation by Breakaway Tourism
17 June – Special Meeting of Electors at Bindoon Hall

Cr Carmel Ross

- 15 May – Ordinary Meeting of Council
- 5 June – Lower Chittering Sport and Recreation Facility Project Advisory Group Meeting at Lower Chittering
- 10 June – Information Session at Lower Chittering
- 11 June – Budget Workshop
- 11 June – Agenda Forum
- 17 June – Special Meeting of Electors at Bindoon Hall

Cr Mary Angus

- 15 May – Ordinary Meeting of Council
- 10 June – Information Session at Lower Chittering
- 11 June – Budget Workshop
- 11 June – Agenda Forum
- 17 June – Presentation by Breakaway Tourism
- 17 June – Special Meeting of Electors at Bindoon Hall

Cr Don Gibson

- 15 May – Ordinary Meeting of Council
- 10 June – Information Session at Lower Chittering
- 11 June – Budget Workshop
- 11 June – Agenda Forum
- 17 June – Special Meeting of Electors at Bindoon Hall

3. DISCLOSURE OF INTEREST

<i>Item 9.4.1 "Lease Extension: Chittering Tourist Association Inc."</i>		
<i>Councillor/Officer</i>	<i>Type of Interest</i>	<i>Nature/Extent of Interest</i>
Cr Peter Osborn	Impartiality	Nature: Shire appointed Delegate to the Chittering Tourist Association. Private business is a member of the Chittering Tourist Association. Nature: Closely related person. Wife is the President of the Chittering Tourist Association.
Cr Carmel Ross	Impartiality	Nature: A member of the Committee of the Chittering Tourist Association.

<i>Item 13.1 "Kylie Hughes – Lower Chittering Sports & Recreation Facility"</i>		
<i>Councillor/Officer</i>	<i>Type of Interest</i>	<i>Nature/Extent of Interest</i>
Neil Hartley	Impartiality	Nature: Part of Ms Hughes' accusations relate to my actions as Acting CEO

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Michelle Rossouw, Lower Chittering

Question 1: Please can the CEO provide a high level summary of the expenses spent on upgrades or infrastructure, excluding oval, running costs and maintenance, in each of the following facilities broken down by year for the past five years:

1. Bindoon Hall
2. Chinkabee Complex
3. Muchea Sportsground
4. Lower Chittering Hall

Answer: The following table is a summary of expenses over the last five years.

Description	Total Actual over five years
Bindoon Hall & Oval	\$417,544.47
Chinkabee Complex	\$193,078.75
Muchea Sports Ground (includes Hall & Oval)	\$275,963
*Above does not include other Muchea facilities; i.e. Muchea bike Track, John Glenn Park, Sandown Park	\$184,149
Lower Chittering Hall & Oval	\$108,436.74

4.2.2 Clint O'Neil, Chittering

Question 1: Is the Council and Shire administration bound by the Council's minuted and confirmed resolutions and the consequential impacts of those resolutions?

Answer 1: Conditionally, yes, like unless Council resolves to rescind, alter or supersede (legally) a resolution, then the resolution is binding, so long as it was legally made in the first instance of course. Resolutions can also become "redundant or irrelevant", where for example the circumstances that resulted in the position taken by the Council changing from the time the decision was made – and that in fact is what has largely happened in the case in question. (vis Special Meeting of Council on 18 April 2005, Item 3.1, Resolution #2)

Question 2: Is it the Shire's intention to pursue water self-supply to support the facility by taking groundwater from the locality?

Answer 2: The Shire is undertaking due diligence in finding an adequate supply of water. A bore has been sunk with the intention to extract water in accordance with the DWER procedures for water licencing.

Question 3: Has the Shire completed and satisfied necessary regulatory due diligence requirements and approvals to undertake the water self-supply development proposal?

Answer 3: Per above, DWER standards allow for a self-supply in circumstances such as this. Written confirmation has been received from the Department that the area is not a proclaimed groundwater resource in this location and thus has not cited any concerns with this provision.

Question 4: Is it the Shire's intention to utilise the services of a registered class 3 water driller, supervised by a professional hydrologist, to undertake the proposed development, with a professional impact assessment report being delivered to support any proposed taking of groundwater?

Answer 4: The Shire will utilise responsible and suitably licensed contractors for drilling. We are in the process of receiving quotes from a suitably qualified hydrologist to provide a report on the sustainability of groundwater supply.

Question 5: Can the Council or the Shire administration explain how the proposed water supply development is consistent with the minuted Council resolution of 18 April 2005?

Answer 5: The resolution, and specifically resolution 2 of that item, relates to acknowledgement of advice from the (then) Department of Environment. As described above, DWER has since provided advice that it does not have concerns with a self-supply of water in this region, and in particular, for a community purpose. Therefore the Council resolution of 18 April 2005 has in effect, been superseded and/or is not relevant to the current situation. For the point of history though, when the next relevant report progresses to Council in regard to the matter of water for the Lower Chittering Sports & Recreation Facility, we will specifically address that 2005 resolution within that report.

4.2.3 Ruth Sprague, Chittering

Question 1: Given the high interest and subsequent petitions, in both the negative and positive support for the Lower Chittering Sport and Recreation Facility; the possibility a large number of ratepayers unaware of the project and its possible financial impost, I formally request the Shire President and Councillors to hold a plebiscite to all ratepayers regarding this project. Such plebiscite to contain detailed and accurate financial disclosures and other relevant information to allow a fully informed vote.

Answer 1: As Council has already resolved to undertake the project, a plebiscite is not proposed to be undertaken.

Question 2: Will the Shire President and Councillors halt all works on this project until such time as the plebiscite is held?

Answer 2: As there is no proposal by Council to conduct a plebiscite, works will continue.

4.2.4 Lee Martin, Chittering

Question 1: My question is in relation to the Lower Chittering Sports Facility and that the report tonight outlines the option of relocation of the Muchea Oval. Why doesn't Council put the Lower Chittering Sports Facility on hold, and develop a joint facility with Muchea, as in Muchea there is water, location and access.

Answer 1: Prior to tonight's Ordinary Council Meeting, representatives from the Muchea Hall User Group met with Council and presented their case for the future improvements for their "sporting home", the Muchea Oval facility.

Question 2: If Council does not consider this, will it consider the money from the sale of the land [to the Immaculate Heart College at Lower Chittering] be put into a Reserve Fund to upgrade facilities in Muchea?

Answer 2: Council is considering tonight, the Muchea facilities, and there is the ability in the Shire's budget to make a decision to seek funds to upgrade them.

4.2.5 John Curtis, Bindoon

Question 1: Why is the renewal of the waste contract being considered, when there has been so much negative exposure to recycling?

Answer 1: Council is comfortable with the service that is being provided by Avon Waste. The longer term intention is to coordinate our waste collection service with neighbouring Shire's (Northern Growth Alliance members – Gingin and Dandaragan), which will bring more benefits to the Shire.

Question 2: Recently there were two tractors in a recycling bin that are not recyclable – the contractor is just taking our money and not recycling correctly.

Answer 2: Through the Chair, Cr Angus advised Mr Curtis that council has not renewed the waste contract as yet; it is not renewed until Council has resolved the item on tonight's agenda.

4.2.6 Robert Pizzino, Bindoon

Question 1: If the school was Muslim would it be still going ahead?

Answer 1: The religion of the school is irrelevant to Council's decision.

Question 2: Sport will not feed you and it doesn't benefit the whole community. Why won't Council defer this project until the new Chief Executive Officer commences?

Answer 2: Council will only be contributing a relatively small amount, considering the entire funding pool (Federal Government and College); and there will be good facility usage from schools students and other people.

Question 3: Will our rates go up? And if 'yes', by how much?

Answer 3: Council is going to be increasing rates for 2019/20, but by how much is still yet to be determined by Council.

4.2.7 **Neva Harris, Bindoon**

Question 1: Is Council still considering an aged persons facility in Bindoon?

Answer 1: Yes, the Lifestyle Village is listed in the Shire's Long Term Financial Plan.

Question 2: Will Council consider an alternative location of the Village to the land around the houses where the community housing is located, as in this location there is sewerage in this area.

Answer 2: A retirement village is a business idea, and discussions with Council is to potentially offer the facility for a business to manage. No final decision has yet been made on how the facility will be run.

Question 3: As there is no future plan for the land owned on Grey Road, does this mean that money allocated to Bindoon for alternative services. For example, on other developments or aged accommodation?

Answer 3: The Shire President outlined that there were several initiatives planned for Bindoon. For example, on Monday night (17 June 2019), Council was briefed by a consultant on future plans of a mountain bike park in Bindoon. This type of tourism can attract in the region of 70,000 people annually. Council is considering if it can facilitate/develop this tourist attracting pursuit.

4.2.8 **Dennis Boyanich asked the following questions on behalf of John Nagel, Bindoon**

Question 1: If Council are going to be appointing an architect, do they realise that they haven't done due diligence as the issue of water has not been addressed. Why is Council rushing this project, as you can be held negligent?

Answer 1: On tonight's agenda there is a confidential officer report to appoint an architect. Any consideration in regard to construction will be given at a later stage.

Through the Chair, Mr Hartley advised that Council will have a contract with the Architect, and in this contract there will be a clause outlining that the contract can be concluded by either party with appropriate notice.

Question 2: How many applications have been received, and why were Councillors not given copies of each application. Do you realise that by not disclosing the tender applications to the Councillors, officers are in breach of the Local Government Act.

Answer 2: Through the Chair, Mr Hartley advised that the Shire received nine applications, which is contained in the confidential officer report. In the report there is a tender assessment document, which outlined how the selected applicant is chosen. Councillors are welcome to view the entire tender submission(s) if they wish to.

Question 3: Why were Council not given them to view?

Answer 3: Council rely on Shire officers to review and provide the necessary report to Council. If any Councillor wanted to view the tender documents, they are more than welcome to arrange a suitable time to view the documents.

4.2.9 Dennis Boyanich, Bindoon

Question 1: The people who were selected for the Advisory Group, how was the criteria set.

Answer 1: The Shire advertised for people to apply. Applications were subsequently submitted. In the officer report that was presented to Council, a selection criteria was given to Councillors to assist in considering their selection. Council were also briefed prior to the item going to Council on how to review and select suitable community representatives. In total there were five community representatives who applied to be on the Advisory Group.

4.2.10 John Davis, Lower Chittering

Question 1: Immaculate Heart College now want to build a high school, is Council going to be selling the land to them, and have they sought planning permission to build the new high school.

Answer 1: Council is selling land to the College as part of the Lower Chittering Sports & Recreation Facility project, but they don't need Council's permission to buy land for a high school. The President advised he was not aware of any recently submitted planning application for a high school by the College.

Through the Chair, Mr Stuart advised that the Shire's Local Planning Scheme No 6 does not differentiate between primary and high schools, i.e. they are classified exactly the same, therefore no separate planning approval is required, other than for the buildings themselves.

Question 2: Maryville Stage 12, there are five blocks that share a common fence with the college's land. Why has nothing happened with the blocks in Stage 12.

Answer 2: Council is not aware why the private developer has not progressed Stage 12.

Question 3: There are rumours that the school has purchased blocks of land in Stage 12 to build a residential college – has been told by someone who deals with the college. When will Council be debating the motion from Monday night.

