



Ordinary Meeting of Council

Wednesday 17 June 2019
Commencing at 7pm

Held at the Chinkabee Complex, 6166 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

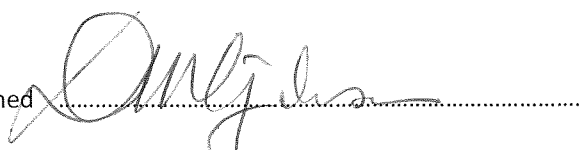
These minutes were approved for distribution on 1 July 2020.



Matthew Gilfellon
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 15 July 2020.

Signed 

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

Disclaimer

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

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

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

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

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

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

Cr Gibson declared the meeting open at 7:01PM

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

2.1 Attendance

The following Members were in attendance:

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

The following Shire staff were in attendance:

Matthew Gilfellow	Chief Executive Officer
Melinda Prinsloo	Executive Manager Corporate Services
Peter Stuart	Executive Manager Development Services
Natasha Mossman	Executive Assistant/Council Support (Minute Secretary)

Members of the public who signed the COVID-19 Contact Tracing Facility Record:

Aiden d'Adhemar	Fremantle PA Hire
Brendan Hughes	Muchea
Dave Poga	Bindoon
Noel Elliot	Bindoon
Anne Elliot	Bindoon
Julie Duzevich	Bindoon
Richard Frew	Bindoon
Michelle Walker	Lower Chittering
Marion Bates	Lower Chittering
Gary Wilkinson	Bindoon
Ed Walsh	Bindoon
Rhonda Walsh	Bindoon
David Barnard	Lower Chittering
Alison Barnard	Lower Chittering
Alan Barnes	Bindoon
Lauren Dry	Chittering
John Nagel	Bindoon
Jane Righton	Bindoon
Paul Groves	Bindoon

Steve Anderson	Bindoon
Lynn Borg	Bindoon
Silvio Borg	Bindoon
Walter Hoge	Bindoon
Yvonne Garland	Bindoon
Chris Waldie	Bindoon
Dennis Boyanich	Bindoon
Marus Ward	Lower Chittering
Robert Pizzino	Bindoon
Tom Fern	Bindoon
Norrie Merrifield	Bindoon
Josie Fern	Bindoon
Joel Diano	Bindoon
Bill Nobes	Bindoon

Members of the public who did not sign the COVID-19 Contact Tracing Facility Record:
3

Media 0

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

2.4 Announcements

Cr Don Gibson

26 May – meeting with Deputy President and Chief Executive Officer (Bindoon)
3 June – meeting with Deputy President and Chief Executive Officer (Bindoon)
3 June – 2020/21 Annual Budget Workshop (Bindoon)
5 June – official visit by the Governor of WA, the Hon Kim Beazley AC
10 June – meeting with Deputy President and Chief Executive Officer (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)
16 June – meeting with Deputy President and Chief Executive Officer (Bindoon)

Cr John Davis

26 May – meeting with President and Chief Executive Officer (Bindoon)
27 May – Local Emergency Management Committee Meeting (Webex meeting)
3 June – meeting with President and Chief Executive Officer (Bindoon)
3 June – 2020/21 Annual Budget Workshop (Bindoon)
5 June – official visit by the Governor of WA, the Hon Kim Beazley AC
10 June – meeting with President and Chief Executive Officer (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)
16 June – meeting with President and Chief Executive Officer (Bindoon)

Cr Mary Angus

3 June – 2020/21 Annual Budget Workshop (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)

Cr John Curtis

3 June – 2020/21 Annual Budget Workshop (Bindoon)
9 June – Chittering Bushfire Advisory Committee meeting (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)

Cr Kylie Hughes

21 May – Chittering Health Advisory Group meeting (webex)
26 June – Chittering Landcare meeting (Muclea)
3 June – 2020/21 Annual Budget Workshop (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)

Cr Peter Osborn

3 June – 2020/21 Annual Budget Workshop (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)

Cr Carmel Ross

25 May – Economic Recovery Committee (webex)
29 May – Economic Recovery Committee (webex)
3 June – 2020/21 Annual Budget Workshop (Bindoon)
9 June – Chittering Bushfire Advisory Committee meeting (Bindoon)
10 June – Council Information Session (Bindoon)
10 June – Agenda Forum Program (Bindoon)
16 June – Wannamal Community Centre committee (Wannamal)

3. DISCLOSURE OF INTEREST

Item 9.4.3 “A Taste of Chittering”		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr Carmel Ross	Impartiality	Nature: Husband’s business is a stallholder at the event

Item 9.4.10 “Wear Ya Wellies: Event Review”		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr Carmel Ross	Impartiality	Nature: Husband’s business is a stallholder at the event

Item 11.3 "Cr Don Gibson: Lot 89 Koomal Street, Bindoon"		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr John Curtis	Indirect Financial	Nature: Work for Liz Nobes and a friend of Bill Nobes

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

Questions asked during the meeting

4.2.1 Chris Waldie (Secretary, Chittering Tourist Association)

Mr Waldie addressed the meeting and spoke to the April Ordinary meeting of Council, Item 3 Disclosure of Interest, the President indicated on the paperwork that he had, Cr Osborn had a Financial Interest as well as an Impartiality Interest. Cr Osborn replied that he only had an Impartiality Interest not a financial one. Mr President, you then went on to say that to the best of your knowledge, he still had a financial interest associated with the Chittering Tourist Association. The Chief Executive Officer clarified that this was not the case, and there seemed to be some confusion that some Councillors received paperwork about the notification, and some didn't, that Cr Osborn only had an impartiality interest; the Chief Executive Officer did confirm that it was only an Impartiality Interest. Mr President, you went on to indicate that you felt that he did have a Financial Interest; and for the second time Cr Osborn replied that he did not. The Chittering Tourist Association received emails from Wootra Farms (dated 17 June 2019) indicating that they wished to withdraw all their products from the shelves of the tourist association. Mr President, you then went on to say "*well I beg to differ*". Mr President, your comment and accusation would imply that Cr Osborn had lied to this Chamber. Given the evidence provided...:

Question 1: Mr President, will you now apologise to Cr Osborn for making that accusation?

Answer 1: *The President advised that he could do that, but as I have pointed out it is well known that Cr Osborn has had a financial interest in that business over there for many years. You may recall the last time that we met in this facility, Cr Osborn did have a financial interest and he had to leave the room. The President apologised as Cr Osborn obviously no longer has that, but it was very well known that he has been involved in this.*

Mr Waldie responded to the Presidents answer, and agreed that there was no argument with that; however Mr President you indicated at that particular time that “you beg to differ” and Cr Osborn didn’t at that time.

Question 2: Mr President, do you unreservedly apologise?

Answer 2: The President stated that he had already apologised.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.1.1 New Petition Received

A petition was presented to Cr Don Gibson by Michelle Walker (and signed by 25 residents who disagreed) as follows:

“Relocation of NBN Tower. Not in residential area. Hereford Way.”

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 11.1 “Cr Don Gibson: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon”

Deputation

1. Lauren Dry spoke in support of the Motion

Summary of Deputation

- Referenced information from ARPANSA’s report TR-164 (2014).
- Referenced rebuttal report from the Australian independent scientific body – ORSAA.
- The expertise of Dr Russell Cooper supersedes any advice provided by ARPANSA to any business or organisation. Dr Cooper has provided his medical opinion on this subject in relation to a resident in Chittering.
- The Chittering Shire cannot confine itself to the dark ages and shun all forms of technology in the interests of safety. Chittering can advocate for wired fibre optic technology for two reasons:
 - Appeal to the booming eco-tourism section and appetite in the community for reassurances of technological safety; and
 - Fibre to the home is more economically viable and innovate friendly solution when compared to wireless internet.

5.3.2 Item 11.3 “Cr Don Gibson: Lot 89 Koomal Street, Bindoon”

Deputation

1. William Nobes spoke in support of the Motion
2. John Nagel spoke to the Motion

Summary of Deputation

- Granted money as a carer.
- Wanted to know why he has been up against a barrier in trying to help the Shire.
- Referenced the current voting (i.e. 4/3) and believes it is because he reported someone who was selling their products from the post office; and believes that there is a redress of a grievance against him. For that, they are coming after me, which is putting in jeopardy the aged care facility.
- When he left the meeting other people were adding conditions, and it was weeks later when the Chief Executive Officer sent a letter, and upon reading believed that this isn't going to happen and from then on has been difficult.
- Outcome from Linda Reynolds and what was said between them and the Minister for Aged Care in the east, and then breakdown with the Shire. If everything had happened as what planned nothing that Mr Nobes has said or done has been out of place.
- Made comment to a meeting that was had in 2018 regarding a meeting at the Shire and you will understand why two people here may have it in for me.
- Mr Nagel spoke and stated that he was not getting involved in the politics whether it is right or wrong, but would like to clarify that at that meeting when the approval was given to Mr Nobes, it was agreed that the yacht could be placed there; and he said 'thank you very much' and got up and walked out. It was after that, two Councillors raised motions and then there was comment that owing to his age it would be appropriate to have some conditions in place. Mr Nagel stated that he is not getting involved in the right or wrong with Mr Nobes and the yacht.
- Mr Nobes then asked Mr Nagel to address the meeting that was held in the Chief Executive Office with Mr Alan Sheridan and that there would be no aged care in the Shire.
- Mr Nagel spoke to meeting that was held in January 2018, Mr Nobes had an appointment with the then Chief Executive Officer, Mr Alan Sheridan, and believe that Cr Osborn and Mrs Lisa Kay also attended. At the end of that meeting, we were told by Mr Sheridan and Mrs Kay that there would never be aged care in this Shire.
- Mr Nobes stated further that it is important that this goes forward, at least to the point of establishing whether we can get government funding for advancing aged care in Bindoon.

5.3.3 Item 13.1 “Request to engage consultant for SAT DR 109/2020: NBN Co Ltd v Shire of Chittering”

Deputation

Lauren Dry spoke in support of the motion

Summary of Deputation

- In obtaining external advice, that there is case law as a precedent where a Council did challenge having a tower in a certain location, but they didn't have professional advice. It was noted in that case study that if professional advice had been obtained the weight of that would have held that decision firm. Offered the services of Raymond Broomhall.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 20 May 2020

7.1 RECOMMENDATION / COUNCIL RESOLUTION 010620		
Moved Cr Ross / Seconded Cr Osborn		
That the minutes of the Ordinary Meeting of Council held on Wednesday 20 May 2020 be confirmed as a true and correct record of proceedings, subject to the following change:		
Page 7, Item 3 Disclosure of Interest, update disclosure of Interest for Cr John Curtis as per below:		
Item 14.1.1 "Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument"		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr John Curtis	Indirect Financial	Nature: Applicant is a friend Extent: Work for applicant's wife.
		CARRIED 7/0 7:37PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

8.1 Record of Votes

The President stated that the votes tonight will be recorded in the minutes.

8.2 Item 9.4.1 'Notice of Abatement'

The President advised that this item has been withdrawn.

8.3 Change to order of business

The President advised that 'Item 11 Motions, of which Previous Notice has been Given' to be brought forward being 'Item 9 Reports'.

Cr Osborn called 'Point of Order' in accordance with the Local Government (Council Meetings) Local Law 2014, cl9.2(1), as the Order of Business cannot be changed by the Presiding Member. To change the order of business, it must in accordance with cl5.2 of the Local Law.

8.3 MOTION / COUNCIL RESOLUTION 020620**Moved Cr Gibson / Seconded Cr Davis**

That the order of business be amended in accordance with *Local Government (Council Meetings) Local Law 2014, clause 5.2 'Order of Business'* so that 'Item 11 Motions, of which previous notice has been given' is dealt with prior to 'Item 9 Reports'.

CARRIED 4/3

Cr Gibson, Cr Davis, Cr Curtis and Cr Hughes voted for
Cr Osborn, Cr Angus and Cr Ross voted against

7:40PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Cr Don Gibson: Portion of Lot 303 (Bell Hill Reserve) Forrest Hills Parade, Bindoon****MOTION****Moved Cr Gibson / Seconded Cr Davis**

That Council authorise the Chief Executive Officer to write to nbn and Telstra requesting that they suspend the proposed emission of non-ionising electromagnetic radiation from the tower situated at Bell Hill until NBN and Telstra Co can convincingly show, backed by medical opinion that there is scientific certainty that the proposed emissions from the tower pose no risk of harm to health, further, to be included in the letter a notification that if NBN and Telstra Co activate the tower without first convincing the Shire that such emissions pose no risk of harm to health that Chief Executive Officer has is ordered to issue a nuisance to health abatement notice against NBN and Telstra Co and proceed according to law.

Cr Gibson provided the following reasons

I note that residents recently alerted Councillors of a detailed and thorough medical advice that advises that proposed emissions from the antennae on the tower at Bell Hill pose an extreme risk of harm to the health of residents and visitors to the shire and that the Federal ARPANSA Safety standard's levels do not provide adequate protection. I assume you have all read the medical advice. In my opinion after reading the medical advice it has come to our attention that there is much scientific uncertainty as to whether this technology is safe. News of this alarming finding now means that we should be applying the precautionary principle on this technology. Councillors should be calling on the NBN and Telstra to suspend emissions of non-ionising electromagnetic radiation from the tower until NBN provide evident that convincingly show with scientific certainty that emissions from the tower pose no risk of harm to visitors and the residents of our Shire.

