

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY 20 MARCH 2019

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.00PM
Closure: 11.05PM**



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 29 March 2019.



Neil Hartley
Acting Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 17 April 2019.

Signed



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

Disclaimer

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

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

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

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

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

2.1 Attendance

The following Members were in attendance:

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

Quorum – 4 members

The following Shire staff were in attendance:

Neil Hartley	Acting Chief Executive Officer
Rhona Hawkins	Executive Manager Corporate Services
Peter Stuart	Executive Manager Development Services
Jim Garrett	Executive Manager Technical Services
Jake Whistler	Senior Planning Officer <i>left at 10:07pm</i>
Alex Wood	Planning Officer <i>left at 8:52pm</i>
Natasha Mossman	Executive Support Officer (Minute Secretary)

Members of
the public: 15

Media: 0

2.2 Apologies

Cr George Tilbury

2.3 Approved leave of absence

Cr George Tilbury (as per Item 6.1)

2.4 Announcements

Cr Gordon Houston

9 March – CEO Candidate Presentations followed by Special Meeting of Council

13 March – Annual General Meeting of Electors

Cr Peter Osborn

9 March – CEO Candidate Presentations followed by Special Meeting of Council

12 March – Information Session followed by Council Agenda Forum

12 March – Chittering Bushfire Advisory Committee

13 March – Annual General Meeting of Electors

14 March – Avon Tourism and Chittering Tourist Association meeting with Chief Executive Officer

Cr Aaron King

9 March – CEO Candidate Presentations followed by Special Meeting of Council

13 March – Annual General Meeting of Electors

Cr George Tilbury

9 March – CEO Candidate Presentations followed by Special Meeting of Council

12 March – Information Session followed by Council Agenda Forum

13 March – Annual General Meeting of Electors

Cr Carmel Ross

1 March – Chittering Chamber of Commerce Sundowner

8 March – Chittering Landcare International Women's Day luncheon

9 March – CEO Candidate Presentations followed by Special Meeting of Council

11 March – CWA Bindoon Belles International Women's Day Sundowner

12 March – Information Session followed by Council Agenda Forum

12 March – Chittering Bushfire Advisory Committee

14 March – Bilya Koort Boodja (Aboriginal Interpretation Centre) function, Northam

Cr Mary Angus

9 March – CEO Candidate Presentations followed by Special Meeting of Council
11 March – CWA Bindoon Belles meeting at Orchard Glory
12 March – Information Session followed by Council Agenda Forum
13 March – Annual General Meeting of Electors
14 March – Chittering Health Advisory Group

Cr Don Gibson

9 March – CEO Candidate Presentations followed by Special Meeting of Council
12 March – Information Session followed by Council Agenda Forum
13 March – Annual General Meeting of Electors

3. DISCLOSURE OF INTEREST

Councillors are requested to declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

3.1 Item 14.1.1 “CONFIDENTIAL ITEM: Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway): Repurchase Option Clause Take-up

Mr Neil Hartley, Acting Chief Executive Officer, has declared an Impartiality Interest as he is a volunteer for Retirees WA.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Item 9.1.4 "Proposed Local Planning Policy No. 33 - Muchea Industrial Park Design Guidelines"

4.2.1.1 Mr Clint O'Neill submitted the following questions:

Question 1: I am seeking clarity on guideline 4.2.15(iv) Bushfire management.
"installation of fire hydrants must be compliant with Water Corporation design standard DS 63 water reticulation standard"

As the MIP is not within a Water Corporation geographical operating area, it is unclear how a design standard requirement, specific to that service provider within its operating areas, is a suitable referenced standard. Is the appropriate reference standard Australian Standard AS2419 – Fire hydrant installations – system design, installation and commissioning?

Answer 1: *If the reference to Water Corporation is used, it is generally updated along with AS2419. Additionally, the reference will mean the MIP will be constructed to a similar standard as any Water Corporation systems. Therefore, it is appropriate to use Water Corporation standard DS63.*

Question 2: I am seeking clarity on guideline 4.2.4 – effluent disposal and Porter Consulting advice at 5.1 (iii) – groundwater management. The guideline makes reference to the Government sewerage policy (2016) and explanatory notes. The explanatory notes (page 13) specify that in sewerage sensitive areas *'the lowest component of any sewerage disposal system shall be located at 1.2 to 1.5 metres above the end of wet season groundwater level'*. In all other locations *'in sands, gravels and loams, the base of the proposed land application area shall have a depth of at least 1.5 metres above the highest seasonal post development water table'*. Porter Consulting at 5.1(iii) states:

"finished floor levels of buildings to be a minimum of 600mm above the maximum groundwater level depending on the soil type. In areas with shallow depth to groundwater, earthworks and fill may be required to achieve the required clearance to groundwater"

Is the Porter Consulting statement above, compatible with the specifications of the government sewerage policy (2016) taking into consideration that underground storage vessels are likely to be constructed with the MIP?

Answer 2: *The reference is to the disposal of treated effluent, and not holding tanks or ATU treatment units. Therefore, the above statements by Porter Consulting are in accordance with the Government Sewerage Policy 2016 and Guidance Notes.*

4.2.2 John Curtis, Bindoon

Question 1: Does Council have a vested interest in the rubbish industry and not the ratepayers?

Answer 1: *The President stated "no".*

Question 2: How much did the Shire pay Avon Waste during the 2017-2018 financial year for rubbish disposal?

Answer 2: *The President stated that this information is available on the public record and will ask the Shire to advise accordingly.*

4.2.3 John Nagel, Bindoon

(as submitted)

Question 1: How can you as Councillors vote on 9.4.3 regarding the Lower Chittering Sport and Recreation Facility when the Building Better Regions Fund has only been approved and not signed off by the Government. If Mr Christian Porter doesn't win his seat in the election in May this money is not guaranteed and we as ratepayers are left holding the debt. Surely as a responsible councillors you would wait for this finance to be signed off and received prior to entering into any recommendations the CEO has put forward as this meeting tonight?

Answer 1: *The President advised that this funding is guaranteed and has been signed off by federal government. This council does operate responsibly and will not be entering any agreement until funding from all parties is settled.*

Mr Nagel stated that these recommendations put forward by the Chief Executive Officer, gives him an open hand?

The President advised that Council will be discussing this matter tonight.

Mr Nagel then stated that there is too much open gap (i.e. Recommendation 10) then goes to say it is up to them if they want it. You are asking the ratepayers to take out a loan for \$5m and not \$3m?

The President advised that Council will be discussing this matter tonight.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 9.1.1 “Endorsement of advertised and modifications to Shire of Chittering Draft Local Planning Strategy 2019”

1. Kevin and Jennifer Treloar addressed the meeting and spoke partially FOR and partially AGAINST recommendations and submissions in parts 1 and 2.
2. Astrid Bolsenboek addressed the meeting and spoke partially FOR and partially AGAINST recommendations and submissions in parts 1 and 2.
3. Jill and Dave Boerma addressed the meeting and spoke partially FOR and partially AGAINST recommendations and submissions in parts 1 and 2.
4. Mark Risely on behalf of Westrise Capital and Tovea Capital Pty Ltd addressed the meeting and spoke FOR the recommendations and submissions in part 1.

5.3.2 Item 9.1.2 “Application for Development Approval “Proposed Shed Prior to Dwelling Construction”: Lot 215 (RN31) Salmon Gum Crescent, Chittering”

Richard Riddle addressed the meeting and spoke AGAINST the recommendation.

5.3.3 Item 9.1.3 “Application for Development Approval “Oversized Outbuilding”: Lot 25 (RN23) Honeypot Road, Lower Chittering”

Kenneth Russell addressed the meeting and spoke AGAINST the recommendation.

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr George Tilbury

Council is requested to approve leave of absence for Cr George Tilbury for the period inclusive of Wednesday 20 March to Sunday 24 March 2019.

6.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040319

Moved Cr Gibson / Seconded Cr Osborn

That the Council grant Cr George Tilbury leave of absence for the period inclusive of Wednesday 20 March to Sunday 24 March 2019.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:51PM

6.2 Peter Osborn

Council is requested to approve leave of absence for Cr Peter Osborn for the period inclusive of Thursday 21 March to Thursday 18 April 2019.

6.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050319

Moved Cr Osborn / Seconded Cr Ross

That the Council grant Cr Peter Osborn leave of absence for the period inclusive of Thursday 21 March to Thursday 18 April 2019.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:52PM

CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 20 February 2019

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060319

Moved Cr Gibson / Seconded Cr Angus

That the minutes of the Ordinary meeting of Council held on Wednesday 20 February 2019 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:52PM

7.2 Special Meeting of Council: 9 March 2019

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070319

Moved Cr Ross / Seconded Cr Osborn

That the minutes of the Special Meeting of Council held on Saturday 9 March 2019 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:53PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Endorsement of advertised and modifications to Shire of Chittering Draft Local Planning Strategy 2019*

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	18/02/0023
Prepared by	Executive Manager Development Services
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Draft Local Planning Strategy and Mapping (as advertised) 2. Schedule of Modifications 3. Schedule of Submissions (redacted) 4. Schedule of Submissions CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE

Executive Summary

The purpose of this Report is for Council to consider providing final endorsement of the draft Local Planning Strategy (LPS), in conjunction with the Schedule of Submissions and the recommended Schedule of Modifications. The LPS has been subjected to a long advertising period, with 18 submissions being received. Each submission has been assessed individually and collectively, with any changes being subject of, and to, this endorsement.

Background

Despite the Shire having an endorsed LPS that provides guidance towards strategic land-use from 2004-2014, on 28 April 2008, the Western Australian Planning Commission (WAPC) requested the Shire of Chittering to review aspects of its Local Planning Strategy which included:

- Reviewing all areas recognised for rural residential, rural retreat and rural small holdings outside of the Priority Development Area (PDA).
- Reduce the size of the PDA by removing those areas that are remote from existing infrastructure and services or have a negative impact on the environmental values.
- Provide a staging plan for development within the PDA recognising areas closest to existing development, services and infrastructure in the initial stage(s).
- Incorporating the Local Biodiversity Strategy and Local Planning Strategy mapping and report.

On 16 November 2009, Council awarded a contract to Greg Rowe & Associates (now Rowe Group) to undertake the Local Planning Strategy Review. Upon completion of the draft, the WAPC in October 2013 certified that the Shire's LPS was consistent with the (then) Town Planning Regulations subject to an additional 30 modifications.

At the conclusion of the submission period, a total of 40 submissions were received from State Government agencies and the community. In summary, the feedback received generally reported confusion with the complexity of the mapping.

Accordingly, the Shire in conjunction with the Department of Planning Lands and Heritage proceeded to rewrite the LPS. Further rationale to this rewrite was that in 2015, the State Government gazetted the *Planning and Development (Local Planning Schemes) Regulations*. These Regulations effectively changed the method in which Local Planning Strategies (and all other legislative functions relating to planning) were required to be drafted.

Council subsequently resolved at its Ordinary Meeting held on 19 July 2017 to authorise the submission of the draft LPS to the WAPC for certification prior to advertising.

Following considerable deliberation at the Department of Planning Lands and Heritage, certification was received from the WAPC on 7 June 2018 and was subsequently advertised to the community, in accordance with the endorsed Consultation Strategy. Consultation with community and development representatives occurred for a period of eight weeks, and consisted of an email out, publication of the Shire's website, marketed via Facebook and made publicly available at two open forums. Given the market demands and economic changes within the Shire, mostly as a result of the road construction upgrades, the LPS is regarded as the key document to guide future land use and settlement patterns within the Shire.

A total of 18 submissions were received in response and have been considered in the recommendation of this report. The draft advertised LPS has not been modified at this point in time. The Department of Planning Lands and Heritage have advised that the WAPC will only consider the original advertised document, which must be submitted together with a Schedule of Submissions and Schedule of Modifications. Full copies of the submissions must also be submitted for their consideration.

Consultation/Communication Implications

Local

The draft LPS was advertised in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with an extended period as resolved by Council within the endorsed communication strategy at its Ordinary Meeting of 19 July 2017.

The draft LPS document and mapping were available electronically to download on the Shire's website and hard copies were available for perusal at the Shire Office, Library and the Local Member of Parliament's Office in Bindoon. Submission forms were available in hard copy and electronically, together with an on-line submission form. Freehand submissions were also accepted. A total of 18 submissions were received regarding the LPS from the community, landowners, local groups and organisations, and government agencies. A public version of the Schedule of Submissions is attached to this Report (to provide confidentiality to all submitters). A full copy of the Schedule of Submissions, along with the complete submissions, has been provided to Council as a Confidential Attachment due to identification of individuals.

Legislative Implications

State

- Planning and Development Regulations (Local Planning Schemes) 2015
Part 3 of the Regulations sets out the process for initiation and adoption of a Local Planning Strategy. The process within the Regulations has been set out in a pragmatic order for which the Shire has followed.

Council's role in enacting the draft Local Planning Strategy is to provide endorsement before which the WAPC will have final determination. The WAPC may modify the LPS as it sees fit, though generally will only do so where consistent with State Planning Policies.

Local

Nil

Policy Implications

State

The draft LPS has been prepared in accordance with the policies of the WAPC and other relevant stakeholders to guide the development of a new Local Planning Scheme. Each State Planning Policy applicable to the LPS has been referenced within the document itself.

Local

A full review of all Local Planning Policies will also be carried out to ensure consistency with the new Strategy. For instance, Council does not have a policy position on mining, however previously resolved to maintain a general presumption against all mining activities within the Shire. To provide a framework for consistent decision making and to communicate to the community support on their stance against large-scale open-cut mines, the Council may wish to develop a policy position on mining in a separate policy at a later date.

Equally, Council does not currently maintain a policy position of the development of tourism related activities. The LPS will set the parameters for which the Policy will be guided, should the WAPC agree to Council's preferred approach.

Financial Implications

The cost of reviewing, advertising and publishing the Local Planning Strategy is in the adopted 2018/2019 Annual Budget. In the event that the Strategy is still under assessment and/or subject to approval by the WAPC after 1 July 2019, the budget will be requested to be rolled over.

Strategic Implications

The new Local Planning Strategy will become an important part of the suite of Council's Strategic documents with appropriate actions and linkages. The Strategy has been developed taking into consideration relevant objectives and actions from the Shire's existing Strategic Plans, including the Community Strategic Plan, Corporate Plan, Capital Works Plan, Economic Development Strategy, Environmental Plan, Heritage and Bushfire Policies and the Annual Budget.

The content of the submissions has guided the recommended proposed modifications to the originally advertised document, which will then be considered by the WAPC.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The Strategy will set the framework for land use planning in the Shire for the next 10 to 15 years. It is imperative that the Strategy accommodates economic opportunities for the sustainable development of Chittering while balancing this with economic drivers that are capable of providing jobs and business within the Shire in appropriate locations.