Answer 3: The minutes from the Special Electors Meeting are not finalised, and therefore Council is not able to deal with the motion passed.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.1.1 New Petitions Received

A Petition was presented to the Shire President by Cr George Tilbury (and signed by 362 residents) as follows:

"That Council takes all necessary action to continue supporting development and delivery of the Lower Chittering Sport and Recreation Facility. This fantastic project will provide significant benefits for our community, so we therefore seek your ongoing committee to ensure construction commences as soon as possible."

5.1.2 Update on Petitions

Special Meeting of Electors

Cr Gordon Houston (President) was presented with a petition with 134 signatories, requesting a Special Meeting of Electors.

Update

A Special Meeting of Electors has been scheduled for Monday 17 June 2019 at the Bindoon Town Hall, commencing at 7pm to discuss the matters contained in the request.

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Peter Osborn

COUNCIL RESOLUTION 010619

Moved Cr Osborn / Seconded Cr Angus

That Council approve the Application for Leave of Absence for Cr Osborn for the period Wednesday 26 June 2019 until Tuesday 2 July 2019 inclusive.

CARRIED 6/o

7:43PM

6.2 Cr Mary Angus

COUNCIL RESOLUTION 020619
Moved Cr Angus / Seconded Cr Ross
That Council approve the Application for Leave of Absence for Cr Angus for the period Monday 8 July 2019 until Sunday 14 July 2019 inclusive.

CARRIED 6/o
7:44PM

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 15 May 2019

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030619
Moved Cr Osborn / Seconded Cr Angus
That the minutes of the Ordinary Meeting of Council held on Wednesday 15 May 2019 be confirmed as a true and correct record of proceedings.

CARRIED 6/o
7:44PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Management Order 'Public Recreation Reserve 49735': Lot 106 Honeyeater Way, Chittering (Department of Planning, Lands and Heritage)*

Report date	31 May 2019
Applicant	Department of Planning, Lands and Heritage
File ref	A11612
Prepared by	Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Letter from Department of Planning, Lands and Heritage 2. Deposited Plan 402847

Executive Summary

Council is requested to consider correspondence received from the Department of Planning, Lands and Heritage (DPLH) advising that Reserve 49735, Lot 106 Honeyeater Way, Chittering has been created as a condition of a freehold subdivision for the purpose of "Public Recreation". DPLH is seeking Council's advice as to whether the Shire is prepared to accept a management order over the Reserve.

IMAGE 1: Location Plan



Background

A letter that was sent to the Shire on 11 February 2019 from the DPLH (**Attachment 1**) advises that Reserve 49735, Lot 106 Honeyeater Way, Chittering was ceded to the Crown subject to section 152 of the *Planning and Development Act 2005* for the purpose of 'Public Recreation' as a condition of a freehold subdivision.

Reserve 49735 is a Crown Allotment Reserve under the Shire's *Local Planning Scheme No.6* (LPS6). The Reserve is 15,284m² in area, triangular in shape, sloped, heavily vegetated and carries a body of water to serve an overflow drainage function for the adjoining rural residential land.

Diagram No. 402847 (**Attachment 2**) is the approved deposited plan relevant to Reserve 49735 dated 28/06/2015. The Reserve is part of the Maryville Heights Estate Development Plan adopted by the Shire on 31/03/2014. Reserve 49735 is currently regarded as Unallocated Crown Land and falls under the control of the DPLH.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

- *Land Administration Act 1997*

The *Land Administration Act 1997* provides the legislative mechanism for Crown land is to be managed by another agency/ authority such as a local government.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Managing a reserve is a burden to the local government with an ongoing maintenance cost that is difficult to quantify. There would be budget implications for the inclusion of a future reserve maintenance fund.

Strategic Implications

Nil

Site Inspection

A site inspection of Reserve 49735, Lot 106 Honeyeater Way, Chittering was undertaken and the following photos were taken of the Reserve:



Photo 1: Looking east (Planning Officer, 2019)

Photo 2: Looking northeast (Planning Officer, 2019)

Triple Bottom Line Assessment

Economic implications

It is not considered an economic benefit if the Shire of Chittering is to manage Reserve 49735.

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 Shire is not obliged to accept management of the Reserve and officers are of the opinion it is not prudent to accept management of a reserve that contains no infrastructure, serves limited public purpose and will create a further drain on the Shire's finance and resources. Accordingly, acceptance of management over the Reserve is not considered to service nor benefit the community or Shire.

It is recommended that Council not accept the Management Order.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040619

Moved Cr Gibson / Seconded Cr Osborn

That Council advise the Department of Planning, Lands and Heritage that the Shire of Chittering is not prepared to accept a Management Order over Public Recreation Reserve 49735, Lot 106 Honeyeater Way, Chittering as it serves limited public purpose and the Shire does not have the resources to manage Reserve 49735.

CARRIED 6/0
7:45PM

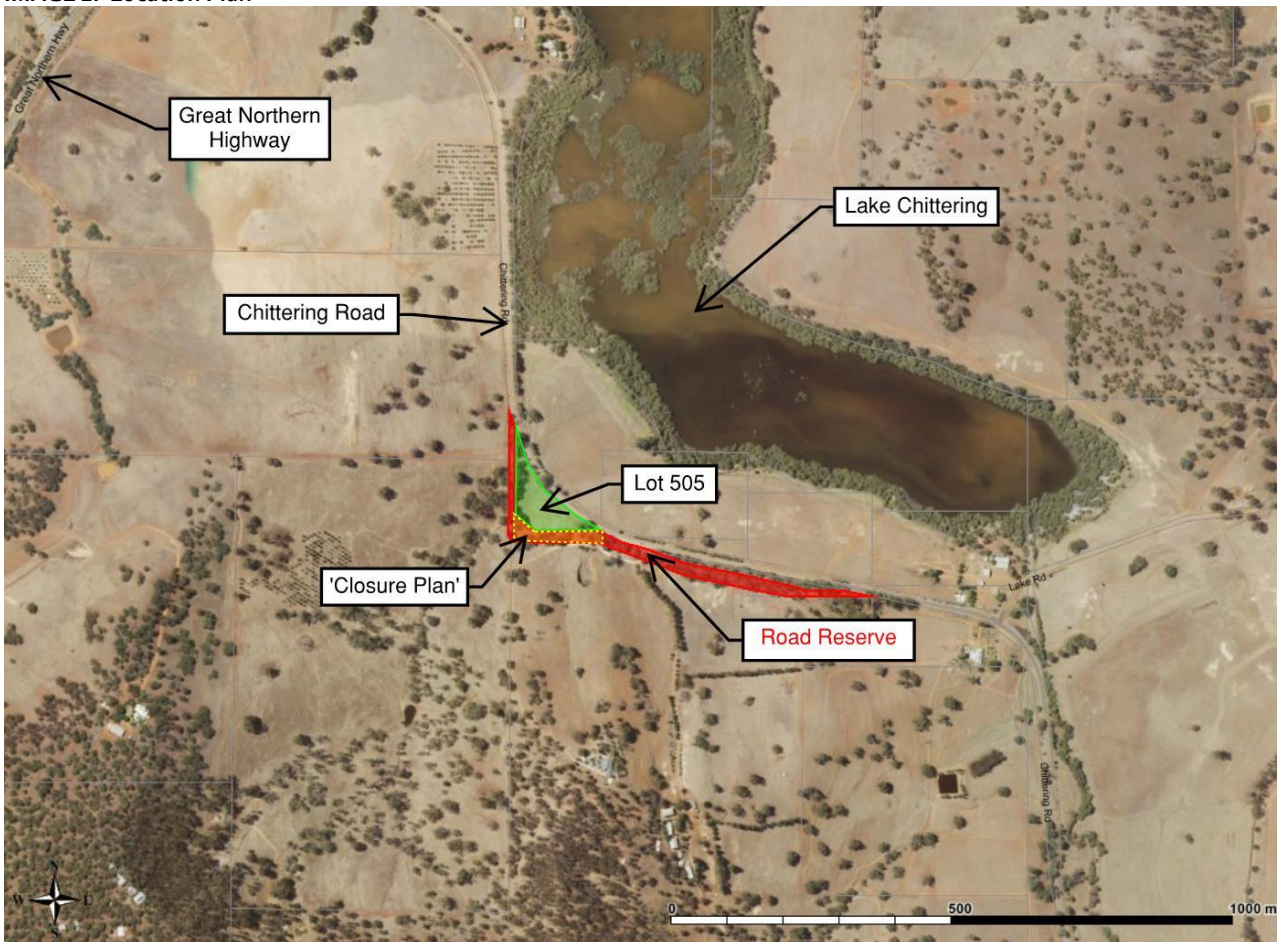
9.1.2 **Permission to Advertise to Surrounding Land Owners: Road Reserve Closure on land adjoining Lot 505 Chittering Road, Chittering***

Report date	31 May 2019
Applicant	Ray Bowman
File ref	A10187
Prepared by	Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Letter from Landowner 2. The Applicant's Site Map 3. Closure Plan

Executive Summary

Council is requested to consider a road closure request submitted by Mr Ray Bowman (applicant). The applicant wishes to buy a portion of unconstructed road reserve that adjoins Lot 505 Chittering Road, Chittering. In order for the applicant pursue the purchasing of the land from the Crown, the Shire would need to determine whether it supports the road closure.

IMAGE 1: Location Plan



Background

Lot 505 Chittering Road, Langlois Francis Bruce Lefroy currently owns Chittering, however a letter (**Attachment 1**) was signed and received stating that the landowner gives permission for the applicant to act on their behalf. The applicant approached the Shire in early 2019 with intentions to buy a portion of the road reserve that adjoins Lot 505 Chittering Road, Chittering. The applicant included a site map (**Attachment 2**) that depicts the preferred segment of the road reserve wanting to be purchased.

The Shire's Executive Manager Technical Services has viewed the applicant's road closure request and has indicated on 'Closure Plan' (**Attachment 3**) the portion of road reserve that he considers to be acceptable to close. The applicant has subsequently agreed to this revised version of the road reserve 'Closure Plan'.

To proceed further with the road closure request, the Shire is required under the *Land Administration Act 1997* to advertise the applicant's road closure request to surrounding landowners and service authorities to obtain comment. The Shire will need to confirm if any of the other adjoining landowners also wish to acquire a portion of the unconstructed road reserve. Any submissions received as a result of the advertising will need to be further considered by Council prior to the applicant proceeding to the purchasing process administered by the Department of Planning, Lands and Heritage (DPLH). The applicant will also need to provide responses from service authorities and copies of any submissions as a result of advertising in a Crown Enquiry Form submitted to DPLH. If DPLH accepts the request, it is the Applicant's onus to have prepared a Deposited Plan by a certified surveyor incorporating the closed portion of road reserve into the adjoining Lot 505. DPLH will then finalise the documentation to close the road and amalgamate into the adjoining freehold property.

Consultation/Communication Implications

Local

Advertising of the road closure request is required to be undertaken by the Local Government pursuant to Section 58(3) of the *Land Administration Act 1997*. A notification is required to be placed in the local newspaper in addition to letter correspondence being sent to land holders adjoining the subject road reserve.

Any responses from adjoining landowners will be further assessed and thereafter be considered by Council. Council will inform how to proceed if an adjoining landowner also requests to purchase a portion of the unconstructed road reserve.

State

Any responses by government agencies and service authorities will need to be considered by Council. Council will determine how to proceed if any objections are received.