Officer Comment/Details

Item 9.4.1 'Notice of Abatement' is already on the agenda, and this deals with the same issue. The two emails from Cr Gibson have been included for reference.

AMENDMENT

Moved Cr Ross / Seconded Cr Angus

That the Chief Executive Officer authorise the solicitors to complete their analysis and advice on the legal implications of the letters to Telstra and NBN, including informing us of any potential legal action the Shire might need to engage in, based on the replies from these letters.

LOST 2/5

Cr Ross and Cr Osborn voted for
Cr Hughes, Cr Angus, Cr Gibson, Cr Davis and Cr Curtis voted against

7:51PM

Cr Ross provided the following reasons

Having received the solicitor's advice prior to the meeting, they have suggested that there is no impediment to Council voting in favour of this tonight, but they also mention that they have not completed their research and would like the chance to do that. Believe that it is really important that Council do allow them to do this.

11.1 MOTION / COUNCIL RESOLUTION 030620

Moved Cr Gibson / Seconded Cr Davis

That Council authorise the Chief Executive Officer to write to nbn and Telstra requesting that they suspend the proposed emission of non-ionising electromagnetic radiation from the tower situated at Bell Hill until NBN and Telstra Co can convincingly show, backed by medical opinion that there is scientific certainty that the proposed emissions from the tower pose no risk of harm to health, further, to be included in the letter a notification that if NBN and Telstra Co activate the tower without first convincing the Shire that such emissions pose no risk of harm to health that Chief Executive Officer has is ordered to issue a nuisance to health abatement notice against NBN and Telstra Co and proceed according to law.

CARRIED 7/0

7:57PM

From: Anne Elliot [REDACTED]
Subject: Fwd: FW: Barrister's advice Letter, Dr Cooper's Medical Advice
Date: Today at 3:40 PM
To: Don Gibson [REDACTED]

----- Forwarded message -----

LATE ITEM

From: lauren0040 [REDACTED]
Date: Wed, 20 May 2020 at 15:32

Hi all,

Thanks everyone for all the contributions. I have spoken to Ray and I think we're all in agreement now that just the 1 motion in regards to Bell Hill is all that's required at this time. He did, however, stress that the motion must include the preamble that he also wrote. I have included it below (and have just added "Bell Hill" and "Telstra" where required, if you're able to send this on to Don, stressing the importance of all of the information contained from Ray(that needs to be included in the motion/ minutes) that would be wonderful, alternatively I am open to hearing your thoughts:

"I note that residents recently alerted Councillors of a detailed and thorough medical advice that advises that proposed emissions from the antennae on the tower at Bell Hill pose an extreme risk of harm to the health of residents and visitors to the shire and that the Federal ARPANSA Safety standard's levels do not provide adequate protection. I assume you have all read the medical advice. In my opinion after reading the medical advice it has come to our attention that there is much scientific uncertainty as to whether this technology is safe. News of this alarming finding now means that we should be applying the precautionary principle on this technology. Councillors should be calling on the NBN and Telstra to suspend emissions of non-ionising electromagnetic radiation from the tower until NBN provide evidence that convincingly show with scientific certainty that

emissions from the tower pose no risk of harm to visitors and the residents of our Shire.

I put the motions that;

1) The CEO of the Shire of Chittering is to send a letter to NBN and Telstra Co requesting that they suspend the proposed emission of non-ionising electromagnetic radiation from the tower situated at Bell Hill until NBN and Telstra Co can convincingly show, backed by medical opinion that there is scientific certainty that the proposed emissions from the tower pose no risk of harm to health, further, to be included in the letter a notification that if NBN and Telstra Co activate the tower without first convincing the Shire that such emissions pose no risk of harm to health that CEO has is ordered to issue a nuisance to health abatement notice against NBN and Telstra Co and proceed according to law."

Thanks everyone for such a dedication of time and thorough examination of all the angles. Will anyone be attending the meeting tonight? Only 5 attendees are allowed, I won't be able to attend due to family commitments but would love to hear if anyone is thinking of going.

Looking forward to a great outcome

Cheers

Lauren

From: Don Gibson [REDACTED]
Sent: Thursday, 21 May 2020 10:27 AM
To: CEO Mailbox
Subject: Fwd: Barrister's advice Letter, Dr Cooper's Medical Advice

G'day Mathew ,
Attached is the legal motion concerning Bell Hill which I read out last night as a late item , and was not considered by Council .
Please ensure it is included in the agenda for the June Council meeting .
You have been served with a copy of the legal opinion , and I suggest you consider the result of inaction on this important public health and safety issue
Regards ,

Don Gibson
08 9576 1090

Begin forwarded message:

From: Don Gibson [REDACTED]
Date: 21 May 2020 at 10:11:46 AM AWST
To: [REDACTED]
Subject: Fwd: Barrister's advice Letter, Dr Cooper's Medical Advice

Don Gibson
08 9576 1090

Begin forwarded message:

From: "Thomas Fern" [REDACTED]
Date: 20 May 2020 at 4:32:40 PM AWST
To: "Don Gibson" [REDACTED]
Cc: "Noel Elliot" [REDACTED], "Lynn and Silvio" [REDACTED], "Julie and Richard" [REDACTED], "Ray & Carmen Winner" [REDACTED], "David and Ellie" [REDACTED], "Anne Elliot" [REDACTED], "lauren0040" [REDACTED]
Subject: RE: FW: Barrister's advice Letter, Dr Cooper's Medical Advice

Hi Don,
Yes I agree only one motion should be submitted and this is the one we have agreed is the most suitable and delivers the message without any other issues involved.

Pre amble

I note that residents recently alerted Councillors of a detailed and thorough medical advice that advises that proposed emissions from the antennae on the tower at Bell Hill pose an extreme risk of harm to the health of residents and visitors to the shire and that the Federal ARPANSA Safety standard's levels do not provide adequate protection. I assume you have all read the medical advice. In my opinion after reading the medical advice it has come to our attention that there is much scientific uncertainty as to whether this technology is safe. News of this alarming finding now means that we should be applying the precautionary principle on this technology. Councillors should be calling on the NBN and Telstra to suspend emissions of non-ionising electromagnetic radiation from the tower until NBN provide evidence that convincingly show with scientific certainty that emissions from the tower pose no risk of harm to visitors and the residents of our Shire.

I put the motions that;

- 1) The CEO of the Shire of Chittering is to send a letter to NBN and Telstra Co requesting that they suspend the proposed emission of non-ionising electromagnetic radiation from the tower situated at Bell Hill until NBN and Telstra Co can convincingly show, backed by medical opinion that there is scientific certainty that the proposed emissions from the tower pose no risk of harm to health, further, to be included in the letter a notification that if NBN and Telstra Co activate the tower without first convincing the Shire that such emissions pose no risk of harm to health that CEO has is ordered to issue a nuisance to health abatement notice against NBN and Telstra Co and proceed according to law."**

Many thanks for your assistance and support.

Josie Fern

11.2 Cr John Davis: Differential Rating

MOTION

Moved Cr Davis / Seconded Cr Curtis

That Council introduce a Differential Rating System to be permanently adopted as part of the rating system beginning financial year 2020/2021.

LOST 3/4

Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted against

8:07PM

Cr Davis provided the following reasons

In accordance with the provision of section 6.33 of the Local Government Act, the Shire should adopt the differential rates and minimum payments on properties consistent with key values of objectivity, fairness, equity and transparency.

As our neighbouring councils, shire of Gingin, Shire of Toodyay, City of Wanneroo and City of Swan have already have a differential rating system it is now time for the Shire to have one in place.

Now that we have new developments of Industrial and Commercial land coming on stream, we need to be prepared to establish an equitable rating system such as operated in the above Councils.

Sample system for the Shire of Chittering:

Category of Property	Cents in the \$	Min Payment
Residential Improved	GRV 9.8498	\$1,050.00
Residential Vacant	GRV 11.321	\$1,050.00
Commercial Improved	GRV 10.880	\$1,100.00
Commercial Vacant ^(a)	GRV 15.880	\$1,100.00
Industrial Improved	GRV 10.880	\$1,100.00
Industrial Vacant ^(a)	GRV 15.880	\$1,100.00
Residential UV	Current rate to remain	
Rural UV	Current rate to remain	

Note:

- (a) The object of the higher vacant commercial and industrial land rate is to encourage the development of vacant land. The main reason for this differential rate is that vacant land is often unsightly and unkempt and can be used for dumping of rubbish, etc.

Officer Comment/Details

Local governments impose rates on the properties within their district to raise revenue to fund the services and facilities provided to residents and visitors. The quantum of rates payable is determined by three factors: the method of valuation of the land, the valuation of the land and improvements, and the rate in the dollar applied to that valuation by the local government. Land is rated according to its unimproved value for land used predominantly for rural purposes or gross rental value for land used predominantly for non-rural purposes. The Valuer General values the land in accordance with the provisions of the *Valuation of Land Act 1978*. The local government sets a rate in the dollar which is applied to this valuation to give the rates liability for each property.

A local government may impose a single general rate which applies to all of the properties in the unimproved value or gross rental value category. Alternatively the local government can distinguish between land in either category on the basis of its zoning, use or whether it is vacant land (or other characteristic set out in regulations), or a combination of these factors, and apply a differential general rate to each. The purpose of the imposition of a differential general rate is generally to ensure that every landowner makes a reasonable contribution to the rate burden.

The Minister's will not approve an application for an approval unless the Minister is satisfied of the following matters:

Objectivity

- The land on which differential general rates has been rated according to one or more of the following land characteristics:
 - zoning
 - land use
 - vacant land.
- Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:
 - whether or not it is situated in a town-site
 - whether or not it is situated in a particular part of the district.
 - The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

- The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.
- The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.
- These objects and reasons clearly explain why each differential general rate is proposed to be imposed.
- The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.
- If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.
- If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:
 - the terms of this policy (through the provision of a copy of this document to the ratepayer
 - the local government's objects of and reasons for proposing to impose the differential general rates
 - the differential general rate that will apply to the ratepayer's property; and
 - the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.
 - the ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

- The local government has rated similar properties that are used for the same purpose in the same way.
- The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.
- The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

- The local government has:
 - prepared and made publically available a document clearly describing the object of and reason for each differential general rate;
 - given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
 - published the notices after 1 May in the relevant year.
- The public notice published by the local government contained:
 - details of each differential general rate that the local government intends to impose
 - an invitation for submissions to be made by an elector or ratepayer
 - a closing date for submissions which is at least twenty one days after the day on which the notice is published
 - advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.
- The council of the local government has:
 - each ratepayer submission (if any)
 - resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Timeline

The Department of Local Government suggest the following timeline when investigating the implementation of differential rating:

- January/February (approximately) – planning
- April (approximately) – budget strategy
- 1 May – notice period
- At least 21 days after the notice is published – council considers submissions and determines appropriate level of differential rates. Council decision to seek Ministerial approval for the imposition of differential general rates that fall within section 6.33(3).
- Processing time – three weeks for the processing of an application
- 31 August – Budget deadline

If Council resolves to implement differential rating for the Shire of Chittering, the following timelines is suggested:

- 17 June – Council resolve to implement differential rating system for public notice.
- 19 June – public notice in The West Australian for a period of 21 days; deadline 10 July.
- 15 July – Council to consider submissions and determine level of differential rates.
- 17 July – application form submitted to the Minister (allow three weeks).
- 31 August – latest date possible for Council to adopt the 2020/21 annual budget. The budget cannot be adopted until the Minister makes their decision. If council submits final documents for Ministerial approval later than the end of July, consideration may need to be given by the local government to applying for Ministerial approval for an extension to the budget adoption.

11.3 Cr Don Gibson: Lot 89 Koomal Street, Bindoon

11.3 MOTION / COUNCIL RESOLUTION 040620

Moved Cr Gibson / Seconded Cr Curtis

That Council REVOKE Condition 6 and Advice Note 1 on the Development Approval 9.1.1 Temporary Placement of Yacht Monument: Lot 89 Koomal Street, Bindoon.

CARRIED 7/0

8:14PM

Cr Gibson provided the following reasons

Considering this approval is temporary, and the community groups are volunteering to help the applicant comply with the fencing requirement, Council would be wise to assist by relaxing unhelpful conditions.

It is worth remembering that over the last 40 years many retired farmers came to retire in the shire from all over the Wheatbelt, along with retirees from Perth. These valued residents joined local community groups and contributed with their knowledge and experience to the welfare and progress of the Shire. Now many of these ratepayers are struggling to maintain their rural residential blocks due to advanced age, and are faced with the only option of leaving the shire to access aged care.

One 85 year old ratepayer has acted to expedite the provision of disability and aged care in the Shire to allow elderly residents to stay near friends and family in their old age. He has done this at no cost to the Shire, and it makes good sense for Council to support his efforts, rather than imposing unhelpful costs.

Officer Comments/Details

Removal of Advice Note 1 has no legal effect since it is advice only to highlight the requirement. The requirement to obtain a Building Permit is legislated under the *Building Act 2011*, and is unavoidable.

