

MINUTES FOR ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.01pm
Closure: 8.36pm**



Preface

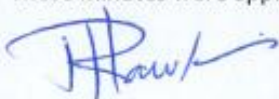
When the Chief Executive Officer approves these Minutes for distribution they are in essence "*Unconfirmed*" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

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

Unconfirmed Minutes

These minutes were approved for distribution on Tuesday 18 December 2018.



Rhona Hawkins
Acting Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on Wednesday 20 February 2019.

Signed

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

Disclaimer

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

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

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

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

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7:01 PM.

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

2.1 Attendance

The following Members were in attendance:

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

Quorum – 4 members

The following Shire staff were in attendance:

Staff	Rhona Hawkins	Acting Chief Executive Officer
	Peter Stuart	Executive Manager Development Services
	Jim Garrett	Executive Manager Technical Services
	Nadine Hayes	Finance Support Officer (Minute Secretary)

Members of the public	7
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Media	0
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2.2 Apologies

Nil

2.3 Approved leave of absence

2.3.1 Cr George Tilbury

Council has previously approved leave of absence for Cr George Tilbury for the period inclusive of Tuesday 18 December 2018 until Wednesday 26 December 2018 (Resolution 011018).

2.3.2 Mr Alan Sheridan

Council has previously approved leave of absence for Mr Alan Sheridan for the period inclusive of Sunday 2 December 2018 until Sunday 16 December 2018 (Resolution 121118).

2.4 Announcements

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

Cr Gordon Houston (President)

- Local Emergency Management Committee Meeting held on Wednesday 28 November 2018.
- Shire of Chittering Christmas Function held on Friday 30 November 2018.
- Mid-West/Wheatbelt Joint Development Assessment Panel Meeting held on Tuesday 11 December 2018.

Cr Peter Osborn (Deputy President)

- Cr Osborn was on an approved leave of absence for the period of Thursday 22 November 2018 to Monday 10 December 2018.
- Mid-West/Wheatbelt Joint Development Assessment Panel Meeting held on Tuesday 11 December 2018.

Cr Carmel Ross

- Shire of Chittering Christmas Function held on Friday 30 November 2018.
- Agenda Forum Tuesday 4 December 2018.
- Chittering Chamber of Commerce Christmas Sundowner held on 30 November 2018.

Cr Mary Angus

- Shire of Chittering Christmas Function held on Friday 30 November 2018.
- Agenda Forum Tuesday 4 December 2018.

Cr George Tilbury

- Muchea Industrial Park Stakeholder Group Meeting held on 22 November 2018.
- Chittering Community Support Funding Advisory Group meeting held on 7 December 2018.
- Shire of Chittering Christmas Function held on Friday 30 November 2018.

Cr Aaron King

- Shire of Chittering Christmas Function held on Friday 30 November 2018.

Cr Don Gibson

- Cr Gibson was on an approved leave of absence for the period of Wednesday 21 November 2018 to Monday 10 December 2018.
- Shire of Chittering Christmas Function held on Friday 30 November 2018.
- Carols by Candlelight held on 10 December 2018.

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.

3.1 Item 9.1.1 “Proposed Tourist Development (Short Term Accommodation) and Caravan Bays: Lot 4 (RN 6266) Great Northern Highway, Bindoon”

Cr Ross declared a Proximity Interest as her husband owns the property diagonally opposite to Lot 4 (RN 6266) Great Northern Highway, Bindoon.

3.2 Item 9.3.3 “Community Liability Insurance”

Cr Gibson declared an Impartiality Interest as he is a member of several local community groups subject to this item.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Robert Pizzino, Bindoon

Question 1 Will Council halve the rates for properties along Great Northern Highway to compensate for the noise and dust caused by traffic passing on Great Northern Highway?

Answer 1 *No. Property and environmental conditions do not have an impact on the general rate in the dollar (RID) applied by the Shire of Chittering. General rates and minimum payments are levied to meet the budgetary costs of the Shire of Chittering to provide services and complete projects within its boundaries during the financial year.*

The Shire of Chittering applies a single general rate to all the properties in the gross rental value (GRV) category and a single general rate to all the properties in the unimproved value (UV) category. A minimum rate is imposed when the amount

calculated by the rates formula (Valuation x RID) is less than the amount determined to be the equitable minimum cost of servicing lots in the Shire of Chittering.

The property in question is minimum rated. This minimum rate is set during Budget deliberation and is raised to ensure fair and equitable contribution by all rateable properties to the management of Council services.

Question 2 Can the Shire please install more hooks in the public shower in Bindoon and fix the ongoing drainage problems?

Answer 2 The drainage issue in the Bindoon public showers was rectified with the installation of spoon strip drainage to both cubicles. Additional coat hooks will be installed to both shower cubicles in December 2018.

4.1.2 John Curtis, Bindoon

Question 1 Is Council aware of the Victorian Government's plans to scrap yellow bins?

Answer 1 The Victorian Government has no plans to scrap yellow lid recycling bins. Instead they are injecting funding (up to \$34 million) to further promote recycling in the state. Ninety six percent (96%) of all Victorian local governments participate in recycling services and those that don't are in remote areas which lack the necessary infrastructure. Likewise in Western Australia, the recently released Waste Strategy 2030 has recommendations to improve recycling rates by strategies such as education programs aimed at reducing contamination levels, improving processing technology and investigating new markets for end products.

4.2 Public question time

4.2.1 John Curtis, Bindoon

Question 1 What were the waste collection charges for and how much was written off in the agenda items 14.1.2 and 14.1.3 of 21 November 2018?

Answer 1 The Presiding Member advised that as these items were made confidential under the Local Government Act 1995 - Section 5.23 therefore the amount and nature of the waste collection charges cannot be disclosed to members of the public.

Question 2 When is Council going to install more solar panels on public buildings?

Answer 2 The Presiding Member took this question on notice, however advised that funds had not been allocated in this financial year's budget for the installation of solar panels on any public buildings.

4.2.2 Chris Waldie, Bindoon

Question 1 During public question time at the November Ordinary Council meeting I enquired as to whether Main Roads was going to hand over maintenance of Great Northern Highway to the Shire. I was advised that this was not the case, however the Shire was waiting on written confirmation of this information from Main Roads. Has written confirmation been provided to the Shire yet?

Answer 1 *The Presiding Member advised that the Shire has written to Main Roads requesting this information in writing, however a response has not yet been received.*

Question 2 Does this matter perhaps require following up?

Answer 2 *The Presiding Member advised, yes. This matter will be followed up by the Shire.*

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011218

Moved Cr Tilbury / Seconded Cr Ross

That the minutes of the Ordinary meeting of Council held on Wednesday, 21 November 2018 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECALRED CARRIED 7/0

7:13PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

8.1 Meryl Nolan presented Life Membership of St John Ambulance Chittering Gingin Sub-Centre

A private ceremony was conducted in Gingin that bestowed Life Membership of the Chittering Gingin Ambulance Sub-Centre to a long serving volunteer, Meryl Nolan. Meryl's volunteer work for the Sub-Centre included serving as the Despatch Co-ordinator, Committee Member, Minute Secretary to the Committee and Pit Crew volunteer over an incredible period of 43 years' volunteer service to the local communities of Gingin and Chittering.

On behalf of the Shire of Chittering, I would like to acknowledge and congratulate Meryl on her outstanding dedication to the St John Ambulance Chittering Gingin Sub-Centre.

8.2 Mid-West/Wheatbelt Joint Development Assessment Panel, 11 December 2018

The Presiding Member advised that the first industrial application for Muchea Industrial Park (MIP) had been received and assessed by the Mid-West/Wheatbelt Joint Development Assessment Panel on Tuesday 11 December 2018. It was decided that this application be deferred until March 2019 so that the Shire and other stakeholders could receive and consider further documentation.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Tourist Development (Short Term Accommodation) and Caravan Bays: Lot 4 (RN 6266) Great Northern Highway, Bindoon*

Report date	12 December 2018
Applicant	Harley Dykstra Pty Ltd
File ref	A9805; P088/17
Prepared by	Executive Manager Development Services
Supervised by	Chief Executive Officer
Disclosure of Interest	Nil
Voting requirements	Simple majority
Attachments	1. Applicant's documents for approval 2. Cardno report relating to access 3. Environmental Health considerations summary 4. Schedule of submissions

Executive Summary

Council is requested to consider an application for Development Approval for Tourist Development (Short Term Accommodation) and Caravan Bays at Lot 4 Great Northern Highway, Bindoon. A summary of the key elements of the proposal is provided below:

- 6 x 2 'Type A' units capable of accommodating two (2) persons per unit;
- 6 x 4 'Type B' units capable of accommodating two (2) persons per unit;
- 5 Caravan Bays with amenities building;
- Access ways and car parking servicing the unit;
- A laundry and store;
- Additional septic tanks and leach drains; and
- Use of the existing staff quarters and office as an administration, reception and storage building.

IMAGE: LOCALITY PLAN



Background

Lot 4 Great Northern Highway, Bindoon is comprised of 1.73ha of land and is the beneficiary of a recent rezoning in the Shire's *Local Planning Scheme No. 6 to Special Use 4*. At present the Scottalian Hotel operates from the property.

The property falls within the 'Landscape Protection' Special Development Control Area.

The hotel is the only tavern north of Bindoon town area, yet is isolated by way of its geographical location and siting in relation to the Great Northern Highway alignment. With the advent of the 'Bindoon by-pass', the hotel owners have sought to increase exposure to tourism and provide for short term accommodation, in line with the historical use of the site and its zoning.