Legislative Implications

State

- *Land Administration Act 1997*

The *Land Administration Act 1997* provides the legislative mechanism for Crown land to be managed by another agency/ authority such as a local government. In considering a road closure request the local government is to follow the process stipulated by Sch. 58 of the Act – 'Closing Roads', which is provided below:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.* [Section 58 amended by No. 59 of 2000 s. 18(1) 9.]

- Land Administration Regulations 1998

In considering a road closure request the local government is to also comply with Reg.9 of the *Land Administration Regulations 1998* – ‘Local Government request to close road permanently (Act s. 58(2)), requirements for’ which is provided below:

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government’s comments on those submissions; and*
- (d) *a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) *any other information the local government considers relevant to the Minister’s consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

At present, the Shire does not have a specified fee within the adopted 'Schedule of Fees and Charges' for processing a request for a road closure. Officers have subsequently proposed to incorporate a specified fee in the Shire's future 'Schedule of Fees and Charges' for such requests and other similar requests.

As the Shire does not financially benefit from any sale of closed road reserves (as it is Crown land), it is recommended that Council resolve to recoup any costs of advertising of the road closure request from the applicant. It is estimated that the cost of advertising in the Northern Valley News would be approximately \$135.

Strategic Implications

The Shire's Executive Manager Technical Services has indicated that the Shire will never require the unconstructed portion of road reserve in the future.

Site Inspection

A site inspection of Lot 505 Chittering Road, Chittering was undertaken and the following photos were taken of the road reserve:



Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The portion of road reserve requested to be closed and ultimately purchased from the Crown is considered to be redundant and have no purpose for the Shire into the future. This redundant portion of road reserve is understood to have been created from a historical re-alignment of Chittering Road. The closure of this portion of road reserve as indicated in the Closure Plan (**Attachment 3**) will not impede any property's access to a gazetted road reserve, and as such, there is no discernible reason why the closure request could not be supported.

It is recommended that Council resolve to accept the road closure request and commence the advertising process stipulated by the *Land Administration Act 1997*.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050619

Moved Cr Osborn / Seconded Cr Ross

That Council:

1. Resolves to commence the process to close a portion of road reserve adjacent to Lot 505, Chittering Road, Chittering as indicated in the 'Closure Plan' dated 8 April 2019.
2. Authorise the Chief Executive Officer to advertise the proposed road closure as indicated in the 'Closure Plan' dated 8 April 2019, in accordance with Section 58(3) of the *Land Administration Act 1997*.
3. Advise the applicant (Mr Ray Bowman) that the financial costs of advertising the proposed road closure in the local newspaper as required by the *Land Administration Act 1997*, are to be borne wholly by the applicant and advertising will not commence until this financial obligation has been met by the applicant.

CARRIED 6/o
7:46PM

9.2 TECHNICAL SERVICES

9.2.1 Wheatbelt Secondary Freight Network – Updated Financial Contribution Allocation

Report date	20 May 2019
Applicant	Wheatbelt Secondary Freight Network
File ref	28/10/0001
Prepared by	Executive Manager Technical Services
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

Council is requested to support the Wheatbelt Secondary Freight Network project by reallocation of funds from Building Better Regions Fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Background

The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of local government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- (1) Wheatbelt North Regional Road Group (WN RRG)
- (2) Wheatbelt South Regional Road Group (WS RRG)
- (3) WA Local Government Association (WALGA)
- (4) Regional Development Australia - Wheatbelt (RDA-W)
- (5) Main Roads WA-Wheatbelt Region (MRWA-WR)
- (6) Wheatbelt Development Commission (WDC)

Over the last two years, 42 local government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750,000. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority. The key undertakings of the project so far are:

- i. Identification of nominated WSFN roads based upon a simple criteria developed by RRG.
- ii. Determination of basic project framework and minimum design standards.
- iii. Road condition assessment against minimum design standards.
- iv. High level scope of works and order of magnitude costs for upgrades required.
- v. A summary of data collection and assessment across the 42 local of governments is:

	Route Length (km)	Proposed Works (km)	Proposed Length (%)	Indicative Costs (\$)
TOTAL	4,337	2,851	66	\$493,000,000

This initial approach was to assist the Working Group to work towards an Infrastructure Australia Stage 3/4 submission for inclusion of the WSFN project on the Infrastructure Australia Infrastructure Priority List (IPL). The long-term goal is to obtain funding support for a broadly estimated, \$500 million capital works program over 10-20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The Group is working towards submitting an IA Stage 4 Business Case submission for the WSFR. The Project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment.

The following provides an outline of the proposed budget and funding applications that were submitted to assist with the development and planning stages the WSFN project:

Stages	Budget and Funding Sources
Stage 1 – Strategic Planning	\$1,000,000
<ul style="list-style-type: none"> Design Criteria and Objectives Options Assessment Collated Data Review Multiple Criteria Assessment Staging Plan 	<ul style="list-style-type: none"> BBRF (\$750K) LGA co-contribution (\$250K)
Stage 2 – Detailed Planning	\$3,600,000
<ul style="list-style-type: none"> Concept Design Investigations Preliminary Design Investigations 	<ul style="list-style-type: none"> Commodity Route (\$1M) LGA in-kind
Stage 3 – IA Stage 3/4 Submission	\$400,000
<ul style="list-style-type: none"> Project Management Governance Plan Business Case Development 	<ul style="list-style-type: none"> REDS (\$100K) LGA in-kind
	\$5,000,000

Building Better Regions Fund (BBRF) submission

The Building Better Regions Fund (BBRF) submission is only intended to contribute towards funding activities associated with Stage 1 – Strategic Planning at an estimated budget of \$1M.

Funding and the associated BBRF application can be summarised as follows:

- Budget
 - Total Cash \$1M
- Funding
 - BBRF \$750K
 - LGA cash co-contribution \$250K.

This strategic planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, the economically optimal sequence for developing the network and ensure that roads are designed and constructed to an optimal standard from a 'whole-of-life' asset management perspective. The detailed planning exercise is expected to achieve a net benefit in the order of \$20 million based solely on the benefits gained from freight route prioritisation.

Commodity Freight Roads Fund (CFRF)

The Commodity Freight Roads Fund submission is intended to contribute towards funding of activities associated with Stage 2 – Detailed Planning. This will specifically entail \$1M for consultants to undertake Preliminary Design Investigations. The remainder of Stage 2 is intended to be undertaken via in-kind by local governments and other funding sources currently being investigated, should they become available.

Regional Economic Development (RED) Grant

The Regional Economic Development (RED) Grants submission is intended to contribute towards funding activities associated with Stage 3–IA Stage 3/4 Submission. This will specifically entail \$100K for a Lead Consultant to undertake project management. The remainder of Stage 3 is intended to be undertaken via in-kind by local governments and other funding sources being investigated should they become available.

Major Project Business Case Fund (MPBCF) Initiative

The Australian Government is investing \$100 billion over 10 years from 2019–20 through its rolling infrastructure plan to help manage our growing population, meet our national freight challenge and get Australians home sooner and safer. This includes \$250 million allocated to the Major Project Business Case Fund (MPBCF) initiative. Projects with clear strategic merit that has:

- i. Engagement in the project planning stage;
- ii. View of future priorities;
- iii. Ready to invest to enable economic activity;
- iv. Address nationally significant deficits in the transport system; and
- v. Drive economic productivity growth and liveability in cities and regions through transport infrastructure investment.

The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for the MPBCF.

Roads of Strategic Importance (ROSI) Initiative

The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities. ROSI has the following principles:

- i. Key freight corridors that connect primary agricultural areas and mining resource regions to ports and other transport hubs;
- ii. Support communities along the corridors and provide better access for tourists and other road users;
- iii. Characterised by narrow sections of road, low capacity bridges and deteriorating pavements;
- iv. Constrains the productivity and efficiency of freight movements; and
- v. Catalyse economic activity and improve access to communities and tourist attractions.

From an estimated total of \$500,000,000 in funding the Working Group sought \$125,000,000 over the next three years for the delivery of the first stage of capital works.

The Working Group put in separate funding submissions for each of the abovementioned funding sources for the various stages of the project. The project has been successful in obtaining funding from the following sources:

- ROSI initiative funding ()
 - Stage 1 Priority Works – Wheatbelt Secondary Freight Network.
 - The Australian Government has committed \$70 million towards the project.
 - “Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.
 - Benefits of the project include:
 - improve road safety
 - improve freight efficiency, connectivity and travel time
 - ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs”
- RED Grants (Supported by the WA State Government’s Royalties for Regions Program)
 - Lead Consultant Project Coordinator – Wheatbelt Secondary Freight Network.
 - \$100,000.
“The Lead Consultant will form part of the Project Management Team and work with the member organisation Working Group.

The Lead Consultant - Project Management is an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt shires on an individual basis. Engaging a Lead Consultant – Project Management with the skills and expertise required to work with all technical consultants and the PMT will ensure a cohesive collaborative environment is established for optimum outputs.

The project is planned to be managed via oversight from the WSFR Steering Committee with a nominated Project Manager and the Project Management Team (PMT) representing the WSFR.

Lead Consultant – Project Management will direct the work of the external technical consultants and will be the main contact for communication between the Project Management Team and external consultants.

The WSFN Project will require the specialised skills of a range of external technical consultants. Key areas of technical expertise identified for the project are:

- Civil Design
- Surveying
- Environmental
- Economic Assessment”

Previously 42 local governments were asked to financially contribute to the WSFN project via a budget allocation of \$6,000, which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000. This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated three year delivery timeframe. Funding would contribute towards the following nominal requirements:

- Project Coordinator
 - Nominal \$60,000 per annum (\$180,000 across 3 years)
- Project Administration and Communications Officer.
 - Nominal \$20,000 per annum (\$60,000 across 3 years)
- Technical Consultancy Resources
 - Nominal \$100,000.

Consultation/Communication Implications

Local

Nil

State

Wheatbelt Secondary Freight Network Working Group - a request has been received by the Chair of the Wheatbelt North Regional Road Group (WBNRRG) for confirmation of Council's consideration of reallocation of the \$6,000 towards the project management.

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Reallocation of funds from Building Better Regions Fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
 - Focus area: Our built environment
 - Objective: S3.2 Safe access
 - Strategy: S3.2.3 Improve road safety options

- Focus area: Strong leadership
- Objective: S5.2 Strong partnerships and relationships
- Strategy: S5.2.1 Build effective partnerships with stakeholders

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060619

Moved Cr Gibson / Seconded Ross

That Council:

- 1. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project; and**
- 2. Authorises the Chief Executive Officer to prepare and sign a letter of support that endorses the re-allocation of \$6,000 in 2019/20 Annual Budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.**

**CARRIED 6/0
BY AN ABSOLUTE MAJORITY**
7:45PM

9.2.2 Request for New Playground, Chittering Springs*

Report date	4 June 2019
Applicant	Shire of Chittering
File ref	A11077; I18100106
Prepared by	Executive Manager Technical Services
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Request from resident2. Chittering Springs Nature Playground Responses3. Management Order

Executive Summary

A resident from Chittering Springs Estate has requested that Council supports to utilise a portion of Lot 1002 Wisteria Way for the installation of a nature playground.

The Department of Lands has a Management Order for this Reserve - "Protection of the Environment" only. Permission will need to be obtained from the Department of Lands to change the Management Order so that a nature playground can be installed in a portion of Lot 1002 Wisteria Way.

Council will need to allocate funds to the nature park in the design and construction stages as well as future maintenance costs.