Social implications

The Strategy aims to address a matter of significant concern within the submissions received from the community, being the issue of mining, and in particular, mining of bauxite. The content of these submissions has been carefully considered and a number of modifications are recommended in response to the concerns/issues raised.

Environmental implications

Similar to social implications, the Strategy aims to address and minimise environmental effects associated with mining type industries. Additionally, the Strategy highlights the need to review the Local Biodiversity Strategy, as well as the identification of buffers surrounding the Western Swamp Tortoise. Ordinarily the Strategy aims to maintain and improve protection of the Shire's natural assets.

Officer Comment/Details

The LPS has been through a number of iterations to this point. Notwithstanding, the detail in the submissions received revealed the need to undertake further changes. Most notably, the changes resulted in four key aspects being at the forefront of modification:

1. Tourism

Tourism has been rewritten to more closely match Council's intentions to provide for tourism opportunities where possible and appropriate in existing zones, rather than incorporating a tourism zone. The latter option (incorporating a tourism zone) could be adverse to start-up ventures and economic planning for the Shire. Additionally, it should be noted that the preferred option generally matches the Shire of Toodyay's Local Planning Strategy – which was endorsed by the WAPC only last year.

This method of regulating tourism is considered to be an appropriate compromise for those submissions requesting to be identified for development for rural living purposes.

2. Bushfire

The Shire is in a unique position that it has had the entire Shire mapped for bushfire risk within the Bushfire Risk Management System. To this end, the Shire has relied upon this System to identify risks associated with the lots existing and identified for development. The risks have been tabled into Bushfire Hazard Levels to identify opportunities and constraints for land use intensification, and the ability to achieve compliance with the bushfire protection criteria, to better inform bushfire risk management measures. To this end, the LPS is considered to comply with SPP3.7.

3. Mining

A number of submissions received addressed the issue of mining, or more to the point, minerals to owner rights in mining.

Additional information relating to this is provided outlining Council's options. As this issue has been addressed in the draft LPS, and contrasting submissions have been received, the following options are offered to consider:

- Option 1 – Designating mining as a 'D' (discretionary) use. The WAPC's Rural Planning Guidelines recommend that where a local government seeks to 'trigger' consultation between the Ministers as outlined in section 120 of the Mining Act, 'Mining Operations' can be inserted into the Zoning Table of a local planning scheme and be designated as a discretionary 'D' use.
- Option 2 – Designating mining as an 'X' (prohibited) use. The Guidelines also advise that 'Mining Operations' should not be designated as an 'X' use in local planning schemes as this may create an expectation that the local government has the authority to approve or refuse all mining-related applications, and may establish an incorrect belief that mining cannot occur. An 'X' use can only be enforced where the Mining Act does not apply, such as Minerals to Owner Land (the extent of which is another unique aspect of the Shire). With the strength of public submissions received, this is recommended to form part of the LPS. If Council chooses this pathway, the Minister for Planning may override this decision.
- Option 3 – Removing all references to mining. Council may choose to remain silent on mining in the draft LPS, however remaining silent on issues is not considered good or proper planning as it is inconsistent with WAPC Guidelines, and may result in community discontent. If Council chooses this pathway, the Minister for Planning may override this decision.

Ultimately, which ever decision is made will follow into the new Local Planning Scheme following its future review and ultimate endorsement.

4. Industry

A number of submissions received refer to the development of industry in the Shire. Council recently endorsed a Scheme Amendment to generally contain all future industry into the Muchea Industrial Park (MIP). The purpose of this was two-fold:

- (i) Prevent the ad-hoc proliferation of industrial based activities without the appropriate regulations to manage impacts such as environmental or noise; and
- (ii) Provide economic support to developing the MIP area for industrial purposes by funnelling industrial based uses into the appropriately constructed lots.

Additionally, the Strategy contained objectives, strategies and actions that were questioned within the submissions as to whether these were representative of the Council's role. As a result, changes were made to the wording to better reflect Council's abilities and intentions through construction of the MIP.

Notwithstanding the above, submissions were received requesting additional uses on agricultural land for use of the existing rail adjacent Brand Highway, for industrial purposes. Being that the uses cannot be contained within the MIP since it does not have rail access. Accordingly, modifications have been inserted into the schedule reflecting such uses. Importantly these lots are not identified for industrial zoning, meaning the properties cannot be used for any other purpose than agricultural based businesses and the associated multi-nodal uses.

These key aspects remain contentious within the LPS regardless of the above. The reasons vary, however each is based on sound reasoning, and orderly and proper planning, to support Council's position.

Should the LPS be approved in accordance with Council's endorsement, the LPS will pave the way for the Shire to grow commercially by providing jobs and economic value. Simultaneously, the LPS will help guide the safekeeping of the Shire's existing assets from bushfire and from landscape destruction.

This document, following approval from the WAPC, will become the single most important land-use document for which all decisions will be cognisant of. Therefore, Council is requested to endorse the LPS, the Schedule of Modifications and the Schedule of Submissions.

MOTION / COUNCIL RESOLUTION 080319

Moved Cr Osborn / Seconded Cr Ross

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:54PM

MOTION / COUNCIL RESOLUTION 090319

Moved Cr King / Seconded Cr Ross

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:59PM

OFFICER RECOMMENDATION

Moved Cr / Seconded Cr

That Council resolves to:

1. Request that the Western Australian Planning Commission:
 - a. Endorse the Revised Local Planning Strategy as the Shire's Local Planning Strategy 2019, with the minor modifications outlined in the Schedule of Modifications;
 - b. Determine the submissions on the draft Local Planning Strategy are sufficiently addressed in accordance with the recommendations in the Schedule of Submissions and Schedule of Modifications; and
 - c. Revoke the existing Local Planning Strategy dated 29 June 2004 in accordance with clause 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. Authorises the Chief Executive Officer to forward the endorsed draft Local Planning Strategy 2019 and associated documentation to the Western Australian Planning Commission.

PROCEDURAL MOTION / COUNCIL RESOLUTION 100319

Moved Cr Gibson / Seconded Cr Ross

That item 9.1.1 "Endorsement of advertised and modifications to Shire of Chittering Draft Local Planning Strategy 2019" be laid on the table until a Special Council Meeting scheduled for Wednesday 27 March 2019.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:01PM

9.1.2 Application for Development Approval “Proposed Shed Prior to Dwelling Construction”: Lot 215 (RN31) Salmon Gum Crescent, Chittering*

Report date	7 March 2019
Applicant	Richard Riddle
File ref	A10300; P017/19
Prepared by	Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Development Plan 2. Statutory Declaration 3. Details of the Application 4. Photos of site

Executive Summary

Council is requested to consider an Application for Development Approval for an outbuilding (shed) to be erected before a dwelling on Lot 215 Salmon Gum Crescent, Chittering. The property is currently vacant and according to section 6.1.1 of Local Planning Policy No. 7 – ‘Outbuildings’, *‘Outbuildings are not to be constructed before a house is built on the development site unless Council grants development approval’*. A variation to the Policy of this nature requires determination by Council.

IMAGE 1: Location Plan



Background

The applicant approached the Shire late January 2019 seeking approval to construct a shed on his property at Lot 215 Salmon Gum Crescent, Chittering. Officer's advised the applicant of the requirement in the Local Planning Policy No.7 – 'Outbuildings' (LPP7) that states:

"Outbuildings are not to be constructed before a house is built on the development site unless Council grants development approval".

Officers advised the applicant that an application was unlikely to receive the support of Shire staff and would likely be presented to Council with a recommendation from officers for refusal. Whilst acknowledging officer's position, the applicant wished to proceed with an application and subsequently, lodged the subject application.

The application states that the vacant property was purchased in December 2018 with intentions to build a shed before a dwelling so that the owners can securely store machinery typically used for earthmoving type operations. The machinery was inherited from the applicant's father-in-law and is currently on the property with intentions for private use only. The applicant states that a window has already been cracked since being on the property and therefore requires a shed to keep the machinery safe and secure. A development plan of the site is illustrated in **Attachment 1** to this report.

The applicant has provided a signed Statutory Declaration under the Western Australian *Oaths, Affidavits and Statutory Declarations Act 2005* which is provided in **Attachment 2** to this report. The Statutory Declaration declares the following:

"That the shed I wish to build on my property; Lot 215 (31) Salmon Gum Crescent, Chittering WA is solely for storage use only. It will not be used for a residence of occupancy (lived in)."

The application lists the following justification in support of the development which is detailed in **Attachment 3**:

- (i) The applicant currently lives in his own house in Wanneroo;
- (ii) The applicant's wife's employment is in Joondalup, which is close to their residence;
- (iii) The applicant has a signed contract with Ventura Homes for a future house, however the building application for the future dwelling will not be ready until the year 2020; and
- (iv) Due to lifestyle choices, the applicant will continue to live in his residence in Wanneroo until the new house is built.

Lot 215 Salmon Gum Crescent, Chittering is zoned Rural Residential under the Shire's *Local Planning Scheme No. 6* (LPS6) and is approximately 2.43ha in area. The property includes a building envelope under the Chittering Rise North Development Plan, and has been recently approved for relocation by the Shire, to reduce vegetation loss when development does occur.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

- Local Planning Scheme No. 6: Schedule A – Supplemental Provisions

The Shire's LPS6 stipulates additional Supplemental Provisions to Clause 61 of the *Planning and Development Regulations 2015* for development for which development approval is not required. Schedule A, Clause 61(1)(m) of LPS6 exempts the following development:

"The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") use in the zone."

Therefore, if there is no single house on site, an outbuilding is not exempt from Development Approval.

Policy Implications

State

Nil

Local

- Local Planning Policy 7 – Outbuildings

Local Planning Policy No. 7 – Outbuildings (LPP7) was adopted by Council in 2016 and is intended to guide and regulate the design and positioning of outbuildings to ensure a balance between legitimate forms of storage and hobby requirements of landowners and potential amenity and landscape impacts. LPP7 specifies both maximum standards and general standards for outbuildings and the subject application is inconsistent with the following standards:

- Standard 5.1.1 *"The erection of an outbuilding shall be on the same lot as an existing single house or grouped dwelling"*.
- Standard 6.1.1 *"Outbuildings are not to be constructed before a house is built on the development site unless Council grants development approval"*.

The subject application is also inconsistent with the following general use:

- Clause 7.1.1 *"Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose"*.

In accordance with LPP7, the application cannot be supported as the site does not include a dwelling.

Outbuildings are only permitted on sites with houses, as outbuildings on sites without dwellings, creates opportunity and possible temptation for landowners to inhabit the outbuilding either temporarily (weekends) or on a more permanent basis. The Shire wants to avoid landowners illegally living in sheds due to the social and potential health implications this may create. Approving an outbuilding on a property without a dwelling in the Rural Residential zone creates this opportunity for not only the current landowner, but subsequent owners should the property be sold.

Approval of this application contrary to the requirements of LPP7 may set an undesirable precedent and may compromise the purpose and integrity of LPP7.

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Site inspection undertaken: Yes

An inspection was undertaken by the reporting officer and the Senior Planning Officer, which confirmed that the one large front-end loader machine was occupying the vacant site. Photos of the site are provided in **Attachment 4** of this report.

Triple Bottom Line Assessment

Economic implications

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

Social implications

Approval of the application may set a precedent that allows sheds to be built before houses. This may encourage the illegal habitation of sheds whether it be temporary or permanent, diminishing the standard of living within the rural residential areas of the Shire.

Environmental implications

The illegal living/camping on rural residential properties within a shed without the proper amenities (i.e. toilets, showers connected to effluent disposal system) can have adverse impacts on the state and health of the immediate environment.

Officer Comment/Details

The applicant has lodged a development application to erect a shed on site before a dwelling, and has declared that he will not live in the proposed shed. Officers cannot support the application due to its inconsistency with LPP7. The subject application is inconsistent with the following standards of LPP7:

- i. Standard 5.1.1 - *"The erection of an outbuilding shall be on the same lot as an existing single house or grouped dwelling"*.
- ii. Standard 6.1.1 - *"Outbuildings are not to be constructed before a house is built on the development site unless Council grants development approval"*.
- iii. Clause 7.1.1 *"Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose"*.

If the Council grants approval to the subject application there is risk in setting a precedent that the Shire will allow sheds to be constructed before dwellings which will undermine the purpose of LPP7. Whilst the current land owner may not have intentions on living in the shed, Council needs to be aware of the unknown intentions of future landowners.

The Shire of Chittering has not previously had an application for a variation to this element of LPP7 presented to Council. However, many inquiries have been made throughout the years regarding erecting an outbuilding before a dwelling which Officers have previously deterred against as it is inconsistent with LPP7.

It is recommended that the Council refuse the application based on the above reasons.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Osborn

That Council refuse to grant Development Approval for the erection of a shed on Lot 215 Salmon Gum Crescent, Chittering for the following reasons:

1. The application is inconsistent with following standards of *Local Planning Policy No.7 – 'Outbuildings'*:
 - a. Standard 5.1.1 - *"The erection of an outbuilding shall be on the same lot as an existing single house or grouped dwelling"*;
 - b. Standard 6.1.1 - *"Outbuildings are not to be constructed before a house is built on the development site unless Council grants development approval"*; and
 - c. Clause 7.1.1 - *"Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose"*; and
2. Approval of the application may set an undesirable precedent that allows sheds to be built before houses, which may in turn encourage the illegal habitation of sheds whether it be temporary or permanent, diminishing the standard of living within the rural residential areas of the Shire.

THE RECOMMENDATION WAS PUT AND DECLARED LOST 2/4

8:14PM

ALTERNATIVE

Moved Cr Gibson / Seconded Cr King

That Council grant Development Approval for the proposed outbuilding on Lot 215 (RN31) Salmon Gum Crescent, Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans;
2. The approved outbuilding shall not be used for habitational, commercial and/or industrial purposes at any time without the approval of the Shire; and
3. The approved outbuilding shall be clad in non-reflective material to the satisfaction of the Shire.

Reason: *That the existing policy is dated and out of context with community expectations. The proposed motion represents contemporary good and orderly planning principles.*

MOTION / COUNCIL RESOLUTION 110319

Moved Cr King / Seconded Cr Ross

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:25PM

MOTION / COUNCIL RESOLUTION 120319

Moved Cr King / Seconded Cr Gibson

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:41PM

VARIATION

With the agreement of the Mover and Seconder the following condition was added to the Alternative:

4. Also, that an approved residence is constructed on-site within a period of two years.

9.1.2 ALTERNATIVE / COUNCIL RESOLUTION 130319

Moved Cr Gibson / Seconded Cr King

That Council grant Development Approval for the proposed outbuilding on Lot 215 (RN31) Salmon Gum Crescent, Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans;
2. The approved outbuilding shall not be used for habitational, commercial and/or industrial purposes at any time without the approval of the Shire; and
3. The approved outbuilding shall be clad in non-reflective material to the satisfaction of the Shire.
4. Also, that an approved residence is constructed on-site within a period of two years.