This siting of the property resulted in some significant issues pertaining to access, and how this might be safely managed. This process was extensively and eventually effectively negotiated between the applicant and Main Roads, as is discussed in **Attachment 2**.

Consultation/Communication Implications

Local

In accordance with Sch. 2, Pt. 8, Cl. 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), the application was advertised to surrounding landowners within a 1km radius to the site for a period of 21 days. A total of 43 letters were sent, with two objections and six letters of support being received. The main concerns outlined in the objections are summarised below:

1. Access, and the dangers of accessing/egressing the site;
2. Stock control;
3. Servicing; and
4. Boundary alignments.

The applicant's response to the concerns is summarised below:

1. Access has been negotiated with Main Roads, who are now satisfied with the design; and
2. Where valid, the hotel owners have engaged to undertake necessary means to ensure concerns are satisfied.

Full details of the objection and the applicant's response can be viewed in **Attachment 4**.

State

Pursuant to the requirements of the Regulations, the following authorities were afforded the opportunity to provide comment on the application and given 42 days to respond:

- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH);
- Tourism WA;
- Main Roads Western Australia (MRWA); and
- Department of Biodiversity, Conservation and Attractions (DBCA)

Of the above agencies, four provided a response. These are also detailed in **Attachment 4**.

Internal

The Shire's Principal Environmental Health Officer provided the following feedback:

- The bore will require licensing by the Department of Water (Victoria Park regional office) if not already done as it is within a proclaimed groundwater area (Gingin).

This feedback will take the form of an advice note on the determination.

Legislative Implications

State

- Planning and Development Act 2005

- Planning and Development (Local Planning Schemes) Regulations 2015

In considering an application for development approval the local government is to have due regard to clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) – ‘Matters to be Considered’. The relevant matters of consideration relevant to the application have been discussed below:

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

The subject development application is consistent with the recently gazetted Scheme Amendment No.59, which rezoned the property to “Special Use – Tourism Development”

- (n) *the amenity of the locality including the following —*

- (i) *environmental impacts of the development;*

The area is generally bereft of vegetation, with some trees and shrubs located on the northern aspect. The land is unlikely to be affected by the tourism development as a result.

- (ii) *the character of the locality;*

The property is located amongst broad acre farming land. This proposal will not negatively affect the character of the locality, rather it is intended to provide greater exposure to the aesthetic of such farm land.

- (iii) *social impacts of the development;*

Tourism development can increase the viability of the only tavern within the locality. It further provides incentives for people to stay in the locality thereby increasing vibrancy.

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

Some concern remains as to the sustainable supply of potable water year-round. However, discussions between the Shire and the applicant have resolved outstanding issues with the exception of the licencing of the water bore.

- (za) *the comments or submissions received from any authority consulted under clause 66;*

While some objections have been received, these have generally been able to be worked through by the applicant, and ostensibly do not affect the overall application.

Local

- Shire of Chittering Local Planning Scheme No. 6

Lot 607 is listed as a ‘Special Use – Tourist Development’ under Schedule 5 of the Shire’s Local Planning Scheme. A condition of the special use is that, *inter alia*, any future development requires local government approval.

In addition to the above, the lot the subject of this application lies within the Landscape Protection Area.

Policy Implications

State: SPP 3.7 Planning in Bushfire Prone Areas

In relation to the requirements of SPP 3.7, the applicant has provided documentation relating to Bushfire Hazard Assessment as an appendix to the initiation report (Attachment 2). The documentation provides an initial assessment of likely bushfire issues for the site and layout envisaged if the application was approved, 'Special Use' applied over the lot and subsequent Development Application lodged and approved.

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; the Scottalian Hotel would likely benefit from additional accommodation within close vicinity of the hotel itself. Modifications will be required to be made to the existing crossovers to allow for better access in accordance with Main Roads' advice. Some earthworks will also be required to allow for the additional developments.

Triple Bottom Line Assessment

Economic implications

The proposed tourism Development over this site has the potential to create an opportunity to encourage visitors to stay in the Bindoon locality and further support local businesses in the area. Visitors to the Shire, particularly to the Bindoon area have few opportunities for accommodation at present and therefore their tourism income is not expended as broadly as it potentially could. This 'Special Use' therefore if approved may provide an impetus to create opportunities for employment to local residents in addition to businesses within the townsite which may benefit from those staying and utilising the proposed development as their base to explore the Shire of Chittering and further into the Wheatbelt.

Social implications

This proposal is considered to have positive social implications, as there is limited accommodation in the Bindoon area and its surrounds.

The hotel currently only has limited accommodation and whilst it is located on Great Northern Highway, it is dislocated from the main Bindoon town centre. Therefore patrons that attend the hotel have limited accommodation options currently, as do travellers.

Environmental implications

There are no known significant environmental implications associated with this proposal. The applicant noted in their accompanying initiation report that the property has been largely cleared from previous activities with small strands of remnant vegetation existing onsite.

Officer Comment/Details

The subject application is viewed as a positive tourism development that purports to show both a need for economic revitalisation, and a growing tourism market. While the application has been required to be through refined access and environmental health, approval can result in improved facilities and infrastructure.

In detail, significant negotiation was undertaken between the applicant and the Main Roads. This process consumed much of the time between lodgement and being able to determine this application. The critical details of the entry and egress have been outlined in the Cardno report attached (attachment 2 refers), and satisfactorily addresses Main Roads' concerns.

Insomuch, the application for approval for Tourist Development is recommended to be supported by Council as:

- The additional uses will complement the already existing Hotel currently onsite; and
- The development can provide an opportunity to intensify tourist development near the Bindoon townsite.

OFFICER RECOMMENDATION

Moved Cr Angus / Seconded Cr Gibson

That Council grant Development Approval for the Proposed Tourist Development (Short Term Accommodation) and Caravan Bays at Lot 4 (RN 6626) Great Northern Highway, Bindoon subject to the following Conditions:

Conditions

1. The land use and development shall be undertaken in accordance with the approved plans, management plans and specifications (including any amendments marked in RED) unless conditioned otherwise by this approval.
2. This approval is for the proposed Short Term Accommodation Units and Caravan Bays including incidentals as provided.
3. All car parking shall be contained within the allocated areas depicted on the approved plans and ensure dust suppression of the internal access.
4. Prior to the commencement of site works, engineering plans shall be prepared for development works including internal accesses, upgrade of existing crossover(s), parking areas, stormwater drainage and earthworks to the satisfaction of the Shire.
5. Prior to first occupation of the approved development, the approved Bushfire Management Plan is to be implemented and shall comply at all times to the satisfaction of the Shire.
6. At any time the Shire reserves the right to inspect or request any of the management plans that are conditioned as part of this planning approval.

Advice Notes:

1. *The proponent of the land-use is reminded that the existing water bore is required to be licenced with relevant authorities prior to commencement of development.*

AMENDMENT

Moved Cr Angus/ Seconded Cr Tilbury

That condition 5 be replaced with "The Bushfire Management Plan provided with the application shall be suitably updated in accordance with *State Planning Policy 3.7 - 'Planning in Bushfire Prone Areas'* to the specification of the Department of Fire and Emergency Services to the satisfaction of the Shire prior to the commencement of works on-site and implemented thereafter in perpetuity."

THE AMENDMENT WAS PUT AND DECLARED CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

7:17 PM

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 021218

Moved Cr Angus / Seconded Cr Gibson

That Council grant Development Approval for the Proposed Tourist Development (Short Term Accommodation) and Caravan Bays at Lot 4 (RN 6626) Great Northern Highway, Bindoon subject to the following Conditions:

Conditions

1. The land use and development shall be undertaken in accordance with the approved plans, management plans and specifications (including any amendments marked in RED) unless conditioned otherwise by this approval.
2. This approval is for the proposed Short Term Accommodation Units and Caravan Bays including incidentals as provided.
3. All car parking shall be contained within the allocated areas depicted on the approved plans and ensure dust suppression of the internal access.
4. Prior to the commencement of site works, engineering plans shall be prepared for development works including internal accesses, upgrade of existing crossover(s), parking areas, stormwater drainage and earthworks to the satisfaction of the Shire.
5. The Bushfire Management Plan provided with the application shall be suitably updated in accordance with *State Planning Policy 3.7 - 'Planning in Bushfire Prone Areas'* to the specification of the Department of Fire and Emergency Services to the satisfaction of the Shire prior to the commencement of works on-site and implemented thereafter in perpetuity.
6. At any time the Shire reserves the right to inspect or request any of the management plans that are conditioned as part of this planning approval.

Advice Notes:

1. *The proponent of the land-use is reminded that the existing water bore is required to be licenced with relevant authorities prior to commencement of development.*

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:19 PM

9.1.2 Policy Register Addition: Environment and Health Policy 10.9 Trading in Thoroughfares and Public Places*

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Principal Environmental Health Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Draft Policy "Trading in Thoroughfares and Public Places 2. Approved trader's sites

Executive Summary

Council is requested to endorse a new policy titled "Trading in Thoroughfares and Public Places". The proposed policy is intended to provide conditions subject to which an application for a Trader's Permit may be approved under Section 7.2(1) of the Shire of Chittering 'Activities on Thoroughfares and Trading in Public Places Local Law' (the Local Law). Currently the Local Law exists to provide conditions relating to such aspects as the approval process, what activities are allowed and restrictions, and the conduct of permit holders. However, the Local Law does not adequately address where traders such as mobile food vendors can operate from, the days/hours of operation, and the procedure for dealing with issues or complaints. In particular, the policy aims to reduce the conflict associated with commercially sensitive areas and to be more flexible by providing a choice of several more suitable locations for traders.