11.4 Cr Peter Osborn: Mountain Bike Park, Bindoon

MOTION

Moved Cr Osborn / Seconded Cr Davis

That Council requests the Chief Executive Officer to:

1. Perform a period of public consultation on the plans for the Mountain Bike Park;

And with the permission of the Parkinson family,

2. Authorise the Chief Executive Officer to engage a consultant to prepare an Environmental Impact Study; and
3. Authorise the Chief Executive Officer to engage a consultant to prepare a Bushfire Risk Management Plan.

Advice Notes:

Note 1: The studies to be funded from available reserves in the current budget or via the Recreation Reserve.

Note 2: Priority should be given to local consultants.

With the agreement of the Mover and Seconder, the Motion was split into two separate motions, to allow for voting on separately.

11.4 MOTION / COUNCIL RESOLUTION 050620

Moved Cr Osborn / Seconded Cr Davis

That Council requests the Chief Executive Officer to perform a period of public consultation on the plans for the Mountain Bike Park.

CARRIED 7/0
8:23PM

MOTION

Moved Cr Osborn / Seconded Cr Davis

That Council requests the Chief Executive Officer to and with the permission of the Parkinson family:

1. Authorise the Chief Executive Officer to engage a consultant to prepare an Environmental Impact Study; and
2. Authorise the Chief Executive Officer to engage a consultant to prepare a Bushfire Risk Management Plan.

Advice Notes:

Note 1: The studies to be funded from available reserves in the current budget or via the Recreation Reserve.

Note 2: Priority should be given to local consultants.

LOST 1/6
Cr Osborn voted for
Cr Hughes, Cr Angus, Cr Gibson, Cr Davis, Cr Ross and Cr Curtis voted against
8:24PM

Cr Osborn provided the following reasons

In early 2016, MRWA informed the Shire of its intention to bypass the town of Bindoon in the very near future. This proposal in various forms had been around for about 25 years, the Perth/Darwin corridor and the eastern bypass alignment. In response to the information Council established the Heavy Haulage Deviation Group to develop ideas to minimise the potential economic effect on the town of Bindoon.

One of the proposals involved the development of a Mountain Bike Park on the Parkinson Hill. As more research was done the idea gained traction to the stage that a feasibility study was commissioned. This led to the presentation of the study in late 2017. It's content, although ending up outside the initial parameters, showed the potential for putting Chittering on the map and radar of a wider range of visitors thus securing a viable economically beneficial attraction in Bindoon.

COVID19 has placed the Australian Economy in turmoil, government stimulus packages will have at least one more round. This project is attractive to stimulus founders as it will not only maintain employment for Chittering residents combined with providing a retraining opportunity for others into the future.

Officer Comments/Details

At the Ordinary Council Meeting held on 17 July 2019, Council resolved the following:

COUNCIL RESOLUTION 030719

That Council:

1. *Receives the 'Breakaway Tourism Mountain Bike and Adventure Park Feasibility Study' as per Attachment 2;*
2. *Acknowledge the need to review and optimise development over Lots 88 and 89, noting the continuing interest in developing seniors' accommodation and a purpose built caravan park, potential expansion of the Bindoon Show Precinct, along with other tourism based accommodation within Bindoon; and*
3. *Delays any development and formal marketing of, an Expression of Interest until such time that the Masterplan per Council Resolution of 170619¹ of its 19 June 2019 Ordinary Meeting can be developed and endorsed.*

Mountain biking has been identified as an aspirational recreation within the Shire in the Chittering Trails Network Plan and the Mountain Bike Trails Master Plan, and as a possible offset to the economic damage expected to come with the Bindoon Bypass (similar bypasses in other towns have seen a 40% reduction in traffic, four businesses lost and 35% of jobs lost in Harvey, Northam and Karuah respectively). Also, mountain biking was highlighted as a key area of opportunity in Chittering in the Northern Growth Alliance Tourism Strategy.

An opportunity has arisen to purchase a sizeable lot of land overlooking Bindoon, known by some as Chinkabee Hill or Red Hill, for the benefit of the Shire. The lot is not suitable for residential development due to its rough topography, but does make it highly suitable for mountain biking.

Recent studies undertaken into the negative effects COVID-19 restrictions placed on Chittering's economy found that some of the most adverse were placed on businesses in Bindoon with nine forced to close through the outbreak. Of businesses surveyed in Chittering that closed, 60% operate in the Accommodation and Food Services sectors. A mountain bike and adventure park would benefit businesses in this impacted industry, and further investigation into the

¹ Resolution 170619

That Council:

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

development of this facility in coordination with a caravan park and lifestyle village was included in Chittering's COVID-19 Economic Recovery Plan draft.

Mountain Biking is an increasingly popular recreation, and similar mountain bike parks and trails have provided an economic stimulus to struggling regions elsewhere in Australia and the world (See video: Landline – How mountain biking helped save a tiny, Tasmanian town). With this in mind, the idea of establishing a mountain bike park in the town of Bindoon was investigated in an independent study by Breakaway Tourism to assess a hypothetical Park's feasibility.

The Feasibility Study found that a Mountain Bike Park and associated Adventure Park on the site would be very popular with users. Of the 824 respondents from both the local area and across the State:

- Over 96% of respondents indicated that they would be interested in experiencing the facility;
- A further 3% said they would use it depending on the inclusions, or they were unsure; and
- Only 1% said they wouldn't use the facility.

The Study conservatively estimates that the facility would bring;

- an additional 17,200 visitors to the area each year; and
- \$1,670,000 dollars indirectly into the local economy each year.

An internal cost/benefit analysis based on these figures estimates that the facility would stimulate a further 17 ongoing full-time positions within the local economy, based on the concept provided. In conjunction with increases in accommodation options like a caravan park or chalets within the region would further stimulate the local economy, as a growing number of visitors begin to spend more time in the area, and therefore spend more. Furthermore, the health benefits for users range from improved heart health to increased brain power.

In the Feasibility Study the concept includes the following features:

- Trail Head, Carpark, Trail Hub
- Pump/Jump, Skills and Adventure Park
- Zip Line
- Green Circuit Walk/Ride Trail
- Variety of Beginner to Advanced Mountain Bike Trails
- Walking/Spectator Access Trail
- Summit Point
- Green Walk/Ride Trail
- Surface Drag Uplift (x3)
- Road Shuttle Uplift
- Emergency Access Points 3

It also suggests that the facility could potentially host features, including:

- Toboggan Track
- Aboriginal Cultural Tours
- Outdoor Adventure Park
- Walking Spectator View Points
- Year-Round Competition Calendar
- Cycle-Friendly Tourist Accommodation Park
- Co-located Wildlife Rescue Park

The concept provided within the Feasibility Study estimates that in this example the cost of developing the facility would be spread across three stages, totalling \$3.08 million. However, there are multiple models to be explored that may reduce those costs or share the investment with other funding partners.

11.5 Cr Don Gibson: Proposed Employment Positions

MOTION

Moved Cr Gibson / Seconded Cr Davis

That Council direct the Chief Executive Officer to advertise all proposed employment positions in the local newspaper (Northern Valleys News) to ensure all prospective applicants are aware of the opportunity. Current proposed employment deadline to be extended to comply with this directive.

LOST 3/4

Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted against

8:26PM

Cr Gibson provided the following reasons

There is a perception in our community that the Shire is secretive in failing to advertise the tourism manager position in the local newspaper, as is normally expected, when proposing to incur further expense on ratepayers.

Officer Comment/Details

At the Ordinary Council Meeting held on 20 May 2020 Council resolved the following:

COUNCIL RESOLUTION 090520

That Council:

- 1. Considers an allocation of funding in the 2020/21 Annual Budget to absorb the operations of the Visitor Centre and create a marketing and tourism role;*
- 2. Considers sub-leasing the Visitor Centre building for use as a Post Office; and*
- 3. Investigates the establishment of a Council Committee for the purpose of tourism.*

The power to employ staff, other than the Chief Executive Officer, is contained under 5.41(g) of the *Local Government Act 1995*, Functions of the CEO. Under this section, the Chief Executive Officer is responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees). Powers given to the Chief Executive Officer cannot be taken by Council.

As Council approved the transfer of funding, advertising of the part-time position will commence in June, and the expenditure will be taken from the funding allocated under the Administration Advertising account. There is no additional cost for the position when compared to expenditure in previous years.

Accordingly, the position for a Casual Tourism Marketing Support Officer (not tourism manager) was advertised on the Shire's website (2 June), Seek website (2 June) and shared to the Shire's official Facebook page (2 June), with the post reaching 5,523 people. The closing date for applications is 15 June.

The community were also notified of the Council Decision in the Northern Valley News, e-Chatter and the 'Keep Me Posted' mailing list.

11.6 Cr Don Gibson: Lot 7 Muchea East Road, Muchea

11.6 MOTION / COUNCIL RESOLUTION 060620

Moved Cr Gibson / Seconded Cr Davis

That Council requires the Chief Executive Officer to comply with the Council Resolution of 050120 and accept the offer from Alan Barnes of \$325,000 (plus GST) for Lot 7 Muchea East Road, Muchea.

CARRIED 4/3

Cr Angus, Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Angus, Cr Ross and Cr Osborn voted against

8:35PM

Cr Gibson provided the following reasons

Considering there is no other interest in the land, delay in finalising this sale is not realistic or acceptable, and is not compliant with the Chief Executive Officer's obligation to act on Council resolutions.

Officer Comment/Details

Council at their meeting held on 20 November 2019 resolved to:

.....dispose of Lot 7 (RN 131) Muchea East Road, Muchea by public auction in accordance with s5.38(2) of the Local Government Act 1995.

Following the meeting, the Shire was contacted by Mr Alan Barnes who expressed interest in purchasing the property. Mr Barnes has expressed interest in purchasing the property for the valuation obtained from Opteon Property Solutions on 30 July 2019 for AU\$325,000. To ensure that Council disposed of the property in accordance with s.3.58(4)(c) of the *Local Government Act 1995*, advertising was required to be completed within six months of the valuation.

The following table is a timeline further reports for Council's consideration:

Council Meeting Date	Resolution
22 January 2020	<p>COUNCIL RESOLUTION 050120</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Accept the offer from Alan Barnes of AUD\$325,000 (plus GST) for Lot 7 (RN 131) Muchea East Road, Muchea.</i> 2. <i>Declare that the valuation carried out on 30 July 2019, valuing the property at \$325,000, is believed to be a true indication of the current value of Lot 7 (RN 131) Muchea East Road, Muchea.</i> 3. <i>Authorises the Chief Executive Officer to dispose of Lot 7 (RN 131) Muchea East Road, Muchea in accordance with s.3.58(3)(a); and</i> <ol style="list-style-type: none"> a. <i>If there are no submissions resultant from the public advertising period, proceed with the disposal of the property;</i> <p><i>or</i></p> <i>If there are submissions, a further report is to be presented to Council for consideration.</i>
18 March 2020	<p>COUNCIL RESOLUTION 110320</p> <p><i>Moved Cr Curtis / Seconded Cr Ross</i></p> <p><i>That Council accept the offer from Alan Barnes of \$325,000 (plus GST) for Lot 7 (RN 131) Muchea East Road, Muchea, and proceed with the disposal of land.</i></p>

Council Meeting Date	Resolution
20 May 2020	<p>COUNCIL RESOLUTION 160520</p> <p><i>That Council BY AN ABSOLUTE MAJORITY:</i></p> <ol style="list-style-type: none"> <i>1. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the 'Deed of Indemnification: Lot 7 (No 131) Muchea East Road, Muchea';</i> <i>2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal on the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) relating to a notice that 'This lot may be adversely affected by historical contamination, of which the extent and nature is unknown';</i> <i>3. Approve the deletion of Conditions (c) and (e) from the Annexure to the Contract of Sale; and</i> <i>4. Authorise the Chief Executive Officer to complete all things necessary to finalise the sale of Lot 7 (No 131) Muchea East Road, Muchea.</i>

Following the Ordinary Council Meeting held on 20 May 2020, Mr Barnes advised the Shire that he is not prepared to sign the 'Deed of Indemnification'. Officers are now recommending that Council restarts the process to dispose of the property, in accordance with c3.58(4)(c)(ii) of the *Local Government Act 1995*:

3.58 Disposing of property

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include-
- the names of all other parties concerned; and
 - the consideration to be received by the local government for the disposition; and
 - the market value of the disposition-
 - as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - is declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

9. REPORTS

9.1 DEVELOPMENT SERVICES

Nil

9.2 TECHNICAL SERVICES

9.2.1 Lot 163 Chittering Road, Chittering: Deed of Agreement

Applicant	L Lefory and H Reilly
File ref	28/05/0088
Author	Executive Assistant
Authorising Officer	Executive Manager Technical Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Council Resolution 070713 2. Deed of Agreement

Executive Summary

Council is requested to approve the President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement (**Attachment 2**).

