



COUNCIL AGENDA

COVID-19 PANDEMIC UPDATE – CONTACT TRACING

With the easing of COVID-19 restrictions and in alignment with Phase Four of the State Government's Four Phase Roadmap, members of the public are welcome to attend noting the following in accordance with State Government requirements:

- Strict limit of a minimum of 2 sqm per person.
- Maintain physical distancing
- Maintain hygiene standards
- Members of the public must register to attend any meeting.

As the Council Chambers is located in the Library area, it is a requirement that all attendees register via the QR Code. There will be a tablet located in the Library near the entrance to Council Chambers for all attendees to register, this includes Councillors and staff.

Members of the public who wish to ask Public Questions or present a Deputation are requested to submit these in writing prior to the meeting, in accordance with the *Local Government (Council Meetings) Local Law 2014*.

Ordinary Meeting of Council

7pm, Wednesday 19 May 2021

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be take on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public make a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.



Notice is hereby given that the next Ordinary meeting of the **Shire of Chittering** will be held on **Wednesday 19 May 2021** in the Council Chambers, Bindoon commencing at **7.00pm**.

MATTHEW GILFELLON
Chief Executive Officer
14 May 2021

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

ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

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

Attendance

The following members will be in attendance:

| | |
|---------------------------|------------------|
| Cr Kylie Hughes | Presiding Member |
| Cr Carmel Ross | |
| Cr Peter Osborn | |
| Cr John Curtis | |
| Cr Mary Angus | |
| Cr Rebecca Foulkes-Taylor | |

The following staff will be in attendance:

| | |
|-------------------|--|
| Matthew Gilfellow | Chief Executive Officer |
| Melinda Prinsloo | Executive Manager Corporate Services |
| Peter Stuart | Executive Manager Development Services |
| Jim Garrett | Executive Manager Technical Services |
| Denaye Kerr | EA to the CEO |

Apologies

Cr Mark Campbell

Approved leave of absence

Nil

Announcements

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

Cr Kylie Hughes

21 April 2021 Ordinary Council Meeting

Cr Carmel Ross

21 April 2021 Ordinary Council Meeting
23 April 2021 Avon Midland Zone Meeting, Wongan Hills
27 April 2021 Wheatbelt North Roads Meeting, Moora
Muchea Hall Users Group
3 May 2021 Muchea Community Forum
6 May 2021 Annual Electors Meeting
12 May 2021 Agenda Forum and Briefings

Cr Peter Osborn

21 April 2021 Ordinary Council Meeting

Cr John Curtis

19 April 2021 Governor General Visit
Wannamal Forum
21 April 2021 Ordinary Council Meeting
29 April 2021 Chittering Health Advisory Group
3 May 2021 Muchea Forum
5 May 2021 CRRRA Meeting
6 May 2021 Annual Electors Meeting
11 May 2021 Bindoon and District Historical Society Meeting
12 May 2021 Agenda Forum and Briefings

Cr Mary Angus

21 April 2021 Ordinary Council Meeting

Cr Mark Campbell

Cr Rebecca Foulkes-Taylor

21 April 2021 Ordinary Council Meeting
27 April 2021 Budget 101 Meeting
11 May 2021 NBN Forum
12 May 2021 Agenda Forum and Briefings

ITEM 3. DISCLOSURE OF INTEREST

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

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

The below public question taken on notice for this meeting are all in relation to item “DS03 – 05/21 Application for Development Approval – Restaurant, Private Recreation (mini golf), Exhibition Centre (museum) – 140 Blue Plains Rd, Chittering”, listed in this agenda.

PQT01 – 05/21 Debra and David Wilson, Bullsbrook

Question 1: What were the comments/responses from DFES to each of the points raised by the DCBFO1 in the email below, and how have they been taken into consideration in the planning process including the Bushfire Risk Management Plan and any recommendation to Council on this proposed development?

PQT02 – 05/21 Doreen and Alex Mackie, Chittering

Question 1: Is Council aware of the extent of the proposal described in the survey relating to the application for a Liquor Licence (LL)?

Question 2: Is Council aware that the LL includes an Underground Bunker/Secret Room (Night Club?), a Formal Restaurant, a Bistro Bar, a Roof Top Tapas Sunset Bar, Function Centre, Mini Golf an Outdoor Beer Garden attached to the Children’s playground and over flow parking?

Question 3: Is Council aware of the proposed opening times and operating days? 7 days a week and public holidays? The extended hours?

Question 4: Is Council aware of the expected number of patrons?

Question 5: Does this LL information form part of the evaluation of the proposal by Council as it has been submitted to you?

Question 6: Will the information from the Liquor Licence Survey and/or the Officer Recommendations Information to be discussed at the Forum be presented?

Question 7: Will this survey information form part of the public comments in the Agenda when it is published?

Question 8: Does Council believe that it can make an informed decision if not all of the information is considered?

PQT03 – 05/21 Carolyn Cover and Debra Wilson, Chittering

We represent a group of residents that live adjacent or in close proximity to the site of the proposed development at 140 Blue Plains Road, Chittering. Whilst we support development within the Shire and the concept of this development, we oppose the proposed location.

Question 1: How is this proposal maintaining the rural character of the Shire?

Question 2: Has the Shire or Landing7 done any noise tests and has Council given any thought to how the noise will affect the residents living in close proximity to this proposal?

Question 3: Has Council amended the scheme? If not, how has this proposal got this far in the process?

Public question time

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

PET01 – 05/21 New Petition Received: Mr Don Gibson, Bindoon – Disposal of Lot 171 (RN29) Binda Place, Bindoon

A Petition was received from Mr Don Gibson and signed by 52 respondents as follows:

“We the undersigned strongly oppose to the sale of the former bakery, a public building, for \$30,000 less than its current valuation of \$325,000. This building with the adjacent vacant block was purchased by the shire for \$650,000, the building forming most of the cost to ratepayers. It is irresponsible of the council to propose a loss of public funds, when there is no sensible reason to sell the public property.”

Presentations

Deputations

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 21 April 2021

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Wednesday 21 April 2021 be confirmed.

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

ITEM 9. REPORTS

DEVELOPMENT SERVICES

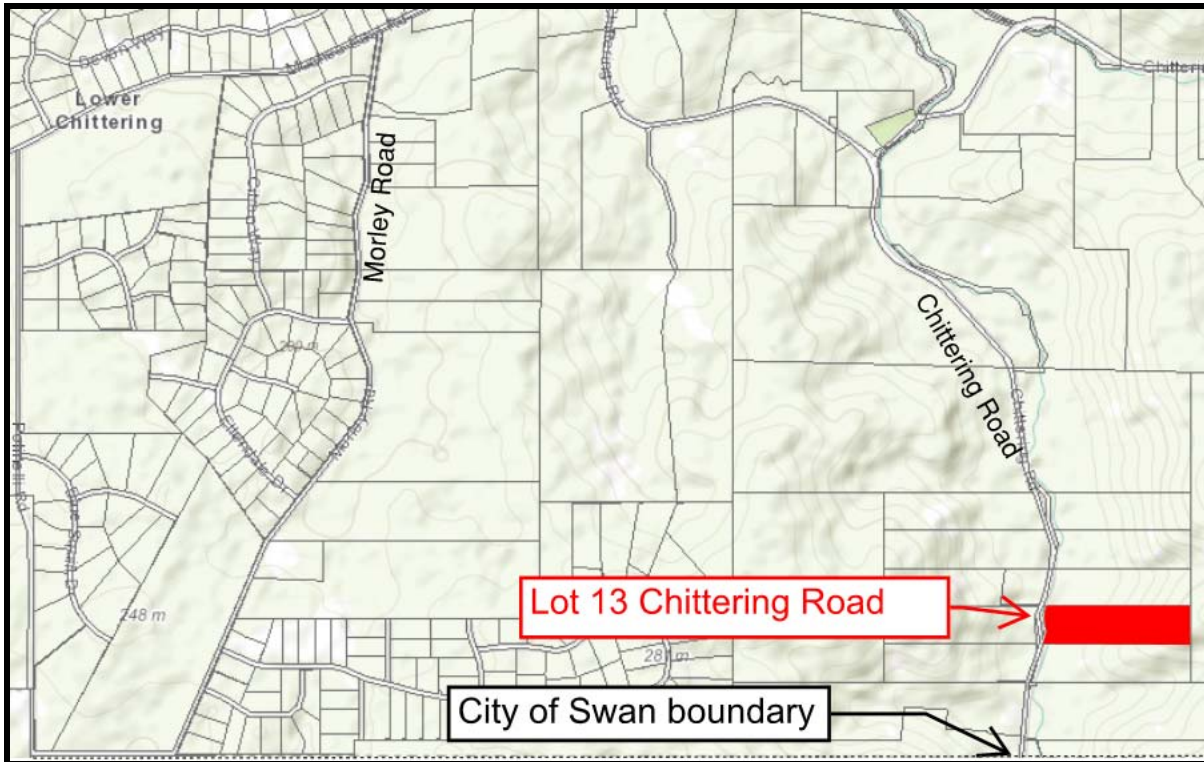
DS01 – 05/21 **Application for Temporary Development Approval – Reception Centre (Weddings and Functions) – Lot 13 (1378) Chittering Road, Lower Chittering**

| | |
|-------------------------------|---|
| Applicant | Adam Saunders (The Orchard Perth) |
| File ref | A11789 |
| Author | 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 | 1. Development Plans and Details 2. Schedule of submissions |