Background

Applications for Trader's Permits for food vehicles are assessed and determined by the Principal Environmental Health Officer. Recent applications and enquiries have resulted in a polarity of opinion between permanent food businesses and the food vehicle proprietors regarding commercial interests. A report was subsequently submitted to the Executive Management Team concerning the conflict associated with food vehicle operators who wished to operate in townsites. Following detailed discussion, the matter was considered to require the input of Council. Following a briefing session with Council, the Principal Environmental Health Officer was tasked with examining the processes and procedures with regard to the determination of applications for trader's permit with a view to suggesting improvements.

A draft policy was presented to Council for consideration at the Ordinary Council Meeting (OCM) on 19 September 2018 and the following recommendation approved:

"9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020918

Moved Cr Gibson / Seconded Cr Angus

That Council:

- 1. Adopt the draft Policy 10.9 Trading in Thoroughfares and Public Places for public consultation.*
- 2. Initiate a public consultation process for a period of 21 days that will enable the community to provide input into the final version of the policy.*

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 5/1"

Consultation/Communication Implications

Local

Preliminary internal consultation was undertaken with the Chief Executive Officer and Executive Managers. Following this, letters were sent to stakeholders including commercial businesses likely to be affected by the operations of food vehicles in their vicinity and also to the food vehicle operators. A presentation detailing the issues and recommendations was delivered to Councillors at a briefing session held on 7 August 2018. At this briefing it became apparent that a policy would be useful to support the Shire of Chittering "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" (the Local Law).

The proposed trading in thoroughfares and public places policy was advertised in the November edition of Northern Valleys News which was published on 2 November 2018. It was also published on the Shire website (Have Your Say page) and public notice boards from 2 November until 23 November 2018 (a period of 3 weeks). No submissions were received.

State

Public Transport Authority of WA – School Bus Services

Legislative Implications

State

The *Food Act 2008* requires all food businesses to be registered with the Local Government where they operate from or in the case of food vehicles where they are permanently located (i.e. home or commercial premises).

Local

The Shire of Chittering adopted the Local Law on 20 April 2001. Part 6 of the Local Law applies, particularly "c6.3 – Trader's Permits", "c6.5 – Relevant considerations in determining application for permit", "c6.6 – Conditions of permit" and "c6.8 – Conduct of stallholders and traders".

Under Local Law c7.10, a permit may be cancelled by the Shire for a range of reasons including non-compliance with a condition of the permit. Local Law c10.3 (offences) provides for penalties up to \$5,000 or daily penalties up to \$500 a day for not complying with any requirement of the Local Law.

If unsuccessful, applicants for Trader's Permits maintain the right to appeal under c8.1 of the Local Law.

Policy Implications

State

Nil

Local

This report relates to a new policy being presented to Council for endorsement.

Financial Implications

Approved applicants for a Trader's Permit are required to pay an annual fee in accordance with Council's adopted Fees and Charges (as updated annually).

Strategic Implications

Local

If the matter being put to the council is likely to have an impact on the community and/or the long term plans of the local government, whether positive or negative, the significance of the impact should be recorded in this section. In a situation where the issue will not impact on the strategies of the council a note should be made to that effect. It must be emphasized that this item does not simply relate to the strategic plan of the council much wider district or regional implications can also be addressed in this section of the report.

Does it relate to the SOC Strategic Plan if so, quote the section of the Plan in italics and margined, for example:

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

State

Nil

Site Inspection

The Principal Environmental Health Officer and Executive Manager Technical Services assessed several potential sites where food vehicles could trade. The criteria for assessment included:

- That the sites were Council owned or managed;
- Traffic safety;
- Available space;
- Effect on neighbours;
- User groups;
- Surface condition; and
- Strategic location – potential customers.

Details of proposed sites are included as **Attachment 2**. It should be noted that the approved sites may be revoked if any issues are encountered warranting their disapproval. New sites may be considered upon application. Two of the sites are school bus pick-up/set-down areas and are only approved for use by traders on weekends, school holidays and public holidays. This restriction was agreed to by the Public Transport Authority Operations Manager School Bus Services.

Triple Bottom Line Assessment

Economic implications

The policy aims to protect existing permanent food businesses from potential losses while enabling food vehicle traders to conduct their business in other more suitable locations.

Social implications

The policy should provide more opportunities and convenience for residents and tourists within the shire.

Environmental implications

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

Officer Comment/Details

Local Law c7.4 enables the Shire to have a policy adopted by Council containing conditions subject to which an application for a permit may be approved.

The public consultation period did not result in any submissions relating to the draft policy so it is recommended that Council endorses the policy.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031218

Moved Cr Tilbury / Seconded Cr Osborn

That Council endorses the *Environment and Health Policy 10.9 Trading in Thoroughfares and Public Places* as detailed in Attachment 1.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0
7.20

9.1.3 Waste and Recycling Update*

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	31/01/0004
Prepared by	Principal Environmental Health Officer
Supervised by	Executive Manager Development Services
Disclosure of Interest	Nil
Voting requirements	Simple Majority
Attachments	1. Key strategy elements

Executive Summary

This report aims to inform Council of recent State Government innovations in the area of waste and recycling with respect to:

- Part 1 – Waste Strategy 2030
- Part 2 – Container Deposit Scheme

In addition, the report will inform of key aspects of the following waste and recycling administrative functions and the implications for the Shire of Chittering:

- Part 3 – Waste and Recycle Census Report 2017/18
- Part 4 – Waste and Recycling Contract

It should be noted that this is an information report only for Parts 1,2 and 3 however there are recommendations in relation to Part 4 – the Waste and Recycling Contract.

PART 1 - WASTE STRATEGY 2030

Background

The State Government's Draft Waste Strategy 2030 was recently released for public comment by the Waste Authority. The Strategy replaces the previous strategy "Creating the Right Environment" which was released in 2012. The 2030 strategy builds upon and updates the 2012 strategy and introduces significant transformations aimed at Western Australia becoming a circular economy, with a greater focus on avoidance as well as moving to targets for material recovery and environmental protection in addition to landfill diversion. The key strategy elements are summarized in **Attachment 1**.

The targets up to 2030 are:

- *Waste generators*
By 2025 a reduction in Municipal Solid Waste (MSW) of 5% and 10% by 2030.
- *Government and industry*
A reduction in Construction and Demolition waste (C&D) of 15% by 2025 per capita and a reduction in Commerce and Industry (C&I) waste of 5% by 2025.
- *Waste industry*
All waste is to be managed and/or disposed using better practice approaches by 2030.

The key objectives of the strategy are to:

- Avoid waste
- Recover waste

- Protect the environment

Waste materials that are the focus for opportunities include:

- Construction and Demolition waste (C&D)
- Organics –Food Organics and Garden Organics (FOGO)
- Metals – steel, non-ferrous metals, packaging and containers
- Paper and cardboard – office paper, newspapers and magazines
- Glass - packaging and containers
- Plastics - packaging and containers
- Textiles - clothing and other fabric-based materials
- Hazardous waste

The previous waste strategy resulted in significant improvements in waste reduction and recycling however it is noted that WA is the worst performer of all states and territories. This is partly because WA is disadvantaged by large distances and lack of infrastructure particularly in remote and regional areas.

The future focus is on a circular economy – in other words keeping products in circulation for as long as possible to avoid waste going to landfill. The Waste Strategy 2030 targets all sectors for improvement including waste generators such as the community, local government, state government, industry and waste managers. Local Government will have roles in providing knowledge; enabling infrastructure and providing incentives.

The Western Australian Local Government Association (WALGA) has provided a submission to the Waste Authority that makes 19 recommendations for improvements or changes to the draft Strategy. A copy of their Executive Summary is included as **Attachment 1**.

Consultation

Western Australian Local Government Association (WALGA)

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

Policy Implications

State: Nil

Local: Nil

Financial Implications

There is an expectation that Local Government will have a significant role in supporting the objectives of the Waste Strategy 2030. However, this must be achieved within realistic budgetary frameworks. It may be that the Shire of Chittering identifies a particular project or projects that could require budgetary consideration. It is hoped that the State Government will commence allocating Waste Account funding for local projects.

Strategic Implications

The strategy has benefits including reducing litter, increasing recycling, protecting the environment and providing opportunities for social enterprise participation. It will complement the Litter Prevention Strategy for Western Australia 2015-20.

Site Inspection

Not applicable

Triple Bottom Line Assessment

- *Economic implications*
As the legislators are striving to improve the state and national metrics on waste management it is expected that greater resources will be required in the future. The introduction of strategies such as the Container Deposit Scheme, Extended Producer Responsibility, Food Organics and Garden Organics (FOGO) programs, higher quality requirements for recyclables and also increasing population will increase the demand on local governments.
- *Social implications*
One of the key aims of the Waste Strategy 2030 is to change the 'throw-away society' ethos to what is termed the 'circular economy'. Local government is regarded as an important educator and motivator of change. In recent years there is an increasing awareness of waste issues due to media reporting and programs such as 'The War on Waste'.
- *Environmental implications*
Reducing waste to landfill will help protect the environment. Initiatives such as the Container Deposit Scheme, plastic bag bans and Extended Producer Responsibility will help prevent litter and contaminants entering the environment.

Officer Comment/Details

Recommendation 7 of the WALGA submission relates to the equitable use of WARR Account funding which is raised through the waste levy. The submission states:

"All parties to the Strategy should be enabled to commit to implementation on an equal basis. It is not equitable for Government activity related to Strategy to be fully funded by WARR Account funds. When the implementation of on-ground systems, infrastructure and engagement approaches are not even partially funded. The scope of activities and projects funded through the WARR Account must recognize differences in funding priority based on geographic location."