Background

At the Ordinary meeting of Council held on 17 July 2013 and officer report was presented to Council to resume approximately 640m² of land located at 2785 Chittering Road, Upper Chittering (**Attachment 1**). Council accordingly resolved the following:

9.2.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070713

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

- 1. Endorse the resumption of approximately 640m² of land located at 2785 Chittering road, Upper Chittering for the cost of \$2,000 and cover all costs associated with the relocation of gates and fencing;*
- 2. Endorse the dedication of the resumed land from 2785 Chittering Road into the road reserve; and*
- 3. Indemnify the Minister against any claims in accordance with Section 56 of the Land Administration Act 1997 (as amended) for the dedication of the resumed land from 2785 Chittering Road, Upper Chittering.*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Consultation/Communication Implications

Local

Nil

State

Department of Planning, Lands and Heritage

Legislative Implications

State

Land Administration Act 1997, s56(1)(a)

Local

Nil

Policy Implications

State

Nil

Local

Administration Policy 1.5 Execution of Documents

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Following the Ordinary Meeting of Council held on 17 July 2013, Shire officer's liaised with the applicants to sign a Deed of Agreement. This Deed was signed and returned to the Shire in June 2014 and forwarded to the Department of Planning, Lands and Heritage (the 'Department') for their information.

As the Shire had not received any correspondence from the Department, an email was subsequently sent seeking the current status of this land resumption. The Shire was advised that the Department closed the file in early 2018 in error and the applicant was still waiting on payment from the Department.

On the 23 March 2020 the Shire received correspondence from the Department advising that the provided Deed of Agreement could not be accepted as it was not executed under the Shire's Common Seal.

This report is for Council to approve the President and Chief Executive Officer to sign and affix the Common Seal to the updated Deed of Agreement (**Attachment 2**).

Once the Deed is returned to the Department, the landowners will then be able to receive their payment.

9.2.1 RECOMMENDATION / COUNCIL RESOLUTION 070620

Moved Cr Ross / Seconded Cr Angus

That Council approve the President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Agreement, as per Attachment 2.

CARRIED 7/0

8:37PM

9.3 CORPORATE SERVICES

9.3.1 Monthly Financial Reports for the Period Ending 31 May 2020

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

Executive Summary

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

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications

State

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

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2017-2027
Focus area: Strong leadership
Objective: S5.2 Strong partnerships and relationships
Strategy: S5.2.1 Built effective partnerships with stakeholders
Objective: S5.3 Accountable governance
Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council adopted the Annual Budget for the 2019/20 financial year on 30 July 2019 (Resolution 220719). The figures in this report are compared to the Adopted Budget.

9.3.1 RECOMMENDATION / COUNCIL RESOLUTION 080620

Moved Cr Ross / Seconded Cr Hughes

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

CARRIED 7/0

8:38PM

9.3.2 List of Accounts Paid for the period ending 31 May 2020

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

Executive Summary

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

Background

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

Consultation/Communication ImplicationsLocal

Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

9.3.2 RECOMMENDATION / COUNCIL RESOLUTION 090620

Moved Cr Hughes / Seconded Cr Curtis

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,375,832.98 for the period ending 31 May 2020:

- 1. PR5503, PR5508;**
- 2. EFT19888 – EFT20021; and**
- 3. Direct Debits, Cheques as listed.**

CARRIED 7/0

8:40PM

9.3.3 Sundry Debtor Write-off

Applicant	Shire of Chittering
File ref	12/05/0001
Prepared by	Finance Officer – Accounts
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

Council is requested to consider the write-off off nine sundry debtor debts totalling \$4,241.76.

Background

During the annual review of Sundry Debtors it was noted that the nine 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
Bindoon Library 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 \$4,241.76, 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 2020. 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

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 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
488	13272	19/07/19	\$55.00	Swimming Pool Inspection - 53(2) of the Building Regulations, completed by May 2019. Followed up regarding the debt as per the procedure for debt recovery. Final demand was sent on 01/11/19. Further follow up letter was hand delivered January 2020.	Recovery of the money through a Debt Collection Service is uneconomical in comparison to the amount owing. 2020/21 Swimming pool inspections will be included within their rates notice.
844	13254	19/07/19	\$55.00	Swimming Pool Inspection - 53(2) of the Building Regulations, completed by May 2019. Followed up regarding the debt as per the procedure for debt recovery. Final demand was sent on 01/11/19. Further follow up letter was hand delivered January 2020.	Recovery of the money through a Debt Collection Service is uneconomical in comparison to the amount owing. 2020/21 Swimming pool inspections will be included within their rates notice.

Debtor No	Invoice No	Date	Amount \$ (inc GST)	Details	Reason for Write Off
918	12311 11903	12/03/18 17/02/17	\$2176.38	Unpaid rent with the last payment received on 09/01/19. Final demand was sent to last known address on 01/11/19. The letter was returned undelivered.	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.
934	13139	21/06/19	\$862.50	Works training, dual diploma costs reimbursement. Repeated efforts have been made to recover the debt. Debtor is not responding to communication attempts.	Further debt recovery efforts is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
1228	13035	30/04/19	\$77.53	Overdue Library items: 11/04/19 – Final Notice Overdue Items 30/04/19 – Final Invoice 04/06/19 – Suspended from using Library	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.
1229	13036	30/04/19	\$83.64	Overdue Library items 11/04/19 – Final Notice Overdue Items 30/04/19 – Final Invoice 04/06/19 – Suspended from using Library	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.
1238	13265	19/07/19	\$55.00	Swimming Pool Inspection - 53(2) of the Building Regulations, completed by May 2019. Followed up regarding the debt as per the procedure for debt recovery. Final demand was sent on 01/11/19. Further follow up letter was hand delivered January 2020.	Recovery of the money through a Debt Collection Service is uneconomical in comparison to the amount owing. 2020/21 Swimming pool inspections will be included within their rates notice.
1320	13579	18/10/19	\$30.87	Overdue library items 02/10/19 – Final Notice Sent 11/10/19 – Suspended from using the library 18/10/19 – Final Invoice	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
1337	13856	27/02/20	\$845.84	Superannuation allocated to incorrect provider. Result of a computer error, IT Vision rectified in Synergysoft. Repeated efforts have been made to recover the debt from superannuation provider to no avail. Complaint to be lodged with AFCA.	Further debt recovery efforts is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
Total balance for write-off \$4,241.76					

9.3.3 RECOMMENDATION / COUNCIL RESOLUTION 100620

Moved Cr Davis / Seconded Cr Angus

That Council BY AN ABSOLUTE MAJORITY write off the following sundry debtors invoices totalling \$4,241.76 (inc GST):

Debtor Number	Invoice Number	Amount \$ (inc GST)
488	13272	\$55.00
844	13254	\$55.00
918	12311 11903	\$2,176.38
934	13139	\$862.50
1228	13035	\$77.53
1229	13036	\$83.64
1238	13265	\$55.00
1320	13579	\$30.87
1337	13856	\$845.84

CARRIED 6/1

Cr Hughes, Cr Angus, Cr Davis, Cr Ross, Cr Curtis and Cr Osborn voted for
Cr Gibson voted against

8:44PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Notice of Abatement

WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE APPLICANT

Applicant	Lauren Dry
File ref	04/18/118; 04/18/88; 20/01/0002
Author	Chief Executive Officer
Authorising Officer	Not applicable
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority

9.4.2 Extension to DFES Memorandum of Understanding: Community Emergency Services Manager

Applicant	Shire of Chittering
File ref	04/18/27
Author	Human Resources Coordinator
Authorised by	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Memorandum of Understanding

Executive Summary

Council is being requested to authorise the Chief Executive Officer to extend the Memorandum of Understanding (MOU) in place in relation to the position of Community Emergency Services Manager (CESM), currently a shared resource employed by the Department of Fire and Emergency Services (DFES).

Background

The CESM has been employed under a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services (DFES) since 2011. In 2017 the direct employment of the CESM position was changed to be directly employed by DFES. The position continued to report directly to the Chief Executive Officer. The MOU is due to cease on 14 August 2020, however there is an option to extend the existing MOU for a further three years, generally under the same terms and conditions as those that existed previously. The split of funding for the position is 60 (DFES):40 (Chittering Shire).

Consultation / Communication Implications

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

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.3 A safe and healthy community

Strategy: S1.3.1 Improve the safety of our community

Focus area: Our natural environment

Objective: S2.3 Protection of life and property

Strategy: S2.3.1 Improve bushfire preparedness and recovery

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Build effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The position would continue with the cost for the employee, and related overheads being split between Department of Fire and Emergency Services (60%) and Shire of Chittering (40%).

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 position is responsible for undertaking the role of the Chief Bush Fire Control Officer and contributing to the strategic direction and management of the volunteer operations services. It provides value to the community through by providing expert technical and professional advice in relation to emergency preparedness. Further, in partnership with Local government and the community, the officer continuously seeks to improve the mitigation of risk to the community from fire and other hazards. Services to the community include the implementation and continuation of fire preparedness, prevention, response and recovery.

Due to the importance of this position, it is critical that we continue our commitment to the community in providing the services under this position. Therefore, Council is being requested to authorise the Chief Executive Officer to extend the Memorandum of Understanding in relation to the position of the Community Emergency Services Manager for a further three years.

9.4.2 RECOMMENDATION / COUNCIL RESOLUTION 110620

Moved Cr Ross / Seconded Cr Hughes

That Council authorise the Chief Executive Officer to extend the Memorandum of Understanding between Department of Fire and Emergency Services' and the Shire of Chittering to employ a Community Emergency Services Manager for a further three years.

CARRIED 7/0

8:45PM

Cr Gibson stated that he would be withdrawing 'Item 9.4.3 A Taste of Chittering' from the meeting as there is no funding approved for this event and that it is unlikely to happen; and further stated that it would be a budget item if it is funded.

Cr Hughes called "POINT OF ORDER" and stated that the recommendation did not ask for funding, only for Council to consider it – to finalise the objectives so that they can make enquiries about a contractor taking it on.

Cr Gibson responded that it was an issue for next year because it won't be happening this year and stated that it was withdrawn from the meeting.

Cr Ross queried point of clarification that the President has the authority to remove an item, and asked if there was something in the standing orders or the Act that is that authority.

The President responded... "that I am presiding the meeting, and if I do not like something and believe that it is not going to happen then we are wasting our time on it, I think that is fair enough, and if you wanted to take the chair and do something different, then you are welcome."

Cr Hughes sought clarification from the Chief Executive Officer, who advised that there is nothing in the Shire's standing orders to allow the President to do that, and that Council can choose to skip an item, but there is nothing to allow the President to make a decision to do that.

The President responded.... "Well the decision has been made Mr CEO".

Cr Hughes stated that the decision hasn't been made.

The President responded that it wasn't her place to say that.

The Chief Executive Officer informed the meeting that under the standing orders Council can move that the ruling of the President can be disagreed with, and then Council votes.

Cr Hughes raised the following procedural motion:

PROCEDURAL MOTION / COUNCIL RESOLUTION 120620

Moved Cr Hughes / Seconded Cr Ross

That in accordance with the Local Government (Council Meetings) Local Law 2014, cl 11.1(f) that the ruling of the Presiding Member be disagreed with.

CARRIED 4/3

**Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted for
Cr Gibson, Cr Davis and Cr Curtis voted against**

8:51PM

Cr Hughes provided the following reasons

The motion [Recommendation] has any bearing on costing, so it will be determined if there is costing in the budget process, but this deals with something else which is determining what the objectives are. This is something that we asked Euan [Economic Development Coordinator] to go to the open market with. Council needs to give direction what our objectives are for that event to achieve; which is to promote our local businesses, as opposed to getting in some of the stalls and things from downtown as what was discussed at the Agenda Forum.

9.4.3 A Taste of Chittering

Applicant	Shire of Chittering
File ref	26/01/2
Author	Economic Development Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is to decide on the purpose and future of the event 'A Taste of Chittering' considering the objectives, future organisation direction and whether to host a COVID-19 safe version of the event in 2020 as an economic stimulus action.

Background

A Taste of Chittering has been Chittering's regional showcase since 2013. Generally held in August, the festival intends to encourage visitors to return and experience the region, whilst highlighting the local food and food producers. Local food and wine tasting, entertainment and market stalls have all been features of past events.

In the last two years the event has seen crowds of 8,000 and 5,000 in attendance. Using available economic multipliers an average of 6,500 people is estimated to bring \$630,500 in direct spending into Chittering.

Consultation/Communication Implications

Local

Post event surveys with attendees, stallholders and volunteers

Council Agenda Forum

Discussions with events management company Caroline James Events

State

Discussions with Tourism WA Events Coordination Department

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil - Budget consideration required for running a modified version of A Taste of Chittering in 2020.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.2 Strong sense of community

Strategy: S1.2.2 Strengthen and grow social events and festivals

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth
S4.1.3 Support agricultural growth, with a focus on local produce and agribusiness

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: S4.3.1 Support and promote accommodation options
S4.3.3 Facilitate, promote and support ecotourism

- Economic Development Strategy 2015-2025

Focus areas: Business Support and Growth, Visitor Attraction, Key Economic Precincts, Regional Collaboration.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Increased Gross Regional Product from possible increased visitor spend and investment in the region.

Social implications

With privatisation of the event, less control over finer details of the event will be an opportunity cost of having an external organisation run the event.