Background

A request has been received from a resident in the Chittering Springs Estate to utilise the Madden Road 'Public Open Space (Lot 1002 Wisteria Way) by installing a nature-based playground (**Attachment 1**).

IMAGE 1: Locality Plan



The plan is to install a:

- Wood frame double swing set;
- Bush log fort/lookout;
- Sand play system;
- Ride on spring kangaroos;
- Concrete tunnel;
- Slides;
- Entry bridge;
- Climbing logs;
- Barbecue area; and
- Relocate existing onsite seating.

Part of the works is to erect a mesh fence around the boundary of the area to keep the children safe from entering the wet lands. There is a dam approximately 70 metres from the proposed playground location with a ring lock fence around it. The dam will require improved fencing to increase the safety for children using the playground.

In the letter received, it was indicated that the project would be predominantly community funded with any upfront offerings from the Shire appreciated. The resident is prepared to donate a proportion of the funds for the construction of the nature playground. As recognition for the donation, they have requested that the park be named after their late grandfather. The cost for the construction of the park would be \$50,000 to \$70,000. Quotes had been sourced by the resident and are attached with the letter. The quotes do not include the barbecue or construction of the carpark.

The Shire will be required to maintain the playground once completed. There is no toilet in the costings so future funding may be required to install a toilet facility depending on usage.

The nearest playground to the Chittering Springs Estate is either Aquila Reserve (12 kilometres away by road to the north) or John Glenn Park in Muchea (12 kilometres to the south).

On investigation, the management by the Shire for Lot 1002 Wisteria Way Reserve is for the designated purpose of "Protection of the Environment" only (**Attachment 3**). A request will need to be sent by the Shire to the Department of Lands to gain permission to construct a playground in the Reserve as it may be outside the "Protection of the Environment" requirements.

The resident contacted Landcare requesting support for the development of the nature playground. Landcare have indicated their support for the playground development and would like to be involved in the concept drawings. The reason for this is that Landcare has undertaken revegetation in the reserve and have installed two picnic shelters.

Consultation

Local

Executive Manager Technical Services
Landcare

The resident also sent out a survey to the local area via Survey Monkey (**Attachment 2**); with 94% of the responses in favour of installing a nature playground and barbecue.

State

Nil

Statutory Environment

Nil

Policy Implications

Local

Finance Policy 2.12 Purchasing

State

Nil

Financial Implications

Shire of Chittering, Long Term Financial Plan 2018-19 to 2027-28 has an allocation of \$50,000 in the 2019-20 financial year for the playground's construction. The Shire will be required to maintain the playground once completed, to make sure that it complies with Australian Standards for a playground. Also, as there is no toilet in the costings thus far, future funding may be required to install a toilet facility, depending on usage.

More detailed costings will be made available as part of the design and costing for the installation of the proposed nature playground, if Council agrees to allocate the necessary funds in the 2019-2020 Annual Budget to undertake this work.

Strategic Implications

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 communities |
| Objective: | S1.2 Strong sense of community |
| Strategy: | S1.2.1 Actively support community, volunteer groups and networks |
| Focus area: | Our natural environment |
| Objective: | S2.1 A protected environment |
| Strategy: | S2.1.3 Explore opportunities for other eco-based recreational activities |
| Objective: | S2.2 Sustainable resources |
| Strategy: | S2.2.2 Encourage sustainable design |
| Focus area: | Our built environment |
| Objective: | S3.1 Development of local hubs |
| Strategy: | S3.1.1 Plan for new and enhanced community facilities |

Focus area: Economic growth
Objective: S4.1 Economic growth
Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth

Focus area: Strong leadership
Objective: S5.1 An engaged community
Strategy: S5.1.1 Encouraged and promote community engagement
Objective: S5.2 Strong partnerships and relationships
Strategy: S5.2.1 Built effective partnerships with stakeholders

Site Inspection

Yes by the Executive Manager Technical Services.

Triple Bottom Line Assessment

Economic implications

The development of a nature's playground may result in some additional local business turnover, or some local temporary employment.

Social implications

A nature's playground would encourage the children in and around the Chittering Springs Estate to be more active. With the installation of a barbecue, it would encourage families to socialise with residents within the Shire and visitors from surrounding areas.

Environmental implications

There are no known significant environmental implications associated with the installation of a nature playground.

Officer Comment/Details

In light of the distances to other parks, it would seem reasonable that Council supports the principle of a nature's playground in Lot 1002 Wisteria Way.

Department of Land support for putting aside a portion of Lot 1002 Wisteria Way for the installation of a nature's playground is required, and the contribution from the resident also requires confirmation and individual consideration by Council if that contribution is conditional on the park being named after their late grandfather.

Irrespective of the resident contribution and the naming question, consideration of funds being made available as part of the 2019/20 budget, to undertake the necessary planning work, is required.

9.2.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070619

Moved Cr Osborn / Seconded Cr Angus

That Council:

1. Supports in principle, the proposal to install a natures playground in Lot 1002 Wisteria Way, Chittering and notes that an allocation of \$50,000 was included in the Chittering Long Term Financial Plan (2019-20 financial year) for the playground's construction;
2. Seeks permission from the Department of Lands to allow a proportion of Lot 1002 Wisteria Way being utilised for the installation of a nature playground;
3. Liaises with local landcare/environmental stakeholder groups; and
4. Will consider a suitable allocation of funds in the 2019-2020 Annual Budget for the necessary design and costing for, and first stage construction of, the proposed nature playground.

LOST 2/4
7:50PM

9.3 CORPORATE SERVICES

9.3.1 List of Accounts Paid for the period ending 31 May 2019*

Report Date	5 June 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 31 May 2019

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 May 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 31 May 2019" is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION o8o619

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

- 1. Endorse the Accounts Paid:**
 - a. PR4905, PR4922, PR4957**
 - b. EFT17878 – EFT18094**
 - c. Cheque 14347**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund payments as listed**

Totalling \$2,044,887.58 for the period ending 31 May 2019.

CARRIED 6/o
7:51PM

9.3.2 Monthly Financial Reports for the Period Ending 31 May 2019

Report Date	7 June 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. Monthly Financial Report for period ending 31 May 2019

Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 May 2019.

Background

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

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

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The attached "Monthly financial Report for period ending 31 May 2019" is presented to Council for endorsement.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090619

Moved Cr Tilbury / Seconded Cr Gibson

That Council receives the Monthly Financial Reports for period ending 31 May 2019, as per Attachment 1.

CARRIED 6/o
7:51PM

9-3-3 Sundry Debtor Write-off

Report date	28 May 2019
Applicant	Shire of Chittering
File ref	12/05/0001
Prepared by	Finance Officer Rates
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

Council is requested to consider the write-off of six sundry Debtor debts totalling \$300.13.

Background

During the annual review of Sundry Debtors it was noted that the six debtors have been outstanding for an excessive period of time. Administrative attempts to recover the debts have not succeeded and further recovery attempts would not be cost effective.

Consultation/Communication Implications

Local

Executive Manager Corporate Services
Economic Development Officer
Customer Service Officer – Library
Executive Manager Technical Services

State

Nil

Legislative Implications

State

Local Government Act 1995, Section 6.12(1)(c)

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The proposal would result in a loss of revenue of \$300.13 however; would reflect a more accurate position on Council's receivables. A provision for doubtful debts has been made in the current financial year ending 30 June 2019. The write-offs have been proposed as the debts cannot be recovered via legal recovery.

Strategic Implications

Local

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

State

Nil

Site Inspection

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

With regard to payment of stallholder fees; as each event has a limited stall capacity, when a booking is made this reduces the availability for other stallholders. The Administration Department will investigate implementation of a Stall Fee Payment and Cancellation Policy which would include approved stallholders be required to pay the stall fee in full 14 days before the event. Approval will lapse if the stall holder fee is not paid in full within 14 days of the event and the space will be offered to another stallholder. In the case a stallholder needs to cancel, the stallholder needs to notify the Shire of Chittering in writing.

If the stallholder cancels 14 days or more prior to the event, a full refund will be provided. If a stallholder cancels less than 14 days prior to the event, no refund will be provided.

In the case of Overdue Library Items, members are not permitted to borrow until all debts are paid in full and in most cases, this is an incentive to make payment. The debtor in this instance has moved away from the Shire of Chittering.

The following table is a list of the outstanding Sundry Debtors and the action taken to recover each debt.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
1100	12567	20.08.2018	50.00	2018 Taste of Chittering Stallholder Fee 09.04.2019 Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
1131	12603	20.08.2018	25.00	2018 Taste of Chittering Stallholder Fee 09.04.2019 - Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
1150	12626	20.08.2018	50.00	2018 Taste of Chittering Stallholder Fee 09.04.2019 - Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
1190	12773	06.12.2018	48.93	Overdue Library items 09.04.2019 - Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
1192	12771	06.12.2018	81.20	Overdue Library items 09.04.2019 - Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
1195	12777	21.12.2018	45.00	Landfill Charges 09.04.2019 - Overdue Notice 17.04.2019 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
Total balance for write-off \$300.13					

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100619

Moved Cr Angus / Seconded Cr Osborn

That Council write off the following Sundry Debtors invoices totalling \$300.13 (inc GST):

Debtor Number	Invoice Number	Amount
1100	12567	\$50.00
1131	12603	\$25.00
1150	12626	\$50.00
1190	12773	\$48.93
1192	12771	\$81.20
1195	12777	\$45.00

CARRIED 6/o
BY AN ABSOLUTE MAJORITY
7:52PM

9.3.4 Community Liability Insurance*

Report date	6 June 2019
Applicant	Chittering Residents and Ratepayers Association
File ref	27/02/0003
Prepared by	Executive Manager Corporate Services
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Council Resolution 101218 (Item 9.3.3 Community Liability Insurance)2. Community Assistance Grants and Sponsorships Guidelines V23. List of Respondents

Executive Summary

The Chittering Residents and Ratepayers Association (CRRA) requested Council assistance to meet the cost of their Public Liability Insurance.

Council subsequently requested that local insurance requirements be investigated and the Community Assistance Grants Policy be reviewed.

This report outlines that information and proposes changes to the Policy.

Background

As a result of the CRRA's approach, Council requested staff investigate the availability of a Community Liability Insurance Policy. The CRRA advised that the City of Swan has a blanket policy in place for its community groups and requested that the Shire of Chittering investigate the establishment of a similar arrangement.

A report was presented to Council at the December Ordinary Meeting which provided information from Local Community Insurance Scheme (LCIS) regarding its Community Liability Insurance Policy (**Attachment 1**).

At the December 2018 Ordinary Meeting of Council the following was resolved:

That Council:

1. *Receive the above information in regard to enquiries relating to Community Liability Insurance.*
2. *Promptly reviews the Community Assistance Grants Policy with regards to subsidies for insurance for local community groups to be tabled at the Ordinary Council Meeting in March 2019.*
3. *Seek a report from the CEO for the February 2019 Ordinary Council Meeting for insurance coverage for public liability and directors and officers insurance, a listing of community groups and their current insurance arrangements and the cost of insurance so that the Shire can consider options to assist groups in securing insurance cover.*

Consultation/Communication Implications

Local

Shire Officers contacted all sporting/community groups requesting they provide details of their insurances policies in order to determine if Council could secure joint insurance coverage. Five groups responded to this request (list of respondents is attached). With regard to sporting groups, most are covered by their relevant Association.