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

8:44PM

9.1.3 Application for Development Approval “Oversized Outbuilding”: Lot 25 (RN23) Honeypot Road, Lower Chittering*

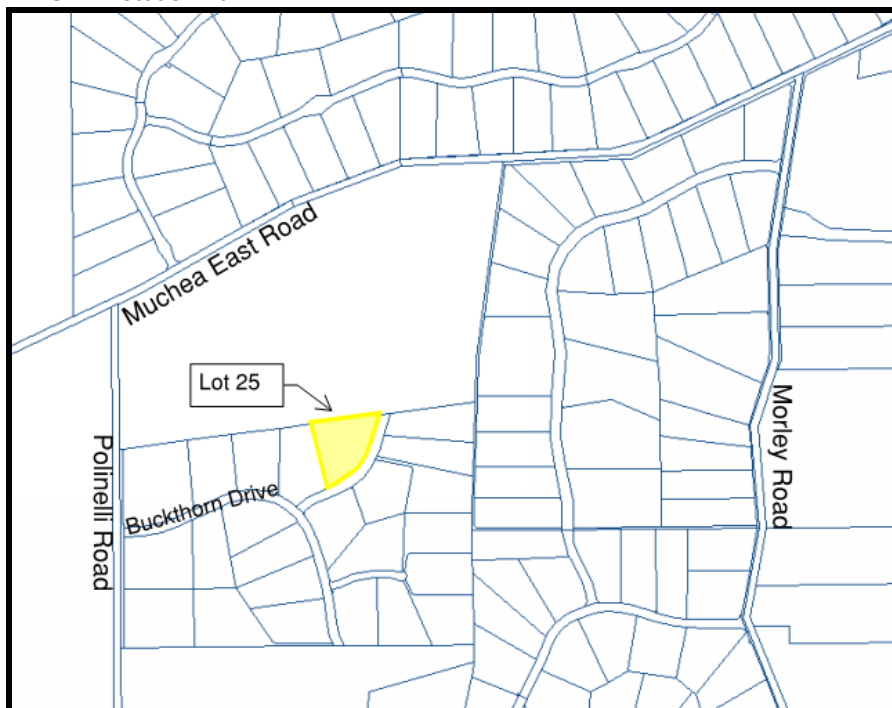
Report date	7 March 2019
Applicant	Kenneth Russel
File ref	A10864
Prepared by	Senior Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Development Plans 2. Applicant’s photos

Executive Summary

Council is requested to consider an Application for Development Approval for an oversized outbuilding on Lot 25 Honeypot Road, Lower Chittering. The proposal consists of a 200m² extension to an existing shed on the property which increases the total gross floor area of outbuildings on the property to 536m². As the proposal is a major variation to the Shire’s *Local Planning Policy No. 7 – ‘Outbuildings’*, the application is brought before Council for determination.

IMAGE 1: Site Plan

IMAGE 2: Location Plan



Background

In July 2018, an Application for Development Approval was lodged with the Shire for the development of a 200m² outbuilding extension, a water tank, and ancillary accommodation. The application was advertised to surrounding landowners to invite comment on the outbuilding component due to the proposed total gross floor area of outbuildings on the property being 536m². No objections were received as a result of the advertising however, Shire officers could not support the application due to the 536m² of outbuilding floor area exceeding the Shire's *Local Planning Policy No. 7 – 'Outbuildings'* (LPP7) by 336m². Following discussions with the applicant, the outbuilding component of the application was withdrawn to allow approval of the ancillary accommodation and water tank.

Subsequent to the above, a new Application for Development Approval has been lodged to apply solely for the 200m² extension to an existing outbuilding. The proposal consists of a 10m x 20m extension to an existing 240m² outbuilding which is in addition to a separate outbuilding of 96m². The shed will be clad in colorbond® material of a white colour to match the existing shed but will be completely open along the 20m length facing north. The height of the extension will coordinate with the existing with a maximum ridge height of 4.2m. It will setback approximately 55m from Honeypot Road and 30m from the northern boundary of Lot 25. A copy of the development plans has been included in **Attachment 1** to this report.

The applicant has provided the following justification for the oversized outbuilding:

- (i) Require protected cover for all equipment and vehicles that are owned (Department of Transport registration notices were provided for 10 separate vehicles in the owner's name including passenger vehicles, motorbike and trailers). Photos of equipment and vehicles owned are provided in attachment 2 of this report;
- (ii) Require space to store implements for tractor (grader blades, slasher);
- (iii) Ancillary accommodation will be occupied by owner's parents who have a Toyota Landcruiser vehicle, caravan, motorbike and utility;
- (iv) Owner's parents want area of shed for storage of tools and workshop space; and
- (v) Existing shed is used to store hay and steel racks.

Lot 25 is zoned 'Rural Residential' under the Shire's *Local Planning Scheme No. 6* (LPS6) and is approximately 2.3ha in area. The property contains a dwelling, two outbuildings, water tanks and ancillary accommodation. It abuts similarly zoned and sized properties to the east, west and south however, abuts an 'Agricultural Resource' zoned lot on its northern boundary. Lot 25 is situated at the end of the cul-de-sac of Honeypot Road.

Consultation/Communication Implications

Local

The original application was advertised to landowners in the surrounding area due to the proposed outbuilding's inconsistency with LPP7 in terms of the aggregate floor area of outbuildings. No objections were received as a result of the advertising.

State

Nil

Legislative Implications

State

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

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

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

The application of LPP7 is discussed further in this report.

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

The proposed development is setback 55m from Honeypot Road, exceeding the required 20m setback requirement of LPS6. This would offer some visual relief from the bulk and scale of the development in addition to a couple of native trees on the lot which exists in between the proposed development and Honeypot Road.

The compatibility of the development with its setting (including development on adjoining land) has been reviewed by officers, which revealed a number of outbuildings in the immediate area exceeding the stipulated 200m² maximum total floor area of outbuildings. The below diagram illustrates the outbuilding in the immediate vicinity of Lot 25 that exceed the 200m² floor area maximum.

DIAGRAM 1



It is acknowledged that the 200m² maximum floor area has not been strictly applied in the past with significant variations offered by the Shire. Notwithstanding the provisions of LPP7, the existing approved outbuildings in the Honeypot Road area set a particular floor area standard to which the development proposed should be considered for comparability to, and compatibility with. The proposed 536m² outbuilding extension is not considered compatible with existing development on the adjoining land, due to the significant increase in size. Compared to the largest outbuilding approved in the vicinity, the proposed 536m² extension would exceed this by 106m² (or some 25% more) and subsequently, cannot be supported for approval.

Whilst taking the above into consideration and acknowledging the precedents set by the Shire for this area, it would be considered unreasonable and unfair to the applicant to strictly apply the 200m² floor area maximum. It is considered reasonable however, that if an outbuilding expansion is proposed that is of a comparable size to the precedent set in the area, it may be supported by officers.

Local

Nil

Policy Implications

State

Nil

Local

- Local Planning Policy No. 7 – Outbuildings

LPP7 provides the Shire the ability to control the development of outbuildings to ensure a balance between legitimate forms of storage and hobby requirements of landowners and potential amenity and landscape impacts.

Part 5.1 of LPP7 provides maximum development requirements for outbuildings within the 'Rural Residential' zone with the maximum floor area set at 200m².

The proposal is a variation to the above Policy requirement by 336m². Although this provision of LPP7 has been consistently varied in the past for the Honeypot Road area, this particular variation is considered to be greater than what can be allowed with it representing a 268% increased departure from Council's Policy position.

The continual approval of outbuildings beyond the precedents set in areas of the Shire, and beyond the provisions of the Policy, further undermines the integrity of the Policy and blurs the floor area limitations to which landowners are required to adhere.

Financial Implications

Nil

Strategic Implications

Approval of the application would increase the precedent set for floor area of outbuildings in the Rural Residential Zone and inadvertently create a new standard to which applicants of future sheds may also apply for. The continual variation of LPP7 undermines the integrity of the Policy, makes its application difficult, and creates an unclear strategic direction in the context of shed sizes within the Rural Residential zone.

Site Inspection

Site inspection undertaken: Yes.

A site inspection has been undertaken from Honeypot Road to ascertain the visual and amenity impacts of the proposal. Although the cladding material of the existing outbuilding and its proposed extension is non-reflective, the colour (white) is not considered to reduce the impacts of its visual presence, albeit it is consistent with the colour theme of the adjacent dwelling (refer to photo 1 below).

PHOTO 1: TAKEN BY SENIOR PLANNING OFFICER, MARCH 2019



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 subject application proposes to increase the aggregate floor area of outbuildings Lot 25 Honeypot Road to 536m², a variation to LPP7 of 336m².

The review of outbuildings in the area already approved by the Shire indicates an aggregate shed size of 430m² on a single property may be considered acceptable as this is the precedent that has been set. The applicant was afforded the opportunity by officers to alter the proposal to conform with the existing precedent of 430m² however, decided to continue with the application as presented.

The 336² variation proposed is considered a large departure from LPP7 and considerable departure from the precedents set in the area. It is on this basis that officers recommend that the application is refused.

If Council resolve to approve the application, a new precedent may be established which will impact the determination of future development applications, namely applications to increase the aggregate floor area of outbuildings in the Rural Residential zone. Establishing and managing standards through precedents is not desirable as the standards set are not readily available or known to officers (particularly to new staff),

are difficult to consistently apply as Rural Residential zoned properties often differ in size and nature, and provide obscurity to landowners and members of the public with regards to Council's position. It is therefore recommended that if Council resolve to approve the application, a further resolution be made to direct the Chief Executive Officer to review LPP7 and provide to Council for review, an amended LPP7 with increased outbuilding floor area within the Rural Residential zone.

OFFICER RECOMMENDATION

Moved Cr Osborn / Seconded Cr Houston

That Council refuse to grant Development Approval for the proposed outbuilding extension on Lot 25 (RN 23) Honeypot Road, Lower Chittering for the following reasons:

1. The proposed outbuilding exceeds the maximum floor area limitation of *Local Planning Policy No. 7 – 'Outbuildings'* by 336m², which is a large departure from the Policy;
2. The proposed outbuilding exceeds the largest outbuilding approved in the Honeypot Road area by 106m² (or approximately 25%), which is a considerable increase to the existing precedent; and
3. Approval of the application will set an undesirable precedent for maximum aggregate outbuilding floor area within the Rural Residential zones of the Shire.

THE RECOMMENDATION WAS PUT AND DECLARED LOST 2/4

8:49PM

ALTERNATIVE / COUNCIL RESOLUTION 140319

Moved Cr Gibson / Seconded Cr King

That Council grant Development Approval for the proposed outbuilding extension on Lot 25 (RN23) Honeypot Road, Lower Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans;
2. The approved outbuilding shall not be used for habitation, commercial and/or industrial purposes at any time without the approval of the Shire; and
3. The approved outbuilding shall be clad in a material and colour that matches the existing outbuilding the subject of this extension to the satisfaction of the Shire.

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

8:51PM

Reason: That the existing policy is dated and out of context with community expectations. The proposed motion represents contemporary good and orderly planning principles.

9.1.4 Proposed Local Planning Policy No. 33 - Muchea Industrial Park Design Guidelines*

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	18/01/3
Prepared by	Strategic Project Manager
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Policy No 33 with modification 2. Modified Road and Drainage Guidance Note 3. Schedule of Submissions

Executive Summary

Council is requested to:

1. Consider the proposed Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines (the Policy) for final adoption with modification; and
2. Receive the modified Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers and attach to the above Policy as an Addendum.

A copy of the Policy (with modification) is attached as **Attachment 1**. A copy of the modified Road and Drainage Guidance Note - Muchea Industrial Park prepared by Porter Consulting Engineers is included as **Attachment 2**.

Background

Council was previously advised that;

The draft MIPDG and the Road and Drainage Guidance Note - Muchea Industrial Park has been prepared under the requirements of a Building Better Regions Grant Fund of which purpose is to implement the coordination of a series of certain Reports for the Muchea Industrial Park area. The MIPDG have been prepared to guide landowners and assist the Shire of Chittering in achieving a high standard of development within the area of Muchea Employment Node Special Control Area (MEN SCA) as defined under Local Planning Scheme No. 6 (LPS 6).

The Design Guidelines can be adopted by the Shire of Chittering under the provisions of LPS 6 and would have the same status as a Local Planning Policy adopted under the Scheme. The Design Guidelines do not form part of LPS 6 and shall not bind the Shire of Chittering in respect of its consideration of any scheme amendment, structure plan, subdivision application or application for planning approval. This notwithstanding, the Shire of Chittering shall have due regard to the objectives of the Design Guidelines before making its decision in relation to any planning application. The Design Guidelines are also intended to assist the Western Australian Planning Commission (WAPC) in its consideration of scheme amendment, structure plan and subdivision proposals. In the event of any inconsistency between the Design Guidelines and the Scheme, the Scheme shall prevail.

The Design Guidelines includes provision for future RAV 10 category vehicles to access site including Great Northern Highway to the southern Shire boundary. This matter has been confirmed and accepted by Main Roads WA therefore it is important for a coordinated approach to road and drainage design particularly. In this regard, the Road and Drainage Guidance Note - Muchea Industrial Park was prepared by Porter

Consulting Engineers to provide the required technical inputs for stakeholder's information. This information has generally been transposed into the Design Guidelines. Therefore it is considered strategically appropriate to cater for this vehicle configuration within the development. RAV category 10 vehicles however, will not have access from Wubin until upgrades to the Great Northern Highway have occurred.

The Muchea Industrial Park, previously referred to as Muchea Employment Node in previous planning studies, was identified in the North East Corridor Extension Strategy (WAPC,2003) as having potential as an industrial area. Further planning studies have since been undertaken which resulted in the Muchea Employment Node (MEN) Structure Plan Final Report (WAPC 2011) and subsequently amendment to the Shire's Local Planning Scheme No.6 has occurred to provide scheme provisions for industrial development.

Currently, the Western Australian Planning Commission and the Department Planning Lands and Heritage (DPLH) are undertaking a review of the 2011 Muchea Employment Node Structure Plan, due for completion in April 2019. Further, Emerge Environmental Consultants were recently engaged, by the DPLH to undertake an extensive review of the area and to undertake a District Water Management Plan which will further inform development requirements in the area of which recommendations are likely to be included in that review.

The Policy has been given Public Notice and Shire officers have amended the Policy accordingly for Council's consideration.