Environmental implications

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

Officer Comment/Details

A Taste of Chittering started in 2013 and has been growing in size and popularity. The event provides a showcase for the region's tourism, food producers and small to micro businesses, and using available economic multipliers has brought up to \$630,500 in regional expenditure each year (REMPLAN: Average Spend Per Trip in Chittering \$97 per trip, multiplied by attendance average over two years; 6,500 patrons). It should be noted that this is not a measurement of direct expenditure at the event, but a broad industry estimation indicator on spending in the region by a visitor to Chittering. This expenditure could extend to

services while in the area, such as accommodation, fuel or food. For example, Stringybark Winery have noted to Shire Officers that on weekends when A Taste of Chittering is held they are usually fully booked.

When measuring direct expenditure at the event, a survey of businesses post-event in 2018 revealed that an average of \$1,308 of revenue was made per vendor. This is based on a quarter of the 100 exhibiting stallholders who provided information on the amount of income they received at the event. This direct expenditure would equate to \$130,800, not including monies donated to charity organisations or gold coin donations used to part-fund the event.

Additionally, other benefits include a greater awareness of the region through marketing activities.

The cash cost of the event in 2019 was \$15,000 to the Shire. Sponsorship and grant funding (from Tourism WA - \$15,000 and Road Safety Commission - \$2,000) of around \$30,000 are also required to make the event viable.

However, labour and in-kind resources used to organise the event are estimated to cost an additional \$30,000 per event. Estimates of time spent from the Economic Development Coordinator alone account for 13.5 weeks of intense work that includes;

- Event Management
- Grant Attraction
- Sponsorship Attraction
- Budgetary Management
- Stallholder Attraction, Liaison and Management
- Marketing
- Graphic Design
- Public Relations
- Map and Layout Creation
- Volunteer Attraction and Management
- Promotional Signage Creation and Install
- Risk Management Plan Creation and Oversight
- Liquor Licence Application and Management
- Event Signage / Directional Signage Creation and Installation
- Traffic Management Organisation and Liaison
- Event Infrastructure Management and Setup
- Entertainment Organisation and Liaison

With 19 out of 20 attendees coming from outside of Chittering, and one in three visitors visiting Chittering for the first time (as recorded in our event surveys), it provides a captivating first touching point and opportunity to sell the region to new audiences from outside Chittering, increasing inbound tourism.

Feedback from attendees last year were significantly positive, though there were a few negative comments where some experienced problems with a trialled later finish time.

It has become increasingly apparent that in its current format it is not sustainable to organise each year with the resources available. However, an opportunity has arisen to improve the event and better deliver outcomes for the region, whilst freeing up a considerably large amount of Shire resources and expenditure.

A recent events review has helped to determine a number of issues with the event that need addressing;

- i. The objectives of the event have never been formalised.
- ii. An increase in the resources required to organise the event are beginning to have an opportunity cost on other areas of the Shire's service delivery, and on the quality of the event.

- iii. A decision needs to be made on whether to host a delayed A Taste of Chittering in 2020 as a tool to assist economic recovery from the impacts of COVID-19.

Objectives of A Taste Of Chittering

It is recommended that the following objectives for A Taste of Chittering be recognised;

- (1) To become the premiere agri-tourism event for the Perth region – Perth's celebration of its countryside.
- (2) To increase economic growth in the region.
- (3) To drive awareness for Chittering's fresh produce and the region's position at the gateway to the food bowl of the Northern Growth Alliance region and surrounding Shires.
- (4) To deliver a high-quality tourism experience reflective of the region, and to drive awareness for Chittering region as a country tourism destination rich in natural beauty, premium produce and agri-tourism experiences.

These objectives align with Chittering's Economic Development Strategy and the Strategic Community Plan.

Improving the delivery of A Taste Of Chittering: attracting a private events organisation to partner the event

A Taste of Chittering is outgrowing the resources and abilities of the Shire to organise effectively. Additionally, more resources are required to ensure the event is run effectively and reach the festivals full potential of delivering maximum economic benefits for the region.

Currently, the event is organised solely by the Economic Development Coordinator, with preparation for the event beginning at least six months in advance, with an intensive sole priority period of delivering the event in the three months leading up to the event date. This is highly disruptive of the other economic development activities throughout the remainder of the year.

An events management organisation with experience in this sector would be better placed to manage the event into the future. Not only would they have the expertise and the connections to deliver a high quality event, but they would also have a self-interest to create a more popular event that delivers economic returns, both for themselves and Chittering's businesses. Event organisation could be overseen by a working group of local stakeholders (such as the proposed tourism advisory committee) to advise on the direction of the event, ensure that the contract details adhered to, and subsequently that the objectives of the event are met.

It is recommended that regular major features of the event, the festival grounds (including the marketplace), should remain free for eventgoers, to encourage spend on local stallholders, requiring only a fee for local exhibiting stallholders to cover organising costs.

Meanwhile, the events company organising the event program would also run a satellite event program of premium, paid sub-events, such as long table lunches, tasting sessions, meet the winemaker / grower etc. These paid sub-events would provide a return for local businesses also, whilst ensuring event costs are covered and profit made for the events company, raising the quality of the events program (and the perceived prestige of the region), and removing the need for the Shire to expend considerable resources in organising the event.

A contract or MOU should be drawn up with the events organisation to ensure that the suggested aforementioned objectives of A Taste of Chittering are adhered to, over a fixed period of three years at a time. It should be emphasised that governance measurements put in place will have the power to stipulate the terms of any contract, for example;

- a) The objectives of the event should be used as a reference for each of the features of the event, including the monetised sub-events.
- b) A portion of the event that to be kept free to the public to encourage accessibility and spend on local business.

- c) Local businesses or stallholders showcasing at the event should only be required to pay a small fee covering costs to attend.
- d) Any additional requirements as set by the governing body.

At the conclusion of every three year contract period the contract should be reviewed with the events management partner, with the option to tender for a new contract. This will ensure that a quality event is delivered, the objectives are met to a satisfactory level, and that the Shire has the option to retain the event after a period of time. In this instance, investigation into trademarking A Taste of Chittering under the Shire of Chittering should be undertaken to maintain exclusivity and control of the brand.

The Shire may still provide sponsorship of the event in the way of sponsorship, in-kind equipment hire, and/or labour assistance to assist in the feasibility of the event, though ultimately the financial liability would be undertaken by the events management company.

Additionally, an agreement or contract may have to be reached with any landowners involved (e.g. Nesci Estate Wine Farm), to ensure continuity of service over the period. For example, Truffle Kerfuffle in Manjimup is organised in a similar way. It currently has an agreement with major Perth events management organisation, Mellen Events. This extract is taken from an interview with a member of its board:

Truffle Kerfuffle Inc of Manjimup has dedicated time and passion to promote the local black truffle in the international arena. Truffle Kerfuffle is a not-for-profit organisation managed by a Board of community volunteers that include teachers, caravan park owners and farmers, amongst others. Over the last nine years, the Board has organised the Truffle Kerfuffle Festival, an event that showcases South Forests region's local produce on an international platform whilst fostering improved community spirit. Despite the geographical isolation, 4,000 people attended the 2019 Festival in the rural town of Manjimup. The Festival raised \$2million, which went to support the producers, businesses and tourism.

A Taste of Chittering 2020: COVID-19 safe and assisting regional economic recovery

Holding 'A Taste of Chittering' this year in an altered COVID-19 safe format, in line with Health Department Regulations, would provide an opportunity to assist Chittering businesses in industries most heavily impacted economically by the pandemic.

The Shire is in the second year of a Regional Events Scheme Grant Agreement with the State Government, which contributes \$15,000 a year towards 'A Taste of Chittering' for a three year period. Tourism WA officers have confirmed that they will not postpone the funding for an extra year, instead if the event is cancelled this year, this year's funding will be foregone. They have confirmed that they will be willing to negotiate on the event starting at a delayed date (for example in October), and in a different format.

With few events being held this year, there is an opportunity to draw some extra media spotlight, even with restrictions of a maximum limit of attendees. Additionally, the disruption in delivery of the normal event allows organisers to road test new features that might encourage more spend on local business and activate other areas of the Chittering Valley.

Different formats for the event could include for example; sessions of long table dinners, sit down tastings, brewing competitions, winemaking experiences, bike tours of the valley and a local vendor marketplace with a person limit in line with government restrictions. These events, and more to be investigated, over a long weekend would all be possible under current State COVID-19 regulations.

Caroline James Events has offered to assist with this year's event for a small fee, in the good faith that their company will be considered for partnering 'A Taste of Chittering', should it be decided that the event be delivered by an external events partner. Chittering has exhibited the Farm Flavour Trail at two events that the company has organised for Tourism WA – their attention to detail, professionalism and aesthetic would

be a good match for A Taste of Chittering. They have also previously organised four annual 3000-person long-table dinner events called "Diner en Blanc", manage international wine event Riesling Down-under and have consulted to IMG in Taste of Perth and Gourmet Escape.

9.4.3 RECOMMENDATION / COUNCIL RESOLUTION 130620

Moved Cr Hughes / Seconded Cr Angus

That Council:

- 1. Approve the following objectives for 'A Taste of Chittering':**
 - a. To become the premier agri-tourism event for the Perth region – Perth's celebration of its countryside.**
 - b. To increase economic growth in the region.**
 - c. To drive awareness for Chittering's fresh produce and the region's position at the gateway to the food bowl of the Northern Growth Alliance region and surrounding Shires.**
 - d. To deliver a high-quality tourism experience reflective of the region, and to drive awareness for the Chittering region as a country tourism destination rich in natural beauty, premium produce and agri-tourism experiences.**
- 2. Provide in-principal support to the shire partnering with an events organiser to deliver the 'A Taste of Chittering' event. In-principal support is contingent on suitable governance arrangements being put in place to ensure that the objectives of the event continue to be met.**
- 3. Approve Shire Officers to plan for a delayed 'A Taste of Chittering' in 2020 in line with Health Department regulations.**

CARRIED 4/3

**Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted for
Cr Gibson, Cr Davis and Cr Curtis voted against**

8:54PM

9.4.4 COVID-19 Economic Recovery Plan

Applicant	Shire of Chittering
File ref	17/02/1
Author	Economic Development Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Economic Recovery Plan

Executive Summary

Council is requested to consider reviewing and endorsing the COVID-19 Economic Recovery Plan, and considering budgeting for the recommended recovery actions contained within the plan.

Background

COVID-19, a deadly contagious virus spread across the world in early 2020, causing a State of Emergency in WA, and resulting in numerous containment restrictions like restricted travel, reduced gatherings and the temporary closure of some businesses. The effects on the local economy caused the Shire of Chittering to investigate a response through the process of a recovery plan, with a subcommittee formed for Economic and Community Recovery.

The Economic Recovery Plan goes into the background of the Plan in further detail.

Consultation/Communication Implications

Local

Survey of local businesses

Economic Recovery Think-Tank with various local industry personnel

State

Liaison with Wheatbelt Development Commission and Regional Development Australia Wheatbelt

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil - Budget consideration for multiple action list items in the Economic Recovery Plan.

Strategic ImplicationsLocal

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth
S4.1.3 Support agricultural growth, with a focus on local produce and agribusiness

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

S4.3.3 Facilitate, promote and support ecotourism

Focus area: Economic Growth

Objective: S4.3 Increased Visitors

Strategy: S4.3.1 Support and promote accommodation options
S4.3.3 Facilitate, promote and support ecotourism

- Economic Development Strategy 2015-2025

Focus areas: Business Support and Growth, Visitor Attraction, Key Economic Precincts, Regional Collaboration.

Site Inspection

Not applicable

Triple Bottom Line AssessmentEconomic implications

Assist local industry that have been significantly impacted by the economic situation due to the COVID-19 pandemic, through targeted stimulus measures, in order to assist the local economy in recovery.

Social implications

Maintaining and developing industry allows households to maintain careers in Chittering, and local business to continue to offer services to the local area.

Environmental implications

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

Officer Comment/Details

The Economic Recovery Plan (the 'Plan') provides a thorough investigation of the impacts of COVID-19 on the local economy. The Plan has been developed with input from local businesses and a committee made up of local personnel from a range of different industries, so that it conveys a breadth of local viewpoints and solutions.

It is presented to Council so that there is time for Council to understand the current local economic situation and make informed decisions on including suggested actions in the upcoming budget.

9.4.4 RECOMMENDATION / COUNCIL RESOLUTION 140620

Moved Cr Ross / Seconded Cr Osborn

That Council:

- 1. Endorse the attached Economic Recovery Plan; and**
- 2. Consider the recommended recovery actions contained within the Economic Recovery Plan as part of the 2020/2021 Budget.**

CARRIED 7/0

8:59PM

MOTION / COUNCIL RESOLUTION 150620

Moved Cr Ross / Seconded Cr Gibson

That Item 6.4.4 “Register of Policies: Amendments” be raised from the table.

