



Ordinary Meeting of Council

Wednesday 20 May 2020
Commencing at 7pm

Held at the Council Chambers, 6177 Great Northern Highway, Bindoon

Preface

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

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

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

Unconfirmed Minutes

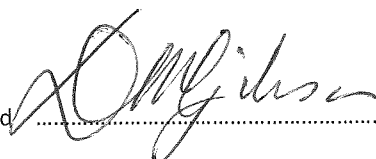
These minutes were approved for distribution on 28 May 2020.



Matthew Gilfellon
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 17 June 2020.

Signed 

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

Disclaimer

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

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

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

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

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* indicates separate attachments

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

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

Cr Gibson declared the meeting open at 7:01PM

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

2.1 Attendance

The attendees signed the COVID 19 Contract Tracing Facility Record:

Members:	Cr Don Gibson	President (Presiding Member)
	Cr Peter Osborn	
	Cr John Curtis	
	Cr John Davis ^{LEFT AT 8:54PM}	Deputy President
	Cr Carmel Ross	
	Cr Mary Angus	
	Cr Kylie Hughes	
Staff:	Matthew Gilfellow	Chief Executive Officer
	Natasha Mossman	Executive Assistant / Council Support (Minute Secretary)
Public:	Mick Byrne	
	Jack Donsen	
	Collen Osborn	
	John Nagel	
	Gary Wilkinson	
	Lynn Borg	
	Chris Waldie	
	Bill Nobes	

The following Shire staff were in attendance electronically:

Melinda Prinsloo	Executive Manager Corporate Services
Peter Stuart	Executive Manager Development Services
Jim Garrett	Executive Manager Technical Services

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

2.4 Announcements

Cr Don Gibson

28 April – meeting with Deputy President and CEO (Administration Centre, Bindoon)
5 May – meeting with Deputy President and CEO (Administration Centre, Bindoon)
6 May - 2020/21 Budget Strategy Workshop (video conference)
12 May – meeting with Deputy President and CEO (Administration Centre, Bindoon)
13 May – Information Session (Administration Centre, Bindoon)
13 May – Agenda Forum (Administration Centre, Bindoon)

Cr John Davis

28 April – meeting with President and CEO (Administration Centre, Bindoon)
1 May – Avon Midland Country Zone meeting (video conference)
5 May – meeting with President and CEO (Administration Centre, Bindoon)
6 May - 2020/21 Budget Strategy Workshop (video conference)
12 May – meeting with President and CEO (Administration Centre, Bindoon)
13 May – Information Session (Administration Centre, Bindoon)
13 May – Agenda Forum (Administration Centre, Bindoon)

Cr Mary Angus

2 May – Youth Krew meeting (video conference)
5 May – Community Recovery Sub-committee meeting (Administration Centre, Bindoon)
6 May - 2020/21 Budget Strategy Workshop (video conference)
12 May – Recovery Community Sub-committee meeting (video conference)
13 May – Information Session (video conference)
13 May – Agenda Forum (video conference)

Cr John Curtis

6 May - 2020/21 Budget Strategy Workshop (video conference)
13 May – Information Session (video conference)
13 May – Agenda Forum (video conference)

Cr Kylie Hughes

6 May - 2020/21 Budget Strategy Workshop (video conference)
13 May – Information Session (video conference)
13 May – Agenda Forum (video conference)

Cr Peter Osborn

6 May - 2020/21 Budget Strategy Workshop (video conference)
13 May – Information Session (video conference)
13 May – Agenda Forum (video conference)

Cr Carmel Ross

- 6 May – 2020/21 Budget Strategy Workshop (video conference)
- 8 May – Chittering Economic Recovery Sub-Committee (video conference)
- 11 May – Chittering Economic Recovery Sub-Committee (video conference)
- 13 May – Information Session (video conference)
- 13 May – Agenda Forum (video conference)
- 15 May – Chittering Economic Recovery Think Tank (video conference)

3. DISCLOSURE OF INTEREST

Item 9.4.3 “Tourist Promotion Officer and Visitor Centre Funding Realignment”		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr Peter Osborn	Impartiality	Nature: tourism operator in the Shire Extent: minimal

Item 14.1.1 “Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument”		
Councillor / Officer	Type of Interest	Nature / Extent of Interest
Cr John Curtis		Nature: Extent:

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

Questions received during the meeting

4.2.1 John Nagel, Bindoon

Question 1: Mr President, my question is for the CEO Mr Matthew Gilfellon. Mr CEO why do you feel that the shire needs to employ another person for the duties to be carried out at the tourist centre, as I understand there is approximately 60 employed people at the Shire currently. Why couldn't one of them be relocated to the tourist centre and incorporate the new position in their job description.

Answer 1: *The Presiding Member directed the response to the Chief Executive Officer.*

Chief Executive Officer advised that there is no reason why they could not, however the staff employed at the Shire already have a full set of duties. Any transfer of staff

incorporating this position into their position description would result in lowering of services to the community that they may already like at that level. It is a decision for Council to decide what level of services they want to provide to the community. If Council are willing to lower that, to incorporate duties into a staff officer's position, then Council can make that decision.

Question 2: In the financial implications you have nil. How many hours do the tourist bureau employ someone as with superannuation, annual leave and long service leave \$30,000 is not going to go far, so I feel eventually there will be financial implications to the shire and if the shire employ a Tourism Promotions Officer can they be responsible for the booking of caravans and receipting of money, so that the shire receive some income to cover costs.

Answer 2: The Presiding Member directed the response to the Chief Executive Officer.

The Chief Executive Officer advised that the 'Financial Implications' in the agenda refers specifically to that decision that Council is making. The outcome of that decision would be that Council 'considers' in the budget, that they then transfer the position and funding over. In terms of making that decision, all that is happening is that they will consider it at a later stage whether to go ahead and do that. The immediate financial implications on the decision is NIL. If the Shire did end up employing a Tourism Promotions Officer, then not only will the Shire not be funding the tourism association that \$30,000, but funds for the caravan park would then come into the Shire, which would be approximately \$11,000 from the last time I saw the books. It would end up costing the Shire less overall in terms of ...

Mr Nagel then stated that he would like to sit down with the Chief Executive Officer and discuss further about this position and the financial implications to the Shire, e.g. leave, superannuation.

The Chief Executive Officer advised that the way to look at it, is to look at tourism as part of the Shire's economy, and it is about \$12m; the employment of a tourism officer is a small portion overall. If you build businesses up, they bring in more rates, so you can start to sustain that. The tourist/visitor centre relies heavily on volunteers which we would still be relying on. The role would be on organising volunteers to ensure that it is staffed, and that the volunteers do spend their time helping out to attract tourism.

Mr Nagel then stated that he agrees with the situation that the Shire is trying to achieve, but that he doesn't agree that there is not going to be any extra expense, because there will be if you employ them.

The Chief Executive Officer advised that the purpose of the motion was that the expense is capped at the same amount. It wasn't about employing a fulltime person, it was taking that \$30,000 and out of that \$30,000 employing a person.

4.2.2 Chris Waldie, Bindoon

Before Mr Waldie asked his questions, he congratulated Council on working through a difficult time last meeting, with internet connection problems; it was quite difficult for five hours. However appalled with a couple of things that took place; firstly, with the meeting trying to be abandoned because one member couldn't be there – a clear lack of understanding of regulations; and secondly, the motion being moved and the mover trying to amend – there needs to be a review of the standing procedures.

Question 1: Several members here were elected on the premises that there would be no rate increases. I would like to refresh your memories of what took place in the 1980s and 1990s, where government came into power on the same premises; consequences of that was that the following elections the incoming members then had to claw back and put in significant increases on services, i.e. power, water, because the previous government had not even increased with CPI levels. It put a lot of hardship on the communities. I see a similar thing happening here where you are having a debate on your increases, I ask that you would seriously consider at least keeping the CPI, so that when you are out of office here and the next lot of councillors that come in, they don't have to revert that same problem.

Answer 1: The President advised that the state government have told us that we have got to freeze rates; we can't put rates up this year.

4.2.3 Bill Nobes, Bindoon

Mr Nobes did not ask any questions. Mr Nobes addressed the meeting and spoke at length on the matters of aged care and the monument for aged care.

The President advised Mr Nobes that the Men's Shed are looking at putting a fence up for him.

Mr Nobes thanked the President for that it is not just putting the fence up, it is the idea of putting a business together and make it what it is was put there – an information centre to let not only the people here know; but also getting radio there.

The President informed Mr Nobes that the CEO gave Council a presentation on aged care tonight, the CEO is onboard, and asked Mr Nobes if he was aware of Manjimup.

Mr Nobes said that talking about these things; this is where it is all going wrong when you start copying. Mr Nobes then asked what makes that service so successful?

The President replied that it has been done before, and that we are not trying to invent something.

Mr Nobes said it is the operator that makes it successful. Before leaving Mr Nobes made mention that the boat is the issue and where abouts does the boat stand, and stated that if the boat goes then he goes with it.