Further, the Road and Drainage Guidance Note- Clause 5.2 Stormwater Management has since been amended upon review to satisfy the Annual Exceedance Probability statement for which Shane Highman from Porter Engineers states that *the intent was for our guidelines to nominate the 1 in 1 year event (1 year ARI). Without getting into the statistics of rainfall probability, the 1 in 1 year event does not have a 100% annual exceedance probability (AEP), it has a 63.2% AEP.*

Consultation/Communication Implications

Local

Public Notice under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* was provided for a period of 28 days and concluded on the 4 January 2019.

Two public submissions were received by the Shire and provided suggested amendments to the Policy.

The main concerns raised were in relation to the language regarding water services and the perceived higher level of infrastructure standards required by land developers.

A copy of the Schedule of Submissions is provided as **Attachment 3** and provides responses to those submissions. Further, the proposed Policy has been amended from its draft version, having consideration for the submissions and Officer comments.

State

State agency submissions were received from the:

- Department of Water and Environmental Regulation;
- Department of Planning, Lands and Heritage;
- Department Primary Industries and Regional Development;
- Department of Health; and
- Department of Fire and Emergency Services.

The Department Submissions related to structural amendments generally, to included reference and new clauses in relation to the assessment frameworks and can generally be accommodated.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*
If a local government resolves to prepare a local planning policy, the local government must follow the procedure under clause 4(1) up to and including clause 4(6) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:
 - (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
 - (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
 - (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
 - (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
 - (5) *A policy has effect on publication of a notice under subclause (4).*
 - (6) *The local government —*
 - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

Local

- Local Planning Scheme No 6

The Shire's Local Planning Scheme provides for the development intent of industrial land uses, generally as follows:

3.2.3 General Industry

The objectives of the General Industrial Zone are to:

- accommodate a range of service based and related industrial land uses such as livestock, fabrication, warehousing, wholesaling and general commercial uses which will not by the nature of their operations, detrimentally impact upon residential and other sensitive land uses outside of the General Industry zone.*
- to apply environmental standards and practices that protect and maintain the amenity and water and air quality of adjoining areas and support the retention and enhancement of the environmental values of the site and its surrounds. maintain the visual amenity of the area as seen from major public roads.*
- minimise the visual impact of development to achieve a built form that is harmonious with the surrounding area.*
- ensure orderly and comprehensive planning and coordinated subdivision and development.*

3.2.4 Industrial Development Zone

The objectives of the Industrial Development Zone are to:

- Designate strategic land areas for future industrial development and employment creation purposes, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;*
- ensure orderly and comprehensive planning and co-ordinated subdivision and development through the requirement for the preparation and endorsement of a structure plan in accordance with Part 4 of the deemed provisions and any associated provisions contained in Schedule 10 of the Scheme;*
- ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land; d) protect the amenity of adjacent properties; and e) protect the environmental assets of the site.*

There are also provisions specifically related to the policy area and include the following as a result of recent scheme amendments:

5.7 MUCHEA EMPLOYMENT NODE

The Muchea Employment Node Special Control Area is shown on the Scheme Map. Development approval is required for any development within the Special Control Area.

5.7.1 Purpose

- to provide a basis for the zoning and development of the Muchea Employment Node as an industrial estate in accordance with the Muchea Employment Node Structure Plan;*
- to accommodate impacts from industrial uses within the boundaries of the Muchea Employment Node;*
- to provide a basis for the co-ordination of future subdivision and development;*
- to protect and manage the natural environment, landscape values and air and water quality, resulting in a high quality industrial estate that responds to its natural setting;*
- to provide for essential services for a broad range of land uses; and*
- limit the development of land uses that might compromise the intended purpose of the area as an industrial estate.*

5.7.2 Planning Requirements

5.7.2.1 Notwithstanding any other land use permissibility expressed in the Scheme, no residential and uses or caretakers dwellings will be approved in the Muchea Employment Node Special Control Area. Shire of Chittering LPS 6 Page No.44

5.7.2.2 In considering zoning proposals for 'Industrial Development', 'General Industry' and 'Light Industry' within the Muchea Employment Node, proposals are to address the objectives and requirements of the Muchea Employment Node Structure Plan, including:

- a) details of how the proposal will manage stormwater run-off and wastewater disposal with specific reference to potential impacts on water quality and quantity and the nutrient load of the Ellen Brook which may include studies, commensurate with the scale of the proposal, in accordance with State Policy and the Better Urban Water Management Guidelines;
- b) details of potential impacts on flora and vegetation, fauna and habitat which may include the need for studies undertaken in accordance with Environmental Protection Authority guidance and consideration of matters of national environmental significance;
- c) details of potential impacts to, and proposed buffers from, waterways and wetlands which may include the need for studies in accordance with State Policy and technical guidance;
- d) a land capability assessment demonstrating that the site is capable of assimilating nutrients and disposing of wastewater without an adverse impact on ecosystem health;
- e) a desktop Aboriginal heritage assessment; and
- f) any other matters relevant to the site, such as access and egress and basic raw materials.

5.7.2.3 Zoning proposals are to be assessed for suitability on the basis of:

- a) their location relative to sensitive land uses;
- b) the environmental suitability of the site; and
- c) the potential impact of proposed drainage and wastewater treatment and disposal systems on the environment.

5.7.2.4 Structure planning is not required for lots 700, 701 and 352 (previously described as lots 100 and 101) and lots 102, M1606, 22, 30, 202, 3 and 201. Structure planning is required on other lots in the Special Control Area in the following circumstances:

- a) in precincts where orderly and proper planning is needed to achieve co-ordinated provision of services and infrastructure; or
- b) where land is zoned for Industrial Development.

5.7.2.5 Subdivision or development of land within the Muchea Employment Node shall also be in accordance with the provisions and requirements of Schedule 11 as applicable.

5.7.2.6 Unless a planning proposal demonstrates otherwise, and is supported by relevant agencies and the local government, servicing within the SCA is to be as follows:

- a) reticulated water supplied by a licenced provider is to be provided at the first stage of any industrial subdivision;
- b) wastewater disposal is to be in accordance with Government policy and clauses 4.9(b) to (e); Shire of Chittering LPS 6 Page No.45
- c) provision is to be made for essential service infrastructure, including drainage, wastewater disposal, water supply and roads.

5.7.2.7 *Internal roads identified in Figure 8 of the Muchea Employment Node Structure Plan (2011) are to be reserved at the first stage of industrial subdivision.*

5.7.3 Relevant Considerations

5.7.3.1 *In addition to the requirements of clause 4.20, in considering applications for Development Approval the local government shall have regard to:-*

- a) *The separation distances required for the proposed use and ability to ensure that impacts can be contained within the boundary of the Special Control Area;*
- b) *That the visual impact of the development is in keeping with the surrounding rural landscape, including:*
 - i. *landscaping to protect views from roads adjoining the Muchea Employment Node;*
 - ii. *buildings to be designed and constructed to minimise visibility from outside the Muchea Employment Node; and*
 - iii. *advertising signage to be designed and appropriately located.*
- c) *The protection of the environmental assets of the land including:*
 - i. *the need for appropriate setbacks and buffers;*
 - ii. *the maintenance of ecological linkages; and*
 - iii. *whether there is a need for the environment assets to be in public ownership to ensure ongoing protection and maintenance;*
- d) *The management of surface and groundwater to maintain the natural water balance within the Muchea Employment Node area, within the provisions set out in the water management plans for the area; and e) Whether there are basic raw materials located on the lot, and whether the proposed development will impact upon their extraction.*

5.7.4 Referrals

The Local Government may refer any application for development approval or other planning proposal to any relevant authority or community organisation.

Policy Implications

State

The implementation of this policy will impact on the future of Restricted Vehicle Access (RAV) to the site and provide the Council's position in respect of access and egress of the land. The State Government and Main Roads WA have unequivocally announced the introduction of a RAV network extending RAV 10 access from Wubin once the upgrades to the Great Northern Highway are undertaken.

Local

The implementation of a local planning policy will guide future development in the area and have due regard to the intent of the land use and zone objectives.

Financial Implications

The implementation of this Policy will not result in a greater financial implication for the Shire as the intent of the Design Guidelines is to provide clarity on matters for which Council has some development control over. The planning framework has previously been well established for the area by the adoption of the 2011 Western Australian Planning Commission approved Structure Plan which endorsed the land for industrial land use.

Harley Dykstra Consulting Town Planners have prepared the draft MIPDG guidelines for \$9,900 (inc GST) and the Road and Drainage Guidance Note - Muchea Industrial Park prepared by Porter Consulting Engineers was prepared for \$13,500 inc GST. Those costs have been expended from the Building Better Regions Grant Fund for the implementation of Reports for the industrial area. The final amendments have been undertaken by Shire staff.

Strategic Implications

Local

- 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.
S4.1.2 actively pursue development of the Muchea Employment Node

State

- WAPC Muchea Employment Node Structure Plan 2011

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Primarily, the Council will need to carefully monitor the construction standards and ongoing road maintenance requirements as a result of development in the area and enabling heavy access vehicles to use the roads.

Development of the area will most likely result in a transition in rating from unimproved values to gross rental values where an increase in revenue would result.

Social implications

The Policy provisions are constructed to ensure that the amenity of the area is considered due to the industrial land uses which will prevail and includes provision for such matters as streetscape, landscaping requirements, built form etc.

Environmental implications

The Policy raises awareness of the local environs in the Muchea Industrial Park, which includes additional consideration for water quality within the Ellenbrook catchment. The ultimate development of the site would result in large areas, particularly drainage lines, being reserved for conservation. In this regard, the Policy aims to ensure setbacks will be sufficient and there is adequate interface with conservation areas.

Officer Comment/Details

Local Planning Policies are used as a guidance document by local governments when considering development applications, structure plans and local government subdivision referral conditions. They are not statutorily binding and do not override provisions of higher order planning documents; however can be given due regard particularly where clarification of related matters are required. This aspect is very important, particularly as one submission, whilst detailed, suggested in some areas that the Policy be amended which would result in conflict with the Shire's Local Planning Scheme.

The Submissions were of a generally high quality and provided good input for the amendments made which has resulted in a stronger and more succinct Policy document. Further, the Shire's Planning Department have also had input into the Policy and this has resulted in minor administrative amendments and the inclusion of pathway plans to be provided at Structure Plan stage.

It is considered appropriate to receive the Road and Drainage Guidance Note - Muchea Industrial Park prepared by Porter Consulting Engineers and include it as an Addendum to the Local Planning Policy. Amendment has been made and relates to the on-lot drainage requirements to ensure that predevelopment water flows continue from the land.

Policy review is considered appropriate every two years to ensure that good planning outcomes and development are achieved and are reasonable.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150319

Moved Cr Gibson / Seconded Cr Osborn

That Council:

- 1. Receive and endorse the Recommended Responses in the Schedule of Submissions;**
- 2. Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopt the Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines with modification;**
- 3. Receive the Road and Drainage Guidance Note - Muchea Industrial Park, prepared by Porter Consulting Engineers, with modification and include it as an Addendum to the adopted Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines; and**
- 4. Require a policy review of the Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines every two years to ensure appropriate development outcomes.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:52PM

9.2 TECHNICAL SERVICES

9.2.1 Deed Poll of Indemnity: Access to portion of Dampier to Bunbury National Gas Pipeline Corridor*

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	28/05/0055; 18/01/0003
Prepared by	Executive Manager Technical Services
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Deed Poll of Indemnity - Access to portion of Dampier to Bunbury National Gas Pipeline Corridor

Executive Summary

Council is requested to approve the President and Chief Executive Officers to sign and fix the Common Seal to the Deed Poll of Indemnity for the Dampier to Bunbury National Gas Pipeline (DBNGP). This is so that a concrete footpath and piped storm water drainage can be installed across the DBNGP corridor on Archibald Street, Muchea.

Background

The Shire of Chittering received funds from the Department of Transport in the 2018/19 financial year to construct a concrete footpath and install piped storm water drainage along Archibald Street, Muchea as part of the WA Bicycle Network Grants. This project will link the upcoming Pump 'n' Jump track at John Glenn Park to the rest of the residential community. As well as providing a safer route for residents to the community hall, local shops and sporting oval by taking bike and foot traffic off the roads.

The footpath is to be constructed in two stages along Archibald Street, Muchea. Stage One will commence in April 2019 continuing from the existing path at the Philmore Street intersection, to the intersection of Fewster Street. Stage Two will continue on from this point in 2020 to the end of Archibald Street, at the Payne Street intersection.

A section of this footpath crosses over the Dampier to Bunbury National Gas Pipeline corridor. To carry out these works a Deed Poll of Indemnity is required to be signed by the Shire President and Chief Executive Officer. A representative from DBNGP will be present to supervise works inside the DBNGP corridor.

This Deed Poll requires the Shire of Chittering to indemnify and keep indemnified the Minister and the State from and against any and all liabilities, obligations, losses, damages, penalties, actions, judgments, suits, proceedings of any kind, costs, expenses or disbursements of any kind which may be imposed on, or incurred by the Minister or the State, relating to, or arising from:

- (i) any loss whatsoever (including loss of use);
- (ii) injury or damage of, or to, any kind of property or thing (including the Access Area and the property of third parties); and
- (iii) any death of, injury or illness sustained by, any person, caused by, contributed to or arising out of, or in connection with, whether directly or indirectly:
 - a) the use and occupation of the Access Area by the Indemnifier or the Indemnifier's Agents;
 - b) the performance of the Works; and
 - c) any negligent or other tortious act or omission of the Indemnifier or the Indemnifier's Agents.

Consultation/Communication Implications

Local

Nil

State

State Lands office

Legislative Implications

State

- *Dampier to Bunbury Pipeline Act 1997*

Local

Nil

Policy Implications

Local

- Administration Policy 1.5 Execution of Documents

State

Nil

Financial Implications

Whilst the Deed itself will not require a financial contribution, from a risk perspective, if the Shire or its contractors damage the pipeline in any way, the Shire's exposure would be extreme, and likely to be measured in millions of dollars. Suitable control procedures (and noting that the pipeline is much deeper than the works proposed) should be adequate to mitigate that risk.

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The new footpath will provide a safer route for residents to the community hall, local shops and sporting oval by taking bike and foot traffic off the roads.

Environmental Implications

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

Officer Comment/Details

Council is requested to approve the President and Chief Executive Officer to sign the Deed Poll of Indemnity for the Dampier to Bunbury National Gas Pipeline and to affix the Common Seal of the Shire of Chittering. This is so that construction works can be carried out within the DBNGP corridor in the Muchea town site.