CARRIED 7/0

9:00PM

9.4.5 Register of Policies: Amendments

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Support Officer Governance
Supervised by	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Register of Policies Timeline 2. Administration Policy 1.4 Service Level Complaints Handling 3. External Complaint Form 4. Administration Policy 1.5 Execution of Documents 5. Exert of Local Government Act 1995, Sec 9.49A(4) 6. DA5 – Signing of Documents 7. Administration Policy 1.10 Recycled Purchasing 8. Administration Policy 2.12 Purchasing - “Sustainable Procurement” 9. Administration Policy 1.12 Security Cameras and CCTV 10. Updated Administration Policy 1.4 Complaints Reporting (showing track changes)

Executive Summary

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

SOG Updated Executive Summary

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

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

Background

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

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

SOG Updated Executive Summary

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

9.4.1 MOTION / COUNCIL RESOLUTION 121119

Moved Cr Gibson / Seconded Cr Hughes

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

CARRIED 7/0
7.56PM

Cr Gibson provided the following reasons

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

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

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

Consultation/Communication Implications

Local

Council Workshop was held on 3 December 2019

State

Nil

Legislative Implications

State

Local Government Act 1995

Transfer of Land Act 1893

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Community Engagement Plan 2012

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

Administration Policy 1.4 Complaints Handling

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

Administration Policy 1.5 Execution of Documents

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

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

Administration Policy 1.8 Communications

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

Administration Policy 1.10 Recycled Purchasing

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

Administration Policy 1.12 Security Cameras and CCTV

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

Administration Policy 1.17 Community Engagement

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

9.4.5 RECOMMENDATION / COUNCIL RESOLUTION 160620

Moved Cr Ross / Seconded Cr Hughes

That Council:

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

CARRIED 7/0

9:03PM

9.4.6 Community Facilities: Service Agreements

Applicant	Shire of Chittering
File ref	05/04/1
Prepared by	Community Development Coordinator
Supervised by	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Service Level Agreement (SLA) Template 2. Facility Data Sheet

Executive Summary

Council is requested to note the Service Level Agreement (SLA) Template and Facility Data Sheet template for lessee and annual user agreements within the Shire of Chittering. The implementation of these will occur as an administrative action as part of lease renewals, establishment of new leases or the approval for annual user agreements and; will underpin Policy 1.13 Asset Management – Infrastructure Assets.

Background

A review of facility management processes across the Shire of Chittering commenced in June 2017 through the appointment of consultant, John Ravlic of Ravim RMC.

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

At the Ordinary Council Meeting held on 17 July 2019 Council resolved the following:

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100719

Moved Cr Osborn / Seconded Cr Gibson

Council is requested to:

1. *accept the Management of Community Facilities Review Report and Case Studies Report prepared by John Ravlic of Ravim RMC;*
2. *receive for further Council workshopping the following frameworks and related templates:*
 - a. *Management of Community Facilities Policy and Corporate Framework - Draft Policy;*
 - b. *Management of Community Facilities Policy and Corporate Framework - Draft Corporate Framework;*
 - c. *Service Level Agreement (SLA) Template; and*
 - d. *Facility Data Sheet; and*
3. *support the progression of the following recommendations:*
 - a. *provide its facility managers with sufficient guidance on operating its community facilities and delivering various services and programs;*
 - b. *establish sufficient controls, such as regular reporting, to monitor facility managers' performance and compliance;*
 - c. *adopt an open and transparent approach to its dealings with facility managers, where their agreements, financial transactions and ongoing returns are on the public record and accessible by all;*

- d. *calculate and compare the value of its forgone rental income and the value of the community benefit created by facility managers and the various services and programs they deliver;*
- e. *adopt service level agreements with facility managers as part of its policy and corporate framework;*
- f. *adopt tighter conditions around the use of leases for exclusive occupancy as part of its corporate framework;*
- g. *review lease terms back to five years; and*
- h. *continue to gather costing/financial data and review the employee charge/oncost.*

CARRIED 7/0

8:19PM

Following this resolution, Council workshopped the Facility review in October 2019 with a two page summary of costs and expenses suggested for community distribution.

The summary document was developed and presented to Council at a Council briefing session in February 2020 where it was suggested that prior to community circulation the figures be updated to more recent financials as the original case studies were completed on the 2016/17 financials. There was also discussion about the role of council, rates v direct user fees and that the Facility Review has been a very long and drawn out process that requires finalising, particularly as Facility Managers and facility users have been long awaiting the outcome to this review.

The proposed recommendations contained with John Ravlic's report are, for the most part, current practices, however we required some attention to developing some transparency to our processes to enable clearer communication between Facility Managers and user groups, this will be facilitated by the review of current lease agreements and the adoption of SLA's and data sheets as part of annual reviews under the lease arrangements for each of the facilities. These documents will underpin Policy 1.13 Asset Management – Infrastructure Assets.

Consultation/Communication Implications

Local

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

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

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

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

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

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

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

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

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

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

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

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

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

Facility Manager 1:1 meetings held 23 – 25 July 2018 with:	Facility Manager 1:1 meetings held 20 – 22 August 2018 with:
	Lower Chittering Scouts Group Chittering Hall Zumba Group

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

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

9.4.2 ALTERNATIVE MOTION / COUNCIL RESOLUTION 151218

Moved Cr Gibson / Seconded Cr King

That Council:

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

THE ALTERNATIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:30 PM

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

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

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

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

Following this briefing, Council were requested to provide comment on both reports prior to the Agenda item being heard at the Ordinary Council Meeting, July 2019. Nil comments were received.

As outlined in the background section above, Council resolved at the July 2019 Ordinary Council Meeting to further workshop the Corporate Framework and related templates.

The Management of Community Facilities Review Report and Case Studies Report prepared by John Ravlic of Ravim RMC was circulated to Facility Managers and Annual Users and; made publically available via the Shire Website on 13 May 2020.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Administration Policy 1.13 – Asset Management – Infrastructure Assets

Administration Policy 1.16 – Risk Management Policy

Finance Policy 2.4 – Rating of Council Property

Finance Policy 2.15 – Improvement to Council Properties by External Groups

Financial Implications

Nil

Strategic Implications

Council Resolution 170619 highlighted the need for Council to conduct a comprehensive review of all sport and recreation facilities in the Shire, with a view to formulating a master plan and; consider the allocation of appropriate provision for this purpose.

MOTION / COUNCIL RESOLUTION 170619

Moved Cr Tilbury / Seconded Osborn

That Council:

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

CARRIED 5/1

8:18PM

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

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

Objective: S1.2 Strong sense of community

Strategy: S1.2.1 Actively support community, volunteer groups and networks and;
S1.2.3 Activate our local centres and towns

Focus area: Our built environment

Objective: S3.1 Development of local hubs

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

Objective: S3.3 Improved infrastructure and amenities

Strategy: S3.3.1 Improved asset management across all asset classes

Focus area: Strong leadership

Objective: S5.1 An engaged community

Strategy: S5.1.1 Encouraged and promote community engagement and;

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Encouraged and promote community engagement

- Shire of Chittering Community Development Plan 2014 – 2024

Our communities have expressed a desire to have a sustainable built environment that continues to meet its needs and reflects our lifestyles and values.

- Shire of Chittering Youth Strategy 2015-2018

Priority Area 2: Things to do and places to go

State

- Active Living for All 2017–2019 Department of Local Government, Sport and Cultural Industries

Key Priority 2. Providing appropriate environments and programs (active places and active people)

Key Priority 4. Promoting partnerships

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

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

Environmental implications

There is no known significant environmental implication associated with this proposal.

Officer Comment/Details

Service Level Agreements and Facility Data Sheets

SLA and Facility Data Sheets will enable Administration staff to better manage community facilities through stakeholder engagement to determine sustainable continuous improvement for our community facilities and to assist in the consideration of major works, renewal or improvement to facilities. The Service Level Agreements will also serve as the mechanism for review of the roles and responsibilities of all asset users and managers.

Shire administration staff will include a requirement for the annual completion of a Service Level Agreement and, the return of Facility Data Sheets, as per the negotiated timeframes within lease or annual user agreements.

Shire administration will also ensure the inclusion of a report on the usage, income and expense of community facilities into the compliance calendar for the annual release of figures.

A schedule for the review of existing community facility leases and annual user agreements has been established for the next two years to facilitate the inclusion of these documents. During this time Shire administration will work closely with the existing facility managers who have long term leases to adopt these changes within all lease agreements for Community Facilities.

Facility Review

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

Consultation with facility managers and user groups has ensured that the proposed changes to facility management practices are relevant to the local community and in line with the Shire's aims for the facilities. The implementation of the Service Level Agreement and Facility Data Sheet for the 2020/2021 financial year will serve to demonstrate Councils commitment to well managed facilities.

The implementation of SLA's and reporting requirements facilitated by the Facility Data Sheet will ensure that interactions between the Shire of Chittering are transparent with clear expectations from both the Shire and its facility managers.

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

RECOMMENDATION

Moved Cr Ross / Seconded Cr Angus

That Council note the Service Level Agreement (SLA) Template and Facility Data Sheet Template for lessee and annual user agreements within the Shire of Chittering.

1. The implementation of these will occur as an administrative action as part of lease renewals, establishment of new leases or the with the approval from the relevant community group; and
2. Will underpin a review of *Administration Policy 1.13 Asset Management – Infrastructure Assets*.

AMENDMENT

Moved Cr Gibson / Seconded Cr Davis

That a new point 3 be added to the Recommendation:

3. All Council facility lease proposals to be approved by Council.

CARRIED 5/2

**Cr Hughes, Cr Angus, Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Osborn and Cr Ross voted against**

9:08PM

Cr Gibson provided the following reasons

Council needs to keep an eye on what is going on and we have not done any work on the commercial buildings that are Shire owned. There has been no looking into the agreements there; they were not included in this study so we need to look at them, and we also need to look at what we are doing with the rest of the Shire properties.

9.4.6 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 170620

Moved Cr Ross / Seconded Cr Angus

That Council note the Service Level Agreement (SLA) Template and Facility Data Sheet Template for lessee and annual user agreements within the Shire of Chittering.

1. The implementation of these will occur as an administrative action as part of lease renewals, establishment of new leases or the with the approval from the relevant community group;
2. Will underpin a review of *Administration Policy 1.13 Asset Management – Infrastructure Assets*; and
3. All Council facility lease proposals to be approved by Council.

CARRIED 5/2

**Cr Hughes, Cr Angus, Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Ross and Cr Osborn voted against**

9:09PM

9.4.7 CEO Performance Review

Applicant	Matthew Gilfellon
File ref	22/10/153
Author	Chief Executive Officer
Authorising Officer	Not applicable
Disclosure of interest	Financial Interest - the matter affects my employment
Voting requirements	Simple Majority
Attachments	1. Performance Criteria

Executive Summary

Council is requested to decide on how the Chief Executive Officer (CEO) Performance Review is to be undertaken in 2020.

Background

Section 5.38(1) of the *Local Government Act 1995*, *Annual review of employee's performance*, states that "A local government must review of the CEO if the CEO is employed for more than 1 year".

The CEO commenced employment with the Shire of Chittering on 1 July 2019. After 30 June, the local government will be required to undertake a Performance Review.

As per Section 5.39 of the *Local Government Act 1995*, the CEO's employment is governed by a written contract. Under Section 5.2 of the CEO's Employment Contract, the performance review is to be conducted annually and Council shall provide the CEO with Reasonable notice in writing that a performance review is to be undertaken to allow the CEO sufficient time to prepare.

Under Section 5.3 of the CEO's employment contract, the reviewer may be:

- (a) *The Council;*
- (b) *A committee to which the conduct of the performance review has been delegated by the Council under s 5.16 of the Act; or*
- (c) *A person or body who has been authorised by Council to conduct the performance review.*

The reviewer may also be accompanied or assisted by another person.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Local Government Act 1995, s5.38(1)

Local

Nil

Policy Implications

State

Nil

Local

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

Nil

9.4.7 RECOMMENDATION / COUNCIL RESOLUTION 180620

Moved Cr Ross / Seconded Cr Osborn

That Council:

1. Choose the Council as their reviewer for the Chief Executive Officer's Performance Review.
2. Set the date of the performance review as Wednesday 8 July, commencing at 4:30pm.
3. Authorise the Shire President to notify the Chief Executive Officer in writing of the performance review.

CARRIED 7/0
9:09PM

9.4.8 Chittering Health Advisory Group

Applicant	Chittering Health Advisory Group
File ref	03/01/3
Prepared by	Community Development Coordinator
Supervised by	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Terms of Reference

Executive Summary

Council is requested to approve the Chittering Health Advisory Group (CHAG) Terms of Reference for its inclusion in the Council Committees and Advisory Groups Membership document.

Background

At the Ordinary Council Meeting held on 20 May 2020, Council resolved the following:

9.4.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 070520

Moved Cr Ross / Seconded Cr Osborn

That Council:

- 1. Approve the reinstatement of the Chittering Health Advisory Group (CHAG) as an Advisory Group of Council;*
- 2. Appoint Cr Hughes and Cr Ross as Council Delegates to the Chittering Health Advisory Group; and*
- 3. Consider in the 2020/2021 Annual Financial Budget an allocation of \$1,500 to support the actions of the Chittering Health Advisory Group.*

CARRIED 7/0
7:52PM

This decision now necessitates the formalisation of revised Terms of Reference (TOR) for the Chittering Health Advisory Group, and the inclusion of these into the Council Committees and Advisory Groups Membership document.