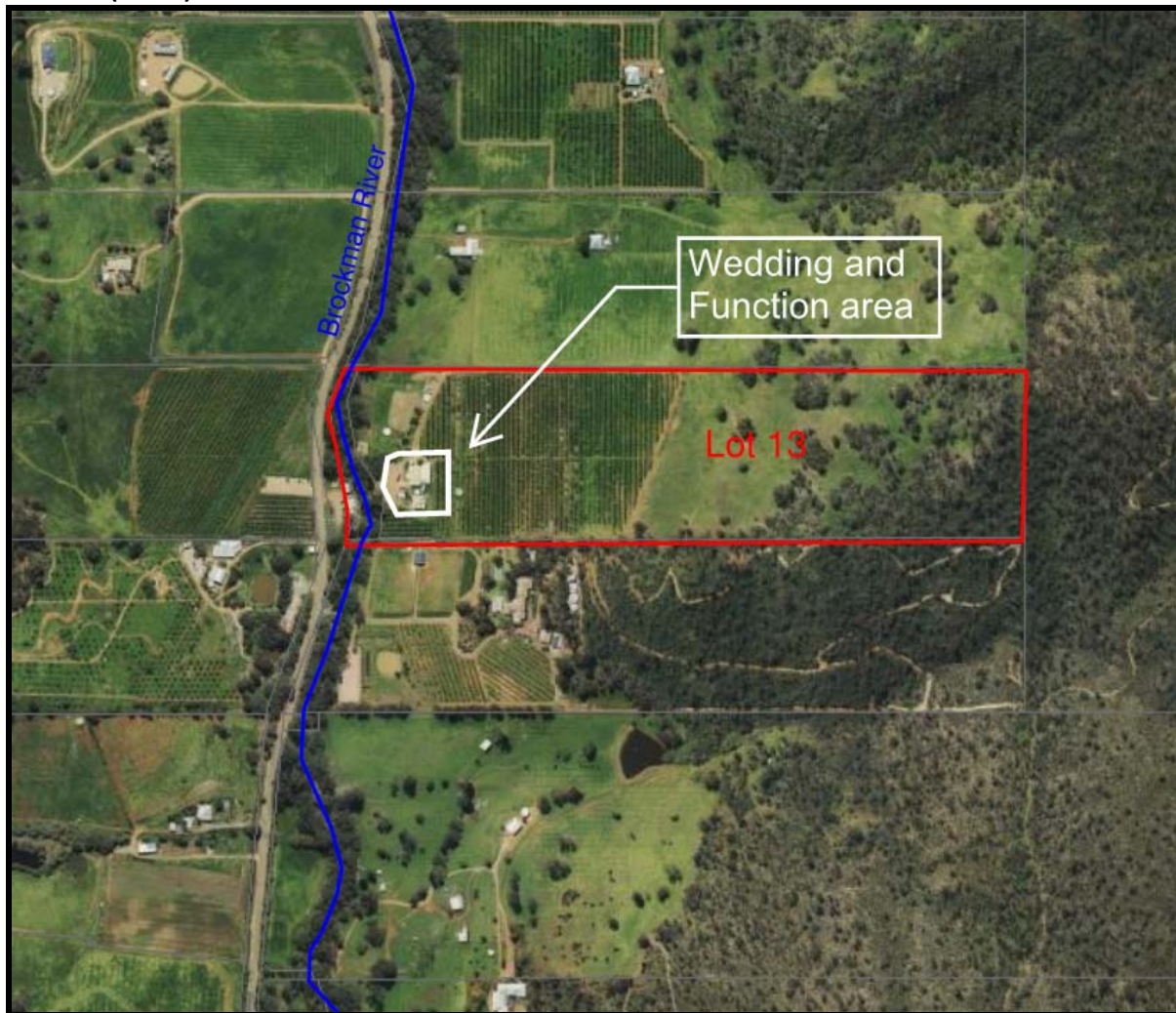
Executive Summary

Council is requested to consider an application for temporary development approval for the operation of weddings and functions at Lot 13 Chittering Road, Lower Chittering. The application is to host 12 weddings or functions between 1 May 2021 and 31 October 2021.

Location Plan



Site Plan (Aerial)



Background

An application for temporary development approval has been received by the Shire for the use of Lot 13 (1378) Chittering Road, Lower Chittering for weddings and functions. Lot 13 is also recognised by the existing and established business name, 'The Orchard Perth' owned by Explore Tours Perth Pty Ltd (Adam Saunders). The proposal is for a maximum of 12 of these events to occur (weddings or functions) between 1 May 2021 and 31 October 2021. The nominated dates for the temporary approval period have been nominated partly due to it being outside the bushfire season.

A summary of the application details is provided below with the full application provided in Appendix 1 of this report:

- Maximum of 12 functions or weddings between 1 May 2021 and 31 October 2021;
- Off-street car parking area for up to 30 vehicles;
- Wedding ceremonies held in orchard;
- Reception drinks conducted around building periphery;
- No food prepared on-site. Offsite catering companies and mobile catering vans to be used;
- No sale of alcohol to be provided on the premises.

Lot 13 is located on the eastern side of Chittering Road and is dissected by the Brockman River in its western part. It is an undulating, 14.8 hectare property within the Chittering Valley and contains a citrus orchard, fruit packing shed, dwelling, ancillary farm buildings and a roadside café. It has historically been operating as a small tourism business with juice tastings, tractor rides and café operation (Golden Grove), although Shire records do not reveal if the relevant approvals were ever granted. The fact that current Shire records do not indicate approvals for these current uses, cannot discount the scenario that due to the age of this business, the records are simply no longer available. The matter of historical approvals is not the subject of this report, and should have no bearing on the subject application either.

Lot 13 is zoned 'Agricultural Resource' under the Shire of Chittering Local Planning Scheme No. 6 (LPS6) and also falls within the LPS6 'Landscape Protection Area'.

Consultation/Communication Implications

Local

Upon receipt of the application, officers considered the proposal to fall under the 'use class' category of 'Reception Centre' under LPS6. 'Reception Centre' is listed as an 'A' under the LPS6 Zoning Table, which means:

'that the use is not permitted unless the local government has exercised its discretion by granting Development approval after giving special notice in accordance with Clause 64 of the deemed provisions'

Given the mandatory requirement for advertising, the application was referred to all 19 neighbours within a 1 km radius of the proposal. It was also referred to the City of Swan given some of their residents are within the advertising radius. As a result of the advertising, six submissions were received with four supporting the application and two providing objections and/or concerns.

The primary concern held from the two objectors relate to noise emissions from amplified music. The full submissions are provided in Appendix 2 of this report with the proponents response to submission. Shire officers have also provided comments against each of those submissions received.

State

In addition to the above local advertising, the application was referred to the following State agencies for comment:

- Chittering Landcare;
- Department of Biodiversity, Conservation and Attractions;
- Department of Water and Environmental Regulation;
- Department of Health; and
- Department of Racing, Gaming and Liquor.

Only responses from the Department of Biodiversity, Conservation and Attractions and Department of Health and Department of Water and Environmental Regulation were received, who did not provide any objections to the application. DWER did have concerns about the impact of the current development on the Brockman River, but essentially had no objection to the 'temporary approval'. Their submissions can be viewed in the Schedule of Submissions in Appendix 2 of this report.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*

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:

(fa) any local planning strategy for this Scheme endorsed by the Commission

The Shire of Chittering Local Planning Strategy (Strategy) was endorsed by the Western Australian Planning Commission (WAPC) in 2019. The Strategy provides the following actions that are considered relevant to the application:

3.4.1 – Rural Land (Action i)

Future development is to be complementary to the agricultural intent and natural character of the rural zone.

3.4.1 – Rural Land (Action v)

Encourage tourism and related land uses (such as ‘Art and Craft Centre’, ‘Market’, ‘Reception Centre’, ‘Restaurant’, ‘Tourism Accommodation’ and ‘Winery/Brewery’) on properties with established agricultural enterprises.

3.4.3 – Tourism and Recreation (Action iv)

Rural zones should be flexible to accommodate appropriate tourism uses to enable farmers to diversify their activities to ensure sustainable development of the Shire.

The Strategy provides the above common themes of supporting tourism based developments in the rural areas of the Shire. It directs the Shire to entertain land use proposals in the rural areas that are not necessarily rural-based activities, and makes specific mention of reception centres in Section 3.4.1 (Action v). It is considered that the proposal for Lot 13 adheres to the Strategies objectives and is an ideal candidate for diversification from rural activities given the limit land area available (14.8 hectares).

It is considered that the proposal is consistent with the objectives of the Strategy.

(m) the compatibility of the development with its setting, including –

- (i) the compatibility of the development with the desired future character of its setting; and*
- (ii) the relationship of the development to development 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*

Point (i) above is pertinent to this application for a Reception Centre as it mentions ‘future character of its setting’. While the majority of properties around Lot 13 are zoned Agricultural Resource under LPS6 and do not operate as tourism businesses, the future character of the area is provided for in the Strategy. The Strategy identifies that tourism based businesses should be encouraged on rural land in the Shire. Lot 13 and its closest neighbours all have lot sizes between 14 and 16 hectares (refer to Location Plan), which limits the agricultural viability of the properties, with the exception of intensive agricultural activities (i.e. vineyards, horticulture etc.). These properties are the ideal candidates for business diversification to occur with additional activities to complement the current farming uses, as provided for in the Strategy. It is considered that the Strategy identifies what the ‘future character’ of the area may be, and as such, the proposed ‘Reception Centre’ aligns with this future setting.

Point (ii) above is also pertinent to the application as it refers to a proposed development being compatible with development on adjoining land. As mentioned above, the surrounding land uses (development) are

predominantly agricultural with a residential element. While acknowledging the future intent of the rural areas through the Strategy, the existing 'setting' also needs to be taken into consideration.

The proposed Reception Centre does not entail the construction of new buildings, or major improvements to the existing built form on Lot 13. Any facilities that may need to be provided to support the weddings and functions (i.e. mobile kitchens, additional ablutions, lighting) is not considered to be substantial enough to render the development incompatible with its setting. It is therefore considered that the proposed reception centre is compatible with its setting and adjoining land uses.

(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*

The amenity of the area that surrounds Lot 13 can be described as a rural locality of small to medium sized agricultural properties with a relatively natural landscape. Many of these agricultural properties include farm-houses that would at present typically only be subjected to impacts from neighbouring land associated with agricultural activities, which would usually cease at night time. While LPS6 and the Strategy afford for non-agricultural activities to be entertained in the rural areas, it should not come at the complete expense of the amenity of surrounding land owners.

Following the advertising period and officer assessment of the application, it is apparent noise emissions associated with a Reception Centre have the potential to adversely affect the amenity of the area. This has social implications as there may be an expectation from surrounding landowners that an evening in a rural setting should be relatively free of man-made noise. This is considered to be the key element of the application that needs to be addressed, as its impact on surrounding properties amenity, could be of significance.

The subject application has indicated that amplified music is proposed inside the 'wedding function area'. There may also be amplified background music located outdoors during the 'reception drinks' however this is scheduled between 4.00pm and 5.30pm where a higher level of noise emissions are accepted in accordance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The amplified music in the 'wedding function area' would typically occur between 7.00pm and 10.00pm, but would be inside the undercover patio/function area (refer to development plans – Appendix 1). It is during this time that officers consider the greatest impact of noise would be experienced by the neighbours.

In a rural setting, landowners/occupants should be afforded a reasonable amount of amenity from adjoining land uses. This does not mean that night time noise is completely prohibited, but it does not allow the unrestricted production of noise simply because it is a rural environment. A balance should be struck between the protection of the amenity and noise emitted from a non-rural activity.

In an ordinary circumstance, Shire planning officers would use the Noise Regulations to guide its decision-making in terms of acceptable levels of noise being produced from a particular development. To do this, the Shire (through a Council decision or voluntarily by the applicant) can request that an acoustic report be prepared by an acoustic consultant to guide the decision-maker as to whether the proposal is likely to comply with the Noise Regulations, or if not, what measures can be implemented to achieve compliance.

The application for a reception centre on Lot 13 is not an ordinary application however, as it is only seeking temporary approval for a maximum of 12 events. Officers' discussions with the applicant prior to the application being lodged understand that this application is essentially to allow for a 'trial period' to occur.

This is to enable the owner of Lot 13 to better understand the viability of the proposal, and to understand the potential impacts of the proposal on the surrounding landowners. Given the nature of the application being for a 'trial period', the applicant has requested that an acoustic report is not enforced by the Shire, with any evident noise issues being addressed by the proponent himself. It is estimated that an acoustic report, with an accompanying noise management plan could cost in the vicinity of \$5,000, and would financially constrain the operation of this 'trial period'.