The President advised Mr Nobes that Council will be making a decision on this tonight.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Item 9.1.1 “Retrospective Airfield and Educational Establishment Land Use with Associated Buildings: Lots 1543 and 2941 (RN 887) Brand Highway, Muchea”

Deputation

1. Mick Byrne spoke in support of the recommendation.
2. Jack Donsen spoke to questions raised by Council.

Summary of Deputation

- Expressed thanks to Cr Ross, Cr Curtis and Cr Hughes who were able to attend the site prior to the COVID19 restrictions.
- Agree with the officer’s report and conditions, expect a change to the operation hours.

Points/Requests for clarification by Councillors:

- Cr Davis asked if the neighbour was still objecting. Mr Byrne informed the meeting that they do not communicate with the neighbour, and thinks that they may still object post this report. Mr Donsen informed the meeting that following the complaint, they have redesigned their operating parameters, and have setup a boundary area that will get no closer than 400-500 meters. The clubs procedures have been modified to address the neighbour’s objection.
- Cr Gibson asked that instead of extending the runway in the same direction, could you not go in an easterly direction away from the neighbour. Mr Donsen informed the meeting that to lay down a new runway, they would need approximately 1,000 metres that would cost between \$50,000-\$60,000 on materials and then add on the cost of using earthmoving equipment. The Club has the material to undertake the 300 metre extension, which will increase the separation of the aircrafts taking off to the east by another 300 metres. The planes will be 500-800 metres away from the property, and between 400-500 feet vertically.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010520

Moved Cr Ross / Seconded Cr Angus

That Council suspend the operation of clause 8.1 ‘Members to be in their proper places’ of the *Local Government (Council Meetings) Local Law 2014* for the duration of this meeting and that these matters be determined at the discretion of the Presiding Member.

CARRIED 7/0

7:34PM

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 15 April 2020

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020520

Moved Cr Hughes / Seconded Cr Ross

That the minutes of the Ordinary meeting of Council held on Wednesday 15 April 2020 be confirmed as a true and correct record of proceedings.

CARRIED 7/0
7:35PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Sheila Haeusler

The President acknowledged a long standing volunteer in our community who celebrated her 90th birthday last Monday; Sheila Haeusler. Sheila has supported community groups for many years and has made a valuable contribution to the welfare of residents in our shire. Sheila has a great sense of humour and is much loved by her neighbours. We wish her many more years of enjoyable life, on behalf of Council. There was a big group of residents who helped celebrate her birthday on the Sunday, with a vehicle drive-by. It was great to see many people come out to celebrate Sheila, who is still active with her bowling.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Retrospective Airfield and Educational Establishment Land Use with Associated Buildings: Lots 1543 and 2941 (RN 887) Brand Highway, Muchea*

Applicant	M. Byrne
File ref	A11726
Author	Temporary Principal Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Development Plans2. Application and operation details3. Schedule of Submissions

Executive Summary

Council is requested to consider an application for a retrospective airfield and educational establishment land use and associated outbuilding on Lots 1543 and 2941 (RN 887) Brand Highway, Muchea. The item is being forwarded for Council's determination as an objection was received during the public consultation period.

IMAGE 1: LOCATION PLAN

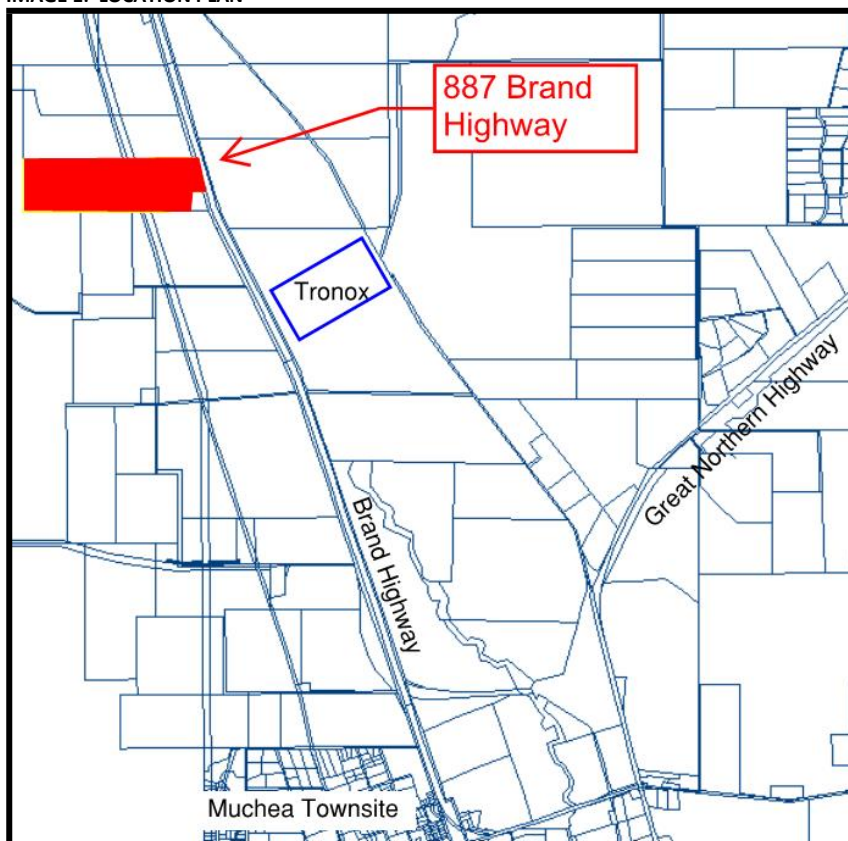


IMAGE 2: SITE PLAN



Background

An application for Development Approval has been received for the use of Lots 1543 and 2941 (RN 887) Brand Highway, Muchea as an 'Airfield' and 'Educational Establishment'. These land uses are already occurring on the site as a 'hangover' from a previous temporary development approval that has since expired. The applicant is seeking to regain development approval.

The subject property is located within land zoned for 'Agricultural Resource' under *Local Planning Scheme 6* (LPS6). The 'Airfield' and 'Educational Establishment' are both listed as an 'A' Use, which requires the Shire to consult with surrounding neighbours before considering the application in accordance with LPS6.

The application comprises a flight training school, including ground based theory and private aircraft activities. The proposal is assessed within the land use classification of an 'Airfield' and 'Educational Establishment'. Details and plans of the application are provided in Attachment 1, which include existing and proposed buildings associated with the proposed development.

The proposal initially involved two scenarios and flight routes for aircraft taking-off from the airstrip in both an easterly and westerly direction depending on the wind direction of the day. The direction of the take-off is required to be flexible (east or west) depending on the wind direction as aircraft typically need to take-off into the wind to achieve suitable 'lift'. The proposed take-off flight route to the east was in close proximity to a neighbouring property (Lot 200 Brand Highway), which was met with an objection during the mandatory advertising period. Subsequently, the proposal was modified by the applicant in an effort to address the concerns held by the objector.

The proposal now consists of the following:

- Existing runway extended 300m to the west;
- Aircraft predominantly taking-off in a westerly direction;
- Easterly take-offs (point where aircraft leaves the runway) occur a minimum of 500m from the property boundary of Lot 200;
- Aircraft easterly take-off turning manoeuvre occur no closer than 400m from property boundary of Lot 200; and
- During westerly landings, aircraft pass no closer than 50m from property boundary of Lot 200, with an altitude of approximately 150m (as aircraft passes over Brand Highway).

The facility is proposed to be used for flying lessons (Topfun Aviation) and 'fly ins' where small student groups attend the property in their private aircraft for ground based seminars and workshops held by instructors. These activities attract four to five aircraft at a time and is likely to occur five times a year.

Flying lessons comprise general circuits (see **Attachment 2** for circuit course), take offs, landings and practice engine failures. Any training falling outside general circuit training (such as practice engine failures) occurs in an alternative location, outside of the Shire of Chittering's boundaries. The applicant's report details that lessons and 'fly-ins' are undertaken on public holidays and most weekends (i.e. Friday through to Sunday), with the activity primarily occurring during the Summer months required on any available flight day. An available flight day would be determined by a number of factors, including, but not limited to, weather and deactivation of airspace by the Royal Australian Air Force - Pearce (RAAF) and may not occur every weekend. Therefore, flight time is likely to be in the vicinity of 1-2 hours on any available day. While not part of the application, the Shire has since been advised that the landowner also uses the runway for personal use of a private aircraft.

887 Brand Highway, Muchea has a total area of 86.53ha and is located approximately 5.2 kilometres north of the Muchea Townsite. The property is used for residential purposes and a medium scale honey production (an apiary).

The subject lots are surrounded by a mixture of land uses. To the south, the lots border horse stables and a recreational paintball facility in the south-west. The western boundary is adjacent to State Forest, with the remaining surrounding areas being mostly pasture for grazing purposes and equine activities. The Tronox plant is located south-east of the lots.