This highlights a weakness of the Strategy with regard to how strategies can be funded. Recommendation 15 of WALGA's submission also highlights that Local Government is concerned with the lack of transparency provided on how WARR Account funds are allocated to distinct activities/business units of the Department, or the implementation of the State Waste Strategy with virtually nothing allocated to local government projects.

PART 2 - CONTAINER DEPOSIT SCHEME

Background

The Western Australian Government is introducing a Container Deposit Scheme (CDS) which will start in early 2020. Consumers will be able to get a 10 cent refund on all eligible beverage containers. The objectives of the CDS include reducing littering, boosting recycling and creating jobs across a variety of sectors. It will complement the Litter Prevention Strategy for Western Australia 2015-20 and the Waste Strategy. The scheme is intended to complement kerbside recycling and existing waste services. The refund will encourage people to collect and recycle beverage containers consumed away from home.

The CDS Scheme will be funded by the beverage manufacturers and suppliers and it is expected that they will pass some of these costs to retailers who in turn will transfer some costs onto consumers. The DWER CDS consultation summary states that *'while it is expected retailers will increase prices to address cost associated with the CDS, raising prices excessively and claiming that these increases are due to the CDS is not permitted under consumer protection legislation.'*

The CDS is to be managed by a Scheme Coordinator. The DWER is currently seeking tenderers for this function. The Scheme Coordinator will manage the funding arrangement associated with approved sites and to ensure that all recyclables are disposed of correctly.

There has also been a request for expressions of interest for organisations or local governments wishing to operate refund collection centres. The aim is to have 196 strategically located centres around the state. These locations have been identified by the DWER in the draft CDS Customer Service Standards which is currently open for public comment. The closest proposed location for Shire residents is in Gingin. Once these are in place, consumers will be able to take their eligible containers to approved refund centres or use reverse vending machines located outside of shops/supermarkets, etc. Typical examples are shown below.



A typical refund centre with sea container at the rear



Reverse vending machines

Which containers will be eligible?

- Soft drink cans and bottles
- Bottled water
- Small flavoured milk drinks
- Beer, cider and mixed spirits drink cans and bottles
- Sports drinks
- Most containers between 150 millilitres and 3 litres.

What's out?

- Plain milk containers
- Flavoured milk more than 1 litre
- Fruit and vegetable juice more than 1L, cordials and concentrated fruit and vegetable juices
- Wine and spirit glass containers
- Wine casks and sachets
- Health tonic bottles

It should be noted that the aim is to target containers normally consumed outside of the home that are often discarded as litter.

The CDS will present opportunities for local governments including:

- Support for community groups' participation and the creation of jobs and/or to raise funds;
- The potential for local government participation in the scheme by providing refund points, transport and /or processing (sorting and baling) services.

There are also a range of practical implications which include:

- Effects on kerbside collection and recycling systems;
- Revenue sharing between material recycling facilities and local governments;
- Facilitating CDS collection networks being established by streamlining land use planning and development approval; and
- Equitable access to refund points.

The timeline for the introduction of CDS is:

- Late 2018: Request for proposal for scheme coordinator
- Early – mid 2019: Legislative amendments
- Mid 2019: Request for proposals for refund points
- Early 2020: Commencement of scheme operation

Consultation

The DWER conducted public consultation via an online survey and produced a Discussion Paper in August 2017 and a Consultation Summary in May 2018. The Principal Environmental Health Officer attended a CDS workshop on behalf of the Shire/Council on 7 November 2018. The Shire's Principal Environmental Health Officer is registered on the DWER CDS hotline and can obtain additional information if there are any further queries.

Statutory Environment

Currently the State Government is working on amending the *Waste Avoidance and Resource Recovery Act* (2007) and establishing new CDS Regulations. The WARR Act amendment is expected to be passed in the first quarter of the 2019 calendar year. The Regulations will also be passed at a later date which will provide more detailed guidance on the operation of the scheme.

Policy Implications

State: Nil

Local: Nil

Financial Implications

There is considerable cost associated with the establishment of refund centres. If the Shire were to host sites for the benefit/convenience of the community it will be necessary to undertake a cost/benefit analysis and develop a business plan.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

- *Economic implications*
The proponents suggest that there will be increased employment in the recycling industry.
- *Social implications*
Nil
- *Environmental implications*
The CDS will reduce littering, reduce landfill and prevent harm to native fauna.

Officer Comment/Details

Many of the concerns raised by respondents during the consultation phase relate to the allocation of costs. The CDS Consultation Summary (DWER May 2018) answers some of these concerns, however details of cost allocation remains unclear at this time. As the CDS gets closer to implementation it is expected that the DWER will provide further clarification and perhaps a business model that could be adopted.

With regard to the effect of the CDS on the Shire's kerbside waste and recycling contract it would be opportune to include appropriate conditions as part of the tender briefing for the next contract relating to the removal of CDS products from local government refund facilities and sharing of funds from kerbside recycling allocated by the CDS coordinator. A report on the current waste and recycling contract is included in Part 4 of this report. The CDS Discussion Paper (2017) states:

"Under a container deposit scheme, some residents and businesses may choose to continue to recycle eligible containers through existing kerbside recycling services, rather than collect refunds. Claims may be made for the refund amount from the coordinator for eligible containers collected through kerbside recycling using an approved process. Containers in kerbside recycling do not attract a handling fee as collectors are already being paid by the local government to collect the recycling."

Another implication for Local Government (LG) is whether or not to host refund site(s). There are costs associated with setting up a site as a service to the community. Typically, one would expect refund sites to be located in commercial areas e.g. outside of shopping centres or at landfill sites or transfer stations. Whoever sets up the refund centre is responsible for the establishment costs and ongoing management costs. The Shire of Chittering would have to undertake a business case study to determine the viability of locations (e.g. potential usage) and to ensure full cost recovery before a decision could be made as to whether to host refund centres.

PART 3- WASTE AND RECYCLING CENSUS REPORT 2017/18

Background

The Waste and Recycling Census Report is an annual report required of local governments by the Department of Water and Environmental Protection (DEWR) under the provisions of the *Waste Avoidance and Resource Recovery Act 2007* (WAAR Act). The report includes tonnages related to kerbside collection of waste and recyclables, waste and recyclables taken to the landfill centres by households and the Shire, the type of recyclables collected and tonnages, Council operations (e.g. waste from parks and gardens and road maintenance), public events, littering, etc. and makes comparisons with other local governments in the region and reference to State Waste Strategy targets.

Consultation

Executive Manager Technical Services

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

The Shire of Chittering Waste Local Law 2018 is currently awaiting gazettal

Policy Implications

State: Nil

Local: Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

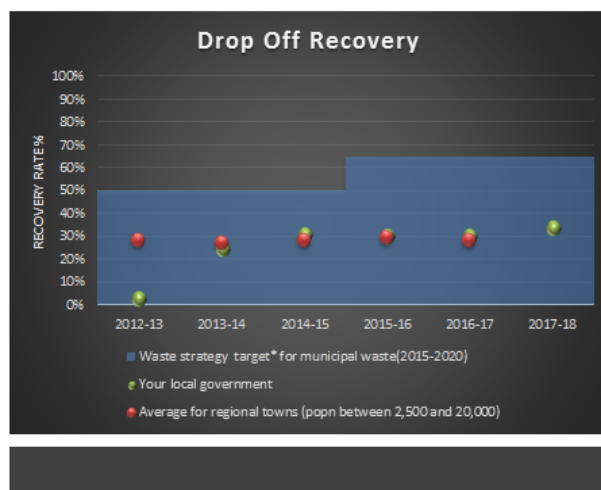
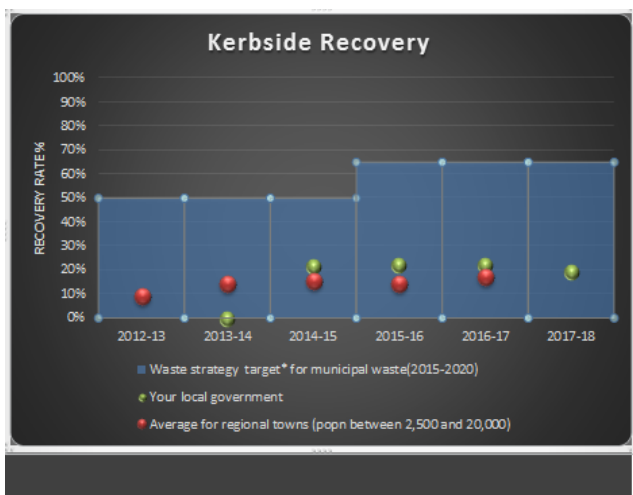
Triple Bottom Line Assessment

- *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 report indicates that the total municipal solid waste (MSW) collected for the year was 4,898 tonnes of which 1,442 tonnes were recovered thus producing a recovery rate of 29%. This was a 2% improvement over the previous year of 27%. The waste generated per person was 15 kg per week and for a household it was 37 kg per week.

The charts below indicate that the Shire of Chittering kerbside recovery and drop-off services has consistently performed better than the average for regional towns with a population between 2,500 and 20,000 since its introduction in 2014. (Note that figures for 2017/18 are not available until next year).



Kerbside recovery rate

Kerbside recovery rates:	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Your local government		0%	21%	22%	22%	20%
(popn between 2,500 and 20,000)		9%	14%	15%	14%	17%
Waste strategy target* for municipal waste(2015-2020)		50%	50%	50%	65%	65%

Drop-off recovery rate

Total recovery rates:	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Your local government	3%	25%	31%	31%	31%	34%
(popn between 2,500 and 20,000)	28%	27%	28%	29%	28%	
Waste strategy target* for municipal waste(2015-2020)	50%	50%	50%	65%	65%	65%

However, the Shire has not met targets for either kerbside collection or drop-off recovery which is the area marked in blue in the tables. This is a trend throughout local government whether in the metropolitan or country areas. The Draft Waste Strategy 2030 hopes to address the issue by setting new targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly (see Part 1 – Waste Strategy 2030 for more details).