State

- Local Government Insurance Scheme
- Local Community Insurance Scheme

Legislative Implications

State

LGIS have provided the following information:

To sell insurance in Australia you have to hold a Financial Services Licence which is issued by ASIC and the FSL holder's conduct and business practices are regulated by APRA. There are stringent regulations around selling insurance and we would need to be very careful with documentation and written advice to individual policy beneficiaries where Council is asking them to reimburse money to Council or pay Council the premium to be covered under the policy.

Local

Nil

Policy Implications

Local

- *Administration Policy 1.17 – Community Engagement Policy*
- *Community Development Policy 6.4 Financial Assistance Grant Scheme*

State

Nil

Financial Implications

With the capacity for sporting/community groups to apply for subsidised insurance, this might mean more groups applying for the budgeted funds. There should however, be no adverse financial impact upon the Shire unless it chooses to increase the total sum of grant funds it makes available.

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The capacity to obtain subsidy funding for insurance may mean that some clubs can now be viable when they otherwise may not have been. Conversely, less activities might occur in the district if clubs choose to access the Shire's funds to meet insurance costs, instead of accessing them to undertake community activities.

Environmental implications

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

Officer Comment/Details

The Shire is not permitted to "sell insurance" (and there are regulations regarding this). In order to meet this community need however, Council could amend the Community Assistance Grants and Sponsorships Guidelines to allow insurance (obtained by community groups from commercial insurance providers) to be an eligible request. It is suggested that this would be reasonable for the initial setup period of a group, say the first two years, where groups need insurance, but might not have sufficient cash resources to accommodate that expense.

Officers have reviewed the Community Assistance Grants and Sponsorships Guidelines to include the following (highlighted text represents proposed change):

INELIGIBLE PROJECTS

Some projects or events (or parts of) will be considered ineligible for funding through this scheme.

These include:

- 1. Any project which is deemed by the selection panel to be of direct benefit to a business, person or any other profit making venture, or any government department or agency (school P&C groups are exempt).*
- 2. Projects on land which is not Crown Reserve or land owned or vested in the Shire of Chittering.*
- 3. Projects that have already commenced.*
- 4. Projects that cannot demonstrate a contribution by the group, organisation or community which will benefit from the granting of funds for the project.*
- 5. Salaries or recurrent operational costs (these will be removed from the budget before consideration). Public Liability Insurance may be exempt from this condition if the organisation is within its first 2 years of operation.*
- 6. Any project submitted from a religious group, for a religious purpose or for the provision or improvement of religious infrastructure (i.e. church buildings or grounds).*
- 7. Canvassing of Elected Members may result in your application being disqualified.*

OTHER CONDITIONS

1. Council reserves the right to consider and allocate funds without the right of appeal.
2. Council reserves the right to request further information.
3. A new Organisation may be eligible to receive funding towards Public Liability Insurance for the first 2 years of operation.
4. All applicants will be advised, in writing, of the success or otherwise of their application.
5. Event notification forms will need to be completed for any public event. Forms will be made available to applicants upon approval or before application if requested.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110619

Moved Cr Gibson / Seconded Cr Ross

That Council:

1. Receives the above information in regard to enquiries relating to Community Liability Insurance; and
2. Endorses the amendments to the Community Development Policy 6.4 Financial Assistance Grant Scheme as outlined within the report (with regard to subsidies for public liability insurance for local community groups).

CARRIED 6/o
7:53PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Lease Extension: Chittering Tourist Association Inc.*

Report date	5 June 2019
Applicant	Chittering Tourist Association
File ref	04/18/98
Prepared by	Executive Support Officer
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Chittering Tourist Association Lease Agreement (expired)

Executive Summary

Council is requested to consider extending the Chittering Tourist Association (CTA) lease agreement (at 6180 Great Northern Highway, Bindoon) until the outcome of the Facilities Management Review has been finalised and dealt with by Council. It is suggested that a "month-by-month" lease extension be provided.

Background

At the Ordinary Council Meeting held on 16 May 2018, Council resolved:

That Council:

- 1. Authorise the Shire President and Chief Executive Officer to extend the current lease with the Chittering Tourist Association from 28 May 2018 to 30 November 2018.*
- 2. Note that Shire staff will provide a Draft Memorandum of Understanding and Lease Document for consideration by Council prior to the expiry of the extended lease.*

Further to this, at the Ordinary Council Meeting held on 17 October 2018 Council resolved:

That Council extend the lease agreement with the Chittering Tourist Association (Inc.) at 6180 Great Northern Highway, Bindoon for a further six months.

The "extended" lease with the Chittering Tourist Association (Inc.) at 6180 Great Northern Highway, Bindoon was for a six month period and expired on 31 May 2019, however the Facilities Management Review has not as yet been finalised and dealt with by Council.

The Shire's consultant, Ravim RBC, is currently finalising the Facilities Management Review and has presented to Councillors' Information Forums in the past (the last occasion being in April 2019). This Facilities Management Review will include advice on renewing Lease Agreements and Service Level Agreements for all user groups to fit within a prescribed framework.

Consultation/Communication Implications

Local

Chittering Tourist Association Inc.
Chief Executive Officer

State

Nil

Legislative Implications

State

- Local Government Act S3.58 (Disposing of property)
This section deals with the sale or lease of a property. It also outlines that some dispositions can be exempt. *Local Government (Functions and General) Regulations #30* outlines those exempt dispositions, one of which is:
*if the land is disposed of to a body, whether incorporated or not —
the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

The Chittering Tourist Association (Inc.) meets this exemption criteria.

- *Health (Treatment of Sewage and Disposal of Effluent and liquid Waste) Regulations 1974*
- *Education and Care Services National Amendment Regulations 2018*
- *Food Act Registration*

Local

Nil

Policy Implications

State

Nil

Local

Administration Policy 1.5 Execution of Documents

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Our community
Objective: S1.2 Strong sense of community
Strategy: S1.2.1 Actively support community, volunteer groups and networks
S1.2.2 Strengthen and grow social events and festivals
S1.2.3 Activate our local centres and towns

Focus area: Economic growth
Objective: S4.2 Local business growth
Strategy: S4.2.1 Encourage and support local businesses and new investments for the future

Objective:	S4.3 Increased visitors
Strategy:	S4.3.2 Support and grow events to attract visitation S4.3.3 Facilitate, promote and support ecotourism
Focus area:	Strong Leadership
Objective:	S5.3 Accountable governance
Strategy:	S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The promotion of a vibrant and dynamic tourism sector is vital to the economy of the Chittering region and to the creation of local jobs and employment.

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

It is suggested that the renewed be on a month by month basis until Facilities Management Review has been dealt with by Council and the MOU (ref: 16 May 2018 Council resolution) is finalised. Also, that the lease document be in the form of the Shire's "Standard Lease Agreement", but incorporate all of the requirements of the previous (expired) lease agreement. This would then reflect a consistent arrangement to the recent Ferguson House lease with the Chittering Arts Society.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120619

Moved Cr Tilbury / Seconded Cr Ross

That Council:

1. Authorise the Chief Executive Officer to offer an extension to the temporary lease of 6180 Great Northern Highway Great Northern Highway, Bindoon to the Chittering Tourist Association (Inc.); and
2. The terms of the lease (using the Shire's Standard Community Lease document) is to be:
 - a. "month by month" with continuous options to extend (until such time as the Facilities Management Review has been dealt with by Council the MOU is finalised);
 - b. other relevant conditions from the existing short form expired lease; and
 - c. \$1.00pa.+GST lease fee (pro-rata).

CARRIED 6/0
7:54PM

9.4.2 Lower Chittering Sport & Recreation Facility: Immaculate Heart College Self-Supporting Loan Agreement*

Report date	6 May 2019
Applicant	Shire of Chittering
File ref	A11560; 15/01/16
Prepared by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Self-Supporting Loan Agreement

Executive Summary

Following Council's May 2019 resolution, discussions have occurred with the Shire's legal advisors (McLeods), the Lower Chittering Sport & Recreation Facility Reference Group, and Immaculate Heart College (IHC) in regard to a Self-Supporting Loan Agreement.

The agreement has been prepared by the Shire's legal advisors, McLeods, and referred to Immaculate Heart College. It now requires Council endorsement for the Common Seal to be applied and for the document to be executed.

Background

Council's May 2019 resolution authorises the Chief Executive Officer to finalise a Self Supporting Loan Agreement with Immaculate Heart College Ltd, incorporating the following principles:

- a. A loan sum of \$1,625,000;
- b. \$625,000 drawn down on 15 June 2020; \$500,000 on 15 December 2020; and \$500,000 on 15 March 2021;
- c. Loan term to be 20 years (15 June 2020 – 14 June 2040);
- d. Immaculate Heart College to service the loan's repayments (all payments to be received on or prior to the respective loan repayment date);
- e. In the event of dissolution of the College, the full balance of the loan shall become payable; and
- f. The College's Annual Budget, and End of Year Financial Statements are to be provided to the Shire annually and within 15 days of IHC Board endorsement.

The Resolution also noted that:

- (i) The \$275,000 payment for the land is to be made to the Shire of Chittering upon transfer of the land (and will not be part of the loan); and
- (ii) A \$100,000 cash payment is to be made on 15 June 2020 by Immaculate Heart College as a capital contribution towards the Lower Chittering Sport & Recreation Facility.

The Loan Agreement incorporates clauses relevant to the Operating Costs contributions, which was the subject of a April 2019 Council Meeting resolution, namely:

That the Acting Chief Executive Officer is to formalise and present to Council for approval, a 'use agreement' with Immaculate Heart College to share up to 50% of the Operation/Maintenance costs of the Lower Chittering Sports Facility in consideration of payment of a-

- a) *Fixed annual costs of 25% of the Operation / Maintenance costs of the Lower Chittering Sports Facility, regardless of use; and*
- b) *Variable annual cost of up to 25% of the Operation / Maintenance costs of the Lower Chittering Sports Facility based on percent use of the school.*

Discussions have occurred with the Shire's legal advisors and IHC in regard to a Self-Supporting Loan Agreement and a document encompassing the above points has been prepared and forwarded to Immaculate Heart College for its endorsement.

Consultation/Communication Implications

Local

Immaculate Heart College
Lower Chittering Sports & Recreation Facility Advisory Group

State and Federal

McLeods – Barristers & Solicitors.

Legislative Implications

State/Federal

If self-supporting loan funds are required, that loan will be accessed through WA Treasury. There is no other legislation applicable (with the Self Supporting Loan Agreement being completed under the authority of the WA Local Government Act 1995):

- *Local Government Act 1995* S6.20 outlines the power of the local government to borrow funds and S6.15(1)(a)(iv) provides the capacity for a "Self Supporting Loan" to be provided; and
- *Local Government (Financial Management) Regulations 1996* (Reg.29) outlines regulations relating to borrowings information required in accounting notes.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The Immaculate Heart College is responsible for the repayments on the \$1.625m loan. There should therefore be no financial impact of this loan on the Shire. There is always a risk however of non-repayment (or delayed repayments) with any self-supporting loan, however the College's Business Plan provides a good indication that there should be sufficient funds generated into the future such that this possibility does not occur. The risk frequency of such an event is considered to be "unlikely - rare", but if it did occur, it could have a "moderate - major" financial impact on the Shire. A risk assessment in the range of "moderate to high" is therefore applicable (that is, an unlikely to rare possibility of a financial impact of \$50 – 500,000+).