Consultation/Communication Implications

Chittering Health Advisory Group (CHAG) reviewed these terms of reference as part of a Special Meeting of CHAG on 4 March 2020.

The TOR have been further refined as part of the 21 May 2020 meeting of CHAG.

As an affiliate to the Western Wheatbelt District Health Advisory Group (DHAG) these terms of reference have been aligned, where appropriate, to the District Health Advisory Group Terms of Reference, as established by the WA Country Health Service (WACHS).

Legislative ImplicationsState

- WA Public Health Act 2016

The Public Health Act 2016 requires Local Governments to prepare a Local Public Health Plan entailing a comprehensive process of addresses broad determinants of health and wellbeing for the local government community. Local Governments are advised to compile data and engage with the community to create a community health profile, to inform planning for health programs and projects targeting the issues of most need in the community.

Local

Nil

Policy ImplicationsNational

- The National Safety and Quality Health Service (NSQHS) Standards Australian Commission on Safety and Quality in Health Care (ACSQHC)
Partnering with Consumers Standard 2 aims to create health service organisations in which there are mutually beneficial outcomes by having:
 - consumers as partners in planning, design, delivery, measurement and evaluation of systems and services
 - Patients as partners in their own care, to the extent that they choose.

The Partnering with Consumers Standard recognises the importance of involving patients in their own care and providing clear communication to patients. Local Health Advisory Groups are governed by these standards.

State

Nil

Regional

Coastal Wheatbelt and Moora Service Plan 2012 – 2022 (WA Country Health Service)

Local

Nil

Financial Implications

Nil

Strategic ImplicationsLocal

- Strategic Community Plan 2017-2027

Focus area:	Our community
Objective:	S1.1 An active and supportive community
Strategy:	S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy
Objective:	S1.3 A safe and health community
Strategy:	S1.3.2 Advocate for improved education and health services

Focus area: Built Environment
Objective: S3.1 Development of local hubs
Strategy: S3.1.1 Plan for new and enhanced community facilities

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 Build effective partnerships with stakeholders

State

Strategic Directions 2015–2018: Healthier Country Communities through Partnerships and Innovation (WA Country Health Service)

International

Social determinants of health - World Health Organisation (WHO)

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Nil

Social implications

As outlined by WALGA, Local Government has a critical role in Community Health and Wellbeing as part of our obligations under the *WA Public Health Act 2016* where we have an opportunity to create lasting positive changes in the health of our community. Local Health Advisory Groups are an important conduit to this process where Council can remain abreast of current issues, programs, and initiatives that could support the health and wellbeing of our community.

Environmental implications

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

Officer Comment/Details

Nil

RECOMMENDATION

Moved Cr Hughes / Seconded Cr Ross

That Council approve the Chittering Health Advisory Group (CHAG) Terms of Reference (as per Attachment 1) for its inclusion in the Council Committees and Advisory Groups Membership document.

AMENDMENT

Moved Cr Hughes / Seconded Cr Ross

That the following point 2 be added to the Recommendation:

- 2. Update the membership to the Chittering Health Advisory Group to:**
 - a. Cr Hughes – Delegate;**
 - b. Cr Ross – Deputy.**

CARRIED 7/0
9:11PM

Cr Hughes provided the following reasons

At the May Ordinary Council Meeting Resolution 070520 stated that there were two Delegates to the Group. The Resolution should have referenced the appointment of myself as the Delegate and Cr Ross as the Deputy.

9.4.8 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 190620

That Council:

- 1. Approve the Chittering Health Advisory Group (CHAG) Terms of Reference (as per Attachment 1) for its inclusion in the Council Committees and Advisory Groups Membership document; and**
- 2. Update the membership to the Chittering Health Advisory Group to:**
 - a. Cr Hughes – Delegate;**
 - b. Cr Ross – Deputy.**

CARRIED 7/0
9:11PM

9.4.9 Delegated Authority Register Review

Applicant	Shire of Chittering
File ref	13/05/0001
Prepared by	Support Officer Governance
Supervised by	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Delegated Authority Register

Executive Summary

Council's is requested to endorse the Delegated Authority Register as per **Attachment 1**.

The current Delegations Register was recently requested to be reviewed by Councillors. It became evident during the review that the current Delegations Register needed to be brought into line with legislation. Accordingly, the new delegations register was developed based on the WALGA template with some modifications included to account for local conditions.

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The last review was presented to Council on 29 January 2019.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register.

Consultation/Communication Implications

Local

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Development Services
Executive Manager Technical Services

State

WALGA

Legislative Implications

State

- Local Government Act 1995

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

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

Building Act 2011
Bush Fires Act 1954 and regulations and local laws created under that Act
Cat Act 2011 and regulations
Dog Act 1974 and regulations
Food Act 2008
Graffiti Vandalism Act 2016
Public Health Act 2016
Planning and Development Act 2005 including regulations and adopted policies
Environmental Protection Act 1986
Main Roads Act 1930
Road Traffic (Vehicles) Act 2012

Local

Nil

Policy Implications

State

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

Council, as Delegator, is required to review their Delegations annually. In accordance with the *Local Government Act 1995, s5.46(2)* delegations made under Division 4 of Part 5 of the Act are to reviewed by the delegator at least once during the financial year.

Council is therefore requested to endorse the Delegated Authority Register.

Cr Davis foreshadowed the following Motion in the event that the Recommendation was lost:

That Council lay Item 9.4.9 'Delegation Authority Register' on the table to allow Council to workshop further.

Cr Davis provided the following reasons

Concerns that there are too many delegations going to one person, and doesn't think it is a good idea. If you give a delegation to one person, what do you want a Council for? Would like to see put on the table to discuss further.

9.4.9 RECOMMENDATION / COUNCIL RESOLUTION 200620

Moved Cr Hughes / Seconded Cr Ross

That Council BY AN ABSOLUTE MAJORITY endorses the Delegated Authority Register, as per Attachment 1.

CARRIED 4/3

**Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted for
Cr Gibson, Cr Davis and Cr Curtis voted against**

9:17PM

9.4.10 Wear Ya Wellies: Event Review

Applicant	Shire of Chittering
File ref	26/01/7
Author	Community Development Officer
Authorising Officers	Chief Executive Officer Community Development Coordinator
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to provide direction as to the future of the Wear Ya Wellies (Wellies) event in Chittering. Options for the future are:

1. The Community Development Officer continues to run the event with Council funding as a free event in its current format.
2. The Community Development Officer continues to run the event with the purpose of creating a profitable event.
3. Community Groups requested to provide Expressions of Interest in running the event from 2022 with limited Council funding sourced through the Community Assistance Grants and Sponsorship Funding Scheme.
4. Council directs Community Development Officer to no longer run the event as of 2022.

Background

Wellies is an annual community fun day for residents and visitors to the Shire of Chittering. The event in its current format is free, and draws residents from each of our five localities, as well as surrounding local governments and the metropolitan area.

Wellies' main objective is to provide an opportunity for physical, social, and cognitive development for children, as well as a sense of fun in our natural environment, whilst building awareness of Chittering. Activities are based on unstructured play with an emphasis on nature play. By holding the event in winter and theming the event around outdoor fun and unstructured play we aim to encourage families to engage in activities that are unstructured, and easily transferable to their own outdoor environments.

The Event involves many local community groups who manage activities and games for patrons to engage in. It is delivered with assistance from the Chittering Youth Krew (Krew) a working group of Council made up of young people aged between 10–20 years old. The 'Krew' are actively involved in set up and pack up for the event, welcoming patrons, and they oversee many of the activities on the day, encouraging youth and child involvement in activities such as the Mud Mazes and Mini Mud Run. Krew members gain valuable experience in event management and showcase themselves as valuable members of our community who are exceptional youth leaders and mentors.

In 2019, 7,500 people attended the event, with approximately 85% from the metropolitan area.

History

In 2013, funding was made available to Local Governments to hold community events to help farmers meet up with friends and take some time away from their farms during the drought. The idea was to help with mental health issues that were arising from the drought. After the first year, the event moved to Edmonds Reserve and grew each year.

In 2015, the mud maze was added and the event started to change from a picnic in the park to a nature based winter fun day.

In 2017, the event was advertised on Buggy Buddys and went from 1,000 attendees to 5,000.

In 2019, saw 7,500 people attend, where 85% were from the metropolitan area.

What can people do at Wellies?

All activities on the day are unstructured nature/messy play based. This encourages children to use their imagination and create their own games. Below is a list of some of the activities:

- 2 x Mud Pits which include inflatable toys, pool noodles, and other loose parts
- Muddy Obstacle Course
- Educated By Nature – Muddy Gully (clay face painting and tee pee building)
- Messy Moments – messy play / water slide
- Nature Play WA – Scavenger Hunt and Passports
- Koorunga CWA – Welly tossing competition
- Chittering Landcare – Junior Landcare Activities
- Chittering Wildlife Carers – interactive display with kangaroos and birds
- Animal Ark – Interactive display with lizards, frogs, snakes, and bugs
- Baby Animal Farm
- Numerous art and craft activity stalls, and face painting
- Market Stalls

Why do we run the Event?

Since 2016 the event has become a nature based/unstructured play event. We have slowly removed the usual “fair” activities such as bouncy castles, pony rides, and sideshow alley events, and in this way created a very different event for patrons. The aims of the event are now varied.

1. Child Development:

Whilst many in our community live on larger parcels of land, the pull of electronic devices in the home, has reduced children’s desire to “play” in outdoor unstructured environments. Play, and in particular nature based play, is vital to the physical, mental and cognitive development of children, with studies showing that outdoor play has a direct impact on the muscles, and fine motor skills required to read and write.

In 2018, the Australian Early Data Census shows a significant increase in the percentage of children in Chittering who are physically and socially developmentally vulnerable. Wellies is an opportunity for children to use unstructured play as a stepping stone to create new positive patterns in their homes and help parents learn the direct link between play and child development.

2. Area Promotion:

Opportunities exist to raise awareness of Chittering to the metropolitan area. Patrons travel from great distances, and local accommodation services are advertised to encourage patrons to come on Saturday and spend money in town before they attend the event on Sunday.

In 2021, we plan to create a Nature Play Chittering Passport. This passport will have a list of activities that families can participate in throughout Chittering, in particular at our reserves. Nature Play WA will attend the event and give out the passports, and it is predicted that patrons will then return to Chittering at another time to visit these reserves, spending money on food, fuel and accommodation in our community.

The passports will also be great for the Chittering community as they show how many different ways our children can enjoy their local environment.

Event Management and Control

The Shire's Community Development Officer oversees the whole event. The following people/groups are responsible for areas of coordination.

- Chittering Youth Krew - Community Development Coordinator, with assistance from the Youth Krew Mentor
- Parking Management – Bindoon Men's Shed
- Traffic Management – Highways Traffic Pty Ltd
- Site Management –Community Development Coordinator
- Plumbing Site Management –Mucnea Plumbing and Gas
- Electrical Site Management –Dynamic Group Mucnea.
- Volunteers – A. Reliti

Social Capital / Volunteering

There are approximately 40 volunteers who are registered under the Shire on the volunteers list for insurance purposes. In 2018 the estimated value of this volunteer investment was \$1,200. In addition to this, the Event also includes external social capital:

- There are five volunteers who attend on the day, conducting plumbing and electrical on site management.
- Bindoon Men's Shed has around 10 volunteers who run the parking area on the day.
- Chittering Scout Group volunteers who clean toilets and showers throughout the day.
- Each community group who runs a stall or activity on the day has volunteers who contribute to the preparation for the event as well as on the day.

The estimated value of this contribution was around \$8,000.

Marketing

Wellies has grown a large digital following with 2,451 followers on their Facebook page (<https://www.facebook.com/wearyawellies/?ref=bookmarks>). Posts are tracked during the promotion period with the following engagements in 2019:

- Tickets – 16,339 people reached, 2,567 engagements, 221 comments, 97 shares;
- Event – 6,200 clicked interested, 991 checked in, tickets post in event – 4,478 reached, 1,523 engagements, 232 comments, 38 shares;
- After event – 2,121 reached, 613 engagements, 30 comments, 7 shares; and
- Wash Down Station – 1,657 reached, 385 engagements, 42 comments.

Additional to digital media, we also advertise the event in the Northern Valleys News and through local schools.

Positives

- Opportunity for outdoor unstructured play, providing physical, social and cognitive development for children.
- Fundraising opportunity for local community groups.
- 7,000+ people visiting our Shire and finding out more about Chittering.
- Promotion of local businesses.
- Opportunity to promote road safety messages.
- Opportunity to promote tourism, and new residential opportunities in Chittering.
- Community pride / involvement. We have a number of local businesses who offer in kind support to the event. This support in 2019 equated to \$14,220.