Appropriate risk management procedures will be put in place to ensure that there is no risk of damaging the Gas Pipeline and exposing the Shire to a financial import.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160319

Moved Cr King / Seconded Cr Gibson

That Council:

- 1. Approve the President and Chief Executive Officer to sign the “Deed Poll of indemnity for the Dampier to Bunbury National Gas Pipeline” as per Attachment 1, and to affix the Common Seal of the Shire of Chittering; and**
- 2. Requires the Chief Executive Officer to ensure that suitable risk management procedures are implemented, to minimise the Shire’s risk of damaging the Dampier to Bunbury National Gas Pipeline.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:52PM

9.3 CORPORATE SERVICES

9.3.1 List of Accounts Paid for the period ending 28 February 2019*

Report Date	7 March 2019
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 28 February 2019

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 28 February 2019.

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

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

Strategic Implications

Not applicable

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 28 February 2019" is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170319

Moved Cr Osborn / Seconded Cr Angus

That Council endorse the following Accounts Paid, as per Attachment 1:

- 1. PR4755, PR4779;**
- 2. EFT17441 – EFT17630;**
- 3. Direct Debits and Transfers as listed; and**
- 4. Trust Fund payments as listed,**

Totalling \$1,000,895.31 for the period ending 28 February 2019.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:52PM

9.3.2 Monthly Financial Reports for the Period Ending 31 January 2019*

Report Date	7 March 2019
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 31 January 2019

Executive Summary

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

Background

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

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

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to receive the Monthly Financial Reports for the period ending 31 January 2019 as presented (**Attachment 1**).

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180319

Moved Cr Gibson / Seconded Cr King

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:53PM

9.3.3 Monthly Financial Reports for the Period Ending 28 February 2019*

Report Date	7 March 2019
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 28 February 2019

Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 28 February 2019.

Background

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

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

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to receive the Monthly Financial Reports for the period ending 28 February 2019 as presented (**Attachment 1**).

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190319

Moved Cr King / Seconded Cr Osborn

That Council receives the Monthly Financial Reports for period ending 28 February 2019 as per Attachment 1.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:53PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Amendment to Administration Policy 1.6 Political Elections Signage*

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Revised Policy 1.6 Political Elections Signage 2. Current Administration Policy 1.6 Political Engineering Posters

Executive Summary

There is a federal election anticipated before the conclusion of the first half of 2019. Council has an existing Policy (Administration Policy 1.6 Political Engineering Posters) dealing with Political Electioneering Posters however it warrants a review in light of this impending election. It is suggested that the policy focus be on enabling election advertising within the community, having a “minimalist” impact on political signage management, and allowing the license to be issued without a fee being charged.

Background

The Shire’s Policy Manual is currently under review but in light of the imminent federal election (anticipated before the conclusion of the first half of 2019) the existing Policy 1.6 dealing with Political Electioneering Posters was considered worthy of a more prompt assessment.

Council’s existing *Policy 1.6 Political Electioneering Posters* essentially prohibits political signage unless there is a “special permit” obtained in accordance with the Shire’s *By-Laws relating to Signs, Hoardings and Bill Posting* (clause 2.5) from the Shire’s Principal Building Surveyor.

The proposed replacement Policy focuses on community safety, political parties (and the Shire) having a much simpler process for political signage, facilitating the promotion of election candidates, minimising the Shire’s policing requirements, and requiring the prompt removal of materials following the election occurring. In essence, the Shire will be playing a “minimalist” role in political signage management.

A revised Policy is included as **Attachment 1** and is proposed to replace the current policy that is included as **Attachment 2**.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

- Activities on thoroughfares and trading in Thoroughfares and Public Places 2001
Shire of Chittering local law *Activities on thoroughfares and trading in Thoroughfares and Public Places 2001* addresses the matter of political signs (noting that recent court cases have clarified a local government's role where political signs are on private property).

Policy Implications

State

Nil

Local

- Administration Policy 1.6 Political Engineering Posters
Council *Policy 1.6 Political Engineering Posters* essentially prohibits political signage in public places unless there is a "special permit" obtained from the Shire's Principal Building Surveyor under the Shire's *By-Laws relating to Signs, Hoardings and Bill Posting* (clause 2.5).

This modified policy proposes that all political signage in public places can be authorised on the condition it is free standing and placed in safe locations.

Financial Implications

No fee is proposed for the license, so there will be an administrative cost to the Shire incurred for each occasion a license is issued.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Accountable Governance
Objective: S5.3.1 – Good governance which supports efficient and effective service
Strategy: Continued Focus on efficient and cost effective provision of services

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

Whilst elections can result in wide and varied views and opinions being promoted, the essence of free speech and democracy is enhanced with more choice of candidate information being available to the voting public. A capacity therefore, for nominated candidates to most easily and at least cost promote themselves, is seen as an providing an "information advantage" to the voting community.

Environmental implications

A proliferation of signage might be seen as visual/environmental pollution, but other than this and on the basis that all signage should be removed within two days of the election concluding, there should be no significant environmental implications associated with this proposal.

Officer Comment/Details

Managing the election sign issue is often very taxing for officers, with candidates often lodging complaints about their competitor candidates. In addition, with the "flurry of activity" that inevitably follows election announcements, appropriate licenses are often not applied for, or are not even known they are applicable. Making the election sign process as simple, costs effective, and with minimalist policing from the Shire, it should best promote information but keep Shire costs to a minimum.

It is intended that before each election, a letter introducing the Policy will be issued to all candidates (plus a, electoral sign application form) with the letter also advising the other more generic sign requirements (like sign size limitations, etc).

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200319

Moved Cr Gibson / Seconded Cr Osborn

That Council endorses the replacement Political Elections Signage Policy as per Attachment 1.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:54PM

9.4.2 Electors Annual General Meeting: 13 March 2019*

Report date	14 March 2019
File ref	04/02/3
Prepared by	Executive Support Officer
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Minutes of the Electors' Annual General Meeting of 13 March 2019

Executive Summary

An Electors' Annual General Meeting was held on Wednesday, 13 March 2019. Decisions made at the meeting need to be considered by Council.

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

Background

At the Electors' Annual General Meeting of 13 March 2019, the following decisions (vis. motions passed) were made and are now presented for Council's consideration:

MOTIONS

1. *That the Shire makes contact with the Port Pirie Council and see how their community power network operates and what social and financial benefits it could bring to our residents;*
2. *That the Shire abolish the administration fee of \$80 for the payment arrangement for rates; and*
3. *That the Shire withdraw from the Western Australian Local Government Association and become affiliated with the Western Australian Ratepayers & Residents Association.*

Consultation/Communication Implications

Local

The decisions of the Electors' Annual General Meeting were made at the 13 March 2019 Electors' meeting.

State

Nil

Legislative Implications

State

- Local Government Act 1995

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

5.32. Minutes of electors' meetings

The CEO is to —

(a)

(b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

(1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting*

(2) *If at a meeting of the council a local government makes a decision in response to a decision mad at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The \$80 Rates – Alternative Payment Arrangements fee is designed to cover the additional costs this service incurs. Removal or lowering of the fee would therefore reduce the income levels of the Shire and move that cost burden (which won't reduce) onto remaining ratepayers. The number of fee paying alternative payment customers varies but is generally around 120, so the fee contributes about \$10,000pa towards administrative costs.

The annual subscription for WALGA is broken down into several components, including a base levy plus optional specific service options. The total subscription for 2018/19 was \$24,558.75. Withdrawing from WALGA would eliminate this fee, but locating and replacing existing Shire utilised WALGA services with alternative providers will not likely result in any nett savings over the year.

The insurance policies offered by Local Government Insurance Services can also be not taken up and alternative insurers located. LGIS is in effect, a not-for-profit local government scheme and should therefore be able to offer well priced services specific to local government's needs. It is considered that it does just that and this is reinforce by its history in that its original establishment was largely resultant from local governments registering their concerns about the high price of commercial insurance premiums. Most local governments utilise LGIS, but not all. It could well be possible to secure a cheaper premium on

occasion, outside of LGIS, but that is not likely to be achievable consistently. The policy coverage would also need to be closely assessed to ensure "like-for-like" policy coverage was achieved. It is not recommended that Council progress down a course of alternative insurers as nett benefits/nett savings are not guaranteed and a breakdown of the LGIS system will have detrimental impacts across the entire local government sphere.

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

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

Environmental implications

There are no known environmental implications associated with this proposal.

Officer Comment/Details

Officer comments are provided in regard to each of the following three Electors' Meeting decisions:

Electors Meeting Resolution #1: *That the Shire makes contact with the Port Pirie Council and see how their community power network operates and what social and financial benefits it could bring to our residents.*

Officer Notes: Mr Curtis (who proposed the motion) asked the same question at the 25 February 2019 Council Meeting and following that, officers did undertake some research into the initiative offered through the Port Pirie Regional Council.

The Port Pirie Regional Council's website has revealed the following link (http://www.pirie.sa.gov.au/solarproject#.XHsIRqQ_WEc). There is also a link to the commercial provider of the Port Pirie solar power products located at (<https://www.communitypowernetwork.com.au/welcome>).

It was concluded at that time that there may be some benefits to be gained for Chittering residents if Council were to endorse a coordinated solar power program, but a more thorough investigation would first be required before that conclusion could be confirmed. A request was subsequently forwarded to the Western Australian Local Government Association seeking for it to undertake an assessment of the opportunity on behalf of all WA local governments. Issues requiring WALGA's consideration would include:

- what is a WA local government's legal capacity to participate in such a role?
- what market potential might there be for a similar scheme in WA (and Chittering in particular)?
- what commercial provider capacity exists in WA and is there a commercial option for a like type Community Power Network already in existence?
- what tender and assessment resources might be required if a local government were to progress down this path? and
- what level of ongoing in-house staffing might be required to manage the project and deal with community contacts should a local government like Chittering wish to consider this initiative?

If the above draws out a response that would seem favourable to Chittering, it might be something that the Council could consider as part of its 2019/20 budget. Additional (or alternative to this) it might also be warranted to arrange some community engagement events where experts in this field could present to the community. This might result in a service model that does not require the Shire's involvement at all, and would at least assist to understand the potential level of community interest.

Recommended Council Decision: That the Shire seeks further information from WALGA (and any other relevant organisations) with the view to deciding whether the potential of a community power network might be beneficial to Chittering residents.

Reason: The Shire does not have any officers here with a sufficient awareness of alternative power options or the intricacies of the power supply arrangement differences between South Australia and WA. Engaging with WALGA and other relevant organisations will however, provide the necessary information to consider whether a community power network is possible in WA, and if so, whether it might be beneficial to Chittering residents.

Electors Meeting Resolution #2: *That the Shire abolish the administration fee of \$80 for the payment arrangement for rates.*

Officer Notes: The Shire as part of its budget approval process deliberates on a wide range of fees and charges. One of those fees is the *Rates – Alternative Payment Arrangements* fee. This is a fee that is specific to any ratepayer that chooses not to pay their rates in either of the formats of (a) in full; or (b) by the standard (legislated) option of four instalments.

The existing *Rates – Alternative Payment Arrangements* fee is \$80.00 which covers the establishment costs of setting up the alternative payment arrangements, plus ongoing monitoring, accounting and recovery (noting that interest is charged on the balance of the rates debt in addition to this flat fee charge).

The fee is considered to be reasonable in light of the actual cost of this “bespoke” weekly/fortnightly/monthly service, where the ratepayer decides on the payment arrangement that suits them and the only Shire condition being that the rates must be fully paid down prior to the conclusion of the financial year (vis. 30 June). There is an internal set-up and monitoring procedure that needs to be put into place with every individual payment arrangement, and whilst some payees with automated bank transfers in place are not a burden to manage, other users of this unique service who might not be able to meet their regular commitments do impose a higher administrative time allocation and therefore those particular customers are heavily subsidised by the Shire.

It should be noted that pensioner card holders (of which there are about 50 on alternative payments) are not charged either the fee or interest for their principal place of residence, so relief in that regard is already in place for this portion of our community members. Those other ratepayers that take advantage of the service will have numerous reasons for doing so, some (like the multiple property owners) will choose this option as a convenience rather than out of financial necessity, whilst others that are perhaps find themselves for some reason in a financially precarious position (but are not eligible for a pension) might opt for the service more out of necessity than for convenience.

Recommended Council Decision: That the Shire not reduce the *Rates – Alternative Payment Arrangements* fee at this point in time as the \$80 charge is considered to be representative of costs, and pensioners are exempt from the charge. However, the fee again be reviewed as part of the 2019/20 Fees & Charges setting and Budget process, where all of the fees and charges for that financial year will be considered.

Reason: Whilst Council can adjust any fee or charge at any time throughout the year, it is suggested that as the fee has already been imposed for 2018/19 (via Council Meeting 20 June 2018) that Council not adjust the fee at this point in time.

Decision #3: That the Shire withdraw from the Western Australian Local Government Association and become affiliated with the Western Australian Ratepayers & Residents Association.

Officer Notes: The Western Australian Local Government Association is the peak industry body for WA local governments. Most local governments are members (138). Its operational structure is comprised of a number of internal business units who undertake either policy and advocacy work on behalf of the Local Government sector or offer services to assist Local Governments to perform their duties. Its governance structure comprises of a State Council and Zones, so offers excellent capacity for individual local government input. WALGA advocates on behalf of WA Local Governments and provides a range of services to its members, including for example, emergency management, employee/industrial relations, environmental planning, governance/Local Laws, procurement/eQuotes, etc.

It is difficult to collect a great deal of information from the Western Australian Ratepayers & Residents Association as only a Facebook page can be located on the Internet. No doubt more information could be secured with a direct contact and interestingly it's Facebook highlights that “WARRA is the peak association to facilitate and promote co-operation, transparency and accountability by local government authorities and elected members”, which would not presumably preclude a local government from being a member, but as it is a ratepayer and residents association, it is concluded that its primary responsibility is to ratepayers and residents, and is not therefore designed to represent local governments themselves.

Recommended Council Decision: That the Shire retain its existing Western Australian Local Government Association subscription.

Reason: The Western Australian Ratepayers & Residents Association is clearly a valuable resource to individuals and ratepayer groups, but by comparison the Western Australian Local Government Association, it is a very small organisation and would not be able to offer the same services to the Shire of Chittering that we are currently accessing through WALGA. Removing ourselves from WALGA would mean we would need to replace existing expertise/services in the areas currently used (like employee relations, eQuotes, and governance) and we would also need to add resources to enable any advocacy that the Council wished to maintain but is currently provided by WALGA as part of its subscription.

OFFICER RECOMMENDATION

Moved Cr King / Seconded Cr Gibson

That Council:

1. Note the minutes of the Annual Electors Meeting held on Wednesday 13 March 2019; and
2. Endorses the following responses, and the reasons for those responses, to the decisions made at the electors' meeting-

Response #1: That the Shire seeks further information from Western Australian Local Government Association (and any other relevant organisations) with the view to deciding whether the potential of a community power network might be beneficial to Chittering residents.