PART 4- WASTE AND RECYCLING CONTRACT

Background

The Shire of Chittering “Kerbside Waste and Recycling Contract” with Avon Waste commenced on 29 May 2014 for a period of five years with an option for two years extension subject to satisfactory performance. With the two year extension the contract would be due for expiry on 29 May 2021.

Consultation

- Executive Manager Technical Services
- Waste management officers Shire of Gingin and Shire of Dandaragan

Statutory Environment

- *Waste Avoidance and Resource Recovery Act 2007*
- *Local Government Act 1995*

Policy Implications

State: Nil

Local: Nil

Financial Implications

The coordination of a common contract in alliance with the Northern Growth Alliance (Shire's of Chittering, Dandaragan and Gingin) could result in significant savings to member shires.

Strategic Implications

Regional collaboration could enable benefits in reducing costs both at the tender stage and also in delivery of the services. Alliance with the Northern Growth Alliance (NGA) has greater potential for the Shire of Chittering than the former alliance with the AROC (Avon Region of Councils) due to location regional population growth factors.

Site Inspection

Not applicable

Triple Bottom Line Assessment

- *Economic implications*
There are potential cost savings associated with having a regional-based contract and contractor.
- *Social implications*
There are no known significant social implications associated with this proposal.
- *Environmental implications*
A regional contract could produce improved recycling collection rates resulting in a reduction in landfill space used and associated environmental benefits such as less contamination and harm to fauna.

Officer Comment/Details

In consideration of the Shire's association with the NGA it would be in the best interest to arrange for the future contract tendering process to align with the Shires of Gingin and Dandaragan with a view to streamlining the process and improving outcomes due to the regional provision of waste and recycling services. Both the Shire of Gingin and the Shire of Dandaragan have contracts that commenced and expire at the same time as follows:

- Date of expiry – 1 March 2024
- With the three year optional extensions – 1 March 2027

The current Shire of Chittering contract, as mentioned, can be extended to 29 May 2021. In order to align the renewal tendering process with the Shires of Gingin and Dandaragan, it is recommended that the ensuing contract should be for the period 30 May 2021 to 1 March 2024 with the option for annual extensions up to three years expiring on 1 March 2027. The extension period would be subject to satisfactory performance of the contractor. This would bring the three shires into the same time frames subject to agreement regarding contract extensions.

In the interim period the Shire of Chittering will need to arrange tendering for a new contract. This process should commence at least nine months before expiry of the Shire of Chittering contract on 29 May 2021. It would be appropriate to liaise with the other NGA shires at the time in order to establish common ground. It is recommended that a working group be formed in August 2020 to commence discussions on the components of a joint contract.

Consultation

It is recommended that a working group be formed to discuss the proposed tender requirements.

Statutory Environment

- *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*
- *Local Government Act 1995*

Policy Implications

State: Nil

Local: Nil

Financial Implications

There are expected cost savings associated with a regional waste and recycling contract. There will also be the usual costs involved with working group meetings, tender development and advertising.

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.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041218

Moved Cr Gibson / Seconded Cr Osborn

That Council:

- 1. Notes the information report covering:**
 - a. Waste Strategy 2030**
 - b. Container Deposit Scheme**
 - c. Waste and Recycling Census Report 2017- 2018**
 - d. Waste and Recycling Contract**
- 2. Endorses the creation of a working group to be formed during Financial Year 2019/20 consisting of the Shire of Chittering Executive Manager Technical Services, Principal Environmental Health Officer and similar positions from the Shires of Gingin and Dandaragan for the purpose of:**
 - a. Establishing the content of future tender documentation to identify commonalities between participating Shires with a view to minimising costs, streamlining the tender process and providing a more efficient service.**
 - b. Agreeing on timeframes for the next Shire of Chittering contract commencement, expiry and extensions so as to align with the Shires of Gingin and Dandaragan current contracts.**
 - c. A joint tender by participating shires be arranged at least nine months prior to the expiry of contracts in March 2024 (taking into consideration any contract extensions granted at the time).**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:21PM

9.1.4 Grant of Easement on Proposed Lot 400 (RN 757) Brand Highway, Muchea *

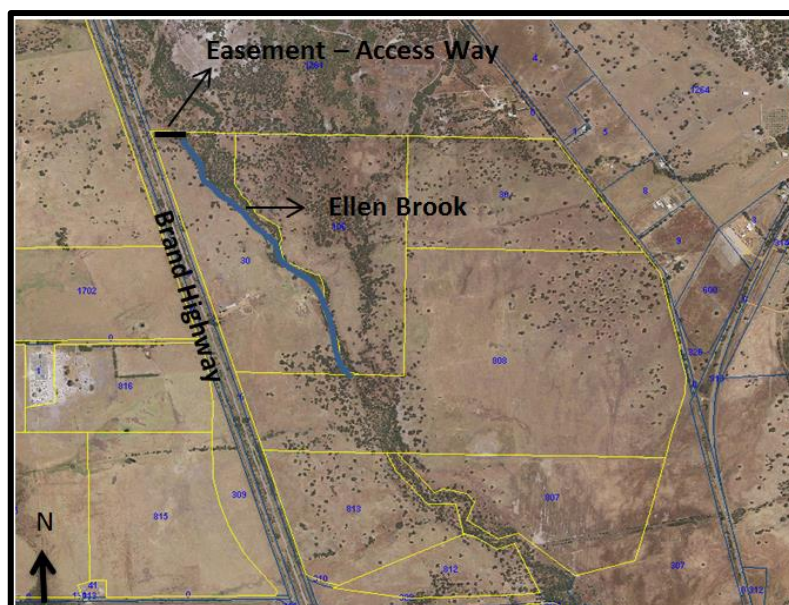
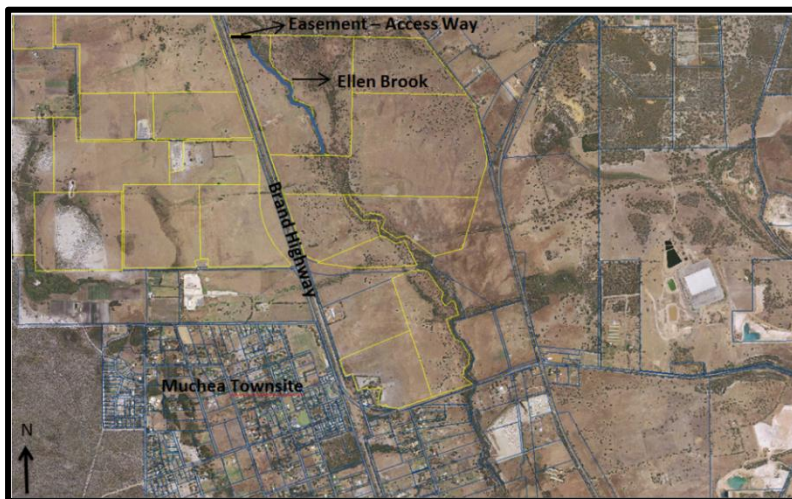
Report date	12 December 2018
Applicant	White Toro Pty Ltd & Co-operative Bulk Handling Ltd
File ref	18/03/124; WAPC154125
Prepared by	Governance Support Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Grant of Easement Documents (three copies) 2. Deposited Plan

Executive Summary

Council's consideration is requested in relation to granting of an access easement over the proposed Lot 400 Brand Highway, Muchea. The applicant has approval for the freehold subdivision of Lot 808, 812, 813 and M30 Brand Highway with conditions in regards to the access of the Ellen Brook.

Background

FIGURE 1: LOCALITY PLAN
FIGURE 2: EASEMENT LOCATION



On 22 August 2016 approval was granted by the Western Australian Planning Commission (WAPC) to the applicants for a Freehold Subdivision for the Lots 808, 812, 813 and M30 Brand Highway, Muchea. A condition was imposed based on land use and accessibility to the Ellen Brook. The necessity for an easement to service the Ellen Brook is to enable the Shire and the public to access the Ellen Brook. The easement will be created in line with strategic breaks with a minimum width of 6.4 metres to enable service vehicles to access the Ellen Brook if it is necessary to do so.

Condition 2 of the subdivision approval states that easements must be in accordance with Sections 195 or 196 of the *Land Administration Act 1997*. Notice of this easement is to be included on the diagram or plan of survey (deposited plan) (refer **Attachment 2**). The easement is to state as follows:

"Ellen Brook Reserve Access Way"

In accordance with the requirements of the Council *Administration Policy 1.5 - 'Execution of Documents'*, a specific resolution of Council is required to apply the Shire's Common Seal on documents of a legal or statutory nature.

Consultation/Communication Implications

Not applicable

Legislative Implications

State

- *Land Administration Act 1997*

Policy Implications

Local

- *Administration Policy 1.5 Execution of Documents*

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

In order to satisfy Condition 2 of the subdivision approval, the applicant has provided Grant of Easement documents, pursuant to the *Land Administration Act 1997* (refer **Attachment 1**). The execution of these documents requires the Shire President and the Chief Executive Officer to sign and affix the Common Seal.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051218

Moved Cr King / Seconded Cr Angus

That Council authorise the Shire President and the Chief Executive Officer to sign and affix the Common Seal upon the Grant of Easement documents associated with Lot 808, 812, 813 and M30 Brand Highway, Muchea.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:22 PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 List of Accounts Paid for the period ending 30 November 2018*

Report Date	12 December 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Customer Service Officer - Accounts
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 30 November 2018

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 November 2018.