Negatives

- *Cost of running the event for free:* Lotterywest funding for this event is crucial to the current format. Without this funding we would need to charge patrons to cover the costs of infrastructure, and maintain free entry. Lotterywest have previously funded local groups who charged a minimal fee.
- *Staff Salary and works costs:* This event takes around 6 months of the Community Development Officer's time, with grant applications, stallholder / supporter requests, and organizing infrastructure. This reduces the capacity to achieve other Community Development / Services provision services. Works Crew costs also total around \$4,000 each year. This includes machinery costs as well as labour to create the mud areas, and deliver/erect fencing.
- *Volunteers:* In addition paid labour, around 90 volunteer hours are put in to the event across the weekend, including both shire staff and external community members. This can also be seen as a positive, as it creates an opportunity for our community to feel proud and showcase what we have to offer, as well as the mental health benefits of volunteering.
- *Location of the event:* Entry to the event has to be ticketed and monitored, as we are unable to fit any more people on to the reserve than the numbers that attended the 2019 event. Parking is across the Great Northern Highway and creates traffic management and parking expenses. The reserve also has limited egress points in the case of an emergency.
- *Traffic Management:* Each year we have to pay to have traffic control at Great Northern Highway so that patrons can cross the road from the parking area. This issue would be addressed if we had an alternative location.

Consultation/Communication Implications

Local

As part of the 2020 Community Development Review, events were identified as one of the priority areas for our Community. Wellies was mentioned numerous times as part of the qualitative consultation.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The 2019 Budget reconciliation for Wellies is as follows.

Expense	Notes	Total	Shire	Grants	In Kind
Marketing	Main expenses are: Banners and signs. In 2021 we will need more directional signage for the highways and also on site.	\$1,975	\$970	\$530	\$475
Entertainment / Activities	Main expenses are: Animal Ark (snakes, frogs and bugs) – \$1,500 Face Painting – \$750 Donated Activities: Educated by Nature donate their activity valued at \$2,500; Messy Moments donate activity valued at \$1,000 In 2019 we also had a sponsored presentation from Bindi Bindi Dreaming valued at around 4000, thanks to Chittering Landcare. In 2021 we plan to have Nature Play WA on board at a cost of \$8,880 including the cost of printing Nature Play Passports designed to bring attendees back in the area throughout the year, and their attendance at the event.	\$11,800	\$2,800	\$1,800	\$7,300
Infrastructure	Main expenses are: Marquees – \$9,273 Showers and Toilets – \$6,596 These expenses will increase to around \$30,000 in 2021 with the need for better changing areas, more toilets and more showers.	\$23,912	\$6,300	\$11,362	\$6,250
Staffing	Main expense: Wages / Plant – \$4,338. This includes preparation of the reserve, plus wages for the day and cleanup of the Reserve.	\$4,928	\$4,533	\$345	\$50
Total		\$42,562	\$14,603	\$14,037	\$14,075

The 2021 income/budget is expected to be around \$60,000 including grant funding, sponsorship, tickets, and in kind support.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area:	Our community
Objective:	S1.2 A strong sense of Community
Strategy:	S1.2.1 Actively support community, volunteer groups and networks
Objective:	S1.2 A strong sense of Community
Strategy:	S1.2.2 Strengthen and grow social events and festivals
Objective:	S1.3 A safe and healthy community
Strategy:	S1.3.2 Advocate for improved education and health services.
Focus area:	Our natural environment
Objective:	S2.1 Protective environment
Strategy:	S2.1.3 Explore opportunities for other eco based recreational activities
Objective:	S2.2 Sustainable resources
Strategy:	S2.2.1 Education and partnerships
Focus area:	Economic Growth
Objective:	S4.3 Increased visitors
Strategy:	S4.3.2 Support and grow events to attract visitation
Objective:	S4.3 Increased visitors
Strategy:	S4.3.3 Facilitate, promote and support ecotourism

State

Nil

Federal

2018 Australian Early Development Census National Report

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

Even though this event is very popular, it is also time consuming (around 369 hours across the year), and for at least three months of the year, takes the majority of the Community Development Officer's time to organise. In its current location it also has access and egress constraints. Finding an alternative venue with adjacent parking, and water access would be desirable.

Based on the outcome of the Community Development Review, and after discussion and consideration, it is recommended that 2021 event be the last in the current format. The following alternatives are suggested:

1. Community Group Run

Advertise for expressions of interest for a community group, possibly either or both of the local Primary school parent groups, to take over the event and have them charge for entry as a fundraising opportunity. Limited funding could still be provided by the Shire through the Community Assistance Grants and Sponsorship Funding Scheme.

Shire staff would request assistance from the group for the 2021 event be available to assist for the 2022 and 2023 event and then the Community Group would be required to take over from 2024.

2. Shire Run

Continue to run the event for a period of three years, with the plan for it to be profitable and raise awareness of Chittering. This would create strain on Community Development staff resources, and therefore it would be crucial that for the 2022 event, additional staff hours / position are allocated in the Council's Annual Budget in 2021/2022 to assist with the planning and implementation of this event.

Cr Hughes foreshadowed the following Motion in the event that the Recommendation was lost:

"That the Wear Ya' Wellies event be suspended for 2021 given the current economic uncertainty in order to focus on economic recovery initiatives in the 20/21 Budget. And that Council directs the Community Development Officer to:

- 1. Conduct a thorough Risk analysis to determine the best event model in regard to size, venue and event management objectives going forward in regard to public safety.*
- 2. Advertise for Expressions of Interest from community groups to take over the running of the event in 2022, with a progressive handover of the event to take place over three events commencing with the 2022 event."*

Cr Hughes provided the following reasons

This Motion is to address concerns that have been raised by Council previously in regard to the size of the event outgrowing its current location, and there being essentially only one way in and out to the current site.

9.4.10 RECOMMENDATION / COUNCIL RESOLUTION 210620

Moved Cr Gibson / Seconded Cr Angus

That the 2021 Wear Ya' Wellies event be the last in its current format, and that Council directs the Community Development Officer to:

- 1. Advertise for Expressions of Interest from community groups to take over the running of the event, with a progressive handover of the event to take place over three events commencing with the 2021 event; and**
- 2. Should no group express an interest in running the event, continue to run the event with the following objectives:**
 - a. Becoming a profitable event;**
 - b. Raising awareness of the Shire of Chittering as a place for families to visit.**
- 3. Conduct a review of the event after the 2024 Wear Ya' Wellies.**

CARRIED 4/3

**Cr Angus, Cr Davis, Cr Curtis and Cr Osborn voted for
Cr Hughes, Cr Gibson and Cr Ross voted against**

9:22PM

9.4.11 Amendment to Finance Policy 2.11 Credit Cards

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Support Officer Governance
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Register of Policies Timeline 2. Finance Policy 2.11 Credit Cards

Executive Summary

Council is requested to endorse the amendment to Finance Policy 2.11 Credit Cards as per **Attachment 2**.

Background

At the Ordinary Meeting of Council held on 21 August 2019, Council resolved to *"Requests the Chief Executive Officer to prepare a timeline for the review of Council Policies by the September Ordinary Meeting of Council."*

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

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Finance Policy 2.11 Credit Cards has been updated in line with every day, operational use (**Attachment 2**).

9.4.11 RECOMMENDATION / COUNCIL RESOLUTION 220620

Moved Cr Davis / Seconded Cr Angus

That Council endorses Finance Policy 2.11 Credit Cards, as per Attachment 2.

CARRIED 7/0

9:23PM

10. REPORTS OF COMMITTEES

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Cr John Curtis: Mulching at the Rubbish Tip

*At the Ordinary Meeting of Council held on 20 May 2020, Cr Curtis asked the following question:
Can the Chief Executive Officer provide some information on the mulching from the rubbish tip, is it a contract or an hourly rate?*

The Chief Executive Officer took this question on notice, and subsequently responded to all Councillors via email on 28 May 2020:

“The stockpile of the mulch is measured for volume by me [Jim Garrett, Executive Manager Corporate Services] and contractors are contacted to supply quotes for the amount. We do not ask for an hourly rate, it is a set price to do the job.

Western Trees Services were awarded the works in 18/19. The \$30,000 invoice is for mulching (fire mitigation) in one of our properties.

The amount comes out of the landfill sites maintenance budgets.

Mulching is only required bi-annually. Due in 2020/21 financial year. Normally done around August while mulch is damp or May depending on availability of contractor.

Bindoon landfill mulch cannot be on sold to the public due to too much contamination. Muchea mulch is sold to the public because it clear of contaminates.”

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

13. MOTION / COUNCIL RESOLUTION 230620

Moved Cr Ross / Seconded Cr Davis

That Council, in accordance with *Local Government (Council Meetings) Local Law 2014, c5.4(2)* consider “Item 13.1 Request to engage consultant for SAT DR 109/2020: NBN Co Ltd v Shire of Chittering” 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.

CARRIED 6/1

Cr Hughes, Cr Angus, Cr Davis, Cr Ross, Cr Curtis and Cr Osborn voted for
Cr Gibson voted against

9:26PM

13.1 Request to engage consultant for SAT DR 109/2020: NBN Co Ltd v Shire of Chittering

Applicant	Shire of Chittering
File ref	A4070; P008/20
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to consent to allowing for an independent planning expert to brief Council on its legal ability to defend its decision in the matter of SAT DR 109/2020: NBN Co Ltd v Shire of Chittering. Council would be aware the decision to refuse to grant development approval for the NBN monopole tower on Lot 191 Hereford Way, Lower Chittering has been appealed to the State Administrative Tribunal. Council, in permitting the engagement, will be provided with expert advice on its standing with regard to a legal defence.

Background

Council at its Ordinary meeting of April 2020 resolved to refuse to permit development approval for a telecommunications (NBN) wireless monopole at Lot 191 Hereford Way, Lower Chittering. NBN Co (as the applicant) has exercised its rights and lodged an appeal over the decision to the WA State Administrative Tribunal (SAT).

Prior to the directions hearing on Friday 12 June, NBN Co.'s solicitors submitted an interim application, which effectively requested SAT to determine the application without going to hearing on the basis that the determination is "manifestly hopeless" in respect of a defence.

The SAT Member directing the matter, respected Council's perspective and the community's angst against such matters relating to health concerns. However, was very quick to point out that neither community angst, nor health concerns relating to Electromagnetic Emissions (EME) are matters in planning law. The SAT Member advised that the Shire will require an independent expert to help formulate reasons sufficient to be arguable in a court of law. This is obviously on the pretension that such arguments exist.

Consultation/Communication ImplicationsLocal

Not applicable

State

Not applicable

Legislative ImplicationsState

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Employment of an independent planning consultant will be costed at an hourly rate. For the purposes of this matter, a maximum of three hours would be requested, which includes a written statement and prior/subsequent discussion with staff regarding key information.

It should be noted that if Council accepts the interim application (which effectively requests the SAT to determine the application on current facts without going to hearing) it is unlikely there would be any financial implications.

Should Council resolve to defend its decision, and does not allow for a consultant to argue in Western Australian planning law, it is likely Council would be accountable for full costs of a SAT hearing. That includes the costs of NBN's solicitors and court costs, and this indication could be between \$15,000-\$100,000.

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

Council will need engage a suitable qualified professional to write, and perhaps speak with, Council on this matter with expert advice. Thereafter this advice is to be used to determine whether the interim application has sufficient merit or whether Council wishes to proceed to a hearing and argue the case against its approval.

Mediation is unlikely to be ordered unless there is a planning matter that could be varied.

The SAT Member was stern in assessment that the Shire will need to be extremely cautious as to how it proceeds, as the judge may award costs against the Shire; as has been precedent in a number of similar cases (both Ransberg and City of Bayswater [2016] WASAT43, and J & P Metals Pty Ltd and Shire of

Dardanup [2006] WASAT282 specifically were cited) for the reasons described above. This could cost Council a significant sum.

However, with the appointment of a suitably qualified independent planning consultant, the costs perhaps can be avoided. Notwithstanding, any such argument is not a guarantee to be successful in a SAT hearing, and will be subject to separate costs regardless.

RECOMMENDATION

Moved Cr Davis / Seconded Cr Hughes

That Council permits the Chief Executive Officer to engage a suitably qualified planning expert to provide written advice on:

1. Whether an appropriate and defensible argument in planning law exists; and
2. What Council's options are should no such argument exist.

AMENDMENT

Moved Cr Gibson / Seconded Cr Curtis

That the following point 3 be added to the Recommendation:

3. That Council consult with the Bell Hill expert advice to resolve this issue.

LOST 3/4

Cr Gibson, Cr Davis and Cr Curtis voted for
Cr Hughes, Cr Angus, Cr Ross and Cr Osborn voted against

9:43PM

Cr Gibson provided the following reasons

My opinion on this is that we have got every reason which has already been done for us by Lauren and others in this room and a planning expert is not going to do anything because they don't consider health. Health is not one of their considerations, so they are going to be useless in this discussion. The planning act does not address health concerns. We have had advice from all the experts on this Bell Hill one and we should be applying this to this Lower Chittering one without incurring further costs on ratepayers. We are just throwing good money after bad.

13.1 RECOMMENDATION / COUNCIL RESOLUTION 240620

Moved Cr Davis / Seconded Cr Hughes

That Council permits the Chief Executive Officer to engage a suitably qualified planning expert to provide written advice on:

1. Whether an appropriate and defensible argument in planning law exists; and
2. What Council's options are should no such argument exist.

CARRIED 7/0

9:43PM

14. MEETING CLOSED TO THE PUBLIC

Nil

15. CLOSURE

Cr Gibson closed the meeting at 9:43PM