Reason: The Shire does not have any officers here with a sufficient awareness of alternative power options or the intricacies of the power supply arrangement differences between South Australia and Western Australia. Engaging with WALGA and other relevant organisations will however, provide the necessary information to consider whether a community power network is possible in WA, and if so, whether it might be beneficial to Chittering residents.

Response #2: That the Shire not reduce the Rates – Alternative Payment Arrangements fee at this point in time as the \$80 charge is considered to be representative of costs, and pensioners are exempt from the charge. However, the fee again be reviewed as part of the 2019/20 Fees & Charges setting and Budget process, where all of the fees and charges for that financial year will be considered.

Reason: Whilst Council can adjust any fee or charge at any time throughout the year, as the fee has already been imposed for 2018/19 (via Council Meeting 20 June 2018) that Council not adjust the fee at this point in time.

Response #3: That the Shire retain its existing Western Australian Local Government Association subscription.

Reason: The Western Australian Ratepayers & Residents Association is clearly a valuable resource to individual ratepayer groups, but by comparison the Western Australian Local Government Association, it is a very small organisation and would not be able to offer the same services to the Shire of Chittering that it currently accesses through WALGA. Removing ourselves from WALGA would mean the Shire would need to replace existing expertise/services in the areas currently used (like employee relations, eQuotes, and governance) and would also need to add resources to enable any advocacy that the Council wished to maintain, but is currently provided by WALGA as part of its subscription.

MOTION / COUNCIL RESOLUTION 210319

Moved Cr King / Seconded Cr Angus

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:55PM

MOTION / COUNCIL RESOLUTION 220319

Moved Cr Ross / Seconded Cr King

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:04 PM

VARIATION

With the agreement of the Mover and Seconded Response 3 be amended to read as follows:

That the Shire retain its existing Western Australian Local Government Association subscription subject to a review of the services provided by WALGA and WARRAI being presented to Council for consideration prior to the 2019/20 budget deliberations.

Reason: The Council believed there would be value in exploring the services available from WARRAI.

9.4.2 ALTERNATIVE / COUNCIL RESOLUTION 230319

Moved Cr Gibson / Seconded Cr King

That Council:

1. Note the minutes of the Annual Electors Meeting held on Wednesday 13 March 2019; and
2. Endorses the following responses, and the reasons for those responses, to the decisions made at the electors' meeting:

Response #1: That the Shire seeks further information from Western Australian Local Government Association (and any other relevant organisations) with the view to deciding whether the potential of a community power network might be beneficial to Chittering residents.
Reason: The Shire does not have any officers here with a sufficient awareness of alternative power options or the intricacies of the power supply arrangement differences between South Australia and Western Australia. Engaging with WALGA and other relevant organisations will however, provide the necessary information to consider whether a community power network is possible in WA, and if so, whether it might be beneficial to Chittering residents.

Response #2: That the Shire not reduce the *Rates – Alternative Payment Arrangements* fee at this point in time as the \$80 charge is considered to be representative of costs, and pensioners are exempt from the charge. However, the fee again be reviewed as part of the 2019/20 Fees & Charges setting and Budget process, where all of the fees and charges for that financial year will be considered.

Reason: Whilst Council can adjust any fee or charge at any time throughout the year, as the fee has already been imposed for 2018/19 (via Council Meeting 20 June 2018) that Council not adjust the fee at this point in time.

Response #3: That the Shire retain its existing Western Australian Local Government Association subscription subject to a review of the services provided by WALGA and WARRAI being presented to Council for consideration prior to the 2019/20 budget deliberations.

Reason: The Council believed there would be value in exploring the services available from WARRAI.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:11PM

9.4.3 Lower Chittering Sport & Recreation Facility – Stage 1

Report date	20 March 2019
Applicant	Shire of Chittering
File ref	A11560; 15/01/6
Prepared by	Acting Chief Executive Officer
Supervised by	Not applicable
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council considered the proposal to construct a \$9.71m Lower Chittering Sport & Recreation Facility (Stage 1) at its October 2018 Ordinary Council Meeting, where it endorsed the lodgement of a funding application under the Building Better Regions Fund. The grant application was lodged for the November 2018 round of grants and the Shire has recently learned it has been successful. The grant amount sought was \$4.71m, and that was the sum offered the Building Better Regions Fund.

The purpose of this report is to outline an initial program for action to undertake the design stage of the new facility, and also to enable the organisation to progress the numerous operational issues to facilitate the eventual construction and ongoing operation of the Chittering Sport & Recreation Facility (Stage 1).

Background

A feasibility study confirmed the need for more recreational and social facilities within the Shire and the local community (and the Immaculate Heart College) were engaged to develop the plans for this jointly funded and jointly used facility. The new Lower Chittering Sport & Recreation Facility will therefore, cater for the current as well as the new communities of the district, and particularly around the Lower Chittering precinct. It will also provide some relief for the Shire's existing facilities, which are progressively reaching their capacity as the Shire's population grows. The adjacent Immaculate Heart College is anticipated to be K1-12 by 2022 and will be a consistent user of these additional sporting and recreation facilities.

This project will involve the Shire of Chittering, in partnership with Immaculate Heart College, developing the Lower Chittering Sport & Recreation Facility. The project will be developed using a multi-stage approach, with this grant contributing towards the completion of Stage 1, which incorporates 2,784m² of space and costing an estimated \$9.71m. This partnership approach is designed to deliver a significant benefit to both the development and operational phases, in that costs can be shared, providing both parties with access to quality infrastructure with a significantly reduced financial cost.

Stage One of the project (which this grant is intended to support) will involve the development of:

- Multipurpose Centre (including two indoor courts and associated spectator seating);
- Club Facility (including a variety of function rooms and commercial kitchen); and
- Senior Rugby/Hockey Fields.

Future stages will involve the development of a seniors' oval and a number of outdoor courts. As part of the Masterplan for the area, Immaculate Heart College will develop its secondary school facilities adjacent to the Complex, allowing direct access for students. The Masterplan was developed by an architect and a quantity surveyor's estimate indicates a total project cost of \$16m (with this Stage 1 being valued at \$9.71m). The feasibility study indicated that there were no significant engineering factors that would prevent the development of the proposed facility and the joint nature provides for an efficient and cost effective operational model for its ongoing usage.

The Shire's Building Better Regions Fund application highlighted the following issues that now require attention:

Communication Plan – *"As the project moves into the construction phase, the Shire will develop a communication plan to guide how they share information and seek input from stakeholders and community. They will clearly articulate the level of influence that stakeholders have over the process, to manage expectations and allow for transparent engagement. The Shire will actively monitor stakeholder and community perceptions of, and support for the project, allowing them to quickly respond to any emerging issues, and manage relationships and support for the project."*

Facility Programming – *"The shared use of the facility between the broader Shire community and the College allows for maximum value to be derived from the infrastructure. This approach will maximise the use of the facility, with the Shire having identified that school hour usage is likely to be lower and providing access to the school body will increase the usage of the facility overall. Both organisations will undertake proactive social programming to create vibrant and contextually appropriate service offerings, with strong consideration given to adopting a highly collaborative methodology involving the community in designing and implementing services and events".*

Project Management – *"The Shire will be responsible for the delivery of the project, including the administrative and financial obligations, along with the implementation of the project. The CEO of the Shire of Chittering will act as the Project Sponsor and will define the project parameters, oversee (but not manage) the project, make strategic decisions and direct the Project Manager regarding issues and problems with the project, and review project status reports.*

As part of the overall project budget, an allocation will be made to retain the services of an experienced Project Manager to oversee the implementation of this construction project, managing both the development and communications with stakeholders.

An industry standard project management approach (e.g. PMBOK or Prince2) would be adopted to manage the project stages, with management documentation and reporting processes developed as part of the Project Manager role.

The Project Manager will be responsible for accomplishing the project objectives including:

- *Proactive management of the project on a day-to-day basis;*
- *Establish clear and achievable objectives and timelines;*
- *Balance the competing demands for quality, scope, time and cost;*
- *Adapt the project specifications to mitigate risks and issues; and*
- *Deliver the project in accordance with the specification."*

Project Advisory Group – *“In addition to oversight by the CEO and Project Manager, a Project Advisory Group will be established to support the implementation of works associated with this project, with Terms of Reference established to guide their involvement. This group is expected to comprise of senior Shire Staff, Council representative/s and representative/s of Immaculate Heart College.”*

Immaculate Heart College Contribution – *“The College has provided the Shire with a commitment for a construction contribution of \$2m.”*

Consultation/Communication Implications

Local

Significant consultation was undertaken as part of the Feasibility Study in 2016. In 2018 a Reference Group was put in place to work with the Architect to develop the Business Case and Masterplan for the site, and this “Stage 1” Facility proposal.

Whilst Council could choose to commit to the current concept plans as the final design, and simply seek that an architect convert those concepts to a fully specified proposal (suitable to use for the construction tenders) Council might also wish to alternatively engage with stakeholders to confirm the concept design for the Lower Chittering Sport & Recreation Facility, and require that a component of the Architect’s brief be to engage the community in a final consultation process, to ensure that the eventual design best suits the majority of anticipated stakeholders and users. The former option will be the most cost effective, but might not result in the best design or greatest levels of community. The alternative of going back to the community for input could well result in higher costs and an extended architectural design timeline, but will provide all stakeholders with ample opportunity for input.

State and Federal

Prior to the grant application being submitted, there were discussions with local State and Federal Members and the Regional Development Australia (Wheatbelt) office.

Legislative Implications

State

Loan funds will need to be borrowed through WA Treasury. Services to the building, like power, water, and sewerage, will need to meet State Government requirements.

Local

Planning and building applications will be required in due course.

Numerous Local Government Act provisions are relevant, in the main, requirements for contractual commitments; budgeting and loan borrowings; and tenders and procurements, will be relevant.

Policy Implications

State

Nil

Local

Ni

Financial Implications

A Building Better Regions Fund application was lodged in the BBRF Round 3 (November 2018) for a Stage 1 contribution, and was successful. The grant sought and provided was \$4.71m.

The Shire will be required to contribute \$3m (loan funds) for its share with the other major funding partner being Immaculate Heart College. It has committed \$2m, although this includes its payment for the land (approximately 3ha) to be purchased from the Shire. Whilst not confirmed, the College has initially indicated it would prefer to make its contribution through a self supporting loan facility (through the Shire of Chittering's WA treasury borrowing capacity). This will mean that the Shire will need to borrow \$5m.

The current budget includes provision to purchase the land referred to earlier, plus an allocation of \$100,000 for architect's costs.

The projected budget for the project (as per the grant application) was outlined to be as follows –

Summary Budget	FY 2018-19	FY 2019-20	FY 2020-21	Total
Total project costs	\$504,000	\$7,396,000	\$1,810,000	\$9,710,00

In light of the delay in the grant's announcement, a revised budget would be anticipated to reflect something closer to the following (although this will need to be confirmed as the planning process progresses) –

Summary Budget	FY 2018-19	FY 2019-20	FY 2020-21	FY 2020-21	Total
Total project costs	\$110,000	\$2,000,000	\$6,000,000	\$1,600,000	\$9,710,00

The grant proposal budget does include a healthy level of funding for contingencies (approximately \$2m) but did not appear to include "loose furnishings" (e.g. TV's, tables/seating, oval goal posts, kitchen equipment, etc). These will need to be scheduled as part of the building specification. Funding for these components might come from community user groups, the College, or additional grants, but it will be unknown until the eventual tenders for the entire project (of \$9.71m) are to hand, if the original budget will be able to accommodate that loose furnishings cost.

The Long Term Financial Plan (LTFP) includes provisions for income and expenditure projections for the period 2017 – 2028. By their very nature, projections are therefore fluid and subject to ongoing review and refinement. The LTFP includes Stages 1 and 2 of the Lower Chittering Sport & Recreation Facility (2020 – 2023). A total of almost \$4m in loans is anticipated over that period as the Shire's contribution. Whilst loan repayments for this sum are incorporated into the out-year financial schedules, the matter of what share of the total maintenance costs the Shire will need to bear needs to be agreed with the Immaculate Heart College and included as an ongoing expenditure item when the LTFP is next reviewed. This maintenance cost will be more accurately understood as we work thorough the agreements with the College and the building's structure is known. The LTFP also includes many other components, like the revenue rate collection projections for the yet to be constructed Muchea Industrial Park. The construction of Stage 2 of the Lower Chittering Sport & Recreation Facility might progress as planned, or might alternatively need to be pushed back (depending on for example, actual building construction and maintenance costs, and which year the Muchea Industrial Park rates income projections actually eventuate).

From a risk management perspective, the construction of a large community facility such as this is considered to be “medium/high” (in light of the potential funding complications and other impacts of external contractual arrangements). As a medium/high risk matter, the Shire should allocate an officer to be the dedicated Project Officer, so that a good level of monitoring and proactive actions can be achieved. A review of the Long Term Financial Plan should also occur within the next couple of years to more accurately reflect updated circumstances.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The project yields a Benefit to Cost Ratio of 1.3, meaning that it is economically desirable and produces a net benefit.

Social implications

There will be positive social and health benefits associated with sporting and recreation facilities to service the growing population in Lower Chittering.

Environmental implications

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

Officer Comment/Details

As the project proponent and future asset owner, it is important to ensure that the Lower Chittering Sport & Recreation Facility is delivered in line with the grant commitment (including for example, within the agreed budget, scope and timeframe). One important step as part of that process is to keep engaged with relevant stakeholders. The establishment of a Project Advisory Group can assist the Chief Executive Officer and the Project Officer in that regard. The establishment of a Lower Chittering Sport & Recreation Facility Project Advisory Group was outlined in the grant application as a desired stakeholder engagement mechanism and could be formulated on the following Terms of Reference:

OBJECTIVES

The Advisory Group is to contribute to the task of overseeing the Lower Chittering Sport & Recreation Facility project and to where required, make recommendations to the Chief Executive Officer and/or Council as per the Roles and Responsibilities outlined below.

ROLES AND RESPONSIBILITIES

The Group is to make recommendations to the Chief Executive Officer and/or Council on:

- a) development of a *Communication Plan* to guide how the Shire should share information and seek input from stakeholders and community;
- b) Updated designs and reports regarding estimated cost, risk, and deliverables;
- c) The register of design changes, including impact to cost / size / scope;
- d) Final documented designs before presentation to Council for endorsement;
- e) Wherever timeliness allows, major variations (over \$100,000 in cost, or exceed total budget, or change in scope that affects functionality or purpose of area) for recommendation to the Chief Executive Officer/Council;
- f) An *Agreement of Operational Use and Costs Responsibility* for the various Stakeholder Groups and for the various parts of the Facility; and
- g) The development of a *Facility Programming Framework* outlining how the various users will utilise the Facility.