Background

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

Consultation/Communication Implications

Local

Executive Manager Corporate Services

State

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

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

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The attached "List of Accounts Paid as at November 2018" is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061218

Moved Cr Osborn / Seconded Cr Gibson

That Council:

1. Endorse the Accounts Paid:

- a. PR4689, PR4700**
- b. EFT16969 – EFT17123**
- c. Direct Debits and Transfers as listed**
- d. Trust Fund payments as listed**

Totalling \$717,883.57 for the period ending 30 November 2018.

THE RECOMMENDATION WAS PUT AND DECALRED CARRIED 7/0

7:23 PM

9.3.2 Monthly Financial Reports for the Period Ending 31 October 2018*

Report Date	12 December 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Manager Corporate Services
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 31 October 2018

Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 October 2018.

Background

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

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

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to receive the Monthly Financial Reports for the period ending 31 October 2018 as presented (**Attachment 1**).

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071218

Moved Cr Tilbury/ Seconded Cr Angus

That Council receives the Monthly Financial Reports for period ending 31 October 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:24 PM

9.3.3 Community Liability Insurance*

Report date	12 December 2018
Applicant	Chittering Residents and Ratepayers Association
File ref	27/02/0003
Prepared by	Executive Manager Corporate Services
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Request for Financial Assistance

Executive Summary

The Chittering Residents and Ratepayers Association (CRRA) has requested Council assistance to meet the cost of their Public Liability Insurance (refer **Attachment 1**). The purpose of this report is to provide an update in relation to this matter.

Background

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

Contact has been made with Council's insurers, Local Government Insurance Scheme (LGIS), who advised their sister company, Local Community Insurance Scheme (LCIS), do provide Public Liability Cover for community groups. LCIS has provided the below considerations and information regarding their Community Liability Insurance Policy.

Community Groups' Activities

It is easier to put together group schemes for those organisations which are homogeneous. For example a bulk insurance policy for eight groups undertaking similar activities is easier to factor than a bulk policy for twenty seven groups undertaking different activities. The variety of activities and likely claims history will make the costs per group variable, excess levels differ and endorsements to the policy that apply to only some of the groups. As the activities are diverse the insurer will still have to underwrite each one and that takes away the cost benefits of a bulk purchase. Groups that are the similar are able to be bundled. Groups that are diverse are more difficult as cost/cover conditions/excess levels will vary.

Type of Insurance

How broad is the brief to buy insurance by Council? I suspect the group which put this forward only want Public and Products Liability because they are required to demonstrate a policy to hire/use/access Council premises. What about governance risks?

Incorporated groups have potential exposures revolving around governance, small organisations without employees are a low risk profile but not immune from claims. An Association & Officers Liability insurance policy will cover this exposure.

What about injury to volunteers?

Employees injured in the course of doing their job are covered by workers compensation ordinances in WA, volunteers are not. The accepted method of compensating volunteers is by a Volunteer Workers Personal Accident insurance policy.

Do they own property?

Loss of, or damage to, assets by a variety of risks is covered under a series of insurances.

Shared limits

Buying cover for a group of entities under some policies can see 'shared limits'. So where a policy has a cover limit that is aggregate payable in the policy period the groups indemnified are sharing that one limit. A large claim by one can remove some of the cover for others. Not a common problem but it is a fact which needs to be known by and understood by the parties to the policy.

How do they pay for it?

To sell insurance in Australia you have to hold a Financial Services Licence which is issued by ASIC and the FSL holder's conduct and business practices are regulated by APRA.

There are stringent regulations around selling insurance and we would need to be very careful with documentation and written advice to individual policy beneficiaries where Council is asking them to reimburse money to Council or pay Council the premium to be covered under the policy.

There is a difference between Council telling a group of progress associations that they will each get \$\$\$\$ in annual funding plus the benefit of a bulk insurance placement arranged by Council to saying to 27 diverse organisations pay me money for insurance and I will get the cover. In the former you are not asking them for money you are funding them, the insurance is part of the support Council is providing to those groups, in the latter what is needed is to ensure the way money is requested for insurance does not put Council at risk of being seen as selling insurance.

Consultation/Communication Implications

Local

Lisa Kay, Community Development Coordinator spoke with the City of Swan (Swan Volunteer Centre) with regard to the Community Group Insurance provided by the City of Swan for the Bullsbrook Resident and Rate Payers Association and other community groups within the City of Swan.

This insurance is provided through the Local Community Insurance Services (LCIS) and is a blanket insurance policy for clubs with like activities. Gidgegannup Rate Payers Association and some small Community social groups in Henley Brook and Stratton are also covered under the same insurance policy. The insurance is contingent on the core business of the groups and as mentioned above is reliant on them conducting similar activities.

State

- Local Government Insurance Scheme
- Local Community Insurance Scheme

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

The Annual Budget for the 2018/19 year was adopted on 18 July 2018; there was no provision made for this expenditure. The allocation of funding at this time would have to be made on the basis of a budget amendment at the time of the six monthly review.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line AssessmentEconomic 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

Should the Council be of a mind to consider this request, the following should be noted:

- Council does not currently provide funds to any community group for public liability insurance. Providing such an arrangement for one group would open up a precedent for others.
- Many community groups (particularly sporting groups) are covered by blanket policies arranged by their governing body.

MOTION / COUNCIL RESOLUTION 081218

Moved Cr King / Seconded Cr Angus

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:25 PM

MOTION / COUNCIL RESOLUTION 091218

Moved Cr King / Seconded Cr Osborn

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:41 PM

OFFICER RECOMMENDATION

That Council:

1. Receive the above information in regard to enquiries relating to Community Liability Insurance.
2. Consider how it wishes to proceed in relation to the CRRA's request for funding.

VARIATION

Moved Cr Gibson / Seconded Cr Angus

That Council replace Condition "2" of the Officer Recommendation with "Promptly reviews the Community Assistance Grants Policy with regards to subsidies for insurance for local community groups to be tabled at the Ordinary Council Meeting in March 2019"

THE VARIATION WAS PUT AND DECLARED CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

7.47PM

AMENDMENT

Moved Cr Ross / Seconded Cr King

That the following Condition "3" be added to the Officer Recommendation:

3. Seek a report from the CEO for the February 2019 Ordinary Council Meeting for insurance coverage for public liability and directors and officers insurance, a listing of community groups and their current insurance arrangements and the cost of insurance so that the Shire can consider options to assist groups in securing insurance cover.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

8:03 PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 101218

Moved Cr Gibson / Seconded Cr King

That Council:

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

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:04 PM

9.3.4 Long Term Financial Plan Review*

Report date	6 December 2018
Applicant	Shire of Chittering
File ref	04/01/0004
Prepared by	DL Consulting
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Long Term Financial Plan 2018/19-2027/28

Executive Summary

Council's consideration is requested to adopt the revised Long Term Financial Plan 2018/19 – 2027/28.

Background

Section 5.56(1) of the Local Government Act 1995 requires local governments in Western Australia to plan for the future. To assist local governments in meeting their strategic planning responsibilities pursuant to this section, the Department of Local Government has developed an Integrated Planning and Reporting (IPR) Framework.

The Long Term Financial Plan (LTFP) provides information on the Shire's financial sustainability in the context of the delivery of projects and services contained within the Corporate Business Plan (CBP). The LTFP recognises financial sustainability as a key challenge facing local governments. The reasons for this are discussed under 'Financial Implications' below.

The LTFP is an Informing Strategy under the IPR Framework and has been used to inform decision making during the finalisation of the Strategic Community Plan (SCP) and the development of the CBP.

The LTFP enables Council to model the financial impacts of various activities, initiatives, service levels and programs as well as perform risk analysis to measure the impacts of changing assumptions such as growth, inflation, grants and subsidises, etc.

The LTFP facilitates modelling of various scenarios that respond to the priorities identified by the community. The LTFP will identify whether or not those priorities are sustainable given current resourcing, and will evidence any gap between projected expenditures and projected income under each of the scenarios.

The LTFP provides a framework in which Council can assess its revenue building capacity to meet the activities and level of services outlined in the Strategic Community Plan.

It also:

- Establishes greater transparency and accountability of Council to the community;
- Provides an opportunity for early identification of financial issues and any likely impacts in the longer term;
- Provides a mechanism to -
 - i) understand how various integrated planning documents fit together;
 - ii) understand the impact of financial decisions on other plans or strategies;
- Provides a means of measuring Council's success in implementing strategies; and
- Identifies how Council can remain financially sustainable in the longer term.

The LTFP covers a 10 year planning horizon from 2018/19 to 2027/28. Key assumptions are contained within the LTFP document.

The overall objectives of the LTFP are to:

- Express in financial terms the activities Council proposes to undertake over the short, medium and long term;
- Provide a sound basis for strategic decision making; and
- Guide the future strategies and actions of Council to ensure that it continues to operate in a financially sustainable manner.

Consultation/Communication Implications

Local

The Corporate Business Plan and Strategic Community Plan have been referenced and consulted in developing the plan.

A brief workshop was held with Council to go through a draft of the scenarios and assumptions.

State

Nil

Legislative Implications

State

Local Government Act 1995 s.5.56

Local Government (Administration) Regulations 1996, Reg. 19DA

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Although the adoption of the Long Term Financial Plan does not have any financial implications, the annual budget will be drafted in line with year 2 of the Long Term Financial Plan. The LTFP also documents the implications of sustainability for the Shire over a 10 year period and the implications from a financial perspective of the assumptions that underpin the plan.