In considering the temporary circumstances under which the reception centre is proposed, officers are of the view that the proponent should be afforded the opportunity to manage noise emissions, without the need for an acoustic report to be prepared. The protection of the amenity of the surrounding landowners can still be protected however, through the imposition of a condition that requires a complaints procedure and log to be kept and managed by the proponent and made available to the Shire at all times. The intent of the condition is to allow neighbours to voice concerns of noise pollution directly to the proponent at the time it is occurring (i.e. during wedding or function), and allow the proponent an opportunity to rectify the situation immediately. The Shire will be given access to the complaints log to verify any issues that may have occurred and the remediation measures imposed.

Notwithstanding the above, it is important to understand that regardless of whether an acoustic report and noise management plan is enforced, the Noise Regulations are always enforceable by the Shire. As such, if there are unmanaged noise issues during the proposed 'trial period', and breaches of the Noise Regulations are found to have occurred, enforcement action (including infringements) can be undertaken by the Shire.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risks.

Of relevance to this clause is the bushfire risk. Like the balance of the Shire, Lot 13 is designated as 'Bushfire Prone' and any development proposed should be subject to a bushfire attack level (BAL) assessment and bushfire management plan (BMP) prepared by an accredited bushfire assessor, in accordance with State Planning Policy 3.7 – 'Planning in Bushfire Prone Areas'. Lot 13 contains native and non-native vegetation (as are the surrounding properties) and is likely to be subjected to some level of bushfire. The guests of the proposed reception centre are of importance in this aspect as they may not be familiar with their surroundings and possible evacuation routes in the event of a bushfire event.

This aspect of the application was acknowledged by the proponent prior to lodging the application, but requested the requirement for a BAL assessment and BMP be waived due to the 'trial period' being held during the low-risk bushfire period. A BAL assessment and BMP conducted and prepared by an accredited assessor has an estimated cost of \$3000 to \$5000, which the applicant has suggested would financial constrain the operation of this 'trial period'.

Officers acknowledge that while a bushfire risk is always present at any time of the year, the level of risk is lower during the winter/spring months. As the proposal is for a 'trial period' only starting 1 May 2021 (effectively 19 May due to Council meeting date) and ending 31 October 2021, officers consider there are exceptional circumstances around this application which can permit development approval to be granted without the need for a formal bushfire management plan to be in place.

A BAL assessment is a requirement under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which form part of the LPS6. Clause 4.5 of LPS6 permits for development approval to be granted despite non-compliance with a standard of the Scheme, empowering the decision-maker to use discretion where a standard of LPS6, or the Deemed Provisions is not adhered to. This enables Council to consider and approve the subject temporary reception centre application without a BAL assessment being prepared.

While officers are comfortable supporting the approach of the temporary reception centre operating without a BMP in place for the time period stated, it is recommended that an emergency evacuation plan is developed and implemented by the proponent. The Emergency Evacuation Plan (EEP) should be prepared in accordance with the SPP 3.7 Guidelines and will detail an evacuation response for guests. It will nominate when it will be enacted and who the responsible people associated with the operation will be for enacting the Plan in the event of an emergency. This Plan can be prepared by the proponent in accordance with the Guidelines and will should be endorsed by the Shire prior to any weddings or functions being held.

In addition to the EEP, it is recommended that all buildings associated with the proposed temporary reception centre shall have implemented and maintained a 20 metre asset protection zone (APZ), as per the standard within the Shire's Firebreak Notice. The Firebreak Notice is enforceable from the 16th October onwards (or other nominated date) and cannot be used for enforcing APZ's during the Winter months. As such, it is considered reasonable to enforce this requirement through a condition of development approval to further mitigate any risks associated with bushfire during the operation of the reception centre 'trial period'. In practical terms, this will require all grass to be kept to no higher than 50mm around buildings and pruning trees around the buildings to an acceptable level.

It is on the above conditions, that Shire officers consider the temporary approval of the reception centre on Lot 13 to be appropriate.

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety

The proposal indicates that it will hold weddings and functions with a maximum capacity of 100 people and will cater for 30 cars to park on-site. The nature of the proposal is also likely to include the use of buses to transport patrons to and from the venue.

The Shire's Executive Manager Technical Services (EMTS) conducted an inspection and review of the site in respect to potential traffic impacts. EMTS suggested that the current access into the property coupled with existing signage and road side vegetation is not suitable to cater for the events proposed. However, it is considered that the access can be made suitable for the proposed events following implementation of the following:

- Vegetation within the Chittering road reserve to the north of the current access to Lot 13 being suitably pruned;
- Signage installed within the Chittering road reserve 150m either side of the Lot 13 access advising road users of the business' location;
- Signage directing traffic to 'reduce speed – entering and turning traffic' located 100m either side of the Lot 13 access within the Chittering road reserve;
- Temporary 'event ahead' signage installed at appropriate locations within Chittering road reserve at times that large events are held to the Shire's satisfaction.

It is recommended that if Council resolve to approve the application, it is recommended that a condition be imposed that requires appropriate signage to be installed prior to the commencement of any wedding and functions, to the satisfaction of the Shire. It will be expected that the proponent liaise with the Shire's EMTS to ensure the signage installed is installed to the Shire's specifications and satisfaction.

(y) any submissions received on the application

Two submissions of objection were received during the advertising period. The primary matter of concern was the impact of noise on surrounding residents. This has been already been addressed in this report.

Another matter of concern raised was the potential impact a development of this nature may have on the value of surrounding properties. It is important to understand that 'property devaluation', and the perception of, is not a recognised planning consideration. The externalities that may cause property devaluation (i.e. noise pollution, visual impact, odour) are legitimate and recognised planning considerations, but the devaluation itself is not. As such, this concern does not need to be addressed as only planning matters can be considered by Council in its determination of the application.

Local

- *Shire of Chittering Local Planning Scheme No. 6*

Clause 5.2 – Landscape Protection Area of LPS6 is applicable to the proposal as Lot 13 lies within the Landscape Protection Area identified on the LPS6 maps.

Clause 5.2.4 – 'Planning Requirements' of LPS6 states:

In dealing with an application for Development Approval, the local government will not support:

- a) A dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- b) Land uses which are not related to the general objectives of the zone;*
- c) The storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- d) The removal of any natural vegetation from any ridgeline;*
- e) The removal or lopping of trees other than for –
 - i. Fire fighting or fire protection purposes;*
 - ii. The removal of dead or dying trees;*
 - iii. Clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
 - iv. If the vegetation is posing a risk to public safety;*
 - v. The vegetation is part of an area planted for fodder, timber plantation, or any other crop;*
 - vi. In association with the establishment of a Building Envelope.**

The proposed temporary reception centre is utilising existing buildings on the property and will not require the removal of any vegetation and as such, is compliant with the above.

Further to the above, Clause 5.2.5 – 'Relevant Considerations' of LPS6 states the following:

In considering an Application for Development approval, the local government shall have regard to:

- a) The statement and the nature of the key elements of the landscape and its character;*
- b) The conservation and enhancement of the landscape values;*
- c) The impact on any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*
- d) The requirement for all roofing of any building to be of a non-reflective nature;*
- e) A change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

Given the proposed land use is temporary in nature and doesn't not involve physical alterations or additions to the land or its structures, it is considered the proposed development does not contravene any of the above considerations.

Policy Implications

State

• State Planning Policy 3.7 – Planning in Bushfire Prone Areas

SPP 3.7 guides the preparation and implementation of Bushfire Management Plans for all developments in bushfire prone areas. As discussed previously, officers consider the operation dates of the temporary reception centre to present a low risk in terms of bushfire safety, and do not consider the preparation of BMP to be necessary. SPP 3.7 is a Policy of the Western Australian Planning Commission and is a planning instrument that the local government must have regard to when determining an application. The local government is not however, bound by a State Planning Policy.

Local

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes. Shire officers were invited to the site by the applicant in early 2020 to discuss a number of potential development proposals (including weddings).

Triple Bottom Line Assessment

Economic implications

The approval of a tourism based business in the Shire could encourage further visitors to the Shire thereby stimulating further economic growth.

Social implications

As discussed in the body of the report, noise emissions from the proposed development may have adverse impacts on the social environment of the area. Residents are likely to expect a certain level of amenity and enjoyment of their rural property, which excessive, non-agricultural noise may disrupt. Noise management of the proposed development is a critical aspect that needs addressing through this planning process to avoid adverse social implications for the residents in this Lower Chittering area.

Environmental implications

Promotion of tourism in the region is a known economic driver. Permitting the subject application can help to promote and sustain the industry.

Officer Comment/Details

The proposed temporary reception centre is seen as a 'trial period' in order for the applicant to ascertain the viability of the proposal. Its temporary nature also offers an advantage to the Shire as any unforeseen issues that may occur from the development, can be adequately addressed or managed in the future if the proponent applies for permanent approval.

If Council resolve to approve the temporary application, it will be conditioned to expire on the 31 October 2021 regardless of whether the full quota of 12 weddings or functions have been utilised.

In the event that the proponent wishes to apply for permanent approval in the future, a further period of advertising will be required. This has advantages as the potentially affected neighbours would have had 'real life' accounts of the development in operation, which can then be provided to the Shire for

consideration. The Shire can then review comments made by neighbours in light of their actual experiences, instead of any perceived or presumed impacts that would ordinarily be the case for a development approval.

It is recommended that the proposed temporary reception centre proposal for Lot 13 is granted development approval subject to appropriate conditions.

OFFICER RECOMMENDATION

That Council grants development approval to the proposed Temporary Reception Centre (weddings and functions) on Lot 13 (1378) Chittering Road, Lower Chittering subject to the following conditions:

- 1. This development approval shall expire on 31 October 2021.**
- 2. All development shall be in accordance with the approved development plans.**
- 3. No more than 12 weddings and/or functions operating under the approved Local Planning Scheme Use Class of 'Reception Centre' shall occur on the property to the satisfaction of the Shire. The proponent shall provide to the Shire details of each wedding or function that occurs on the property within 7 days of each wedding or function occurring.**
- 4. Prior to commencement of the proposed development, a noise complaint procedure and log shall be prepared, and approved by the Shire and thereafter implemented. The Noise Complaint Procedure and Log shall provide owners/residents of neighbouring properties to Lot 13 the opportunity to advise the proponent about excessive noise at the time it is occurring and shall detail the measures implemented by the proponent to address any noise concerns received. The Noise Complaint Procedure and Log shall be made available to the Shire upon request.**
- 5. Prior to the commencement of the proposed development, an emergency evacuation plan shall be prepared and submitted to the Shire for endorsement and thereafter implemented. The Emergency Evacuation Plan shall be prepared in accordance with the Guidelines to State Planning Policy 3.7 – 'Planning in Bushfire Prone Areas'.**
- 6. Prior to the commencement of the proposed development, a 20 metre wide asset protection zone shall be established around every building associated with the approved temporary Reception Centre and thereafter maintained to the satisfaction of the Shire. The asset protection zones shall adhere to the standards prescribed in the current Shire of Chittering Firebreak and Bushfire Hazard Reduction Notice.**
- 7. A signage plan shall be prepared for, and approved by the Shire demonstrating appropriate road side signage advising road users of the approved development. The approved Signage Plan shall be implemented prior to the commencement of the proposed development to the satisfaction of the Shire.**
- 8. Prior to commencement of the proposed development, road side vegetation within the Chittering road reserve shall be adequately pruned to improve vehicle sight lines to the satisfaction of the Shire. The proponent is required to liaise with the Shire of Chittering Technical Services Department to determine the vegetation to be pruned, and the extent of pruning required.**
- 9. The approved temporary Reception Centre shall not permit amplified music to be played or emitted past 10.00pm on any day to the satisfaction of the Shire.**
- 10. The approved temporary Reception Centre shall not permit to host more than 100 guests/patrons at any one time to the satisfaction of the Shire.**

Advice Notes:

- 1. The proponent is advised of the requirement to adhere to the *Environmental Protection (Noise)***

Regulations 1997 at all times.