MEETINGS

Membership of the Reference Group to be:

- Two Elected Members of the Shire of Chittering (one of whom is to be the Presiding Person);
- One representative from the Immaculate Heart College;
- Three community/sporting club members.

Note - Other individuals may attend meetings as guests/observers, with the prior approval of the Presiding Person.

DELEGATED AUTHORITY

The Group has no delegated authority, but may make recommendations to the Chief Executive Officer and/or Council on matters outlined in the Roles and Responsibilities (above).

ORGANISATIONAL SUPPORT

The Project Officer will facilitate the Group and attend meetings to provide administrative support and advice.

TERM

The term of membership for committee members is to coincide at the latter of the next biennial Local Government Councillor Elections or the completion of the Facility, whichever is the earlier. Elected Members may be re-appointed following the Councillor Elections.

FREQUENCY MEETINGS

To be held as required.

Whilst the grant has been announced, the Shire and the Federal Government need to formalise the agreement with a contract. This is a standard procedure for all Building Better Regions Fund grant.

This is a very large project for the Shire to manage and a dedicated (albeit part time) project officer is warranted. Such an officer would do things (in addition to the responsibilities outlined in the grant application) like coordinate the tenders required for Architects and Builders; undertake the assessment of tenders and draft agenda items to Council; facilitate and coordinate the Lower Chittering Sport & Recreation Facility Reference Group meetings; manage the grant governance procedures and report the federal government accordingly; monitor, control, and manage the financial transactions; liaise with stakeholders; and oversee the physical construction of the Facility; amongst others.

A draft Timeline for delivery on the Lower Chittering Sport & Recreation Facility is outlined below:

Task	Date
Media Release advising of Grant	March 2019
Council Resolution to commence planning and design for the Lower Chittering Recreation Centre	March 2019
Establishment of Lower Chittering Recreation Centre Reference Group	April 2019
Finalise Contractual Documentation for BBRF Grant	April 2019
Finalise financial contribution from Immaculate Heart College	April 2019
Development of Architects tender documents	April 2019
Architects Tender Release (pre authorise with March Council Resolution)	April 2019
Architects Tender Closing	May/June 2019
Architects Tender submissions and evaluation documentation provided to Tender Evaluation Panel	June 2019
Establish Loan facility from Treasury	June 2019
Evaluation panel consensus meeting to discuss tender submissions	July 2019
Complete Tender Report for July Council Meeting	July 2019
Architects Tender Awarded by Council	July 2019
Finalise budget allocation (for 2019/20 and 2020/21) from the Shire of Chittering	August 2019
Architect to liaise with stakeholders and regularly report to Reference Group	August – September 2019
Architect to Finalise Plans/Specifications for calling of Recreation Centre Tender	October/November 2019
Council to Endorse Final Plans and authorise calling of Building Tenders	November 2019
Building Tender Released	November 2019
Building Tender Closing (noting extended period due to Christmas/New Year building close-down)	February 2020

Task	Date
Building Tender submissions and evaluation documentation provided to Tender Evaluation Panel	February 2020
Evaluation panel consensus meeting to discuss tender submissions	February 2020
Evaluation Report presented to Council for decision	March 2020
Building Tender Awarded by Council	March 2020
Building Contract Prepared and Signed	April 2020
Building Licence Application	April 2020
Anticipated Building Licence Approvals	May 2020
Possession of Site	May 2020
Contractor to commence procurement, mobilisation to site	May 2020
Construction Commencement	May 2020
Completion and Handover (14 months)	July 2021*
Official Opening Ceremony	September 2021
Defects Liability Period	July 2022

*Note: the grant conditions require that the building be completed prior to 31 December 2021.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr King

That Council:

- Note the receipt of the \$4.71 Building Better Regions Fund grant for the Lower Chittering Sport & Recreation Facility – Stage 1 Project;
- Express its gratitude to all contributors to the Building Better Regions Fund grant application process;
- Establish a Lower Chittering Sport & Recreation Facility Reference Group based on the Terms of Reference outlined in this report;
- Appoint Councillors _____ and _____ to the Reference Group;
- Authorise the Chief Executive Officer to make the necessary arrangements to accept the \$4.71 Building Better Regions Fund grant, and (if required) authorises as per Administration Policy 1.5 Execution of Documents, in regard to the processing of this grant receipt contract, the Shire President and the Chief Executive Officer, or their deputies, to place the Shire's Common Seal upon and to sign all relevant documentation;
- Notes that Lower Chittering Sport & Recreation Facility grant application incorporated a budget and grant application risk mitigation obligation to appoint a dedicated project officer to coordinate and control the program, and notes that the Chief Executive Officer intends if possible, to provide that service via an in-house staff resource;

7. Authorise the Chief Executive Officer to call for tenders for Architectural Services for the Lower Chittering Sport & Recreation Facility. The Architectural Services scope of work to be for the 'full design developed and specification documentation', in order that tenders for the facility's construction can then follow;
8. Note the draft Timeline of events as a guide to the Facility's construction;
9. Commits to providing its \$3m funding towards the project as part of the 2019-20; 2020-21; and 2021-22 financial year budgets;
10. Authorise the Chief Executive Officer to finalise an agreement with Immaculate Heart College for its \$2m contribution, including investigating the potential of a \$2m Self Supporting Loan facility if that is the preferred option of the College;
11. Authorises the Chief Executive Officer to commence the process of securing a (up to) \$5m loan facility from WA Treasury (for a \$3m Shire loan, and a potential \$2m Immaculate Heart College self-supporting loan);
12. Notes that the estimated timing for Stage 2 of the Facility might be affected by Stage 1 costs or broader Shire revenue/expenditure adjustments, and therefore this timing issue will be re-assessed as part of the next review of the Long Term Financial Plan; and
13. Confirms that the current concept plans be used as a guide for the Lower Chittering Sport & Recreation Facility, however that a component of the Architect's brief be to confirmed through a condensed community consultation process, that this design best suits the majority of anticipated stakeholders and users.

MOTION / COUNCIL RESOLUTION 240319

Moved Cr King / Seconded Cr Gibson

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:12PM

MOTION / COUNCIL RESOLUTION 250319

Moved Cr King / Seconded Cr Gibson

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:47PM

VARIATION

With the agreement of the Mover and Seconded the following items be amended:

1. #4 be amended to read: *Appoint Councillors George Tilbury and Carmel Ross to the Reference Group (with Cr Aaron King as a Proxy Member).*
2. #10 be amended to read: *Authorise the Chief Executive Officer to seek an agreement with Immaculate Heart College for its \$2m contribution for Council's consideration.*
3. #11 be amended to read: *Authorise the Chief Executive Officer to commence the process of securing a (up to) \$3m loan facility from WA Treasury.*

Reason: It was believed that the Immaculate Heart College should either source its own \$2m of contributory funding, or alternatively, provide a suitable level of security if it wished to secure a Self-Supporting Loan through the Shire. In the interim, the Shire only pursue a \$2m loan facility.

9.4.3 MOTION / COUNCIL RESOLUTION 260319

Moved Cr Gibson / Seconded Cr King

That Council:

1. Note the receipt of the \$4.71 Building Better Regions Fund grant for the Lower Chittering Sport & Recreation Facility – Stage 1 Project;
2. Express its gratitude to all contributors to the Building Better Regions Fund grant application process;
3. Establish a Lower Chittering Sport & Recreation Facility Reference Group based on the Terms of Reference outlined in this report;
4. Appoint Councillors George Tilbury and Carmel Ross to the Reference Group (with Cr Aaron King as Proxy Member);
5. Authorise the Chief Executive Officer to make the necessary arrangements to accept the \$4.71m Building Better Regions Fund grant, and (if required) authorises as per *Administration Policy 1.5 Execution of Documents*, in regard to the processing of this grant receipt contract, the Shire President and the Chief Executive Officer, or their deputies, to place the Shire's Common Seal upon and to sign all relevant documentation;
6. Notes that Lower Chittering Sport & Recreation Facility grant application incorporated a budget and grant application risk mitigation obligation to appoint a dedicated project officer to coordinate and control the program, and notes that the Chief Executive Officer intends if possible, to provide that service via an in-house staff resource;
7. Authorise the Chief Executive Officer to call for tenders for Architectural Services for the Lower Chittering Sport & Recreation Facility. The Architectural Services scope of work to be for the 'full design developed and specification documentation', in order that tenders for the facility's construction can then follow;

8. Note the draft Timeline of events as a guide to the Facility's construction;
9. Commits to providing its \$3m funding towards the project as part of the 2019-20; 2020-21; and 2021-22 financial year budgets;
10. Authorise the Chief Executive Officer to seek an agreement with Immaculate Heart College for its \$2m contribution for Council's consideration;
11. Authorises the Chief Executive Officer to commence the process of securing a (up to) \$3m loan facility from WA Treasury;
12. Notes that the estimated timing for Stage 2 of the Facility might be affected by Stage 1 costs or broader Shire revenue/expenditure adjustments, and therefore this timing issue will be re-assessed as part of the next review of the Long Term Financial Plan; and
13. Confirms that the current concept plans be used as a guide for the Lower Chittering Sport & Recreation Facility, however that a component of the Architect's brief be to confirmed through a condensed community consultation process, that this design best suits the majority of anticipated stakeholders and users.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9:49PM

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Angus - Chittering Arts Society/Ferguson House: Lot 91 (RN6138) Great Northern Highway, Bindoon

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	A11711
Prepared by	Community Development Coordinator
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

A notice of motion was submitted by Cr Angus to the February 2019 Council Meeting seeking that the Chief Executive Officer meet with the Chittering Arts Society to assess and discuss their needs, to undertake assessment of the suitability of Ferguson House for the use of this group and provide a report and recommendation to Council by the April Ordinary Council Meeting.

This report supports the position outlined.

Background

A notice of motion was submitted by Cr Angus to the 20 February 2019 Council Meeting as follows:

That Council direct the CEO to meet with the Chittering Arts Society to assess and discuss their needs, to undertake assessment of the suitability of Ferguson House for the use of this group and provide a report and recommendation to Council by the April Ordinary Council Meeting.

Researching the records of the Shire highlights that by way of background, the Chittering Arts Society formed in 2013 and first approached the Shire seeking a permanent venue in the same year. It was initially housed in the Bindoon Town Hall.

The Chittering Arts Society was advised in 2013 of a potential three venues within the townsite of Bindoon (Old Medical Centre at 21 Binda Place; 6169 Great Northern Highway Chittering Child Health Centre and the Ambulance Centre, Bindoon) that may become available to community groups with the construction and completion of the new medical centre. When the lease became available on the Old Medical Centre the Art Society applied to use it, but were unsuccessful. 6169 Great Northern Highway, Bindoon was sold in 2018 and the Ambulance Centre is still being utilised by the Chittering Gingin Sub Branch of St John Ambulance.

In 2015 the Chittering Arts Society sought access to the Bindoon & Districts Agricultural Society Meeting Room as they found the increase in rent for the use of the Bindoon Town Hall (following renovations) too expensive. Further requests for assistance to find a suitable facility to house the Society were then made to the Shire in June 2016, March 2017, and June 2018, and most recently, via a letter on 19 February 2019.

In 2018 the Chittering Arts Society negotiated a co-location agreement with the Bindoon Arts and Crafts Group in a subletting arrangement. This arrangement provides access to the Bindoon Arts and Crafts building as well as a separate storage area within the demountable building behind the Arts building. It is the understanding of Shire officers that space is limited at the Brockman Centre, nevertheless this option has provided the Chittering Arts Society with a semi-permanent home within what is considered the *Arts & Heritage Precinct* of the Shire. This arrangement appears to have gone some way towards meeting the Chittering Arts Society's needs, as opposed to their previous use of the Bindoon Agricultural Society Office and the Bindoon Town hall where they were not afforded this same floor-space allocation.

Co-location at the Brockman Centre has also eliminated the potential of any clashes of use/purpose that were evident in the Bindoon Hall, where there are many casual users utilising the facility for activities ranging from dance and martial arts to concerts and public meetings.

Shire officers have met with the Chittering Arts Society on each occasion listed above to ascertain their needs and consider the request for use of council facilities. A review of the Shire of Chittering Corporate Business Plan 2017 – 2021 highlights that a permanent home for the Chittering Arts Society has been considered and the resulting solution (at least in part) was to allocate funds in the 2021 – 2022 year of the Long Term Financial Plan, of \$300,000. These funds might only go part way towards a purpose built arts building (to accommodate both the Chittering Arts Society and the Bindoon Arts and Crafts) however it is still a meaningful contribution to such a facility.

Additionally, the Shire has been undertaking a review of its Facility Management across the entire Shire and until this process has been finalized, Officers have been hesitant to suggest any new arrangements or any changes to existing lease arrangements the Shire has with community groups. This review is in its final stages and once completed will have an accountability framework that will guide our Facility Management processes.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

The Shire of Chittering *Local Government (Council Meetings) Local Law 2014* at clause 5.3 (Motions of which previous notice has been given) outlines the process for lodging and dealing with a Councillor's notice of motion.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Other than Officer time and general office resources, there are no financial implications in regard to holding a meeting with the Chittering Arts Society to assess and discuss their needs, to undertake assessment of the suitability of Ferguson House for the use of this group and provide a report and recommendation to Council. It can be noted however, that *The Shire of Chittering Corporate Business Plan 2017 – 2021* presently includes an allocation of \$300,000 in 2021-2022 for some form of Arts facility.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

State

- Department of Culture and the Arts Strategic Plan 2016

Support the delivery of arts and culture activities across WA through policy development, grants and funding.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal, although in the longer term, there may be positive economic outcomes that flow from for example, arts tourism.

Social implications

Long term access to a fit for purpose building would enable the Chittering Arts Society to undertake community workshops, set up a gallery, conduct exhibitions and store their equipment in a secure facility.

Art has a proven beneficial impact on a communities social and economic wellbeing.

Environmental implications

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

Officer Comment/Details

There is no objection to the Chief Executive Officer undertake an assessment of the suitability of Ferguson House for the use of the Chittering Arts Society and this assessment will likely add value to the presently progressing Facility Management Review.

An important Ferguson House stakeholder is the Chittering Health Advisory Group. It is currently working towards understanding the health needs for the community, to help guide future Shire and Council decision making. That group will also be able to make a valuable contribution towards the thinking of what might be the most suitable use for Ferguson House.

There is also a notice of motion from Cr Gibson (11.2) which also relates to the use of Ferguson House. Both this item, and item 11.2, need to be considered simultaneously. It perhaps might be best therefore, for Councillors to decide what their preferred use would be for Ferguson House (respite, or arts facility, or indeed an alternative different from these two) and officers will pursue those options in a priority order. The alternative recommendation to address both items 11.1 and 11.2, and that draws on community input to drive that consideration, could be as follows:

That the Shire publically advertise the availability of Ferguson House for interested community users/providers of community services, to lodge proposals for Council's consideration.