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*
- *Corporate Business Plan 2017-2021*

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's Comment

A final Draft LTFP 2018/19-2027/28 is presented to Council for consideration for endorsement.

Whilst not a legislative obligation, it is recommended that Council endorse the LTFP to signify which version of the LTFP is being utilised for financial forecasting purposes.

OFFICER RECOMMENDATION

Moved Cr King / Seconded Cr Gibson

That Council endorse the Long Term Financial Plan 2018/19 – 2027/28.

MOTION

Moved Cr Gibson

That Council let the Long Term Financial Plan 2018/19 – 2027/28 lay on the table and be workshopped.

THE MOTION LAPSED FOR WANT OF A SECONDER

8:08 PM

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111218

Moved Cr King / Seconded Cr Gibson

That Council endorse the Long Term Financial Plan 2018/19 – 2027/28.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1

8:12 PM

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Local Government Ordinary Elections 2019

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	13/06/0001
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

Council is requested to endorse the Electoral Commissioner to be responsible for the conduct of the 2019 Local Government Ordinary Election and that the method of the election be as a postal election.

Background

The next local government ordinary elections are being held on Saturday 19 October 2019. The Western Australian Electoral Commission has written to the Shire (ref I1678629) advising that the Commission is again available to assume responsibility for these elections, should the Shire of Chittering wish to retain the postal voting method.

Postal elections have been available to Western Australian Local Government since 1995, and in a short period have become the preferred way that elections are conducted by country Councils.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

- Local Government Act 1995

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The estimated cost provided by the Western Australian electoral Commission for them to conduct the postal election is \$27,780 (inc GST); which has been based on the following assumptions:

- 3,900 electors
- Response rate of approximately 40%
- Four vacancies
- Count to be conducted at the offices of the Shire of Chittering
- Appointment of a local Returning Officer
- Australia Post Priority delivery service to apply for the lodgement of the election packages.

Costs not incorporated in this estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increase by Australia Post.

These costs will be included in the 2019/20 Annual Budget under COA 2040116.2101.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area:	Strong leadership - A responsive and empowering Council which values consultation, accountability and consistency
Objective:	S5.1 An engaged community
Strategy:	S5.1.1 Encourage and promote community engagement
Objective:	S5.3 Accountable governance
Strategy:	S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

There are two methods for conducting local government elections; this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the Western Australian Electoral Commission (WAEC).

There are two significant benefits for conducting elections by postal vote:

- (i) It increases the voter turnout.
- (ii) It removes Shire of Chittering staff from the process (the Returning Officer is appointed by the WAEC), therefore creating independence and impartiality. Having an external person appointed by the WAEC as the Returning Officer creates separation and provides independence to the process.

Other benefits that have been quoted for postal elections are:

- It is easier for electors to vote.
- It assists new candidates as all electors get the profile of all candidates.
- There is a perception that the playing field is more level for sitting Councillors versus nominated candidates and that the success of being elected is not correlated to previous experience.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121218

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY

8:13 PM

9.4.2 Facility Review*

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	05/04/1
Prepared by	Community Development Coordinator
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Management of Community Facilities Consultation

Executive Summary

Council is requested to accept the Management of Community Facilities Consultation Report prepared by John Ravlic of Ravim RMC; thank the facility managers/user groups for participating in the consultations and support the progression of the following recommendations:

1. That the Shire consider developing a policy and corporate framework to guide the facility managers in providing community facilities and overseeing delivery of services and programs.
2. That the Shire consider adopting an accountability framework for the management of its community facilities by:
 - o providing its facility managers with sufficient guidance on operating its community facilities and delivering various services and programs; and
 - o establishing sufficient controls, such as regular reporting, to monitor facility managers' performance and compliance.
3. That the Shire consider adopting an open and transparent approach to its dealings with facility managers, where their agreements, financial transactions and ongoing returns are on the public record and accessible by all.
4. That the Shire consider calculating and comparing:
 - o the value of its forgone rental income; and
 - o the value of the community benefit created by facility managers and the various services and programs they deliver.
5. That the Shire consider adopting service level agreements with facility managers as part of its policy and corporate framework.
6. That the Shire consider adopting tighter conditions around the use of leases for exclusive occupancy as part of its corporate framework.
7. That the Shire consider reviewing its lease terms back to five years.
8. That the Shire continues to gather costing/financial data and
9. Consider reviewing the employee charge/oncost.
10. That the Shire consider adopting a digital solution for its venue bookings and invoicing.
11. That the Shire continues to explore, using a business case process, the most optimum model (insourcing and outsourcing) to deliver facilities in order to achieve the best value for the community.
12. That the Shire consider recognising peppercorn rentals/foregone income as the Council's subsidy in the annual budget and associated documentation.
13. That the Shire consider adopting multi-use shared facilities as its policy for future development of community facilities.

Background

A review of Facility Management Processes commenced in June 2017 through the appointment of Consultant John Ravlic of Ravim RMC. The project began with a review of existing Facility Management Policies and Corporate frameworks. The result of this research highlighted that there are currently no specific policies in

place governing or guiding the provision of community facilities and the related services and programs running from these facilities.

Additionally, a review of existing tenancy agreements demonstrated that the Shire adopts a standard lease agreement with varying lease terms, some provided on a 20 year term. What is not captured in these agreements is any governance or executive oversight. The Shire has no information related to occupancy numbers and club income and expenditure directly related to the provision of the community facility.

Benchmarking against neighboring councils was conducted in July 2018 along with a Facility Managers workshop. 1:1 Facility Manager Meetings were also held during June – August 2018 to capture the necessary information to establish a clearer understanding of:

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

Consultation/Communication Implications

Local

A benchmarking workshop was held on 25 July 2018 with representatives of:

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

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

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

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

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

Stage 2 of the project commenced with a Pre-consultation workshop for Facility Managers which was held on 5 June 2018. Representatives of Bindoon & Districts Historical Society, Bindoon Entertainment Arts and Theatre (BEAT), Bindoon Sport & Recreation Association, Chittering Tourist Association, Bindoon Arts & Crafts Group, Chittering Junior Cricket club, Muchea Senior Cricket Club and Chittering Bindoon Branch CWA attended the workshop.

Attendees were presented with the findings from stage 1 and offered an opportunity to provide feedback on the report. Participants were informed of the next stage of the process which involved 1:1 meetings with all Facility Managers. Facility managers were also requested to complete a Facility Data Sheet that outlines the regular activities conducted at the facility, other activities and the income and expenditure for the Facility users. This information will be collated and used to establish case studies for each of the facilities as part of the final report for the project.

Facility Manager 1:1 meetings were held 23 – 25 July 2018 with:

- Bindoon and Districts Agricultural Society,
- Bindoon and Districts Historical Society,
- Bindoon Sport & Recreation Association,
- Bindoon Arts & Crafts Group,
- Bindoon Men's Shed,
- Chittering Tourist Association,
- Muchea Netball Club,
- South Midlands Polocrosse Club

Facility Manager 1:1 meetings were also held 20 – 22 August 2018 with:

- Chittering Bindoon CWA Branch,
- Bindoon Entertainment Arts & Theatre (BEAT),
- Chittering Junior Football Club,
- Muchea Judo Club,
- Jupiter Health Service,
- Chittering Junior and Muchea Senior Cricket Clubs,
- Wannamal Community Centre,
- Lower Chittering Scouts Group,
- Chittering Hall Zumba Group

These meetings focused on building an understanding of the Clubs history at the respective facilities, determining their experiences under their existing lease or hire arrangements, Club strategic plans and future growth projections. Of particular importance to the Clubs and Shire Officers is the recognition within the broader community of the volunteer contribution to the overall management of Shire Facilities.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

Objective: S1.2 Strong sense of community

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

S1.2.3 Activate our local centres and towns

Focus area: Our built environment

Objective: S3.1 Development of local hubs

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

Objective: S3.3 Improved infrastructure and amenities

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

Focus area: Strong leadership

Objective: S5.1 An engaged community

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

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Encourage and promote community engagement

- Shire of Chittering Community Development Plan 2014 – 2024

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

- Shire of Chittering Youth Strategy 2015-2018

Priority Area 2: Things to do and places to go

State

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

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

Key Priority 4. Promoting partnerships

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

It was very evident through meeting with all the Facility Managers that there is a strong sense of community ownership and pride. This is evidenced through the level of investment that all the Clubs have contributed to the upkeep of each facility through the provision of community or sporting activities in our community. Many of the club members have invested thousands of hours of volunteer time into the running of each of the facilities.

Community facilities contribute to the health and wellbeing of individuals and communities providing a central meeting point for community members to come together and share in a mutually satisfying past time or activity essential to maintaining a positive and cohesive social environment for the community as a whole.

Environmental implications

Nil

OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr King

Council is requested to accept the Management of Community Facilities Consultation Report prepared by John Ravlic of Ravim RMC; thank the facility managers/user groups for participating in the consultations and support the progression of the following recommendations:

1. That the Shire consider developing a policy and corporate framework to guide the facility managers in providing community facilities and overseeing delivery of services and programs.
2. That the Shire consider adopting an accountability framework for the management of its community facilities by:
 - a. providing its facility managers with sufficient guidance on operating its community facilities and delivering various services and programs; and
 - b. establishing sufficient controls, such as regular reporting, to monitor facility managers' performance and compliance.
3. That the Shire consider adopting an open and transparent approach to its dealings with facility managers, where their agreements, financial transactions and ongoing returns are on the public record and accessible by all.
4. That the Shire consider calculating and comparing:
 - a. the value of its forgone rental income; and
 - b. the value of the community benefit created by facility managers and the various services and programs they deliver.
5. That the Shire consider adopting service level agreements with facility managers as part of its policy and corporate framework.
6. That the Shire consider adopting tighter conditions around the use of leases for exclusive occupancy as part of its corporate framework.
7. That the Shire consider reviewing its lease terms back to five years.
8. That the Shire continues to gather costing/financial data and consider reviewing the employee charge/oncost.