Council has previously considered a proposal for the retrospective airfield and educational establishment at this site. On the 21 February 2018 Ordinary Meeting of Council, Council resolved to support the application for 12 months and, subject to complying with all conditions of approval, a further extension for five years would be granted.

The details of this approval are provided below:

That Council issue development approval for the Retrospective Airfield for Lots 1543 and 2941 (RN 887)

Brand Highway, Muchea subject to the following Conditions:

- 1. All development is to occur in accordance with approved plans.*
- 2. The approval is for a trial period of 12 months and expires on 21 February 2019 (approval period). After the initial 12 month trial period, provided the proponent has complied with all relevant Regulations and satisfied the Conditions of this approval, an extension shall be granted for a further period of five years.*
- 3. No more than four 'fly ins' are permitted within the approval period.*
- 4. No more than five aircraft are permitted to attend a 'fly in' unless prior approval is sought and obtained from the Shire of Chittering.*
- 5. Circuit routes are to be in accordance with the approved Circuit Plan.*
- 6. No stunt flying, acrobatics, gliding or parachuting is to occur within three nautical miles of Greenside Airfield.*
- 7. Operational times are restricted to:*
 - a. 0700 to 1900 for each weekday (subject to airspace being deactivated by Pearce Base);*
 - b. Saturday 0700 to 1900; and*
 - c. Sunday and Public holidays 0800 to 1700.*
- 8. No more than one aircraft is permitted to undertake circuit training at any one time.*
- 9. No more than two hours of flight activity per day is permitted within three nautical miles of Greenside Airfield.*
- 10. Public Liability Insurance is to be held at all times and proof of policy is to be provided to the Shire of Chittering within seven days of the date of approval.*
- 11. Prior to the expiry of the Planning Approval, a noise assessment is to be undertaken by a suitably qualified professional demonstrating the impact of noise from aircrafts flying from the subject property.*
- 12. Storage of fuel on the property for the purposes of the airfield is not to exceed 999L.*
- 13. All fuel is to be stored within a lockable shed with a suitably constructed and bunded floor which is impervious.*
- 14. A Management Plan is to be submitted within three months of the date of Planning Approval to demonstrate safe fuel handling practices.*
- 15. The aircraft are not permitted to commence take-off, touch-down or "park" within the Dampier Bunbury Natural Gas Pipeline corridor.*
- 16. Aircraft are to be restricted in weight to not exceed 2,500kg.*

Administration determined that several conditions of approval had not been complied with and the further extension of a five year period was not granted. It is understood compliance action was not undertaken following the expiration of the initial term, as the applicant lodged the subject application in August 2019 for the Shire to consider.

Consultation/Communication Implications

Local

Consultation was undertaken in accordance with Clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations). A total of four potentially affected landowners were consulted with one objection being received. The objection is provided in the Schedule of Submissions (**Attachment 3**). It is noted that two submissions were received from this same objector at different times, as the application was modified by the proponent following the first advertising period. The proposal was modified in an effort to alleviate some concerns held by the objector however, the objection was still maintained.

State

The proposal was referred to the following state agencies:

- (1) Department of Planning, Lands and Heritage;
- (2) Main Roads WA;
- (3) Department of Defence;
- (4) Civil Aviation Safety Authority; and
- (5) Australian Gas Infrastructure Group.

Response were received from the Australian Gas Infrastructure Group, Department of Planning, Lands and Heritage, Main Roads WA and the Civil Aviation Safety Authority. All responses had no objection to proposal, but made some suggestive comments. These comments can be viewed in the Schedule of Submissions in Attachment 3.

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:

(c) Any approved State planning policy;

State Planning Policy 2.5 (SPP2.5) identifies that sensitive land uses (dwellings) should be afforded a reasonable standard of rural amenity.

The initial proposed circuit route and position of the runway would likely have had an impact on a neighbouring residence (Lot 200) as a result of intermittent aircraft noise. The applicant responded to this aspect by adjusting the proposal to increase the separation distance between aircraft taking off, and the nearest dwelling.

It is considered that the noisiest aspect of the proposal is when an aircraft is taking off from the ground as the aircraft’s engine is often operating at high revolutions, to achieve a suitable level of thrust for take-off. This is opposed to landing an aircraft which has very little need for thrust, and can operate significantly quieter. The proposed separation distance of approximately 400m from an aircraft taking-off and the closest property boundary (Lot 200) in addition to the increased altitude for westerly landings is considered to be sufficient to minimise the noise and nuisance levels experienced at Lot 200. It is not expected that all noise impacts will be eliminated through these additional separation distances, but it is considered that the existing dwelling on Lot 200 will be afforded a reasonable standard of rural amenity, with the separation distances in place.

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

The subject site is listed as falling within a registered Aboriginal site. The classification of the registered site is noted as being a low classification and, therefore, it is reasonable to conclude that the existing runway does not affect the classification as there is no disturbance to ground levels apart from level gravelling.

- (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 physical built development (sheds and runway) are not considered to be incompatible with the rural setting and are unlikely to have any effect on the amenity of the area.

The primary aspect of the development that may be considered incompatible with its setting is the noise and nuisance generated from the aircraft taking-off, and to a lesser degree, landing. As discussed above, Lot 200 is the closest property that contains a dwelling that may be impacted by the development, which is evident through the negative submission received. Officers do consider however, that the compromises made by the applicant, including the 300m extension of the runway and modifying the easterly take-off route, adequately manage these impacts as experienced from Lot 200.

It is also noted that the runway is existing, and can be used by the subject landowner's private aircraft for rural purposes without the need for Development Approval. In this context, an aircraft can be considered a rural vehicle that causes some level of permitted noise and nuisance, not dissimilar to the operation of a tractor, or other rural machinery.

Based on the above, the proposed development is considered compatible with its rural setting given the applicant's adjustments to the proposal to mitigate impacts on Lot 200.

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

With respect to the environmental impact, the primary matters of concern relate to the extension of the runway into an area of the property that contains native vegetation, and the management of fuel and refueling aircraft.

The 300m runway extension is pivotal for Officers to consider this development proposal being acceptable, as it allows for an increased separation distance between aircraft taking off and landing, and the neighbouring Lot 200. Aerial photography indicates that vegetation will be impacted by the runway extension and, if it is native vegetation, its removal will require the consent of the Department of Water and Environmental Regulation. Whilst the application was not referred to this Department due to the runway extension being proposed late in the process, Officers' note that vegetation does not appear to be significant, and is likely to be low lying regrowth. From this, it is not expected that removing the vegetation will be met by any resistance from the Department. Nonetheless, it is the obligation of the applicant/landowner to make the necessary enquiries as to whether a clearing permit is required or not. If approved by Council, this can be included as an Advice Note to remind the applicant of their obligation.

Storage of aviation fuel on site and the refueling of aircraft presents an environmental risk in event that fuel is spilled or leaked into the environment. The proposal does not have a designated fuel tank as it stores fuel only in 200 litre drums or jerry cans. Whilst it is understood that the bulk storage of fuel on site is controlled under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, it is still considered appropriate to ensure proper equipment and practices are employed to mitigate any potential risk to the environment. The applicant has provided management measures in the application to mitigate the likelihood of spills occurring, and steps to take in the event of a spill. Officers consider that these management practices are suitable

for the scale of the development proposed, and consider it appropriate to enforce these measures through a condition of approval, should Council approve the application.

With respect to the local character, the locality is considered to be rural in nature with intermittent aircraft noise from the nearby Pearce RAAF Base. Increased noise has occurred due to the educational establishment and resultant increase in aircraft use, noting that the property appears to have a limestone runway for personal aircraft use prior to 2010. It is also understood that the subject area is impacted by noise as a result of vehicular traffic along Brand Highway. Whilst additional noise impacts are expected to be created as part of the proposed development, it is not considered to be of a level that would adversely impact the character of the locality.

With respect to the potential social impacts of the development, it can be argued that providing local learning opportunities for the craft of flying, can provide social benefit to the community at large.

- (r) *the suitability of the land for the development taking into account the possible risk to human health and safety.*

The main concern for human health and safety identified during the consultation process is the disturbance to stock, potentially injuring the stock or people. Noise is also considered to be an issue in relation to the rural enjoyment. However, the subject locality is within an existing aircraft noise area and is adjacent to major regional highway (Brand Highway). These factors combined with the added separation distance of the aircraft from the nearest property, are considered acceptable.

- (s) *the adequacy of –*
(i) *the proposed means of access to and egress from the site; and*

The proposal utilises an existing access point from Brand Highway. As this is a road managed by Main Roads WA (MRWA), their comment was requested and obtained during the advertising period. MRWA had no objection to the proposal due to the limited number of increased traffic generated from the site, but had a preference that one of the two access points into the property were closed. The second access point in question services a house on the subject property, which is not a consideration of this application. As such, and purely from a planning perspective, it is not believed to be reasonable to close an access point not related to the development being applied for. It is on this basis that the current access arrangements can remain, with no modifications required.

- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

Topographical images indicate that the aircraft landing strip was established in 2008-2010 with upgrades to the runway occurring in following years. The expired Development Approval allowed various outbuildings and extended the airfield use to the education of pilots which has subsequently increased the use of the airfield during the weekend. This has resulted in increased vehicular traffic to the subject property and increased use of the airfield. The proposal provides an alternate and closer option for club members to undertake flight training within close proximity to Perth, and provides an opportunity for community members to pursue an aviation opportunity.

- (y) *any submissions received on the application*

Administration received an objection from an adjoining owner as detailed in the Schedule of Submissions (**Attachment 3**).

- Dampier to Bunbury Pipeline Act 1997 (DBPA)

All development applications that have impact on the Dampier to Bunbury Natural Gas Pipeline are required to be referred to the governing body for the pipeline. Please refer to the Schedule of Submissions (Attachment 3) for the full response from the Australian Gas Infrastructure Group (AGIG). The AGIG made the following recommendations:

- (i) Prior to any works that occur within the pipeline easement, consent is required under the *Dampier to Bunbury Pipeline Act 1997* from the DBNGP Land Access Minister; and
- (ii) Notification is required to be made in the event that additional, or larger/heavier aircraft will be utilising the airstrip so that a risk review can be undertaken.

As the *Dampier to Bunbury Pipeline Act 1997* is not legislation administered by the local government, it is considered appropriate that the proponent is simply reminded of their obligations under this Act, through advice notes on an approval, should Council choose to approve the application.

Local

- Shire of Chittering Local Planning Scheme No. 6 (LPS6)

LPS6 defines the subject property as falling within the 'Water Prone Area – Ellen Brook Palusplain' Special Control Area (SCA). The primary objectives of this SCA are to protect people and assets from the high water table and seasonal inundation, and to protect the environment from contamination and excess nutrients due to the area's susceptible nature, caused by the high water table.

It is considered that the primary risk to these objectives is the potential for fuel to enter the environment during storage or refueling activities. This issue has previously been addressed in this report. It is recommended that a suitable approach to address this risk is the imposition of a fuel storage and refueling management plan as a condition of development approval, if Council approve the application.

Policy Implications

State

- State Planning Policy 2.5 Rural Planning (SPP2.5)

The intent of SPP2.5 is to provide guidance to planners dealing with land uses within rural areas. In addition, SPP 2.5 intends to protect land assets as well as to ensure compatibility between land uses.

SPP 2.5 does not provide specific planning guidance for decision makers in relation to airfields. The WAPC's position as per Section 5.12.2 (b) is that "*single dwellings and other sensitive land uses on rural land should be afforded a reasonable standard of rural amenity.*" The Shire is therefore required to take into account dwellings that maybe adversely impacted by the proposal.

The objection from the adjoining landowner at Lot 200 indicated that rural amenity is mostly impacted by ongoing noise and nuisance from aircraft flying overhead and in close proximity to the property. This issue has been addressed in report and is considered to be acceptable, following adjustments made by the applicant, to the proposed flight paths. The adjustments made, increasing the separation distances between aircraft and the boundaries of Lot 200, are considered acceptable to afford the occupiers of Lot 200 a reasonable standard of rural amenity.

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Site inspection undertaken: Yes.

Site inspections and meetings were undertaken by various Shire officers during the application process.

Triple Bottom Line Assessment

Economic implications

Should Council determine that issuing an approval for the subject proposal is appropriate, the development may increase visitors to the Shire.

Social implications

Concerns relating to noise pollution and the impact to rural amenity have been raised by an adjoining landowner.

Environmental implications

A portion of the lot is described as a conservation category wetland. Although the runway does not appear to affect the wetland, the area is known to have a high water table. Leaking of hydrocarbons from onsite fuel storage and aircraft can cause contamination of the site. Appropriate construction of fuel handling and storage areas can alleviate these issues and can be enforced through an appropriate condition of development approval

Officer Comment/Details

The subject application is unique due to the fact that the land use is occurring both on the ground, and also CASA regulated airspace.

In the context of 'Planning', the Shire can typically only regulate an activity or land use that is occurring on the ground of a property. It is not typical for 'Planning' to control the movements of aircraft in the air as this is governed by CASA. However, it is considered that as the landing and taking off of aircraft are very closely associated with the operation of the 'Airfield' land use, this can and should, be regulated through the Planning process. This is further enforced through the development's potential impacts to surrounding land, and the inherent nature of 'Planning' as a discipline itself, to avoid or manage the occurrence of land use conflict.

It is considered that the modified proposal presented to the Shire will afford the neighbouring properties a reasonable level of rural amenity. The context of the proposal is needed to be taken into consideration when making a decision on this application. The subject lot is adjacent to a major highway, and

surrounding land being used for rural purposes which can include operation of rural machinery and equipment. The level of amenity expected on rural land adjacent to a highway, cannot be the same as expected in a residential area, or similar. This being said, it is important to ensure the neighbouring properties are not subjected to unregulated, non-rural activities and therefore it is vital that the operation of the Airfield is managed appropriately.

It is recommended that the application is approved subject to the imposition of appropriate conditions that are targeted at protecting the amenity of the locality.

OFFICER RECOMMENDATION

Moved Cr Davis / Seconded Cr Angus

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

1. All development shall be in accordance with the approved plans;
2. Prior to the use of the approved buildings associated with the educational establishment, all recommended fire mitigating measures contained within the Bushfire Management Statement dated 28 January 2020 shall be established and thereafter maintained to the satisfaction of the Shire;
3. No aircraft that take-off in an easterly direction shall enter the 'red area' defined on the approved 'Easterly Take-off Plan' at any time;
4. No aircraft that land in a westerly direction shall enter the 'red area' defined on the approved 'Westerly Landing Plan' at any time;
5. No more than five 'fly ins' shall occur within any 12 month period with a maximum of five aircraft, not ordinarily associated with the approved airfield and educational establishment, permitted per 'fly in', without the prior approval of the Shire;
6. Operation of the airfield shall not occur outside of the following hours:
7:00am – 7:00pm Monday to Saturday, inclusive; and
9:00am – 5:00pm Sunday and Public Holidays;
7. No aircraft that has a manufacturer's registered noise emission greater than 74 decibels is permitted to use the airfield at any time without the prior approval of the Shire; and
8. The approved 'Fuel Spill Mitigation Program for Greenside Recreational Airfield' shall be implemented at all times to the satisfaction of the Shire.

Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

- Note 3: The applicant is advised that this is not a Building Permit. A Building Permit is required to be obtained from the Shire prior to commencement of construction of the proposed buildings. The applicant is encouraged to contact the Shire's Principal Building Surveyor on (08) 9576 4600 for further information.
- Note 4: The applicant is advised that the westerly extension of the existing runway may require the clearing of native vegetation. The applicant should contact the Department of Water and Environmental Regulation on (08) 6364 7000 to determine whether a clearing permit is required, prior to commencement of works.
- Note 5: The applicant is advised to contact the Australian Gas Infrastructure Group on (08) 9223 4300, if a larger aircraft is being used to that described in the Application for Development Approval, with respect to protecting the Dampier to Bunbury Natural Gas Pipeline.
- Note 6: The applicant is advised to contact the Civil Aviation Safety Authority to obtain any necessary approvals for the proposed flight paths and flying operations associated with the approved airfield.

AMENDMENT

Moved Cr Gibson / Seconded Cr Ross

That the following Condition 9 be added:

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

CARRIED 7/0

7:44PM

Cr Gibson provided the following reasons:

I think the solution is to angle the runway away from the neighbour. The applicant has stated that they will do that eventually, to include... 'That the proposed runway extension to the northeast direction should be undertaken in the next two years'. The applicant has agreed that they would do that, perhaps we should remind them on this recommendation, this is the way that they should be going. Whatever they do they will still be heading towards the neighbour's house. The neighbour's primary objection appears to be the stock, but they are going over his house every day. The northeast runway should be obtained in the next couple of years.

Cr Gibson sought clarification on the length of time for the approval. Mr Stuart advised that there is no time limit on the any of the conditions of this request.

AMENDMENT

Moved Cr Gibson / Seconded Cr Hughes

That Condition 6 be amended to read as follows:

- 6. Operation of the education establishment aspect of the airfield dictate these hours:
7:00am – 7:00pm Monday to Saturday, inclusive; and
8:00am – 5:00pm Sunday and Public Holidays.**

CARRIED 7/0

7:47PM

Cr Gibson provided the following reasons:

Council have received a request to change the Sunday's and Public Holiday's from 8am until 5pm.