OFFICER RECOMMENDATION

Moved Cr Angus

That Council direct the Chief Executive Officer:

1. to meet with the Chittering Arts Society to assess and discuss their needs, to undertake assessment of the suitability of Ferguson House for the use of this group and provide a report and recommendation to Council by the April 2019 Ordinary Council Meeting; and
2. ensure that the Chittering Health Advisory Group is also invited to make a contribution towards the assessment process.

11.1 ALTERNATIVE RECOMMENDATION / COUNCIL RESOLUTION 270319

Moved Cr Angus / Seconded Cr King

That Council directs the Chief Executive Officer to meet with the Chittering Arts Society to assess and discuss their needs and undertake the assessment of the suitability of Ferguson House for the temporary use of this group until such time as a permanent use of the facility is determined by Council; and provide a report and recommendation to Council by the May 2019 Ordinary Council Meeting.

THE ALTERNATIVE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

10:11PM

Reason: To attempt to remove any conflict with item 11.2 "Cr Gibson - Ferguson House: Lot 91 (RN6138) Great Northern Highway, Bindoon".

11.2 Cr Gibson - Ferguson House: Lot 91 (RN6138) Great Northern Highway, Bindoon

Report date	13 March 2019
Applicant	Shire of Chittering
File ref	A11711
Prepared by	Acting Chief Executive Officer
Supervised by	Not applicable
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

A notice of motion was submitted by Cr Gibson on 8 March, for presentation to the 20 March 2019 Council Meeting. The motion is proposed as an “alternative motion” to the officer recommendation at agenda item 11.1 (notice of motion from Cr Angus) and promotes that an operator should be sought out to open and run Ferguson House as a respite centre.

Whilst the two submitted notices of motion are on separate reports, they both relate to the use of the same building and therefore need to be considered simultaneously.

Background

A notice of motion was submitted by Cr Gibson to the 20 March 2019 Council Meeting, requesting that it be considered as an Alternative Motion for 11.1. The notice of motion reads as follows -

“That Council direct the CEO to actively seek an operator to open and run Ferguson House as a respite centre.”

Added comments by Cr Gibson were –

- that this use was intended by Council when the building was purchased and modified more than 10 years ago;
- that respite care was recognised as a priority by previous Councils (and it invested ratepayers money and utilised volunteers time to establish the facility);
- that users would be some of the district’s most vulnerable residents;
- the service when operational was well attended by residents and volunteer carers; and
- that seniors and their careers need to travel 80kms to access alternative respite care.

Consultation/Communication Implications

Local

Council were briefed in 2016 by the National Disability Insurance Agency on changes expected under the National Disability Insurance Scheme that have since rolled out across Australia. Funding that was previously allocated to service providers for the provision of services to individuals is now allocated directly to the client to “self-manage”. Since this time the Australian Government has also rolled out *My Aged Care* which is the main entry point for individuals to access aged care services across Australia. *My Aged Care* also allocates funds to the individual for self-directed service provision.

Due to this changing funding environment and the then request from Council to consider the Shire of Chittering opening and operating the Ferguson House facility as a respite Centre, the former Chief Executive Officer, Alan Sheridan, requested a Council briefing session with Aaron Cook (now Chief Executive Officer of Gingin) who has had Council experience in the provision of Aged Care Services whilst he was at the Shire of Narrogin. Aaron's suggestion to Council at his briefing in November 2018 was that Council approach, with caution, the consideration to enter into the provision of health services as this is an ever changing and complex area strongly regulated by legislation with onerous reporting requirements that require a thorough and extensive understanding of the service system.

State

Nil

Legislative Implications

State

Nil

Local

The Shire of Chittering Local Government (Council Meetings) Local Law 2014 at clause 5.3 (Motions of which previous notice has been given) outlines the process for lodging and dealing with a Councillor's notice of motion.

Policy Implications

State

- *National Disability Insurance Scheme 2010-2020*
- *Quality of Care Amendment (Single Quality Framework) Principles 2018*

Local

Nil

Financial Implications

Other than Officer time and general office resources, there are no significant financial implications involved in the process of actively seeking out an operator to open and run Ferguson House as a respite centre. There may be some costs if formal advertising or building maintenance/upgrading is required.

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*
 - Focus area: Our community
 - Objective: S1.1 An active and supportive community
 - Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

Focus area: Our community
Objective: S1.1 An active and supportive community
Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local communities.

Focus area: Our community
Objective: S1.1 An active and supportive community
Strategy: S1.2.3 Activate our local centres and towns

Focus area: Our community
Objective: S1.3 A safe and healthy community
Strategy: S1.3.2 Advocate for improved education and health services

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

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

- Aged Friendly Community Plan 2016-2019

- Youth Strategy - 2015 – 2018

Strategy 2: Things to do and places to go
Strategy 3: Reducing risky behaviours

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Maintaining respite services within the Shire (albeit likely to be at cost to the Shire) will promote positive economic implications, through potentials like housing development and local business growth.

Social implications

The provision of a respite service would facilitate another option for the provision health and wellbeing benefits for local families.

Environmental implications

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

Officer Comment/Details

Officers understand that there are currently approximately seven service providers offering flexible care options within the Shire of Chittering. These services provide community based respite care through home based or centre based respite care options. This suggests that there is definitely the need for respite services within the Shire, however given the new funding arrangements within the Disability and Aged Care sectors (i.e. shifting funding from the provider to a self-management model) it brings with it a new level of business viability uncertainty for service providers who operate dedicated facilities for respite purposes.

Dedicated service facilities often have large overheads associated with running a facility. The change in the funding model by the Commonwealth Government now makes it more financially risky for these type of centres as they now need to accommodate the added risk possibility of clients withdrawing "their" funding, and taking up alternative options (like being serviced within their own home). The increasing move toward home based respite services does put into question whether centre based respite care is sustainable for the Chittering area, irrespective of where it is located.

The Chittering Health Advisory Group is currently working towards understanding the health needs for the community, to help guide future Shire and Council decision making. That group will also be able to make a valuable contribution towards the thinking of how any potential respite service might operate at Ferguson House.

Notwithstanding the challenges of encouraging a dedicated respite service provider to provide a service from Ferguson House, there is no objection to the Chief Executive Officer progressing a program of actively seeking out an operator to open and run Ferguson House as a respite centre.

The motion is proposed as an "alternative motion" to the officer recommendation at agenda item 11.1 (notice of motion from Cr Angus) and so it is recommended that as both submitted notices of motion relate to the use of Ferguson House, they need to be considered simultaneously. It perhaps might be best therefore, for Councillors to decide what their preferred use would be for Ferguson House (respite, or arts facility, or indeed an alternative different from these two) and officers will pursue those options in a priority order. The alternative recommendation to address both items 11.1 and 11.2, and that draws on community input to drive that consideration, could be as follows:

That the Shire publically advertise the availability of Ferguson House for interested community users/providers of community services, to lodge proposals for Council's consideration.

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Angus

That Council:

1. direct the Chief Executive Officer to actively seek an operator to open and run Ferguson House as a respite centre; and
2. ensure that the Chittering Health Advisory Group is also invited to make a contribution towards the implementation process.

MOTION / COUNCIL RESOLUTION 280319

Moved Cr King / Seconded Cr Ross

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10:26PM

MOTION / COUNCIL RESOLUTION 290319

Moved Cr King / Seconded Cr Osborn

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10:34PM

Cr's Gibson and Angus withdrew their MOTION.

11.2 ALTERNATIVE / COUNCIL RESOLUTION 300319

Moved Cr King / Seconded Cr Gibson

That the Shire publically advertise the availability of Ferguson House for interested community users/providers of community services, to lodge proposals for Council's consideration.

THE ALTERNATIVE WAS PUT AND DECLARED CARRIED 6/0

10:36PM

Reason: To open up the widest possible opportunity for the use of Ferguson House.

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

13. MOTION / COUNCIL RESOLUTION 310319

Moved Cr Osborn / Seconded Cr Ross

That Council, in accordance with c5.4(2) of the *Local Government (Council Meetings) Local Law 2014* deal with Items 13.1 "Local Government Compliance Audit Return for 2018", as this matter is unable to be dealt with administratively by the local government and must be considered by Council before the next Council meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10:40PM

13.1 Local Government Compliance Audit Return for 2018

Report date	20 March 2019
Applicant	Shire of Chittering
File ref	04/02/0002
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Voting requirements	Simple Majority
Attachments	1. Compliance Audit Return for 2018

Executive Summary

Council is requested to adopt the Compliance Audit Return for 2018, which was presented to the Audit Committee on 20 March 2019.

Background

Each local government is to carry out a Compliance Audit for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government.

The CAR was presented to the Audit Committee and the following recommendation is now presented to Council:

6.2 OFFICER/COMMITTEE RECOMMENDATION

Moved Cr King / Seconded Cr Ross

That the Audit Committee reviews the Local Government Compliance Audit Return for the period 1 January 2018 to 31 December 2018 and presents to Council for adoption at the Ordinary Meeting of Council on 20 March 2019.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

5:33PM

A copy of the completed CAR is included as **Attachment 1**.

Consultation/Communication Implications

Local

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Technical Services

State

Nil

Legislative Implications

State

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations*
- *Local Government (Administration) Regulations*
- *Local Government (Rules of Conduct) Regulations*
- *Local Government (Elections) Regulations*
- *Local Government (Audit) Regulations*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The CAR for the 2018 calendar year has been completed by the Executive Manager Corporate Services.

The CAR for 2018 continues in the reduced format introduced in 2011, with the areas of compliance restricted to those considered high risk.

The areas of compliance for 2018 are as follows:

Commercial Enterprise by Local Governments

No noted areas on non-compliance.

Delegation of Power/Duty

There is one area of non-compliance:

- (i) No 12: Were all delegations made under Division 4 of Part 5 of the Act reviewed by the Delegator at least once during the 2017/2018 financial year.

The Shire's Delegated Authority Register was tabled at the Ordinary Council Meeting held on 20 June 2018, where Council resolved the following:

9.4.5 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 160618

Refers the Delegated Authority Register to the next Audit Committee meeting for review.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0
CRS HOUSTON, OSBORN, KING, TILBURY, ROSS, ANGUS AND GIBSON VOTED IN FAVOUR**

9:19PM

Disclosure of Interest

No noted areas of non-compliance.

Disposal of Property

No noted areas of non-compliance.

Elections

No noted areas of non-compliance.

Finance

No noted areas of non-compliance.

Integrated Planning and Reporting

No noted areas of non-compliance.

Local Government Employees

No noted areas of non-compliance.

Official Conduct

No noted areas of non-compliance.

Tendering for Providing Goods and Services

No noted areas of non-compliance.

It is recommended that Council adopt the completed Local Government Compliance Audit Return as included as Attachment 1.

13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 320319

Moved Cr King / Seconded Cr Gibson

That Council adopts the Local Government Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as per Attachment 1.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

10:40PM

13.2 MOTION / COUNCIL RESOLUTION 330319

Moved Cr Ross / Seconded Cr Angus

That Council, in accordance with c5.4(2) of the *Local Government (Council Meetings) Local Law 2014* deal with Late Item 14.1.2 "Bushfire Insurance Claim".

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10:43PM

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 340319

Moved Cr Osborn / Seconded Cr King

That Council moves into a confidential session to discuss item 14.1.1 "Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway): Repurchase Option Clause Take-up" and Item 14.1.2 "Bushfire Insurance Claim" under the terms of the *Local Government Act 1995, Section 5.23(2)*:

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

- (b) the personal affairs of any person; and*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal —*
 - (iii) information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government;*

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

10:44PM

The members of the general public left the meeting at 10:46pm

Mr Neil Hartley, Acting Chief Executive Officer, has declared an Impartiality Interest as he is a volunteer for Retirees WA.

14.1.1 CONFIDENTIAL ITEM Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway): Repurchase Option Clause Take-up*

Report date	7 March 2019
Applicant	Shire of Chittering
File ref	A9502; 04/18/79
Prepared by	Acting Chief Executive Officer
Disclosure of interest	Acting Chief Executive Officer: Impartiality Interest – volunteer for Retirees WA
Voting requirements	Simple Majority
Attachments	1. Contract of Sale (3 November 2014) – CONFIDENTIAL NOT FOR PUBLIC DISCLOSURE

Reason for confidentiality

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

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

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

14.1.2 CONFIDENTIAL ITEM Bushfire Insurance Claim*

Report date	19 March 2019
Applicant	Shire of Chittering Bushfire Advisory Committee and Mr David Wilson
File ref	27/01/0002; 27/01/0003
Prepared by	Acting Chief Executive Officer
Supervised by	Not applicable
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	1. Zurich Financial Services Australia Limited – Claim Response

Reason for Confidentiality

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

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

(b) the personal affairs of any person; and

(e) a matter that if disclosed, would reveal

(iii) information about the business, professional, commercial or financial affairs of a person,

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

14.2 Public reading of resolution that may be made public

No members from the general public returned to the meeting at 11.04pm and therefore the resolutions from behind closed doors were not read aloud at the meeting.

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 350319

Moved Cr King / Seconded Cr Osborn

That Council:

1. Notes that Retirees WA has not met its 3 November 2014 Contract of Sale conditions 7 and 8 (Development of the Land; and Construction of Development);
2. Confirms its decision to repurchase the land (Portion of Lot 89 Koomal Street, Bindoon (previously part Lot 62 Great Northern Highway, Bindoon)) as per Contract of Sale condition 14 (Option to Repurchase the Land);
3. Agrees to the re-purchase price of \$502,500;
4. Authorises the Chief Executive Officer to facilitate all necessary repurchase arrangements on the Shire's behalf; and
5. Authorises as per Administration Policy 1.5 Execution of Documents in regard to the processing of this land purchase, the Shire President and the Chief Executive Officer, or their deputies, to place the Shire's Common Seal upon and to sign all relevant documentation of a legal or statutory nature.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

10:54PM

14.1.2 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 360319

Moved Cr Gibson / Seconded Cr Ross

That Council:

1. Acknowledges and appreciates the commitment of volunteers to the firefighting effort within the Shire of Chittering;
2. Ask the Chief Executive Officer to research the local government positions of neighbouring and other near local governments and to draft a Policy on the question of the Shire's contribution (if any) where damage occurs to volunteer bush fire brigade member (and non-member) vehicles and equipment;
3. Forward a copy of the Shire's relevant insurance policy information to local Bush Fire Brigades for their information; and
4. Update volunteers as to the Shire's insurance policy limitations, in particular regard to motor vehicles.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

11:04PM

15. CLOSURE

The Presiding Member declared the meeting closed at 11.05PM.



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