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.1 Develop and enhance existing recreation and social facilities for local communities (recreational and sporting facilities to service the growing population in the Lower Chittering/Muchea area)

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The Shire may have a lower ongoing borrowing capacity at Treasury if it provides a self-supporting loan to the Immaculate Heart College.

Social implications

On the basis that the project proceeds, there will be positive social and health benefits associated with sporting and recreation facilities to service the current and growing population in Lower Chittering.

Environmental implications

Environmental implications (if any) will be dealt with as part of the planning and building approval process.

Officer Comment/Details

Whilst the actual loan is yet to be raised (and that won't occur until it is considered as part of the 2019/20 Shire of Chittering budget) it is appropriate to finalise and execute the Loan Agreement as soon as possible, to ensure that the financial contributors to the Facility are contractually committed (e.g. prior to the Architects Tender being awarded and the associated contract being executed).

OFFICER RECOMMENDATION

That Council authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the attached Loan Agreement on behalf of the Shire of Chittering.

REPLACEMENT OFFICER RECOMMENDATION

Moved Cr Tilbury / Seconded Cr Ross

That Council:

1. Notes that the final version of the Loan Agreement was not received in sufficient time for Council to give due consideration of its modification/endorsement at this meeting;
2. Notes that in light of the water supply question; that one of the required Shire clauses of the Loan Agreement was for "use rights" to be incorporated; and another for agreement on "operating costs" to be inserted; has resulted in the Shire's legal advisors consequently suggesting three "conditions precedent" clauses, to protect the Shire's position, namely:
The Parties agree that this Agreement is conditional upon the Shire (a) complying with section 3.59 of the Local Government Act 1995 prior to entering into any agreement constituting a major land transaction for development of the Facility; (b) locating a satisfactory water source for use in the operation of the Facility; and (c) otherwise determining in its sole discretion to proceed with the project to construct the Facility on the Land.
3. Requires the Chief Executive Officer to:
 - a. progress the "conditions precedent" clauses of the attached Loan Agreement to do with water supply and Local Government Act S3.59 requirements;
 - b. refer the attached Loan Agreement to Immaculate Heart College and the Lower Chittering Sports & Recreation Facility Reference Group for their considerations/recommendations;
 - c. liaise with the Shire's legal advisors with the view to finalising the Loan Agreement's wording (following feedback from Immaculate Heart College and to the Lower Chittering Sports & Recreation Facility Reference Group); and
 - d. refer the Loan Agreement back to Council upon the completion of (a), (b), and (c) above for its consideration.

PROCEDURAL MOTION

Moved Cr Gibson / Seconded Cr Angus

That in accordance with c11.6 of the *Local Government (Council Meetings) Local Law 2014*, this motion be adjourned to the July 2019 Ordinary Meeting of Council.

LOST 2/4
8:03PM

Cr Gibson provided the following reasons:

That there is not enough work undertaken to finalise the Agreement, so more time is needed for this to occur, with the Agreement being represented to Council for consideration.

9.4.2 REPLACEMENT OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130619

Moved Cr Tilbury / Seconded Cr Ross

That Council:

1. Notes that the final version of the Loan Agreement was not received in sufficient time for Council to give due consideration of its modification/endorsement at this meeting;
2. Notes that in light of the water supply question; that one of the required Shire clauses of the Loan Agreement was for "use rights" to be incorporated; and another for agreement on "operating costs" to be inserted; has resulted in the Shire's legal advisors consequently suggesting three "conditions precedent" clauses, to protect the Shire's position, namely:
The Parties agree that this Agreement is conditional upon the Shire (a) complying with section 3.59 of the *Local Government Act 1995* prior to entering into any agreement constituting a major land transaction for development of the Facility; (b) locating a satisfactory water source for use in the operation of the Facility; and (c) otherwise determining in its sole discretion to proceed with the project to construct the Facility on the Land.
3. Requires the Chief Executive Officer to:
 - a. progress the "conditions precedent" clauses of the attached Loan Agreement to do with water supply and Local Government Act S3.59 requirements;
 - b. refer the attached Loan Agreement to Immaculate Heart College and the Lower Chittering Sports & Recreation Facility Reference Group for their considerations/recommendations;
 - c. liaise with the Shire's legal advisors with the view to finalising the Loan Agreement's wording (following feedback from Immaculate Heart College and to the Lower Chittering Sports & Recreation Facility Reference Group); and
 - d. refer the Loan Agreement back to Council upon the completion of (a), (b), and (c) above for its consideration.

CARRIED 5/1

CR GIBSON VOTED AGAINST THE MOTION

8:04PM

9.4.3 **Muchea Hall & Sports Ground, Lot 151 (RN 48) Archibald Street, Muchea: Change-rooms and proposal for new clubrooms/change-rooms***

Report date	4 June 2019
Applicant	Shire of Chittering
File ref	02/08/4, 05/01/003, A9073
Prepared by	Community Development Coordinator
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	1. Survey

Executive Summary

The Muchea Hall User Group seek Council's consideration of the provision of (1) a temporary change-room facility, and (2) support for a replacement Clubrooms/Community Facility, at the Muchea Oval.

This report provides options for lease/purchase of temporary change-rooms.

The new facility will be the subject of an application to the Department of Local Government, Sport and Cultural Industries for a CSRFF Forward Planning grant (the closing date is yet to be confirmed, but understood to be September 2019, and a Shire of Chittering contribution of approximately $\frac{1}{3}$ of the total build cost over the 2020–22 financial years). In light of the very short lead in time for the grant application, and the need to undertake considerable levels of research to prepare a competitive bid, it is proposed to access the Shire's Reserve funds for Recreation Development, to support the funding for the preparation of this grant application.

Background

The Muchea Hall User Group will be attending the Councillors' Briefing Session on Wednesday 19 June 2019 to outline change-room issues with the existing facility, and also its proposal for a replacement Clubrooms/Community Facility at the Muchea Oval. The need for new or upgraded change-rooms has been highlighted by club representatives over several months as part of the Muchea Hall User Group meetings.

The Muchea Hall User Group (MHUG) comprising of Chittering Junior Football Club, Chittering Junior Cricket Club, Muchea Netball Club, Muchea Senior Cricket Club, Konga and Muchea Judo Club, are seeking Shire of Chittering support to:

1. install a temporary change-room on site at the Muchea Hall & Oval; and
2. submit a grant application to the Department of Local Government, Sport and Cultural Industries under the Community Sporting and Recreation Facilities Fund (CSRFF) Forward Planning Grant Program for a new Clubroom/change-room facility.

Consultation/Communication Implications

Local

At the Muchea Hall User Group (MHUG) meeting in December 2016, clubs expressed frustration at what they consider a visible lack of injected funds into the upkeep of the facility over the previous several years. Following this feedback a meeting was arranged with Shire officers and MHUG members to discuss their concerns and seek solutions to outstanding issues. At the same time the Shire sought the possibility of funding through the Department of Sport & Recreation CSRFF small grants program, Wheatbelt Community Chest Fund and Lotterywest for the installation of a pavilion and change-room extension to the Muchea Hall.

At this time, there were no suitable grants available due to existing projects that had already been funded through CSRFF (namely the Feasibility Study for the Lower Chittering Sports Facility) of which the Department of Sport and Recreation were awaiting the outcome of this project prior to committing any further funds to projects for redevelopment of existing infrastructure or new buildings. The Wheatbelt Development Commission expressed similar sentiment and Lotterywest indicated that the project would be considered a low priority as it was predominately a sporting facility with insufficient broader community benefit.

At the December 2017 MHUG meeting, the Chittering Junior Football Club advised that it was seeking expressions of interest for junior girls teams and further indicated that if junior girls teams were to go ahead and the Club grows, that the Shire may need to consider future modifications to the change-rooms to accommodate female teams. The Chittering Junior Football Club girls team did not eventuate until the current 2018/2019 season.

As part of the June 2018 MHUG meeting, the groups discussed that if building extensions were to occur to the change-rooms in 2018/2019 Annual Budget that a new Aerobic Treatment Unit (ATU) system or upgrade would need to be included to accommodate increased usage of the facility. As a result of this discussion Shire officers were consulted and general agreement reached with MHUG members that the upgrade to the existing ATU was a critical issue that needed to be addressed (and therefore the \$10,000 that had been allocated to developing concept plans for the renovation/remodelling of the change-rooms ought to be reallocated to upgrades to the ATU system). These works were completed throughout December 2018–February 2019.

At the August 2018 MHUG meeting the Chittering Junior Cricket Club advised that it was trying to generate some interest in a U13 girls' team.

At the October 2018 MHUG meeting it was agreed by all present that any redevelopment/expansion to change-rooms and facility would only be possible once the appropriate ATU system upgrade/installation has been identified and installed, thus enabling the possible installation of temporary change-room facilities. MHUG members agreed that the option of installing temporary change-rooms would enable MHUG and the Shire to develop a facility plan for future growth of the facility rather than installing new builds that are ad-hoc.

At the December 2018 meeting, clubs were requested to draft up their ideas with regard to change-rooms/club-rooms and submit these to the February meeting, which could then be tabled for 2019/20 Annual Budget consideration.

Members of MHUG were consulted at the February 2019 meeting, where the Group consensus was to request the possibility of installing a temporary change-room in the car park next to the playground, as suggested as part of 22 October 2018 MHUG meeting. The temporary change-rooms would address current concerns with the change-room facilities not meeting requirements for female teams and provide a "stop gap" until the existing change-rooms could be remodelled or until such time as new change-rooms could be built.

April 2019 MHUG representatives presented their concept plan for new Change-Room/Clubrooms to Shire officers for consideration. The facility is currently effectively at full capacity use with regard to change-rooms, which has come about through increasing membership numbers for both the Junior Cricket and Football Clubs. Additionally there is now more encouragement from State Sporting Associations for female teams within the Football and Cricket Codes. This has seen a significant use impact on the Muchea Hall Facility, with the need for improvements to the current change-rooms to accommodate female team members and visiting teams.

At the 13 May 2019 MHUG meeting an agreed outcome was that Shire officers would investigate prices for a temporary change-room, noting that there is currently not a budget allocation to facilitate this. Clubs were subsequently requested to provide further information with regard to their membership numbers and usage of the existing change-rooms, in order to provide adequate information to Council to consider funding the temporary changing room facility at the Muchea Hall and Oval. An outline of this data/information is summarised in the attached document.

- *Facility Review*

Concurrent to the above MHUG meetings has been the Facility Review process, which commenced in July 2017. As part of that review, one-on-one sessions were conducted in late July and late August 2018 with the Consultant John Ravlic, Shire officers, and clubs. Clubs were advised of the early findings of the consultant's review and asked to complete data sheets on club membership numbers, facility utilisation, and income and expenditure. As part of these discussions clubs were advised that it has become evident through the review that the Shire and its facility managers do not currently have a process of negotiating service level agreements around Key Performance Indicators, or an established process for documenting forward planning processes for our facilities within its Facility Master Plans/Strategic Plan. MHUG Clubs expressed frustration over (1) the general upkeep to Muchea Hall and Oval and (2) forward planning to address growth within the clubs/improving facilities to meet those needs. The consultant indicated to clubs that this would be incorporated into the recommendations of Facility Review. Since this time the MHUG has worked on developing an overall concept plan to address, in their view, what would be the best solution to current issues at Muchea Hall and Oval. A Council briefing session is scheduled for 19 June 2019 for MHUG to present its concept plan to Councillors.