Cr Gibson sought advice from the Executive Manager Development Service's on how to word the amendment. Mr Stuart suggested that Condition 6 be amended with the following words...*That the operation of the educational establishment aspect at the airfield dictate these hours.*

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 030520

Moved Cr Davis / Seconded Cr Angus

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

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

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

Advice Notes:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- Note 3:** The applicant is advised that this is not a Building Permit. A Building Permit is required to be obtained from the Shire prior to commencement of construction of the proposed buildings. The applicant is encouraged to contact the Shire's Principal Building Surveyor on (08) 9576 4600 for further information.
- Note 4:** The applicant is advised that the westerly extension of the existing runway may require the clearing of native vegetation. The applicant should contact the Department of Water and Environmental Regulation on (08) 6364 7000 to determine whether a clearing permit is required, prior to commencement of works.
- Note 5:** The applicant is advised to contact the Australian Gas Infrastructure Group on (08) 9223 4300, if a larger aircraft is being used to that described in the Application for Development Approval, with respect to protecting the Dampier to Bunbury Natural Gas Pipeline.
- Note 6:** The applicant is advised to contact the Civil Aviation Safety Authority to obtain any necessary approvals for the proposed flight paths and flying operations associated with the approved airfield.

CARRIED 7/0

7:48PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Monthly Financial Reports for the Period Ending 31 March 2020*

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

Executive Summary

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

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications

State

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

Local

Nil

Policy Implications

Local

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

Financial Implications

Nil

Strategic Implications

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040520

Moved Cr Osborn / Seconded Cr Angus

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

CARRIED 7/0

7:48PM

9.3.2 List of Accounts Paid for the period ending 30 April 2020*

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 30 April 2020

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 April 2020.

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The attached "List of Accounts Paid as at 30 April 2020" is presented to Council for endorsement.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050520

Moved Cr Ross / Seconded Cr Osborn

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,116,612.02 for the period ending 30 April 2020:

- 1. PR5454, PR5467, PR5491;**
- 2. EFT19733 – EFT19887;**
- 3. Direct Debits, Cheques and Transfers as listed; and**
- 4. Trust Fund payments as listed.**

CARRIED 7/0

7:49PM

9.3.3 Monthly Financial Reports for the Period Ending 30 April 2020*

Applicant	Shire of Chittering
File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1 Monthly Financial Report for period ending 30 April 2020

Executive Summary

Council is requested to consider the financial statement for the period ending 30 April 2020.

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications

State

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

Local

Nil

Policy Implications

Local

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

Financial Implications

Nil

Strategic Implications

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

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060520

Moved Cr Ross / Seconded Cr Hughes

That Council receives the Monthly Financial Reports for period ending 30 April 2020, as per Attachment 1.

CARRIED 7/0

7:49PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Chittering Health Advisory Group*

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

Executive Summary

Council is requested to approve the reinstatement of the Chittering Health Advisory Group (CHAG) as an Advisory Group of Council and; appoint a Council representative and their deputy to this group.

Background

The Chittering Health Advisory Group Chairperson made a formal request to the Shire's Chief Executive Officer (CEO) on 9 March 2020, following a special meeting of CHAG on 4 March, where it was resolved to explore the reinstatement of CHAG as an Advisory Group of Council with two Council representatives on the group.

The Chittering Health Advisory Group was originally formed in 2012 consisting of health professionals servicing the local community; and was an Advisory Group of Council. The aim of the group was to advise Council on matters pertaining to health and healthcare within the Shire. The Group was also heavily involved in the planning and development of the Chittering Multi-Purpose Health Facility, now known as the Chittering Health Centre.

The objectives of this Group were:

- To establish networks to liaise and cooperate with all Federal, State and local health care agencies to achieve the highest standard of health available to the residents of this Shire.
- To initiate and facilitate the development of all necessary infrastructure to support the provision of the highest standard of health available to the residents of this Shire.
- To investigate and pursue all funding sources and opportunities to support the provision of the highest standard of health available to the residents of this Shire.

This Advisory Group became dormant following the completion of the Chittering Health Centre, and reinstated again in 2017 as an Advisory Group of Council. At this time, those involved felt that this held too many restrictions with regard to representation of members of parliament and therefore sought to distance from Council and the WA Country Health Services frameworks for Local Health Advisory groups, becoming an independent Local Health Advisory Group. Secretariat supported was by the Shire of Chittering through the Community Development Coordinator and membership approval to the Western Wheatbelt District Health Advisory Council (DHAC) established by the WA Country Health Service (WACHS).

This arrangement was formalised on 29 June 2018 with formal terms of reference established. The Group meets bi-monthly and consists of the following representatives:

- Independent Chair – Mrs Alison Barnard (Community Volunteer)
- Shire of Chittering (Administrative Support) – Mrs Lisa Kay, Community Development Coordinator
- WA Country Health Service – Mr Erik Ander, Manager Western Wheatbelt Primary Health Service
- Three service representatives
 - Ms Mary Angus – Jupiter Health Service
 - Mrs Odette Stothers – Avivo
 - Vacant Service representative position
- Five community representatives (Volunteers)
 - Mrs Josie Fern
 - Mrs Clare Mouat
 - Mrs Janette Pope
 - Mrs Joanna Kavanagh
 - Vacant position

In June 2018 CHAG provided the below briefing notes to Council, outlining actions and outcomes achieved since reinstatement in June 2017:

- Strategically targeted service providers to garner information on service provision to our community
- Facilitated and brought together health provider stakeholders through a network forum
- Identified change makers to support our work who recognise the issues that we have highlighted and who have established trust in CHAG as a representative body for our community.
- Worked proactively within the community to foster community connections and wellbeing while balancing support to individuals to address crisis situations.
- Highlighted synergies with other rural communities

CHAG has had to learn to walk within a complex service system impacted by State and Federal frameworks that are still being implemented where the implications of these frameworks have not yet been determined at the Federal /State level, making it extremely difficult to understand and navigate through at the local level. (My Aged Care, NDIS and Sustainable Health Review of the Department of Health).

Priority issues identified

- (i) Postcode lottery – Southern areas in 6084 postcode area are covered under the Metro Services. Northern areas and Muchea 6501, 6502 are covered under Wheatbelt Services. We are just becoming aware of gaps with regard to Wannamal Community (particularly with regards to Silverchain)
- (ii) Post-acute funding not available in Chittering for community nursing. Fourteen days funding is provided to the treating hospital only.
- (iii) PATS scheme only available to those living 90kms away from tertiary hospitals, despite there not being any public transport options available to residents.
- (iv) GP's need to be strongly encouraged to utilise Telehealth Services.
- (v) Palliative Care patients under 65yrs cannot access support services as the NDIS do not fund this.

At this briefing CHAG representatives requested the below assistance from Council:

- (i) Regular representation at CHAG meetings and a report from the Council on what Council and are doing in the space of Health and Wellbeing for our community.
- (ii) Budget support for CHAG to facilitate attendance at relevant workshops, forums and training events and;
- (iii) Publically thanked and acknowledge the support from Hon Martin Aldridge and Hon Darren West for their ongoing commitment to our community concerns and their ongoing interactions with CHAG to help facilitate change.

From June 2018 to present CHAG has continued to engage with the Western Wheatbelt Health Service sites, the District Health Advisory Council, Private Health Providers, other relevant Government Departments, consumers and community members in an effort to advocate for the development of workable solutions to local health service related issues.

At a special meeting held on 4 March 2020 CHAG identified the following priorities for 2020/21:

- (i) Seniors Expo – run again in 2020 during Seniors Week in conjunction with the Shire Community Development Team, then Bi-annually. Consider holding in different locations across the Shire.
- (ii) Development of a Community Directory in conjunction with Shire Community Development Team to be circulated at Rates times or via separate mail out to residents and ratepayers. Or have a reference block on existing Shire notices that points to online access to directory of services and contact details for CHAG.
- (iii) Build on Community Cuppa & Chat philosophy through the exploration of models such as:
 - (a) Weavers programs
 - (b) Social Support Apps (UWA pilots)
 - (c) Caring through the Community (Vicki Barry)
 - (d) Village Hub WA (Peter Kenyon and Retirees WA)
 - (e) Dementia Friendly Towns (Manjimup)
- (iv) Aim to build capacity and connections within the community and service providers and facilitating openings for people within our community.
- (v) Involvement in the development of the Shire of Chittering Community Wellbeing Plan (facilitated by the Wheatbelt Suicide Prevention Officer)
- (vi) Audit of CHAG membership and review Terms of Reference. Determine who we need. To act as conduits /champions for our community. Also explore the reinstatement of CHAG as an Advisory Group of Council with two Council representatives on the Group.

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

National

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

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

State

Nil

Regional

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

Local

Nil

Financial Implications

The Chittering Health Advisory Group was supported by the Shire of Chittering in the 2019/2020 budget with an allocation of \$1,500. These funds assisted with attendance costs for workshops and relevant training forums to ensure that volunteers did not incur out of pocket expenses.