2. The proponent is advised of the requirement to adhere to the *Health (Public Buildings) Regulations 1992* at all times. The proponent is encouraged to contact the Shire's Building Department to ascertain all necessary building approvals required for the existing function area. The proponent is also encouraged to contact the Shire's Environmental Health Department to ascertain the requirement for ablution facilities to be provided for guests.
3. The proponent is advised of the requirements to adhere to the *Liquor Control Act 1988*.
4. With regard to Conditions No. 6 and No. 7, the proponent is encourage to contact the Shire's Technical Services Department on (08) 9576 4600 for clarification on the Shire's requirements signage and vegetation pruning.

DS02 – 05/21 New Policy – Nutrient Removal Effluent Disposal Systems

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | PH.POL.NREDS |
| Author | PEHO |
| Authorising Officer | EMDS |
| 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 Policy |

Executive Summary

Council is requested to endorse a new policy relating to Wastewater disposal systems for applications made under the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

This policy is recommended to be endorsed since there is no direct mechanism currently available for the Environment Health directorate to determine whether applications are acceptable having regard to the Government Sewerage Policy (2019) and any other relevant applicable standard.

Background

Historically an application for a wastewater disposal system has been submitted and assessed based on available legislation. Yet this legislation has never been specific, other than to dictate a through a list, approved systems available for use. The Strategic Planning (Scheme Amendment, Structure Planning etc) process has often been used for determining the acceptability of effluent disposal systems

With the advent of the Government Sewerage Policy (GSP) coming into effect in 2019, additional complexities to both strategic planning and Environmental Health have been placed on Local Governments. These complexities relate to upholding a stricter standard of effluent disposal systems where identified as being sewage sensitive, yet it explicitly states that it does not apply to single house applications.

The GSP was released with an online mapping program that allows individual properties to be identified. The mapping meaning the Shire is obliged to consider the policy's objectives at the single house application stage in order to assess the adequacy of the application for an effluent disposal system. This has resulted in ambiguity in assessing and determining such applications.

Accordingly, the policy subject of this report seeks to provide additional clarity on how the GSP will be applied within the Shire of Chittering.

The policy takes its basis from the City of Kwinana's policy of the same name. The City of Kwinana's policy has been successfully defended at the State Administrative Tribunal.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Local

Nil

Policy Implications

State

Government Sewerage Policy 2019

The GSP provides the basis and reference point for the application of the Council Policy. If the GSP is amended, the local policy will follow suit.

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Strong Leadership

Objective: S5.3 Accountable Governance

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

This policy is intended to improve decision making and accountability in the assessment and determination of effluent disposal systems.

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this policy.

Social implications

There are no known social implications associated with this proposal.

Environmental implications

The policy seeks to reinforce the higher standards placed by the GSP. This higher standard is intended to improve environmental safety and public health safety.

Officer Comment/Details

As described above, the subject policy is expected to afford greater transparency in assessing and determining applications for waste disposal. Recent strategic development proposals such as Wildflower Ridge and Muchea Industrial Park rezonings have incorporated the higher standard, however many existing estates and rural properties which are identified by the GSP as being sewage sensitive, do not have background studies to identify the site and soil conditions.

In the instance where a site and soil study has been undertaken, and demonstrates that the property is not likely to have an environmental impact, the policy allows for the study to take priority.

OFFICER RECOMMENDATION

That Council Endorses the new policy relating to Nutrient Removal Effluent Disposal Systems

**DS03 – 05/21 Application for Development Approval – Restaurant, Private Recreation (mini golf),
Exhibition Centre (museum) – 140 Blue Plains Rd, Chittering**

| | |
|-------------------------------|---|
| Applicant | Wayne & Julie Wright |
| File ref | A10408 |
| Author | 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 | 1. Development plans 2. Development proposal 3. Schedule of submissions |

Executive Summary

Council is requested to consider an Application for Development Approval for a restaurant, car museum, mini-golf course, and dwelling at 140 Blue Plains Road, Lower Chittering (the site). As objections were received during the period of community consultation, Shire officers are unable to determine the application under delegated authority, thus Council is requested to determine the application.

Location Plan



Background

Lot 7, No. 140 Blue Plains Road, Chittering (the site) is zoned Agricultural Resource under the Shire of Chittering Local Planning Scheme No. 6 (LPS 6). The site is a 46-hectare property with approximately 50% native vegetation cover. The site is located within close proximity to Great Northern Highway (less than 1km) and the Blue Plains/Hidden Valley and Chittering Springs estates, with other Agricultural Resource zoned lots to the north, south and west of the site (Figure 1 – Location Plan).

The application seeks approval for a restaurant, exhibition centre/museum and mini-golf course to be located at the north-western corner of the site, as indicated in the Location Plan. Additional building work is proposed to be added to the existing buildings on-site. The building space is to be made up of the following components (**Attachment 1 – Development Plans**):

The restaurant is proposed to be made up of multiple seating areas to suit different tastes and occasions as follows:

- Formal dining restaurant
- Indoor casual restaurant
- Tapas restaurant (underground)
- Grassed outdoor family dining area
- Outdoor paved dining area
- Deck dining area
- Rooftop tapas restaurant

The combined seating capacity for the various dining areas is to total 765 persons, as well as 40 staff. The facility is proposed to be a family-friendly venue suitable for a wide range of functions and occasions, as detailed in **Attachment 2 – Development Proposal**.

Proposed opening hours are as follows:

Restaurant:

| | | |
|-------------------|----------------------|---------------------------|
| Monday - Thursday | 11:00am – 9:00pm | Lunch & Dinner |
| Friday & Saturday | 7:30am – 12 midnight | Breakfast, lunch & dinner |
| Sunday | 7:30am – 9:00pm | Breakfast, lunch & dinner |
| Public Holidays: | 7:30am – 9:30pm | Breakfast, lunch & dinner |

Museum:

| | |
|-------|------------------|
| Daily | 10:00am – 6:00pm |
|-------|------------------|

Public engagement and surveys were undertaken by the applicant in late 2020 separately to the Development Application process, which has resulted in some community interest and concern regarding the proposal. The results of the consultation undertaken by the applicant were not taken into consideration by Shire officers in assessing this proposal as a separate consultation process mandated by the *Planning and Development (Local Planning Schemes) Regulations 2015* was undertaken, and is discussed further in this report.

An area of particular concern for the community was the proposal for a ‘Tavern’ which was circulated through the applicant’s own community engagement activities, with these concerns also raised in formal submissions received by the Shire. Community members have raised fears of a ‘Tavern’ being contrary to the family setting and rural lifestyle of the area and attracting anti-social groups. The applicant has amended all plans and details of the proposal to address community concerns and to clarify that the subject development application does not seek approval for a ‘Tavern’, which is not a permitted use in the Agricultural Resource zone. The applicant intends to apply for a ‘Restricted Tavern License’ with the

Department of Racing, Gaming and Liquor to enable the venue to occasionally host functions such as engagements, birthdays, weddings and corporate events and the like where attendees will usually want to stand, mingle and dance. Alcohol at the premises is to be secondary to meals and dining, with the kitchen serving meals at all times during opening hours. The events hosting and tavern liquor license are considered incidental to the 'Restaurant' use, and if approved, a condition of approval is recommended to be implemented to require the activities to conform to the Local Planning Scheme No.6 definition of a 'Restaurant' at all times.

Consultation/Communication Implications

Local

The application was advertised in accordance with Clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* to neighbouring properties within a 1 kilometre radius of the development site, totalling 24 properties. 17 responses were received by residents; 7 in support and 10 in opposition.

Attachment 3 – Schedule of submissions details each submission, the proponent's response, and comment from Shire officers. The points of objection raised can be summarised as follows:

- Amenity concerns and detrimental effects on rural lifestyle from increased traffic, noise, and anti-social behaviour;
- Bushfire concerns;
- Environmental health concerns regarding noise, flies, dust, mosquitos, smells, rats/mice;
- Environmental impacts including safety of wildlife, clearing of vegetation, groundwater contamination from wastewater systems;
- Concerns that property values might decrease; and
- A 'Tavern' being incompatible with the rural setting.

State

In addition to the above local advertising, the application was referred to the following agencies for general comments and expert advice:

- Department of Primary Industries and Regional Development (DPIRD)
- Department of Water and Environmental Regulation (DWER)
- Department of Health (DoH)
- Department of Fire and Emergency Services (DFES)
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Chittering Landcare Centre

The agency submissions can be viewed in the Schedule of Submissions in Appendix 2 of this report. In summary, no agencies objected to the application and most provided comments on the proposal, with the exception of DBCA. DPIRD provided comments relating to planning policies and clearing of vegetation, and highlighted that careful consideration be given to the overflow carpark design given the potential for dust issues if an unsealed surface is used, and stormwater management considerations if a sealed surface is used. DWER provided native vegetation clearing advice and water licensing advice. DoH provided guidance relating to water supply and wastewater disposal; Food Act requirements and other health requirements. DFES reviewed the Bushfire Management Plan (BMP) that was submitted by the applicant and outlined required modifications required to bring the BMP into compliance with *State Planning Policy 3.7 – Planning in bushfire prone areas*, which the applicant has since undertaken. Chittering Landcare Centre provided comments that have already been made by the above authorities, and also highlighted the presence of rare fauna along Blue Plains Road.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*

In considering an application for development approval the local government is to have due regard to Schedule 2, Part 9, Clause 67 of the Regulations – matters to be considered in assessing applications for Development Approval. The primary matters of consideration relevant to the application have been listed and discussed below:

(fa) any local planning strategy for this Scheme endorsed by the Commission

The Shire of Chittering Local Planning Strategy (Strategy) was endorsed by the Western Australian Planning Commission (WAPC) in 2019. The main objective for rural land under the Strategy relevant to the proposal is to *'support the diversification of land uses within the rural zone'*, with the accompanying strategy being to *'encourage activation of the rural zone'*. The main Strategy action relevant to the application is:

3.4.1 – Rural Land (Action v)

Encourage tourism and related land uses (such as 'Art and Craft Centre', 'Market', 'Reception Centre', 'Restaurant', 'Tourism Accommodation' and 'Winery/Brewery') on properties with established agricultural enterprises.