On 30 May 2019, Shire officers, Department of Sport & Recreation, WA Cricket Association representatives and MHUG members met, to understand the process of funding under the CSRFF Forward Planning grants. At this meeting the clubs were advised of the process of seeking a CSRFF Forward Planning grant and explained that while not impossible, it would be quite challenging for both the clubs and the Shire to apply for a 2019 CSRFF grant, and success would be unlikely without a great deal of assistance as this is a competitive grant round where the majority of applications have invested considerable funds and resources towards planning and developing business cases for their projects, often over a significant periods of time. Shire officers indicated to the MHUG members that the Shire does not have existing staff resources at this time to develop this application in consultation with the clubs and as the project is not currently considered within the Shire Long Term Financial Plan or the Corporate Business Plan, that a request of Council was required. Department of Local Government, Sport and Cultural Industries representatives also indicated that in order for the project to be considered a priority project for its consideration, there would need to be evidence that all alternatives had been considered with regard to renovation of the existing change-rooms and why the eventual proposal was considered to be the best alternative. Department representatives also highlighted that the Shire would need to consider what would happen to the existing hall, change-rooms and club-rooms at the Muchea Facility. If, as proposed by the clubs, that the existing facility is retained for community use, then the Shire would need to demonstrate its capacity to maintain two separate facilities on the one site.

Shire Officers outlined to MHUG members at this meeting, and in follow up email communication, that if they are determined to apply for a CSRFF grant in September 2019, then they would need to build up a comprehensive application to compete with the other district proposals that will be submitted.

State

Not applicable

Legislative Implications

State

- *Local Government Act ,S6.8(1)(b)* (Expenditure from municipal fund not included in annual budget)
This section provides that a local government is not to incur expenditure from its municipal fund for an additional (i.e. unbudgeted) purpose except where the expenditure is authorised in advance by absolute majority by resolution.

Local

Nil

Policy Implications

State

Community Cricket Facility Guidelines September 2015 - guidance note 03 Clubrooms and Change Facilities

Local

- *Administration Policy 1.13 – Asset Management-Infrastructure Assets*
- *Administration Policy 1.17 – Community Engagement Policy*
- *Finance Policy 2.9 – Funding Submissions*
- *Finance Policy 2.15 – Improvements to Council Properties by External Groups*

Financial Implications

The Shire currently allocates about \$100,000pa for the entire Muchea Hall & Oval Facility (maintenance and operations).

In regard to locating a provision for the lease/procurement of a temporary change-room, an allocation was included in the 2018/2019 Corporate Business Plan for \$10,000 to develop concept plans for the renovation/remodelling of the existing change-rooms (albeit it was spent on the ATU system to accommodate increased usage of the facility - completed throughout December 2018 – February 2019). An additional \$90,000 (inclusive however of \$60,000 grants/contributions) is allocated in the 2019/2020 Long Term Financial Plan budget projections to undertake these works. Some of these funds could be utilised to assist with a grant application, however, these moneys won't become available until after the Council sets its 2019/20 budget, and that will leave insufficient time to undertake the task of preparing an application.

Temporary Change-Room (hire)

A quote has been received (Onsite Rentals) for Hire of temporary change-room as below:

- 12mt x 3mt, bench seating in middle of open plan room, Aircon lights and power points. Total estimate of \$12,400 including:
 - 12 month @ \$105 per week (\$5,460pa);
 - Delivery using Semi crane off \$1,500 (approx.); and
 - Clean on return \$416.

The Shire would be required to set up/provide level area accessible for the delivery vehicle:

- Need to allow machine and labour (approx. \$1,500);
- Provide access pathway to change-room (approx. \$1,500); and
- Connection of power (approx. \$2,000).

Initial setup cost of approximately \$12,400 with and annual cost of hire thereafter of \$5,460. A three years hire would cost approximately \$23,300. If the Shire and MHUG were unsuccessful with the application to CSRFF for the proposed new clubroom/change-rooms the period would be longer.

Quotes received (Steve's Transportable) for purchase of temporary change-room:

- 10mt x 3mt empty shell Donga New includes Aircon, entry door, lights and power points, and no windows (\$23,000).

The Shire would be required to set up/provide a level area accessible for truck access:

- Need to allow machine and labour (approx. \$1,500);
- Provide access pathway to change-room (approx. \$1,500); and
- Connection of power (approx. \$2000).

Total cost of approximately \$28,000.

The Shire has a Recreation Development Reserve with a current estimated end of financial year balance of approximately \$238,000. The official purpose of the fund is to amongst other things, fund the development of recreational facilities, however there have been discussions about the potential of this reserve balance being used to fund a portion (and at least the \$100,000 furniture component) of the new Lower Chittering Sports & Recreation Facility. That Reserve Account (if not wholly retained for the Lower Chittering Facility) would have the capacity to fund the purchase of temporary Muchea Hall Facility change-room for approximately \$28,000.

Replacement Clubrooms/Community Facility: With regards the proposed new development at the Muchea Hall and Oval and an application to the Department of Local Government, Sport and Cultural Industries for a CSRFF Forward Planning grant, Council needs to consider some of the general principles of a CSRFF Grant Application should it consider this a worthwhile project to pursue in September 2019, including:

- Maximum CSRFF grant is $\frac{1}{3}$ of the total estimated project construction cost (and the grant's maximum contribution is \$2m);
- Whilst a "total build" cost is not known at this point, it would not be unreasonable to use an initial guide figure of say \$2.25 - \$3m;
- The "non-CSRFF funding" component of the project can come in many formats.... from the Shire or the local applicant organisation contributing all of the remaining $\frac{2}{3}$, to a combination of both sharing that $\frac{2}{3}$ balance in some alternative agreed format. The amount sought from the Muchea Hall User Group needs to be clarified (say a $\frac{1}{3}$ funding contribution from its own source

contributions/partners/sponsors) and this detail would need to be confirmed and included in the grant application; and

- Volunteer labour can be included in the Group's contribution component (up to a maximum of \$50,000).

If the MHUG is determined to apply for a CSRFF grant in September 2019, then it would need to build up a comprehensive application to compete with the other proposals across Western Australia that will be submitted. In order for it to submit a competitive application it would realistically require significant financial assistance from somewhere (presumably the Shire) to retain the necessary consultants to develop the arguments and collect the supporting evidence/good quality data, to enable them to put the absolute best case forward. This could be in the vicinity of \$100,000 to engage a range of professional consultants at very short notice to assist (e.g. architects, quantity surveyors, recreation advisors, community consultations, economic analysis, business case writer, and submission writer). The Shire's Recreation Development Reserve would have the capacity to fund the CSRFF application, even if it were to cost \$100,000.

Strategic Implications

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

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

The proposed sites have been viewed on numerous occasions at MHUG meetings.

Triple Bottom Line Assessment

Economic implications

The grant development activities will result in some economic benefits to recreational related businesses. Any eventual facility construction will result in positive economic stimulus in the district as a result, with the potential of added local employment and business turnover during construction.

Social implications

Muchea Hall is the only community facility within the town-site of Muchea with significant membership bases that are growing. As the home to the Chittering Junior Football Club (Bronco's), the Chittering Junior Cricket Club, Muchea Netball Club, Muchea Senior Cricket Club, Konga and Muchea Judo, the facility is extremely well used.

Shire commitment to the ongoing development of sports, recreation and social opportunities within the Muchea town site is warranted, particularly given the anticipated population increase to the southern localities of the Shire. This growth is resultant from development examples like the NorthLink freeway extension and the Muchea Industrial Park (MIP).

Environmental implications

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

Officer Comment/Details

The WA Cricket Association completed a facility audit at Muchea Hall in early December 2016 as part of a regional audit program. Department of Sport representatives have also recently visited the Muchea Hall facility. There is an acceptance that these facilities are dated and should ideally be refurbished, particularly in the area of privacy and the provision of female facilities, but they do not expect local ovals to have the quantity of change-rooms promoted by the MHUG as being necessary. That said, there is a need for the Shire to make a commitment to the ongoing development of sports, recreation and social opportunities within the Muchea town site, particularly given the anticipated population increase to the southern localities of the Shire. This growth is likely to be resultant from for example, the NorthLink freeway extension and the Muchea Industrial Park and requires good forward strategic planning to best consider the development/upgrading of facilities.

Temporary Change-Rooms

The decision to lease versus purchasing a temporary change-room would normally be contingent on the length of time required for the "temporary" facility. The timeline on this occasion however, is unknown, as the project relies on a successful CSRFF grant application. Whilst success with an initial application is not unheard of, even if we are successful with the first grant application, the project would take until at least mid 2021 to be ready for the community to use (and if not, perhaps as many as several years longer). It is suggested therefore, that Council take a prudent financial course and opt for purchase, rather than lease, on this occasion.

CSRFF Forward Planning Grant application

To provide the most time possible for the preparation of a grant application, Council would need to provide it's "in principle support" for the project (and an indicative capital budget allocation) at this June 2019 Council Meeting (including the indication of a funding contribution to sponsor the grant application itself). Following the completion of the grant application, Council would then need to consider any other CSRFF grant applications submitted by other local clubs/associations, and prioritise them at its September 2019 Council meeting (or a special council meeting if required) for endorsement and submission to CSRFF (and as part of that process, confirm its funding contribution based on the actual project costings).

In order for a competitive application to be prepared, it is suggested that the Council offer a portion of its Reserve funds for Recreation Development to the task. The purpose of the fund is to amongst other things, fund the development of recreational facilities. That Reserve Account would have the capacity to fund the CSRFF application, even if it were to cost \$100,000. Conditional on the project being considered worthwhile and needed, this would still be money well spent even if MHUG isn't successful with its initial application as the details gathered for this grant round would still be very useful for future year's applications. The same reserve account can be accessed to provide fund for the temporary change-room facility.

Plan "B"

This is a complex issue to the extent there are several directions this situation might progress. We therefore need to give consideration to the "where to from here?" question. What is our position should the 2019 CSRFF grant application be unsuccessful? If the Shire does contribute the preparation costs (\$100,000?) will we require the CSRFF grant application to be re-lodged again next year, and every year following until we do receive the grant we seek? What position does the Shire and MHUG wish to take in regards to the "temporary change-rooms" and is there a different position whether the Shire assists financially with the grant or not? What do we do about the Muchea Hall change-rooms between now and when a new facility is built? And what should happen to the existing hall, change-rooms and club-rooms at the Muchea Facility should a new facility be built in an alternative location?

Any installed temporary change-room facilities will need to remain until either a future grant for a new facility is successful, or alternatively, such a proposal is abandoned and the existing Muchea Hall Facility change-rooms are refurbished as the alternative.

If the MHUG would prefer to have only this one attempt at a grant, then it is felt that it would be best for Council to not support the application with a (up to) \$100,000 preparation contribution, and to leave the MHUG to prepare and apply for the grant using its own resources. To do otherwise would risk potentially \$100,000 being spent on research that will not be of any (or much) value in the future.

The Shire has \$30,000 proposed for its 2019/20 budget, to contribute towards the Muchea Hall change-rooms. If a grant just for the Muchea Hall change-rooms is applied for in 2019/20 (and is successful) then the traditional grant providers (CSRFF and WACA) will be reluctant to support an application for a new facility if a refurbishment has recently been funded.

With the "rush" that this matter is being progressed at, it does not easily allow for good strategic long term planning to be considered and accommodated. Is there for example, an even better proposal that the one promoted by MHUG? Should the entire facility, which is arguably now too small geographically, be relocated to an alternative larger site and the current Muchea Hall & Oval Facility be subdivided for housing, with the sale proceeds used to partially fund the new Facility?