A similar budget allocation for the 2020/21 financial year would ensure that the volunteers of this advisory group continued to access relevant training and workshops to inform their actions as a representative of CHAG.

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

 - Objective: S1.3 A safe and health community
 - Strategy: S1.3.2 Advocate for improved education and health services

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

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

State

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

International

- *Social determinants of health - World Health Organisation (WHO)*

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There will be minimal economic impact to this decision. Council are requested to consider and approve a budget allocation of \$1,500 to support the actions of the Chittering Health Advisory Group.

Social implications

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

Environmental implications

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

Officer Comment/Details

The Chittering Health Advisory Group in its various forms has been actively working towards understanding the current health based issues and gaps for our Community since 2012. As has been highlighted through Council briefings, the capacity for CHAG to advocate strongly for our community has been thwarted due to a complex service system impacted by State and Federal frameworks that are still being implemented and where the implications of these frameworks have not yet been determined at the Federal /State level.

The former Chairperson, Margaret Bradford-Seeley OAM and current Chair, Alison Barnard have been tireless in their leadership of this group and in establishing relationships with relevant stakeholders including the Hon Martin Aldridge MLC and Hon Darren West MLC to try and facilitate change and positive improvements to current health service provision to our Shire.

The reinstatement of CHAG as a Working Group of Council will serve to ensure that Council remains abreast of the work being undertaken by CHAG for our community, enabling Council to advocate and lobby relevant stakeholders from an informed position.

The 'draft' Terms of Reference are currently being reviewed, and once the Group is confirmed, the Group will finalise the terms to present to Council.

OFFICER RECOMMENDATION

Moved Cr Ross / Seconded Cr Osborn

That Council:

1. Approve the reinstatement of the Chittering Health Advisory Group (CHAG) as an Advisory Group of Council;
2. Appoint a Council representative, who does not already have an affiliation with the CHAG in any other capacity, and a deputy to this Group; and
3. Consider in the 2020/2021 Annual Financial Budget an allocation of \$1,500 to support the actions of the Chittering Health Advisory Group.

AMENDMENT

Moved Cr Ross / Seconded Cr Hughes

That Condition 2 be amended to read:

2. **Appoint Cr Hughes and Cr Ross as Council Delegates to the Chittering Health Advisory Group.**

CARRIED 7/0
7:51PM

Cr Ross provided the following reasons:

As the Recommendation did not list representatives, Council needs to appoint two delegates to this Committee being myself and Cr Hughes.

9.4.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 070520

Moved Cr Ross / Seconded Cr Osborn

That Council:

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

CARRIED 7/0
7:52PM

9.4.2 National Redress Scheme: Participation of WA Local Governments*

Applicant	Shire of Chittering
File ref	13/8/1
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Local Government Information Paper (December 2019)

Executive Summary

Council is requested to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Chittering to participate in the National Redress Scheme;
- Formally endorse the Shire of Chittering's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Chittering will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution¹.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Consultation/Communication Implications

Local

Nil

State

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

ei¹ Section 111(1)(b)

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Legislative Implications

The Shire of Chittering in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the Local Government Act 1995.

Policy Implications

State

Nil

Local

Nil

Financial Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Chittering's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Chittering formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Chittering will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Chittering to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Chittering formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Chittering include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Chittering having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Chittering.

Considerations for the Shire of Chittering

Detailed below is a list of considerations for the Shire of Chittering to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Chittering will receive a Redress application. A Service Agreement will only be executed if the Shire of Chittering receives a Redress application.

The Shire of Chittering needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are three weeks for priority applications and seven weeks for non-priority applications. A priority application timeframe (three weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Chittering will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Chittering's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.

5. Redress Decisions

The Shire of Chittering should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Chittering do not have any influence on the decision made and there is no right of appeal.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080520

Moved Cr Hughes / Seconded Cr Ross

That Council:

- 1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. Notes that the Shire of Chittering will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Chittering makes a specific and formal decision to be included;**
- 3. Endorses the participation of the Shire of Chittering in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4. Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 5. Notes that a confidential report will be provided if a Redress application is received by the Shire of Chittering.**

CARRIED 7/0

7:53PM

9.4.3 Tourist Promotion Officer and Visitor Centre Funding Realignment*

Applicant	Shire of Chittering
File ref	04/18/0005
Author	Economic Development Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Tourism Promotion Funding Guidelines2. OCM Minutes 17 July 2013, Item 9.3.2 'Tourism Promotion Funding'

Executive Summary

To coordinate and retain control of the activities of the Tourist Promotion Officer and the Visitor Centre it is recommended that Council no longer fund the Chittering Tourist Association for these activities. Instead, it is recommended that Council realign the funding to be spent on Shire administration, creating a new role internally to oversee simplified Visitor Centre activities and assist with Council strategies. The Visitor Centre building would be divided to allow for an external entity to manage the Post Office as a business; paying rent and contributing to maintenance and operational costs of the building.

Background

The Shire currently provides Chittering Tourist Association with funding to ensure that a Tourism Promotion Officer is employed at the Visitor Centre (see **Attachment 1**), and a peppercorn lease on the building to provide both a Post Office and a Visitor Centre.

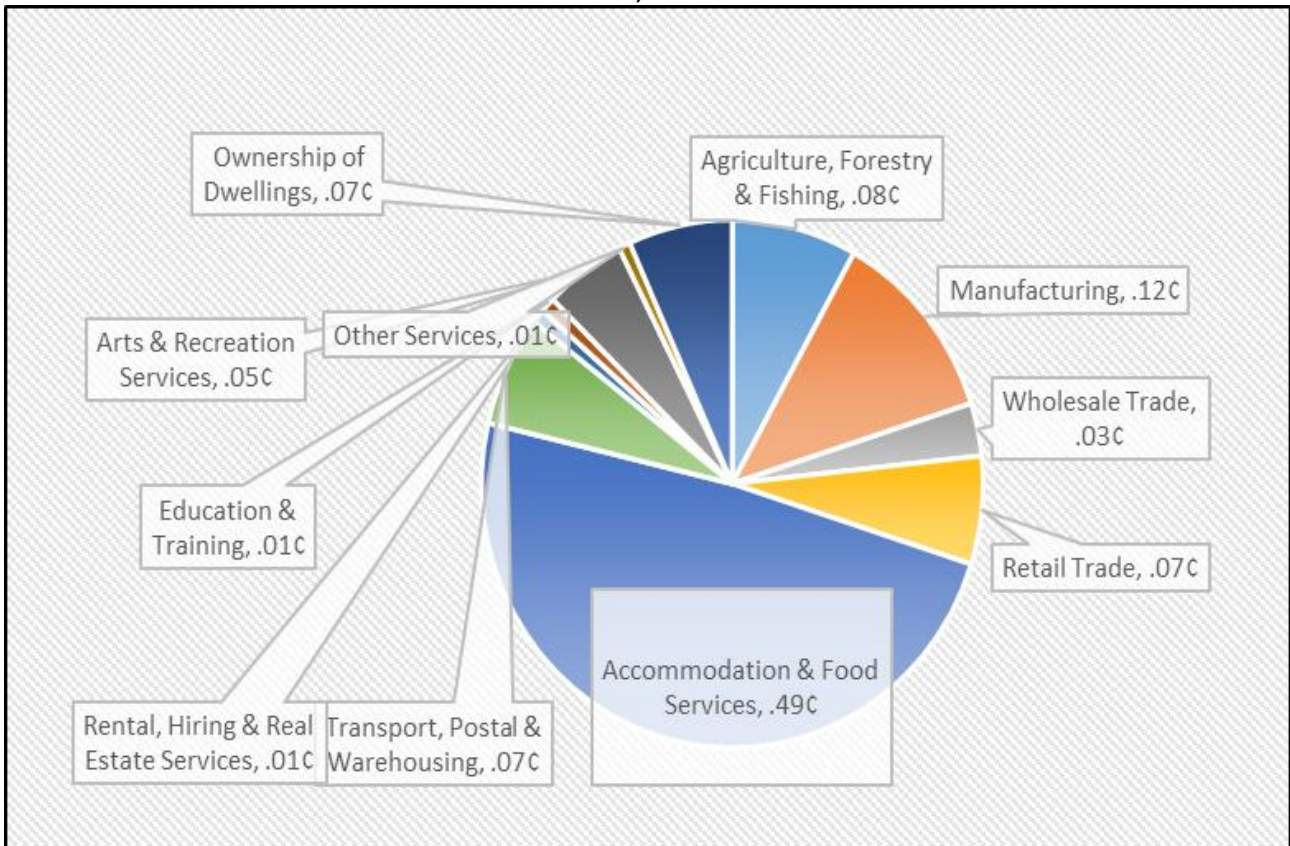
Although sharing overlapping strategic outcomes the Tourist Promotion Officer (TPO) role employed by the Chittering Tourist Association (CTA) and the Economic Development Coordinator (EDC) at the Shire of Chittering (SoC) do not synchronise wholly in achieving outcomes, due to the nature of management coordination coming from two different organisations.