The Strategy provides the above common themes of supporting tourism based developments in the rural areas of the Shire. It directs the Shire to entertain land use proposals in the rural areas that are not necessarily rural-based activities, and makes specific mention of a Restaurant in Section 3.4.1 (Action v). An 'Exhibition Centre' and 'Recreation – Private' (museum and mini golf activities) are land uses that are considered to fall under the category of non-rural activities that can be entertained in the Agricultural Resource zone. It is considered that the proposal for 140 Blue Plains Rd is consistent with the objectives of the Strategy.

(m) the compatibility of the development with its setting, including –

- (iii) the compatibility of the development with the desired future character of its setting; and*
- (iv) the relationship of the development to development adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*

The proposed development is screened from view from Blue Plains Rd and surrounding properties by dense vegetation, and existing buildings on the site are not visible until one enters onto the site. The height, bulk, scale, orientation and appearance of the development is of minor concern given that it will be mostly screened from view. The development is considered to be compatible with the desired future character of its setting, which is to remain rural.

(n) the amenity of the locality including the following –

- (iv) environmental impacts of the development;*
- (v) the character of the locality;*
- (vi) social impacts of the development*

The environmental impacts of the proposal are considered to be minimal. The location of the proposed development is in a previously cleared area, utilising existing buildings. Some further clearing and thinning of understorey may be required to accommodate buildings and to comply with the Bushfire Management Plan, which is to be undertaken with all necessary approvals unless exempt, on advice from DWER. The presence of rare fauna on Blue Plains Road highlighted by Chittering Landcare Centre is within the road reserve, not on the site, and is therefore not likely to be impacted.

The character of the locality is that of a relaxed rural lifestyle, which is highly valued by the local residents as highlighted in the submissions received. While it is true that the proposal is something new for the locality and is not seen in many areas of the Shire with similar character, this does not necessarily mean that it is incompatible with the character of the locality. The proposal is for a family-friendly venue in the setting of the Chittering bush, which Shire officers consider to be consistent with the character of the area.

The primary social impacts of the proposal in the context of amenity is noise. As previously discussed, the proposed development is buffered from neighbouring dwellings by dense vegetation, with the nearest dwelling being approximately 530 metres away. To ensure that neighbouring landowner's concerns are addressed and also to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) can be complied with, an acoustic report can be required by Council. An acoustic report would be conducted by a qualified consultant and will detail whether or not the proposed development can comply with the Regulations. In the instance that the acoustic report indicates that the proposed will not comply with the Noise Regulations under the current proposal, a noise management plan can be produced to outline the conditions and environment (including timing and volume of noise) to ensure that the Noise Regulations can be adhered to. This can be imposed as a condition of approval, should Council resolve to approve the application. Notwithstanding the requirement for an acoustic report and noise management plan, the proponent is required to comply with Noise Regulations at all times. Whether a noise management plan is in place or not, the Shire can still enforce the Noise Regulations and take compliance action (including infringements) should breaches be found to occur.

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;

Separate driveways for entry and exit to the site are proposed. A site traffic flow diagram was provided (**Attachment 1**), demonstrating adequate access and egress as well as movement of vehicles within the site. The site plans also clearly mark the location for loading and unloading of service vehicles, which is also considered adequate.

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety

The Shire's Executive Manager Technical Services was consulted for advice relating to the safety and suitability of Blue Plains Road for the expected and maximum number of vehicle movements per day. The EMTS advised that the bitumen seal width of Blue Plains Road is 7.2 metres, which is the standard seal width for a road train route within the Shire of Chittering and the broader Wheatbelt region, and that the road is capable of handling the increased traffic volumes (up to 530 per day at maximum capacity, however on an average day this number is expected to be much lower).

The EMTS advised that the standard sight distance required for the 110Kph speed zone is 280 metres, and at present the driveway to the site is not visible at that distance. It is considered appropriate given the increase in traffic volumes the proposal may generate, than an independent traffic impact assessment is prepared, and any recommendations of such assessment is implemented at the applicant's cost. In

addition, a condition of approval is recommended to ensure that the crossovers are upgraded to meet safety standards to the Shire's satisfaction.

(y) any submissions received on the application

The submissions received are in itself a 'matter for consideration'. As discussed above, the concerns raised regarding amenity, environmental and bushfire concerns, and health concerns can be addressed and managed through appropriate conditions of approval. Another point of issue raised in the submissions was that a development of this nature should not be located as close to residential areas as is proposed. The closest dwelling on Maddern South Road is approximately 530 metres from the development site and separated by dense bushland. Council is to determine the application as it was submitted, and is to take into consideration all the planning matters listed in the report. The consideration of these matters will determine the appropriateness of this development in the location proposed.

Local

- *Shire of Chittering Local Planning Scheme No. 6 – Objectives of the Zones*

The objectives of the Agricultural Resource zone are to:

- a) preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;
- b) protect the landform and landscape values of the district against despoliation and land degradation;
- c) encourage intensive agriculture and associated tourist facilities, where appropriate;
- d) allow for the extraction of basic raw materials where it is environmentally and socially acceptable.

The proposal is consistent with the above objectives as it does not negatively impact productive agricultural land; does not compromise the landscape values of the area (as detailed previously in this report) or result in land degradation; and is regarded as a tourist facility.

- *Shire of Chittering Local Planning Scheme No. 6 - Land Use Definitions*

Upon receipt of the application, officers considered the proposal to fall under the following 'use class' categories under LPS 6 – 'Restaurant', 'Exhibition Centre' and 'Recreation - Private'. The land uses of 'Exhibition Centre', 'Recreation- Private' and are considered uncontentious and straight forward, and do not require further discussion.

Of contention and possible confusion amongst the community is the categorisation of the main component of the application as a 'Restaurant', as opposed to the LPS6 definition of 'Tavern'. The issues surrounding this land use confusion has been described in the background of this report, but is further clarified below.

Clause 3.4 of LPS6 states the following:

3.4.1 'Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.'

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may.....

The above clauses essentially describe a process of 'best fit' for categorising a development proposal into a particular land use category. If there are more than one land use categories that may fit the development proposal, it is a case of determining the closest or 'best fit'. In the context of this application, the two LPS6

land uses categories that the restaurant component may fall under are:

Restaurant - means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988.

Tavern - means premises licensed as a tavern under the Liquor Licensing Act 1988 and used to sell liquor for consumption on the premises.

In comparing the two above land use definitions, it can be argued that both definitions are consistent with the proposed development. This is the case as the proponent has indicated that they will be applying for a 'Tavern Licence' under the *Liquor Control Act 1988*. If these definitions are each dissected, it can be seen that the 'Restaurant' definition consists of three limbs being:

- The predominant use is the sale and consumption of food and drinks;
- Where seating is provided for patrons; and
- Includes a restaurant licensed under the Liquor Licensing Act 1998.

The 'Tavern' definition consists of two limbs being:

- Licensed as a tavern under the Liquor Licensing Act 1988; and
- Used to sell liquor for consumption on the premises.

Accordingly it can be seen that the 'Restaurant' definition consists of three separate limbs, all of which the proposed development complies with. This is as opposed to the 'Tavern' definition which has two separate limbs, which the proposed development complies with. Although the proposal fits both definitions, the 'Restaurant' definition, having a greater number of limbs to it is considered to be more specific than the 'Tavern' definition and is therefore considered to be the 'best fit' for the development proposed.

Pursuant to Clause 3.4.1 of LPS6, the proposal fits the specific land use of 'Restaurant', and is therefore deemed to be excluded from the more general terms used to describe the definition of 'Tavern'.

The application can therefore be considered by Council for approval, as a 'Restaurant' land use.

Policy Implications

State

- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)*

SPP 3.7 guides the preparation and implementation of Bushfire Management Plans (BMP) for all developments in bushfire prone areas. The applicant has provided a Bushfire Management Plan which was reviewed by the Department of Fire and Emergency Services (DFES) and their comment is provided in the schedule of submissions (Appendix 3).

Under SPP 3.7, the proposed development will be classified as a 'Vulnerable Use' as it will host people who are not familiar with their surroundings. In accordance with SPP 3.7, all Vulnerable Uses are required to have a BMP prepared and endorsed by both the local government and DFES.

The advice received from DFES on the BMP was that they did not support the BMP, but recommended modifications. These recommended modifications include an increased standard for the internal driveway and additional water tanks for fire-fighting. Officers have reviewed the comments of DFES and in consultation with the applicant, these matters can be addressed sufficiently by the applicant through a modified BMP.

As such, it is recommended that a condition of approval be imposed, should Council resolve to approve the application, requiring the updating of the BMP to address the recommended modifications of DFES and the satisfactory implementation of that Plan prior to the development being used or occupied.

Local

Nil.

Financial Implications

Nil.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
 - Focus area: Economic Growth
 - Objective: S4.2 Local business growth
 - Strategy: S4.2.1 Encourage and support local businesses and new investments for the future

Site Inspection

Site inspection undertaken: Yes. Some existing buildings are on the site, including a shed that is proposed to become the Exhibition Centre/Museum and other buildings that are proposed to become part of the restaurant.

Triple Bottom Line Assessment

Economic implications

The approval of a tourism based business in the Shire could encourage further visitors to the Shire thereby stimulating further investment and economic growth.

The proposal is intended to create significant local employment opportunities for residents of the Shire, with the applicant indicating up to 40 staff are needed.

Social implications

Increased community wellbeing is likely to be generated by the establishment of a local family friendly venue for dining and recreation.

Noise emissions from the proposed development may have adverse impacts on the social environment of the area. Residents are likely to expect a certain level of amenity and enjoyment of their rural property, which excessive, non-agricultural noise may disrupt. Noise management of the proposed development is a critical aspect that has been addressed through this planning process to avoid adverse social implications for the residents in the Chittering area.

Environmental implications

Some clearing of native vegetation may be necessary to make way for proposed buildings and parking areas. The applicant is to ensure that prior to any clearing, the necessary approvals and permits have been obtained from the Department of Water and Environmental Regulation, or advice that the clearing is exempt from the requirement for a clearing permit.

Officer Comment/Details

The proposed restaurant, museum and mini-golf course, following a detailed assessment of the proposal, is considered to be consistent with the Shire's Local Planning Scheme No. 6, Local Planning Strategy, as well as the State planning framework.

The proposal represents a significant investment in the Shire which is likely to generate substantial benefits to the local economy through increased local employment opportunities, tourism and associated flow-on effects, which is consistent with Council's strategic planning framework.

The proposal is situated in close proximity to Great Northern Highway and has evacuation routes in multiple directions. The proposal is also sufficiently buffered from nearby dwellings by distance and the presence of dense vegetation. Any potential adverse impacts such as bushfire risk, noise, disturbance from increased traffic, pests and anti-social behaviour are able to be sufficiently addressed and mitigated through conditions of approval, and therefore are not considered to be sufficient grounds for refusal of the application. The applicant has demonstrated a willingness to work with the Shire and all other authorities to ensure all necessary approvals are obtained; policies and regulations are complied with; and management plans are approved and implemented.

While concerns submitted through the consultation process are noted and carefully considered, the overall submissions were otherwise balanced across those for and against the proposal. In fact many of those against the proposal recognising in their submission the advantages of encouraging such developments in the Shire, but still wishing to make their concerns known regarding noise, bushfire amongst other concerns. As these are considered to have been addressed throughout this report, the concerns are therefore also considered addressed.