9.4.3 OFFICER RECOMMENDATION (PART 1) / COUNCIL RESOLUTION 140619

Moved Cr Gibson / Seconded Cr Ross

That Council:

1. Approve the purchase and installation of a temporary change-room facility at the Mucnea Hall oval, with a total estimated budget of \$28,000. Funds to be drawn from the Recreation Development Reserve account.

CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:06PM

9.4.3 OFFICER RECOMMENDATION (PART 2) / COUNCIL RESOLUTION 150619

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Provide "in principle support" for a new Mucnea Oval Facility project and its CSRFF grant application, and agrees to an indicative (in principle) capital budget allocation for the 2020/21 and 2021/22 budgets (estimated at \$450,000 – \$650,000 for a 1/3 contribution);
2. Notes that the capital and ongoing operational costs for any new Mucnea Oval Facility will need to be incorporated into a reviewed Long Term Financial Plan (and which will ideally need to be undertaken in 2019/20);
3. Confirms that a Special Council Meeting be scheduled for September 2019 (if required) to consider this and any other CSRFF grant applications submitted by other local clubs/associations (noting that more accurate budget estimates will be available, based on the more detailed project costings undertaken as part of that process); and
4. On the condition that the Mucnea Hall User Group agrees that:
 - a. the grant application research must include a "Master Plan" study to best accommodate the future of sport, recreation, culture, and the community, for the Mucnea and surrounding areas precinct; and
 - b. it will apply for this CSRFF grant (in a form mutually agreed between the Council and the Mucnea Hall User Group) for the next three consecutive years;

Council endorses the allocation of up to \$100,000 for the Recreation Development Reserve Account to fund consultants (e.g. architects, quantity surveyors, recreation advisors, community consultations, economic analysis, business case writer, and submission writer, etc.) to assist Shire Officers and the Mucnea Hall User Group to prepare a September 2019 CSRFF grant application for a new Mucnea Hall User Group Facility.

CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:13PM

MOTION / COUNCIL RESOLUTION 160619

Moved Cr Gibson / Seconded Cr Angus

That Council consider in 2019/20 Annual Budget the purchase and installation of a temporary change-room facility at the Lower Chittering Hall (estimated budget of \$28,000). Funds to be drawn from the Recreation Development Reserve account.

CARRIED 6/0
8:14PM

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

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

MOTION / COUNCIL RESOLUTION 180619

Moved Cr Osborn / Seconded Cr Tilbury

That Council, in accordance with c5.4(2) of *Local Government (Council Meetings) Local Law 2014* deal with Item "13.1 CONFIDENTIAL ITEM: Kylie Hughes – Lower Chittering Sports and Recreation Facility" as the matter is unable to be dealt with administratively by the local government and must be considered and dealt with by Council before the next meeting. Further, that the item be deferred to be dealt with in confidential session.

CARRIED 6/o
8:18PM

13.1 CONFIDENTIAL ITEM: Kylie Hughes – Lower Chittering Sports & Recreation Facility

Report date	14 June 2019
Applicant	Not applicable
File ref	05/05/2; 18/07/15
Prepared by	Acting Chief Executive Officer
Supervised by	Not Applicable
Disclosure of interest	Acting CEO – Impartiality – Part of Ms Hughes' accusations relate to my actions as Acting CEO
Voting requirements	Simple Majority
Attachments	Nil

Reason for Confidentiality

Local Government Act 1995, Section 5.23(2)(b) 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:*

(b) *the personal affairs of any person; and*

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190619

Moved Cr Ross / Seconded Cr Tilbury

That Council moves into a confidential session to discuss items:

- 13.1 "Kylie Hughes – Lower Chittering Sports & Recreation Facility";
- 14.1.1 "Ferguson House: Lot 91 (RN 6138) Great Northern Highway, Bindoon";
- 14.1.2 "Kerbside Refuse & Recyclable Collection Service Contract";
- 14.1.3 "RFT SC19-001 Assessment - Provision of Architectural Services – Lower Chittering Sport and Recreation Facility Project"; and
- 14.1.4 "Sale of Land for Unpaid Rates in excess of Three Years"

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—*
- (b) the personal affairs of any person; and*
 - (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; and*

CARRIED 6/o
8:19PM

14.1.1 **CONFIDENTIAL ITEM: Ferguson House: Lot 91 (RN 6138) Great Northern Highway, Bindoon***

Report date	31 May 2019
Applicant	Shire of Chittering
File ref	02/02/0001
Prepared by	Community Development Coordinator
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Expressions of Interest received

Reason for confidentiality

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—*
- (e) *a matter that if disclosed, would reveal —*
- (iii) *information about the business, professional, commercial or financial affairs of a person,”*

14.1.2 **CONFIDENTIAL ITEM: Kerbside Refuse & Recyclable Collection Service Contract***

Report date	30 May 2019
Applicant	Shire of Chittering
File ref	04/19/17
Prepared by	Technical Services Support Officer
Supervised by	Executive Manager Technical Manager
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	1. Shire records of complaints received regarding Avon Waste Collection Services 2. Avon Waste Complaints Register 3. Waste & Recycling Community Survey 4. Waste Reports 5. Waste Census Extract

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,*

where the trade secret or information is held by, or is about, a person other than the local government; and

14.1.3 CONFIDENTIAL ITEM: RFT SC19-001 Assessment - Provision of Architectural Services – Lower Chittering Sport and Recreation Facility Project*

Report date: 5 June 2019
Applicant: Shire of Chittering
File ref: 04/19/19
Prepared by: Acting Chief Executive Officer
Voting requirements: **Absolute Majority**
Documents table: Tender submissions
Attachments: 1. Tender Assessment Report

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,*

where the trade secret or information is held by, or is about, a person other than the local government; and

14.1.4 CONFIDENTIAL ITEM: Sale of Land for Unpaid Rates in excess of Three Years

Report date: 28 May 2019
Applicant: Shire of Chittering
File ref: 25/01/2
Prepared by: Finance Officer Rates
Supervised by: Executive Manager Corporate Services
Disclosure of interest: Nil
Voting requirements: Simple Majority
Attachments: Nil

Reason for Confidentiality

Local Government Act 1995, Section 5.23(2)(b) 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:

- (b) the personal affairs of any person; and*
- (e) a matter that if disclosed, would reveal—*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government;

14.2 Public reading of resolution that may be made public

The meeting was reopened to the general public at 9:24PM.

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 six members of the general public who returned to the meeting.

13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 230619

Moved Cr Ross / Seconded Cr Osborn

That Council note that the Chief Executive Officer will respond in correspondence to Ms Hughes.

CARRIED 5/1
8:34PM

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 240619

Moved Cr Angus / Seconded Cr Ross

That Council:

1. Confirms Kidz First as its preferred lessee for "Ferguson House" Lot 91 (RN 6138) Great Northern Highway, Bindoon, and to include the following lease conditions:
 - a. a fixed term of five years;
 - b. all relevant Shire approvals (e.g. Planning, Health and Building requirements, etc.) being obtained by the Lessee;
 - c. no structural changes without prior consent by the Shire;
 - d. any proposal of starting a long day-care service (with the potential for the Lessee to supply and erect demountable classrooms) to be the subject of a separate application by the Lessee for consideration by Council; and
 - e. commencement rental of \$150/week (to be reviewed at the conclusion of each 12 months period with the view to reaching a commercial rental at the earliest reasonable opportunity).
2. Authorises the Chief Executive Officer to:
 - a. secure as per *Local Government Act 1995*, S3.58, the relevant information (e.g. market valuations) and undertake the necessary public advertising; and
 - b. arrange for the development of a Standard "Commercial Lease" document that can be utilised for this Ferguson House Lease (and which can also be used as a base document for other future commercial type leases of the Shire); and
3. If there are no submissions resultant from the S3.58 public advertising period, authorise the Chief Executive Officer to execute the Lease document.

CARRIED 5/1
CR GIBSON VOTED AGAINST THE MOTION
8:43PM

14.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 270619

Moved Cr Osborn / Seconded Cr Tilbury

That Council:

1. Award Avon Waste an extension to the current Kerbside Refuse and Recycling Collection Services for a period of 24 months to 30 June 2021 (via extension clause of the existing contract (SC14-004);
2. Authorises the Shire President and Acting Chief Executive Officer to sign and affix the Shire's Common Seal (if required) to the contract with Avon Waste and approve the purchase orders for waste collection services in the 2019/20 and 2020/21 financial years; and
3. Notes that tenders will be called in early 2021 for a new Kerbside Refuse and Recycling Collection Services contract, in conjunction with the Shires of Gingin and Dandaragan, to commence on 1 July 2021 for Chittering (for five years) and from 21 June 2022 (for approximately four years) for Gingin and Dandaragan.

CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:59PM

14.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 300619

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Selects the tender from Hodge Collard Preston for provision of architectural services for the design and supervision of the Lower Chittering Sports & Recreation Facility for the estimated sum of \$433,890 (ex GST) as the preferred tender;
2. Enter into the proposed contract for Architectural Services (SC19-001) with Hodge Collard Preston, subject to satisfaction of the following conditions precedent:
 - a. the Immaculate Heart College and the Shire of Chittering signing the Loan Agreement; and
 - b. suitable quantities and qualities of water being located for potable and grounds reticulation use, or a modified agreement with the Federal Government's Building Better Regions Fund Grant coordinator.
3. Notes that the eventual fee paid to the architects will be based on the contract conditions and the percentage charge rate multiplied by the final cost of the Facility project;
4. Delegates authority to the Chief Executive Officer to negotiate the terms and to enter into a contract with Hodge Collard Preston;
5. Authorises the Chief Executive Officer to manage the Hodge Collard Preston contract, including the provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract, and is managed within the Professional Fees component of the Facility's budget);
6. Authorises the Shire President and/or Chief Executive Officer to sign the Contract and affix the Shire's Common Seal (if required); and

7. In acknowledging that (a) securing confirmation of suitable quantities and qualities of water (as outlined in (2b) above) might take several weeks, and (b) that the grant condition requires the project's completion by 30 June 2022, that the Council authorised the Chief Executive Officer to negotiate with Hodge Collard Preston, a short term arrangement where initial engagement for the provision of architectural services can commence (within the parameters of the proposed head contract for \$433,890) to a maximum of \$25,000.

CARRIED 4/2
BY AN ABSOLUTE MAJORITY
CR'S GIBSON AND ANGUS VOTED AGAINST THE MOTION

9:22PM

14.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 310619

Moved Cr Osborn / Seconded Cr Angus

That Council, pursuant to Section 6.64 of the *Local Government Act 1995*, resolve to proceed to sell the properties listed hereunder which have rates and charges in arrears of three years or more and distribute the proceeds of the sale of the land in accordance with Schedule 6.3 of the *Local Government Act 1995*.

Assessment No	Lot No.	Parcel Description	Financial Implication
A10823	Lot 218 Hereford Way Lower Chittering	Lot 218 on P20207	\$17,693.85
A9959	21 Ayrshire Loop Lower Chittering	Lot 286 on P23718	\$10,294.17
A1899	Lot 61 Orchard Road Bindoon	Lot 61 on P15352	\$11,717.04

CARRIED 6/0
9:23PM

15. CLOSURE

The Presiding Member declared the meeting closed at 9:32PM.