The TPO performs a variety of tasks for their funding, with the provision of which to ensure the continuance of area promotion and visitor information dissemination; see **Attachment 1** for the full document. However, it should be noted that there are other tasks the role has to perform that are not included in this list, such as managing the Visitor Centre volunteers and coordinating the annual SpringFest series of events through September.

Currently management of both services to the community; the Visitor Centre and Post Office, are left to a community volunteer; the President of the Chittering Tourist Association.

According to the Australian Bureau of Statistics Tourism is an amalgam of activities across various industry sectors such as retail, accommodation, cafes and restaurants, cultural and recreational services. It is estimated that tourism contributes \$12,021,000 to Chittering's economy, and has been recognised by Wheatbelt Development Commission as a key industry for growth in the region. An estimated further \$600 million of tourism developments are in advanced stages of planning in Chittering; a promising sector for Chittering's rate income in the medium term.

The below data shows how, on average, a dollar spent by a visitor to Chittering benefits local industries;
BENEFITS TO INDUSTRY OF TOURISM SPENDING IN CHITTERING, REMPLAN 2020



Consultation/Communication Implications

Local

Chief Executive Officer
Human Resources
Chittering Tourist Association

State

Tourism WA, City of Swan
Shire of Toodyay

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil, the Shire currently allocates \$30,000 in the annual budget for the Chittering Tourist Association to employ a Tourism Promotion Officer. If the position is transferred to the Shire as an employee, the allocated money would be transferred to employee costs.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

Focus area: Economic Growth

Objective: S4.3 Increased Visitors

Strategy: S4.3.1 Support and promote accommodation options

S4.3.3 Facilitate, promote and support ecotourism

- Economic Development Strategy 2015-2025

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

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

External funding removed, realignment of funding to be used internally. Those who go to a Visitor Centre are likely to spend more money in the community and have a positive experience about the community (Tourism Research Australia, 2015).

Social implications

There are between six to eight volunteers when the Visitor Centre is operational. Volunteering can provide a sense of pride and inclusivity, amongst other social benefits.

Environmental implications

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

Officer Comment/Details

Tourism Promotion; the management of stock, volunteers, promotion online, in traditional media and in-person is a time consuming and specialised task that the Tourism Promotion Officer has undertaken over the period that the Grant to the Chittering Tourist Association has been in effect.

Additionally, Visitor Centres have been evolving, becoming increasingly interactive in attracting visitors and disseminating information, directing them to other areas and businesses across the Shire where they may spend their time and money.

So, it is important that these roles remain to service visitors and the Chittering community, and that they are done from a shared point of management.

The Shire of Chittering will benefit by absorbing the role of the Tourist Promotion Officer and control of the Visitor Centre.

Under this arrangement Shire Officers will work together on Council strategies whilst still managing the functions of the Visitor Centre, increasing output for the Community for a similar cost.

Around \$600 million of tourism developments are in advanced stages of development planning in Chittering, which, when developed, would provide a large number of jobs and income from rates. Importantly, the rate incomes received from new developments would significantly reduce the financial pressures on householders to shoulder the weight of the upkeep and development of the Shire.

The Tourist Promotion Officer, under the Shire of Chittering, would retain many of the activities required to organize the Visitor Centre, as well as assist the Shire's Economic Development Coordinator in additional marketing activities, such as the practical application of area promotion for investment from developers and tree-changers, and event coordination in a new role titled Tourism and Marketing Officer.

Time-savings would be made by the coordination of activities, as well as the removal of responsibility for the Tourism and Marketing Officer in attracting and servicing Chittering Tourist Association members which could be used on these other activities.

The Post Office would still be the CTA's responsibility, the building divided in two and sub-leased.

The Visitor Centre's activities under the Shire will be further simplified to offer information on the area and local business, reducing retail inventory to items from local businesses or that promote the region.

A Visitor Centre partnership program (similar to Toodyay) could be setup for businesses to contribute income on promotional services from the Visitor Centre. Additionally, income from Bindoon Oval camping and any retail sales made would cover Visitor Centre operational costs. However, further savings would be made as building costs would be shared with the Post Office business.

If Council approves the transfer of funding, advertising of the part-time position will commence in June, and the expenditure will be taken from the funding allocated under the Administration Advertising account.

RECOMMENDATION

Moved Cr Angus / Seconded Cr Hughes

That Council:

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

AMENDMENT

Moved Cr Gibson / Seconded Cr Davis

That the CEO deploy an existing staff member to the position of tourism manager.

LOST 3/4
8:00PM

Cr Gibson provided the following reasons:

The issue is, do we need another staff member. If you look at the cost of the number of staff employed here for a tiny little shire, it is unbelievable. Going into a recession which we should all be acknowledging we are not going to have the funds, we are going to be looking at a shortfall in rates, we are going to get very little government support from the 'Feds' or the State, because they are all crying poor. The sensible solution is to put an existing staff member into that job. It would save us \$30,000, it wouldn't cost us anymore because we would be paying them whether they were sitting here or sitting over the road.

AMENDMENT

Moved Cr Gibson / Seconded Cr Davis

That Condition 2 be amended by deleting the word "Considers" from the Recommendation, to read as follows:

2. Sublease half the building as a post office.

AMENDMENT WITHDRAWN BY THE MOVER

Cr Gibson provided the following reasons:

This is to make Condition 2 more purposeful so that it will happen.

The Chief Executive Officer informed the meeting that the reason why Condition 2 stated "Considers" is due to certain requirements under the Act. It allows Council to work through some of the issues as to who is leasing it and what purpose, and start to look at the amount of rent and the exact area. Council can then make the decision on whether it is leased or not. If Council consider subleasing half the building then Council need to consider s3.58 of the Local Government Act where you do have to go through public consultation to lease to someone at market value.

Cr Gibson withdrew the motion following the advice provided by the Chief Executive Officer.

AMENDMENT

Moved Cr Gibson / Seconded Cr Davis
That Council withdraw the \$30,000 for 2020/2021.

AMENDMENT WAS WITHDRAWN BY THE MOVER

Cr Gibson provided the following reasons:

Council must make to clear that it withdraws the \$30,000 grant if this goes ahead.

Following discussion that the amount being discussed will form part of the 2020/21 budget deliberations, Cr Gibson withdrew the amendment.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090520

Moved Cr Angus / Seconded Cr Hughes

That Council:

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

CARRIED 7/0
8:10PM

10. REPORTS OF COMMITTEES

10.1 Chittering Bushfire Advisory Committee

10.1.1 Unconfirmed Minutes from 10 March 2020*

File ref	09/02/4
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Unconfirmed minutes from 10 March 2020

Executive Summary

Council is requested to receive the minutes from the Chittering Bush Fire Advisory Committee meeting held on Tuesday 10 March 2020.

Background

In accordance with the Shire's Council Committees and Advisory Group booklet, any recommendations that are carried are presented to the next available meeting of Council for consideration. At the meeting held on 10 March 2020 there were no formal recommendations presented.

Consultation/Communication Implications

Local

Chittering Bush Fire Advisory Committee

State

Nil

Legislative Implications

State

- *Local Government Act 1995, s5.12 and s5.13*
- *Bush Fires Act 1954 – s. 67*

Local

- *Shire of Chittering Brigades Local Law 2012*

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.2 Strong sense of community

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

Objective: S1.3 A safe and healthy community

Strategy: S1.3.1 Improve the safety of our community

Focus area: Our natural environment

Objective: S2.3 Protection of life and property

Strategy: S2.3.1 Improve bushfire preparedness and recovery

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 next meeting of the Chittering Bush Fire Advisory Committee is scheduled for 9 June 2020.

10.1.1 OFFICER/COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 100520

Moved Cr Ross / Seconded Cr Angus

That Council receive the unconfirmed minutes from the Chittering Bush Fire Advisory Committee meeting held on 10 March 2020.

CARRIED 7/0

8:10PM

10.2 Local Emergency Management Committee

10.2.1 Unconfirmed Minutes from 1 April 2020*

File ref	09/02/1
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Unconfirmed minutes from 1 April 2020

Executive Summary

Council is requested to receive the minutes from the Special Chittering Local Emergency Management Committee meeting held on 1 April 2020.

Background

In accordance with the Shire's Council Committees and Advisory Group booklet, any recommendations that are carried are presented to the next available meeting of Council for consideration. At the meeting held on 1 April 2020 there were no formal recommendations presented.

Consultation/Communication Implications

Local

Local Emergency Management Committee

State

Nil

Legislative Implications

State

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

38. Local emergency management committees

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

39. Functions of local emergency management committees

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

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

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

• Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.2 Strong sense of community

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

Objective: S1.3 A safe and healthy community

Strategy: S1.3.1 Improve the safety of our community

Focus area: Our natural environment

Objective: S2.3 Protection of life and property

Strategy: S2.3.1 Improve bushfire preparedness and recovery

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 next meeting of the Local Emergency Management Committee is scheduled for 27 May 2020.