Accordingly, it is recommend that the application is approved subject to appropriate conditions.

OFFICER RECOMMENDATION

That Council approve the application for a Restaurant, Exhibition Centre and Private Recreation at 140 Blue Plains Rd, Chittering, subject to the following conditions:

- 1. All development shall be in accordance with the approved plans.**
- 2. The bushfire management plan shall be suitably updated in accordance with the recommendations of the Department Fire and Emergency Services (DFES) and subsequently endorsed by DFES and the Shire of Chittering. The actions contained within Section 6 – 'Responsibilities for Implementation & Management of the endorsed Bushfire Management Plan shall be implemented prior to use of the proposed development to the satisfaction of the Shire and thereafter maintained.**
- 3. An updated emergency evacuation plan shall be prepared for approval by the Shire prior to the use of the proposed development. The approved emergency evacuation plan shall be prepared in accordance with the Guidelines of State Planning Policy 3.7 – 'Planning in Bushfire Prone Areas' and shall be implemented at all times to the satisfaction of the Shire.**
- 4. A traffic impact assessment shall be prepared by a suitably qualified consultant detailing the impact of the proposed development on the local road network and access to the site. All recommendations of the Traffic Impact Assessment shall be implemented at the full cost of the proponent prior to the use of the proposed development to the satisfaction of the Shire.**
- 5. An acoustic report shall be prepared by a suitably qualified consultant for the proposed development detailing the ability of the proposed development to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). If the Acoustic Report demonstrates compliance with the Noise Regulations cannot be achieved, a noise management plan shall be prepared by a suitably qualified consultant demonstrating measures to achieve compliance with the Noise Regulations with all measures of the noise management plan implemented at all times to the satisfaction of the Shire.**
- 6. A dust management plan shall be prepared for approval by the Shire prior to the use of the**

proposed development, to mitigate any potential off-site dust impacts of the proposed vehicle parking and access areas. The approved Dust Management Plan shall be implemented at all times to the Shire's satisfaction.

7. A stormwater management plan shall be prepared for approval by the Shire prior to commencement of works on-site. The Stormwater Management Plan shall detail detention and treatment of all stormwater from the site and shall be implemented prior to the use of the proposed development and thereafter maintained to the satisfaction of the Shire.
8. A waste management plan shall be prepared and submitted to the Shire for approval prior to the use of the proposed development. The approved Waste Management Plan shall detail the collection and disposal of waste from the site and for its patrons, ensuring no waste or litter escapes the development site.
9. The activities of the 'Restaurant' component of the proposal are to remain compliant with the 'Restaurant' definition under *Local Planning Scheme No. 6* at all times to the satisfaction of the Shire.
10. No patrons of the proposed development shall be permitted to park on the road verge of Blue Plains Road at any time to the satisfaction of the Shire. All patron parking shall be contained within the boundaries of Lot 140.

Advice notes:

1. The proponent is advised of the requirement to adhere to the *Environmental Protection (Noise) Regulations 1997* at all times.
2. The proponent is advised of the requirement to adhere to the *Health (Public Buildings) Regulations 1992* at all times. The proponent is encouraged to contact the Shire's Building Department to ascertain all necessary building approvals required for the existing and proposed structures. The proponent is also encouraged to contact the Shire's Environmental Health Department to ascertain the requirement for ablution facilities to be provided for guests.
3. The proponent is advised of the requirements to adhere to the *Liquor Control Act 1988*.
4. In regard to Condition 2, DFES recommend that the internal driveways are constructed to meet the technical requirements of a public road. This is to be incorporated into the Bushfire Management Plan by a) spatial representation in Figure 6 of the BMP; and b) to be included in Section 6 – Responsibilities for Implementation and Management of the Bushfire Measures.

TECHNICAL SERVICES

Nil

CORPORATE SERVICES

CS01 – 05/21 List of Accounts Paid for the Period Ending 30 April 2021

| | |
|-------------------------------|---|
| 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 2021 |

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 April 2021.

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 2020/21 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 2021" is presented to Council for endorsement.

OFFICER RECOMMENDATION

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$529,806.77 for the period ending 30 April 2021:

1. PR5772, PR5782;
2. EFT21592 – EFT21666; and
3. Direct Debits, Cheques as listed.

CS02 – 05/21 Monthly Financial Reports for period ending 30 April 2021

| | |
|-------------------------------|---|
| 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 2021 |

Executive Summary

Council is requested to consider the financial statement for the period ending 30 April 2021.

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 2020/21 financial year on 29 July 2020 (Resolution 280720). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION

That Council receives the Monthly Financial Reports for period ending 30 April 2021, as per Attachment 1.

CHIEF EXECUTIVE OFFICER

CEO01 – 05/21 Community Assistance Grants and Sponsorship Scheme / Community Bus Use – Policy Reviews

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 15/01/7 |
| Author | Alison Reliti, Community Development Officer |
| Authorising Officer | CEO |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure or relevant details |
| Voting requirements | Simple Majority |
| Attachments | 1. Community Bus Use Policy - draft 2. Community Assistance Grants and Sponsorship Scheme Policy - draft |

Executive Summary

In order to better support local community groups, and assist with general community resilience, a review of the current Community Assistance Grants and Sponsorship (CAGS) Scheme policy, and the Community Bus Use Policy has been undertaken.

As part of this review, the need to create programs which are less resource dependent for both community groups, working groups and staff, has been identified.

To facilitate this, it is requested that Council:

1. Review and approve the updated CAGS Scheme policy, and Community Bus Use policy, removing Sponsored Community Bus Use and Printing/Photocopying from the CAGS application process.
2. Approve the allocation of Sponsored Community Bus Use funding for all community groups, for an amount specified by the CAGS Working Group annually, with a 50% concession on hire fees above the allocated amounts and;
3. Request that Council approve the creation of three-year agreements for identified, large annual events or programs.

Background

In recognition of the pivotal role that community groups and organisations play in developing vibrant and diverse communities, Council is committed to the provision of support and assistance through the Shire of Chittering Community Assistance Grants and Sponsorship Scheme (CAGS).

Each year Council supports local community groups through financial assistance for events, programs and the purchase of infrastructure and equipment. It also provides sponsored use of the Community Bus, and free printing/photocopying for community groups.

As part of the 2020 Community Development Service Review and the 2020 Sport and Recreation Survey, community group support, and community resilience, were identified as priorities.

Over the years, the application process for the CAGS funding has become quite labour intensive for groups, particularly when only applying for the use of the Community Bus, or free printing/photocopying. It has also meant additional resource requirements for the CAGS working group and staff. A modified or reduced application form would make this process easier, and enable more support for local community groups.

The creation of a three-year agreement for identified large, annual events would also reduce the resource requirements for the financial assistance administration.

Printing/Photocopying

In the current fees and charges, community groups are entitled to a 50% discount on printing, and up to \$200 per annum free printing/photocopying. Volunteer Fire Brigades also receive a 100% discount on all printing. Consequently, there is no requirement for an application process, and printing/photocopying should be removed from the CAGS policy.

Community Bus

Historically, a limited number of community groups, (i.e. Bindoon Chittering Retirees) were provided with free use of the Community Bus. Over time, more groups requested sponsored use of the Community Bus and the requirement for an application was added to the CAGS policy.

Many groups submit an application, just in case they would like to use the bus during the coming financial year. However, due to the timing and/or changeovers of committee members, applications are often forgotten and in some instances these groups have subsequently been charged, despite having previously received sponsorship approval from the Shire. In other instances groups submit a late application after the CAG Grants Round has closed which is then assessed by the CAGS working group.

This process is confusing and labour intensive for both groups, and staff. It is therefore recommended that all community groups be entitled to free use of the community bus, up to \$2000, with no bond, and no requirement to refuel the bus on return. A 50% concession on fees should be charged after the allocated funding is expended. The allocated funding of \$2000 would be reviewed annually as part of the Fees and Charges update.

Annual Events

Historically, a number of events (i.e. Chittering Spring Festival and the Bindoon Show) received an annual contribution from the Council without the need for an application. Since that time, Community Event Sponsorship has been added to the CAGS policy, to allow more community groups to apply for assistance and increase the number, locations, and variety of events in the Shire. This has been a great success with numerous groups now receiving funding annually.

However, the increase in applications has seen an increase in administration requirements to manage the grants and quite an arduous event grant application process for the groups. Particularly for those events that are large in scale and held on an annual basis.

To reduce the impact on administration for community groups, the CAGS working group, and staff, a three year agreement for large, annual events such as those listed above, is recommended. This will provide stability for these events, and reduce the annual administration burden on their groups. The ongoing social connection and resulting community resilience created by these events, has a direct influence on the health and wellbeing of all Chittering residents.

Consultation/Communication Implications

Local

2020 Community Development Review
2020 Community Sport and Recreation Survey

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

6.4 Community Assistance Grants and Sponsorship Scheme Policy
6.3 Community Bus Use Policy

Financial Implications

Nil

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*
 - Focus area: Our community
 - Objective: S1.1 An active and supportive community
 - Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local communities

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

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

Nil

Social implications

Nil

Environmental implications

Nil

Officer Comment/Details

Many of the community groups currently applying for Sponsored Community Bus Use accumulate less than \$500 per year. However, we do have a few who use up to \$2000 each year. By allocating funding to all groups without the need for an application, Council will be supporting all groups equally, and should not see an increase in total cost currently allocated to bus use.

OFFICER RECOMMENDATION

That Council:

- 1. Review and approve the updated Community Assistance Grants and Sponsorship Scheme Policy.**
- 2. Review and approve the updated Community Bus Use Policy.**
- 3. As per the current fees and charges, approve the removal of Printing/Photocopying from the Community Assistance Grants and Sponsorship Scheme application process.**
- 4. Approve the removal of Sponsored Community Bus Use from the Community Assistance Grants and Sponsorship Scheme application process.**
- 5. Approve the allocation of Sponsored Community Bus Use to all community groups, up to an amount approved by the Community Assistance Grants and Sponsorship Scheme Working Group annually, and a 50% discount on hire fees once the allocation is expended.**
- 6. Approve the creation of three-year agreements for annual events/programs identified by the Community Assistance Grants and Sponsorship Scheme Working Group.**

CEO02 – 05/21 Amendment Act Reforms – Code of Conduct – Employee, Volunteer, Contractor

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 04/03/1 |
| Prepared by | Support Officer Governance |
| Supervised by | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | <ol style="list-style-type: none">1. Current – Code of Conduct – Employee, Volunteer, Contractor2. Revised – Code of Conduct – Employee, Volunteer, Contractor3. Policy 3.1 - Code of Conduct – Staff, Volunteers and Contractors |

Executive Summary

Council is requested to delete the Staff, Volunteers and Contractors Policy following changes to legislation.

Background

Local government employees are public sector employees who deliver vital services in the community.

A code of conduct for employees reflects the local government’s standards of behaviour and integrity to all employees and the community they serve. Effective codes that are well communicated and effectively implemented contribute to building and sustaining a culture of integrity and create a transparent and accountable framework within which employees can operate.