9. That the Shire consider adopting a digital solution for its venue bookings and invoicing.
10. That the Shire continues to explore, using a business case process, the most optimum model (insourcing and outsourcing) to deliver facilities in order to achieve the best value for the community.
11. That the Shire consider recognising peppercorn rentals/foregone income as the Council's subsidy in the annual budget and associated documentation.
12. That the Shire consider adopting multi-use shared facilities as its policy for future development of community facilities.

MOTION / COUNCIL RESOLUTION 131218

Moved Cr King / Seconded Cr Gibson

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:15 PM

MOTION / COUNCIL RESOLUTION 141218

Moved Cr King / Seconded Cr Osborn

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:24 PM

9.4.2 ALTERNATIVE MOTION / COUNCIL RESOLUTION 151218

Moved Cr Gibson / Seconded Cr King

That Council:

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

THE ALTERNATIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:30 PM

9.4.3 Appointment of an Acting Chief Executive Officer from 22 December 2018 until 20 January 2019

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	22/10/119
Prepared by	Finance Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to appoint Rhona Hawkins (Executive Manager Corporate Services) as the Acting Chief Executive Officer during the period of 22 December 2018 until 20 January 2019.

Background

The Chief Executive Officer will be on annual leave from Saturday 22 December 2018 until Sunday 13 January and will not be returning after that date. A Relief CEO is proposed to commence work with Council on 21 January 2018.

Consultation/Communication Implications

Local

Executive Management Team
Human Resources Coordinator

State

Not applicable

Legislative Implications

State

- Local Government Act 1995
5.36. Local government employees
(1) A local government is to employ—
(a) a person to be the CEO of the local government; and
(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

Local

- DAI – Acting Chief Executive Officer
Objective of Delegation: Appointment of an Acting Chief Executive Officer
Extent of Delegation: The authority to appoint an Acting Chief Executive Officer during periods of absence.

Policy Implications

State

Nil

Local

- *Staff Policy 3.14 – Appointment of an Acting Chief Executive Officer*

Financial Implications

In the past higher duties have been paid to the staff member Acting as the Chief Executive Officer.

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

Council is requested to appoint Rhona Hawkins, Executive Manager Corporate Services, as Acting Chief Executive Officer from 22 December 2018 until 20 January 2019.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 161218

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

- 1. Appoints Ms Rhona Hawkins as Acting Chief Executive Officer for the period inclusive from Saturday 22 December 2018 until Sunday 20 January 2019.**
- 2. Authorises the payment of higher duties for the Acting Chief Executive Officer of 90% of the current Chief Executive Officers cash salary.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

8:32 PM

9.4.4 Appointment of Chief Executive Officer until Permanent Chief Executive Officer Commences

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	22/02/19
Prepared by	Executive Support Officer
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	Nil

Executive Summary

The purpose of the report is to appoint an Acting Chief Executive Officer until such time as a permanent Chief Executive Officer commences in the position.

Background

At the Ordinary Council meeting held on 21 November 2018 Council resolved the following:

*MOTION / COUNCIL RESOLUTION 211118
Moved Cr Ross / Seconded Cr Angus
That Council, as discussed in closed session, endorses the preferred candidate as Acting Chief Executive Officer for the period from Monday 21 January 2019 until such time as the new Chief Executive Officer commences, subject to satisfactory formal reference checks and attendance at a meeting with Council.*

*THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:41PM*

Following the meeting, reference checks were carried out on the preferred candidate, and the candidate met with Council on 4 December 2018.

Council is in agreeance that Mr Neil Hartley will be appointed as the Shire of Chittering's Chief Executive Officer from 21 January 2019 until the new Chief Executive Officer is appointed by Council.

Consultation/Communication Implications

Local

Council

Executive Management Team

State

Not applicable

Legislative Implications

State

- Local Government Act 1995
 - 5.36 Local government employees
 - 5.39. Contracts for CEO and senior employees

Local

Nil

Policy Implications

State

Nil

Local

- *Staff Policy 3.14 Appointment of an Acting Chief Executive Officer*

Financial Implications

In the past higher duties have been paid to the staff member acting as the Chief Executive Officer.

As Council has sought the services of Mr Neil Hartley it has been agreed that he will be paid 90% of the current Chief Executive Officer's contract.

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Not applicable

Officer Comment/Details

Mr Neil Hartley will be carrying out the duties expected of a permanent Chief Executive Officer, and as such it is appropriate to consider a level of remuneration commensurate with those responsibilities.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 171218

Moved Cr Ross / Seconded Cr Osborn

That Council:

- 1. Appoints Mr Neil Hartley as Acting Chief Executive Officer for the period inclusive from Monday 21 January 2019 until such time as a new Chief Executive Officer is appointed and commences in the role.**
- 2. Authorises the payment of higher duties for the Acting Chief Executive Officer at 90% of the current Chief Executive Officers cash salary.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY**

8:33 PM

10. REPORTS OF COMMITTEES

10.1 Local Emergency Management Committee*

Report date	12 December 2018
Applicant	Shire of Chittering
File ref	09/02/1
Prepared by	Finance Support Officer
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" minutes from Local Emergency Management Committee meeting held on 28 November 2018

Executive Summary

Council is requested to receive the minutes from the Chittering Local Emergency Management Committee meeting held on 28 November 2018.

Background

The Chittering Local Emergency Management Committee meeting met on 28 November 2018 where the following formal recommendations were resolved:

5.6.1 OFFICER/COMMITTEE RECOMMENDATION

Moved Yvette Grigg / Seconded David Carroll

That the Local Emergency Management Committee endorses the Shire of Chittering Local Emergency Management Arrangements 2018 and Shire of Chittering Local Recovery Plan 2018 in accordance with section 41(2) of the Emergency Management Act 2005.

[CARRIED]

5.6.2 OFFICER/COMMITTEE RECOMMENDATION

Moved David Carroll / Seconded Jim Garrett

That:

- 1. The Local Emergency Management Committee meeting dates for 2019 are as follows:*
 - a. Wednesday 27 February*
 - b. Wednesday 22 May*
 - c. Wednesday 28 August*
 - d. Wednesday 27 November.*
- 2. Commence at 9am and are held in the Shire of Chittering's Council Chambers, 6177 Great Northern Highway, Bindoon (unless otherwise advised).*

[CARRIED]

Consultation/Communication Implications

Local

Local Emergency Management Committee members

State

Nil

Legislative Implications

State

- *Local Government Act 1995, s5.12 and s5.13*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*

Focus area:	Our natural environment
Objective:	S2.3 Protection of life and property
Strategy:	S2.3.1 Improve bushfire preparedness and recovery

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Following the meeting of the Local Emergency Management Committee, Council is requested to endorse the 2019 committee meeting dates. The unconfirmed minutes from the meeting are also presented to Council to be received.

10.1.1 OFFICER/COMMITTEE RECOMMENDATION 181218

Moved Cr Tilbury / Seconded Cr Gibson

That Council:

- 1. Approves the 2019 Local Emergency Management Committee meeting dates as follows:**
 - a. Wednesday 27 February**
 - b. Wednesday 22 May**
 - c. Wednesday 28 August**
 - d. Wednesday 27 November.**
- 2. Approves the Local Emergency Management Committee meetings are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 9am.**
- 3. Receives the unconfirmed minutes from the Local Emergency Management Committee meeting held on 28 November 2018.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

8:33 PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 PROCEDURAL MOTION / COUNCIL RESOLUTION 191218

Moved Cr Ross / Seconded Cr Osborn

That Council, in accordance with c11.1(g) of *Local Government (Council Meetings) Local Law 2014* close the meeting to the public.

THE MOTION WAS PUT AND DECALRED CARREID 7/0

8:34 PM

All members of the public left the meeting at 8:34 PM

14.1.1 **CONFIDENTIAL ITEM:** Educational Scholarships 2019*

Report Date	12 December 2018
Applicant	Shire of Chittering
File ref	15/01/4
Prepared by	Community and Club Development Officer
Supervised by	Chief Executive Officer
Disclosure of Interest	Nil
Voting requirements	Simple majority
Attachments	1. Minutes Chittering Education Scholarship Group -14 November 2018

Reason for Confidentiality

In accordance with the *Local Government Act 1995* Section 5.23:

- (2) *If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (b) *the personal affairs of any person;*

Executive Summary

Council is requested to consider the recommendation of the Chittering Educational Scholarship Advisory Group (CESAG), comprising of a representative from the Gingin Chittering Lions Club, one Councillor and the Shire of Chittering Community Development Coordinator for the 2019 Educational Scholarships.

PROCEDURAL MOTION / COUNCIL RESOLUTION 211218

MOVED Cr Osborn / Seconded Cr King

That Council come from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:35PM

Five members of the public returned to the meeting at 8:36 PM

14.2 Public reading of resolution that may be made public

14.1.1 ADVISORY GROUP RECOMMENDATION / COUNCIL RESOLUTION 201218

Moved Cr Osborn / Seconded Cr King

That Council endorses the recommendation as outlined in the Officer's report.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

8:35 PM

15. CLOSURE

The Presiding Member declared the meeting closed at 8:36 PM.



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