10.2.1 OFFICER / COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 110520

Moved Cr Hughes / Seconded Cr Ross

That Council receive the unconfirmed minutes from the Special Local Emergency Management Committee meeting held on 1 April 2020.

CARRIED 7/0

8:11PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

In accordance with the *Local Government (Council Meetings) Local Law 2014, c5.3(1), (2)* the following motions are included in the agenda.

11.1 Cr John Davis: Proposal to be submitted to nbn™

PROPOSED MOTION

Moved Cr Davis / Seconded Cr Curtis

1. The Chittering Shire Council request the National Broadcast Network, to reconsider the siting of the NBN Monopole Tower from 51 Hereford Way to a new NON residential location site in Lower Chittering; and
2. Where possible the Resident/Ratepayers request that the alternative system FTTC (fibre to the curb) be installed at all properties currently connected to the Telstra Landline.

LOST 3/4
8:33PM

Cr Davis provided the following reasons:

Nil

Chief Executive Officer Comments/Details:

This will be achievable with current resources.

Cr Ross raised a POINT OF ORDER in regard to the statements raised by Cr Davis, and asked the President to rule on the matter as it breaches the Shire's Code of Conduct. The President asked Cr Davis to withdraw his comments. Cr Davis agreed to do withdraw this comments.

Cr Hughes raised a POINT OF ORDER and referenced the 'Notices of which previous notice has been given' and stated that this is the third time that this motion has changed. Cr Davis addressed Cr Hughes's POINT OF ORDER. Cr Davis stated... "*the tripe that you wrote that people said to me is verbal diarrhea*" and wanted to carry on presenting the case of ratepayers and residents in the area.

Following the vote, Cr Hughes raised a POINT OF ORDER. The President stated... "*that they should discontinue between the two of them, that Council had had enough and that a bit of patience would be a good idea*".

11.2 Cr Don Gibson: Moratorium on Employing Staff

PROPOSED MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Council resolve to place a moratorium on employing new staff going forward and including 2020/21 financial year with vacancies filled from existing staff unless otherwise approved by Council.

LOST 3/4

8:39PM

Cr Gibson provided the following reasons:

This measure is in response to the unsustainable amount currently spent on salaries and wages, considering the recession and expected reduced income from rates.

Chief Executive Officer Comments/Details:

The power to employ staff, other than the Chief Executive Officer, is contained under 5.41(g) of the Local Government Act 1995, Functions of the CEO. Under this section, the Chief Executive Officer is responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees). Powers given to the Chief Executive Officer cannot be taken by Council, so this decision would be ultra vires and have no effect.

Council do control the salaries allocation in the budget, which affects the number of staff that can be employed. During the first Budget Workshop held on 6 May 2020, the Chief Executive Officer indicated that he was mindful of the current circumstances and would not be requesting for an increase in staff positions. The one exception to this would be reallocate funding traditionally provided to the Chittering Tourism Association to employ a part-time Tourism Promotion Officer, for the Shire to instead employ a part-time Tourism Promotion Officer.

11.3 Cr Don Gibson: Provision of Disability and Dementia Care Accommodation

PROPOSED MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Council resolve to direct the Chief Executive Officer to facilitate the provision of disability and dementia care accommodation in Bindoon as a priority.

LOST 3/4

8:42PM

Cr Gibson provided the following reasons:

Due to Council neglect of vulnerable residents needs for many years, a positive effort is required to negotiate with State and Federal agencies to organise a secure facility to accommodate our ageing and frail ratepayers, who otherwise will have to leave Chittering to access appropriate care, at least 80kms away, and often much further.

Chief Executive Officer Comments/Details:

There is already time being spent on this issue. Over the past year, the Chief Executive Officer has been working with interested parties, including the Shire President, Chittering Health Advisory Group, Chittering Residents and Ratepayers Association, interested community members and the private sector to develop solutions for Aged Care in Chittering. It is desired that all parties can collaboratively work together to better all levels of Aged Care in the Shire.

11.4 Cr Don Gibson: Information Request

PROPOSED MOTION

Moved Cr Gibson / Seconded Cr Davis

That Council request the Chief Executive Officer to provide the following information to Councillors to assist in formulating a budget for 2020/21:

1. A list of all vehicles and their operators and log books; and
2. The amount of rent payable for old bakery, old medical centre and new medical centre.

This information should be provided before the end of May 2020.

LOST 3/4
8:46PM

Cr Gibson provided the following reasons:

Nil

Chief Executive Officer Comments/Details:

A previous agreement was made with Cr Gibson on Tuesday 28 April 2020 to provide this information as part of the budget process. The outline of the budget process was presented to Council on 6 May 2020 and released to the public at the same time in order to increase transparency. This information is now being collated and the information, within the confines of Section 5.92 of the Local Government Act 1995 and Section 29A of the Local Government (Administration) Regulations 1996, will be provided to Council.

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Cr John Curtis: Mulching at the Rubbish Tip

The following question was raised by Cr Curtis:

Can the Chief Executive Officer provide some information on the mulching from the rubbish tip, is it a contract or an hourly rate?

The Chief Executive Officer took this question on notice.

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

MOTION / COUNCIL RESOLUTION 120510

Moved Cr Hughes / Seconded Cr Ross

That Council, in accordance with c5.4(2) of the *Local Government (Council Meetings) Local Law 2014* deal with Item 14.1.2 "Disposal of Property: Lot 7 (RN 131) Muchea East Road, Muchea" as the matter is unable to be dealt with administratively by the local government and must be considered by Council before the next meeting.

CARRIED 7/0
8:49PM

MOTION

Moved Cr Gibson / Seconded Cr Curtis

That Item 14.1.1 "Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument" be moved into the public domain.

LOST 3/4
8:54PM

Cr Gibson provided the following reasons:

This is not confidential, as it is well known around the town. It has been discussed widely in the public.

Cr Davis left the meeting at 8:54PM and did not return to the meeting.

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130520

Moved Cr Ross / Seconded Cr Hughes

That Council moves into a confidential session to discuss items:

- 14.1.1 'Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument'; and
- 14.1.2 'Disposal of Property: Lot 7 (RN 131) Muchea East Road, Muchea'

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*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
- (h) *such other matters as may be prescribed.*

CARRIED 5/1
8:59PM

14.1.1 Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument*

Applicant	W Nobes
File ref	A11631
Author	Regulatory Officer – Legal
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Development Approval Conditions 2. <i>Notice of Exemption – updated attachment</i>

Reasons for confidentiality

In accordance with the *Local Government Act 1995, s5.23*:

- (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 Disposal of Property: Lot 131 Muchea East Road, Muchea*

Applicant	A Barnes
File ref	A10136
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	<ol style="list-style-type: none">1. Contract of Sale, including annexure *CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE*2. DWER Contaminated Sites Fact Sheet 53. Deed of Indemnification *CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE*4. Section 70A Notification

Reason for confidentiality

Local Government Act 1995, section 5.23(2)(b), (c), (d), (e), (f), (h)

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) the personal affairs of any person; and*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (h) such other matters as may be prescribed.*

14.2 Public reading of resolution that may be made public

The meeting was reopened to the public at 9.32PM, and no members of the public returned to the meeting, therefore the Resolutions were not read aloud.

14.1.1 Lot 89 Koomal Street, Bindoon: Temporary Placement of Yacht Monument

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150520

Moved Cr Angus / Seconded Cr Osborn

That Council authorise the Chief Executive Officer to:

1. Issue written directions to the Proponent pursuant to Section 214;
2. Remove the development in the event of non-compliance with the written notices, and to commence legal proceedings to recover the respective costs from the Proponent; and
3. Commence prosecution for breach of Section 218 in the event of ongoing non-compliance, subject to receiving legal advice.

CARRIED 4/2

9:14PM

14.1.2 Disposal of Property: Lot 131 Muchea East Road, Muchea

14.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160520

Moved Cr Angus / Seconded Cr Osborn

That Council BY AN ABSOLUTE MAJORITY:

1. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the '*Deed of Indemnification: Lot 7 (No 131) Muchea East Road, Muchea*';
2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal on the Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to a notice that '*This lot may be adversely affected by historical contamination, of which the extent and nature is unknown*';
3. Approve the deletion of Conditions (c) and (e) from the Annexure to the Contract of Sale; and
4. Authorise the Chief Executive Officer to complete all things necessary to finalise the sale of Lot 7 (No 131) Muchea East Road, Muchea.

CARRIED 5/1

9:28PM

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

During the meeting, the Presiding Member raised a late item for Council to consider:

MOTION

Moved Cr Gibson / Seconded Cr Curtis
That Council hear a late item.

LOST 2/4
8:55PM

Cr Gibson provided the following reasons:

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

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

15. CLOSURE

Cr Gibson declared the meeting closed at 9:37PM