The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code Regulations) bring into effect Section 25 of the Amendment Act by prescribing the minimum requirements for an employee code of conduct.

Section 25 of the Local Government Legislation Amendment Act 2019 (Amendment Act) requires a CEO to prepare and implement a code of conduct for employees.

Part 9 (34B and 34C) of the Local Government (Administration) Regulations 1996 previously prescribed the content of employee codes of conduct. The Employee Code Regulations incorporate some of the existing requirements (under 34B and 34C) pertaining to gifts and conflicts of interest, while also requiring additional matters to be included in a code of conduct. The other additional matters that must be included in an employee code are based on the Public Sector Commission’s key integrity risks for public sector employees. The Local Government Legislation Amendment Act 2019 (Amendment Act) requires each local government to review and/or update their current employee code of conduct to ensure that it meets the requirements set out in the Employee Code Regulations; and prepare and implement any amendments in accordance with the Employee Code Regulations as soon as practicable.

The CEO may amend the code of conduct and is required to publish an up-to-date version of the code on the local government’s website.

The Employee Code Regulations prescribe the minimum requirements in relation to gifts, conflicts of interest and disclosure. In addition, the regulations provide that an employee code of conduct must contain requirements pertaining to:

- behaviour
- disclosure of information
- the use of information and resources
- records keeping and dealing with misconduct.

Most of the content of our current employee code of conduct already meets the requirements of the regulations, as can be evidenced in the current Employee Code of Conduct (**Attachment 1**). Accordingly, it is recommended that the policy be deleted, as the updated employee code of conduct (**Attachment 2**) now falls under the jurisdiction of the CEO; and not the Shire.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Local Government Act 1995 (Act)

Local Government (Administration) Regulations 1996

Local Government Legislation Amendment Act 2019 (Amendment Act)

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code Regulations)

25. Section 5.51A inserted

At the end of Part 5 Division 4 insert:

5.51A. Code of conduct for employees

- (1) *The CEO must prepare and implement a code of conduct to be observed by employees of the local government.*
- (2) *The CEO may amend the code of conduct.*
- (3) *The CEO must publish an up-to-date version of the code of conduct on the local government's official website.*
- (4) *Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.*
- (5) *A code of conduct under this section is of no effect to the extent that it is inconsistent with regulations made for the purposes of subsection (4).*

Local

Nil

Policy Implications

State

Nil

Local

The implementation of the new reforms will result in the deletion of current policy 3.1.

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Section 25 of the Local Government Legislation Amendment Act 2019 (Amendment Act) requires a CEO to prepare and implement a code of conduct for employees.

It is recommended that the *Policy 3.1 - Code of Conduct – Staff, Volunteers and Contractors* be deleted, as the updated employee code of conduct now falls under the jurisdiction of the CEO, and not the Shire.

OFFICER RECOMMENDATION

That Council delete Policy 3.1 - Code of Conduct – Staff, Volunteers and Contractors and ensure that the numbering is updated accordingly.

CEO03 – 05/21 Muchea Recreation Centre Project Reference Group

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | GRT.CSRFF.MUCHEA HALL |
| 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. EOI – Brian Chipchase 2. EOI – Simon Cox 3. EOI – Louise Yates |

Executive Summary

Council is requested to consider the three expressions of interest received for the Muchea Recreation Centre Project Reference Group.

Background

On 28 April 2021 the Shire opened an expression of interest process for three Community Representatives on the Muchea Recreation Centre Project Reference Group. Nominations closed at 9am on Wednesday, 12 May 2021.

Consultation/Communication Implications

Local

At the 21 April 2021 Ordinary Council Meeting Council resolved the following:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040421

Moved Cr Ross/ Seconded Cr Osborn

That Council, pursuant to S103 of the Heritage Act 2018:

- 1. Endorses the administrative updates;*
- 2. Forwards a copy of the updated Local Heritage Survey to the Heritage Council of WA; and*
- 3. Maintain a copy for public access.*

CARRIED 6 / 0

TIME 7.33pm

The following expressions of interest were received at the close of nominations

1. Brian Chipchase
2. Simon Cox

A copy of the nominations forms are attached for Council consideration.

A further expression of interest was identified by the Shire President, Cr Hughes (via email) for Louise Yates. Although Louise did not submit a nomination form, her intention to nominate, as identified by Cr Hughes has been included for Council consideration. A copy of the email communication between the Shire Officer and Cr Hughes is attached for reference.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Council Committees and Advisory Groups Membership

Financial Implications

Nil

Strategic Implications

Local

Strategic Community Plan 2017-2027

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

Objective: S2 Outcome: Strong sense of community
Strategy: S1.2.3 Activate our local centres and towns
Focus Area: Our built environment

Objective: S3 Outcome: Development of local hubs
Strategy: S3.1.1 Plan for new and enhanced community facilities

Objective: S3 Outcome: Improved infrastructure and amenities
Strategy: S3.3.1 Improved asset management across all asset classes
Focus Area: Strong leadership

Objective: S5.1 An engaged community
Strategy: S5.1.1 Encouraged and promote community engagement

Objective: S5.2 Strong partnerships and relationships
Strategy: S5.2.1 Build effective partnerships with stakeholders

Objective: 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 RECOMMENDATION

That Council:

- 1. Appoint Mr Brian Chipchase and Mr Simon Cox to the Muchea Recreation Centre Project Reference Group; and**
- 2. Appoint Ms Louise Yates to the Muchea Recreation Centre Project Reference Group, subject to Ms Louise Yates acceptance of the appointment.**

CEO04 – 05/21 Elector’s General Meeting –Dual Naming of Public Places

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 28/05/0001 |
| Author | Chief Executive Officer |
| Authorising Officer | N/A |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

Executive Summary

Council has been requested to consider a motion passed at the Electors General Meeting, requesting that the shire commence dual naming of public places.

Background

At the General Electors Meeting held on Thursday 6 May 2021, Ms Barni Naughton moved “That Council considers dual naming of public places within the Shire of Chittering to include the first people’s language”.

Consultation/Communication Implications

Local

Nil

State

Reconciliation WA who are supportive of dual naming.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

There will be a cost associated with dual naming, however it is unknown at this stage.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

Dual naming of public places would be a step towards acknowledging the traditional owners of the land. This may assist in

Environmental implications

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

Officer Comment/Details

In early 2020 the first step was taken towards greater cultural sensitivity by renaming a reserve with a culturally offensive name to a name chosen by the local Yued people. At the time the decision was made, it was also decided to commence the process of developing a Reconciliation Action Plan from 1 July 2020.

Dual naming of public places would assist in the journey towards greater cultural recognition, however it may be better to consider dual naming as part of the wider Reconciliation Action Plan process.

OFFICER RECOMMENDATION

That Council consider dual naming of public places within the Shire of Chittering to include the first people's language as part of the Reconciliation Action Plan process.

CEO05 – 05/21 Elector’s General Meeting – Public Release of Independent Living Unit Costings and Business Plan

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 03/01/0005 |
| Author | Chief Executive Officer |
| Authorising Officer | N/A |
| 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. Independent Living Unit Concept Development Plans |

Executive Summary

Council has been requested to consider a motion passed at the Electors General Meeting, requesting that the costings and business plan for the Independent Living Units be released.

Background

At the General Electors Meeting held on Thursday 6 May 2021, Mr John Nagel, representing the Chittering Resident and Ratepayers Association, moved a motion “The shire release the costings of the independent living units and business plan to the public”.

At an Aged Care Forum held in 2020, the top priority was considered to be an increase in the number of Independent Living Units in the community. While waiting on the Aged Care Royal Commission before commencing a Feasibility Study, staff undertook a project to determine if the provision of Independent Living Units on small blocks within the shire was viable from a technical point of view. The project found that the units were viable and determined an estimated cost based on similar projects in many other Wheatbelt Shires.

The Feasibility of the project is still to be determined and will rely on the feedback of a community survey that is currently open.

Consultation/Communication Implications

Local

Community via Facebook and Community Advisory Forums. Facebook feedback has been small but positive.

State

Shire’s of Cunderdin, Katanning, Wickipin, Wagin, Woodanilling, West Arthur, Williams, Dumbleyung and Lake Grace. Feedback, designs and project plans were received of the shire’s similar projects.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: 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 costings and the site plans that were developed for the Independent Living Units are an attachment to the item. The total costs had already been released as part of the most recent round of Community Advisory Forums.

There is currently no Business Plan, or Business Case as it would be in this circumstance, to release to the public. A Business Case would require figures on the potential demand; when the demand would be; where the demand would be; whether the interest in buying, renting, or the split between these; and how much people the potential rental price or sale price would be. These figures are currently being sought in a community survey and are not currently available to develop a Business Case for Independent Living Units.

OFFICER RECOMMENDATION

That Council:

- 1. Instruct the Chief Executive Officer to release the costings of the Independent Living Unit Project; and**
- 2. Note that no Business Case can be released as the preparation of a Business Case is reliant on the outcomes of the currently open Independent Living Unit Survey.**

CEO06 – 05/21 Elector’s General Meeting – Withdraw of Neighbourhood Party Funding

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 26/01/0004 |
| Author | Chief Executive Officer |
| Authorising Officer | N/A |
| 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. Shire of Chittering Neighbourhood Street Party Guidelines |

Executive Summary

Council has been requested to consider a motion passed at the Electors General Meeting, requesting that funding of the Neighbourhood Parties be withdrawn.

Background

At the General Electors Meeting held on Thursday 6 May 2021, Mr John Nagel, representing the Chittering Resident and Ratepayers Association, moved a motion “That Council stop funding Neighbourhood Street Parties”. The reason given for this is that the funding of the parties is a waste of ratepayer’s money. The motion received a simple majority of 18 votes for, 11 votes against.

Neighbourhood Street Parties were introduced in 2021 as a way for neighbours to get to know each other which would; increase a sense of belonging; improve the health and vibrancy of the street; help with safety and crime prevention; and assist in emergency management and community resilience. Neighbourhoods can apply for up to \$200 to assist with the party.

So far, one party has gone through the process to receive funding for hosting a Neighbourhood Street Party. The feedback received from this party was positive. Other parties may have been held without going through the notification process.

Consultation/Communication Implications

Local

Community via Facebook and Community Advisory Forums. Facebook feedback has been small but positive.

State

WA Police who were happy with the initiative.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil. The Neighbourhood Street Parties were developed as an operational initiative using Community Development funding. Should this funding be disallowed, the remaining funding will be applied to other initiatives.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Our community

- Objective: S1.2 Strong Sense of Community: Cohesive and connected communities through engagement, interaction and participation.
- Strategy: S1.2.1 Actively support community, volunteer groups and networks
S1.2.2 Strengthen and grow social events and festivals
S1.2.3 Activate our local centres and towns
- Focus area: Our community
- Objective: S1.3 A safe and healthy community
- Strategy: S1.3.1 Improve the safety of our community

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

While the motion from the Chittering Residents and Ratepayers Association will not stop Neighbourhood Street Parties, the removal of funding may stop some parties going ahead. This may reduce the increase in social capital, neighbourly connections and community resilience.

Environmental implications

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

Officer Comment/Details

The Shire of Chittering is a peri-urban shire with the majority of residents living in rural-residential estates. While these estates allow residents to live with some amount of freedom, as they have not been planned with town centres and community infrastructure, it can lead to a reduced sense of connection to the community. These connections have many positive benefits such as increased health and mental health, increased resilience, safer communities and greater support to neighbours in emergency situations, which is particularly important for vulnerable members of our community.

Aside from the benefits to residents, improved neighbourly relations can be of a great benefit to the shire, especially if issues between neighbours can be resolved before requiring the involvement of the shire. The expense of \$200 is a fantastic benefit compared to the cost of a shire staff member being involved in a neighbourly dispute and even if the whole budget were to prevent shire involvement in one dispute, then it would have a positive financial benefit for the shire.

OFFICER RECOMMENDATION

That Council note the concerns of the Chittering Resident and Ratepayers Association.

CEO07 – 05/21 Disposal of Property: Lot 171 (RN 29) Binda Place, Bindoon

| | |
|-------------------------------|---|
| Applicant | T and M Preston |
| File ref | A1627 |
| Author | Executive Manager Corporate Services |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. Support Received 2. Objections Received |

Executive Summary

Council is requested to accept the offer from the applicants and commence the necessary legislative requirements to dispose of Lot 171 (RN 29) Binda Place, Bindoon.

Background

At the Ordinary Meeting of Council held on 16 September 2020 Council resolved to:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190920

Moved Cr Davis / Seconded Cr Gibson

That Council BY AN ABSOLUTE MAJORITY authorise the Chief Executive Officer to dispose of Lot 171 (RN 29) Binda Place, Bindoon by public tender in accordance with s5.38(2) of the Local Government Act 1995.

*CARRIED 4/2
8:20PM*

Consultation/Communication Implications

Local

- Northern Valleys News, November 2020 (online and print version)
- Website (posted 6 November 2020)
- Facebook (posted 6 November 2020)
- Administration Centre public notice board (posted 6 November 2020)

Following the consultation period, the Shire received only one formal offer, of \$275,000 which was refused by Council at the December 2020 OCM.

Subsequent to the offer being declined, a revised offer of \$295,000 was submitted and put to Council at the Ordinary Meeting held 21 April 2021.

Following adoption of the revised agenda item in the 21 April 2021 Ordinary Council Meeting, the sale was advertised in the Northern Valley News May edition and on the Shire's Facebook page on 22 April 2021. At the closing of the submission one support letter (**Attachment 1**) and two objections (**Attachment 2**) were received.

State

WALGA

Legislative Implications

State

- Local Government Act 1995
Section 3.58 in the *Local Government Act 1995* governs for the disposal of property. A local

government can only dispose of property to:

- o The highest bidder at public auction; or
- o The person who at public tender makes what is in the opinion of the local government the most acceptable tender, whether or not it is the highest.
- o Other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 - and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil. There is an allocation in the 2020/21 annual budget that will cover the services of engaging a settlement agent to dispose of the property.

The valuation that the Shire obtained and dated 27 January 2021, listed the market value at \$325,000 (exclusive GST).

Current lease arrangements

Current lease is for a five year period, which will expire on 31 May 2022, with first option to extend the lease commencing on 1 June 2022 and expiring on 22 July 2026. Tenant is responsible for utilities and excess rubbish and waste disposal not covered by rates.

The Shire currently receives an income of \$1,200pm (\$14,400pa), inc GST from the current lessee. Due to the subdivision of the property and the initial lease arrangements, the lease will need to be reviewed. As the market value of the remaining property is now \$325,000 as opposed to \$650,000 when the property was purchased.

Below is a breakdown of expenditure following the 2018 purchase of the building and adjacent carpark:

- 2019/20 Actual amount \$1,125.34
- 2018/19 Actual amount \$1,125.34

In the adopted 2020/21 budget there is allocation of \$3,630, of which to date \$1,145.24 has been spent.

The sale of the property would result in additional rates income to the Shire, which would be a recurring benefit.

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 adoption of the revised agenda item in the 21 April 2021 Ordinary Council Meeting, the sale was advertised in the Northern Valley News May edition and on the Shire's Facebook page on 22 April 2021. At the closing of the submission one support letter (**Attachment 1**) and two objections (**Attachment 2**) were received.

There are many considerations to be made when making this decision:

- How the decision of Council to proceed or not proceed with the disposal of the property fits with the Strategic Direction of the shire. All Council Decisions should be made with longer term strategic vision in mind. The Council's Strategic Community Plan sets out the community's vision based on consultation with the community. One of the five pillars of the Strategic Community Plan is Economic Growth, specifically Economic Growth that is based on supporting private investment which stimulates significant and sustainable jobs growth; supports agricultural growth, with a focus on local produce and agribusiness; encouraging local businesses and new investments for the future; and facilities, promotes and supports ecotourism.

The sale of this property will assist the development of a local business who has a track record of investing in the local community, will give the means to a business to continue to develop jobs and gives opportunity to a business that is assisting to give local agribusiness a way to reach a market, particularly tourists who care about the sustainability of the food industry.

The sale therefore supports the strategic direction of the shire, as opposed to the decision not to sell which would not fit within the shire's strategic plans.

- The shire, not being a business must also consider the economic development of the shire, as this can have a much greater income boost than holding one building. Aside from the benefits that would be enjoyed by having a strong growing economy, by disposing of the property, the shire will receive rates income, but the benefit will be greater than rates from one building. As the agribusiness and tourism sector continues to grow, the increasing value of these business will also positively impact the rates received by the shire.
- The opportunity cost must also be considered by Council. With the community pushing to undertake other projects within the shire, the access to capital provided by the sale of land will provide further opportunities for other initiatives such a community facilities or purchases of more strategic land that is

either positioned elsewhere or being utilised in a way that does not fit within the community's vision.

- The future expenses of the building and future usage of the building must also be considered. Though there may currently be a small income received, as the building is ageing it will increasingly require more maintenance and capital expenditure to keep the building in a satisfactory condition. The future of the tenant is also only certain for the period of a lease. As has happened with other buildings, over the long term the expense of refurbishment and maintenance has been a large expense to the shire.
- The actual loss must be considered. The property was purchase in order to make Binda Place a through road, not to invest in a commercial building. The property has now been subdivided to allow the shire to keep the section of thoroughfare and dispose of the building as originally intended. The initial purchase price is a sunk cost to the shire, history cannot be changed and Council can only consider decisions that affect the future. The Market Value itself is only an estimated figure and one that is based on the original purchase boosting market values, the rent of successful businesses increasing the market value and not considering the lack of sale activity for other parcels of land. By disposing of the property, Council will receive \$295,000 in cash, but the difference in market value is not an actual loss, but rather a 'paper loss' that in reality does not exist.
- The risk of continuing to hold the building must be considered. With a Heavy Haulage Route to be built around Bindoon, there is uncertainty over the future value of the building. This poses a risk that in the future the building's value will fall and the cost of disposal will increase.
- The sale of the land will also allow staff a greater focus on their main purpose, to provide benefit to the community, not to maintain a commercial building.

A formal petition was received from Mr Don Gibson on Thursday 13 May 2021. The petition was signed by 52 respondents opposing to the sale. No additional issues from what had already been presented to Council was included in the petition.

Council is requested to accept the offer from the applicants and instruct the Chief Executive Officer to dispose of the property.

If Council resolves not to accept the offer, the lease will remain with the current tenants.

OFFICER RECOMMENDATION

That Council, having considered the submissions made and the issues raised in the petition, BY AN ABSOLUTE MAJORITY:

- 1. Accept the offer from Tamioka and Matthew Preston for the amount of AUD\$295,000 (excluding GST).**
- 2. As per Section 3.58(3) of the Local Government Act 1995, approve the disposal of Lot 171 (RN 29) Binda Place, Bindoon to Tamioka and Matthew Preston.**
- 3. Delegate authority to the President and Chief Executive Officer to sign the contract and apply the common seal.**

ITEM 10. REPORTS OF COMMITTEES

COM01 – 05/21 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 9 March 2021

| | |
|-------------------------------|---|
| File ref | ES.MEET.CBFAC.2021 |
| 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 Chittering Bush Fire Advisory Committee meeting held on 9 March 2021 |

Executive Summary

Council is requested to receive the minutes from the Chittering Bush Fire Advisory Committee meeting held on Tuesday 9 March 2021.

Background

The Chittering Bushfire Advisory Committee (CBFAC) met on 9 March 2021 and during the meeting the following recommendations were carried:

MOTION

Moved Peter Hall/Seconded Peter Watterston

That the Chief Executive Officer liaise with the brigades to prepare a letter to the DFES Commissioner to seek clarification.

CARRIED UNANIMOUSLY

Consultation/Communication Implications

Local

Chittering Bushfire Advisory Committee

State

Nil

Legislative Implications

State

- *Local Government Act 1995 – Sections 5.8 and 5.11*
- *Bush Fires Act 1954 – Section 67*

Local

- *Shire of Chittering Brigades Local Law 2012*

In accordance with cl3.12 the Committee is to make recommendations to the local government on all motions received by the Committee from the bushfire brigades.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The next meeting of the Chittering Bush Fire Advisory Committee is scheduled for 12 October 2021.

OFFICER RECOMMENDATION

That Council receives the unconfirmed minutes from the Chittering Bush Fire Advisory Committee meeting held Tuesday 9 March 2021.

COM02 – 05/21 Chittering Health Advisory Group (CHAG)

| | |
|-------------------------------|---|
| 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. Confirmed minutes from 18 February 2021 2. "Unconfirmed" minutes from 29 April 2021 |

Executive Summary

Council is requested to receive the minutes from the Chittering Health Advisory Group (CHAG) held on 18 February 2021 and the unconfirmed minutes from 29 April 2021.

Background

The minutes of CHAG will be available to the public via the Ordinary Meeting of Council minutes. Shire officers will also ensure that CHAG minutes are uploaded to the Shire website. Any confidential information will be redacted prior to public circulation.

Consultation/Communication Implications

Local

Chittering Health Advisory Group

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

While there are no statutory requirements for Council Advisory Groups to report to Council, the regular reporting of CHAG minutes to Council will ensure that Council is kept up-to-date on CHAG activities and proposed actions including recommendations to Council for consideration.

The provision of these minutes as part of the Ordinary Council Meeting Minutes will also ensure that CHAG minutes are recorded as a public document.

OFFICER RECOMMENDATION

That Council receive the minutes from the Chittering Health Advisory Group meeting held on:

- 1. February 2021, as per Attachment 1; and**
- 2. The unconfirmed minutes from 29 April 2021, as per Attachment 2.**

ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

CON01-05/21 Request for Architectural Services Tender-Muchea Recreation Centre

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | FIN.TEN. SC21/001 |
| Author | Project Manager |
| 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. Request for Tender outline document 2. Project Manager's Summary Report on received Tenders |

Reason for confidentiality

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

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (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 a business, professional, commercial or financial affairs of a person.*

Public reading of resolution that may be made public

ITEM 15. CLOSURE