

MINUTES FOR ORDINARY MEETING OF COUNCIL

WEDNESDAY 17 October 2018

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.01pm
Adjourned: 8.26pm**

**Reconvened: 8.30pm
Closure: 8.41pm**



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

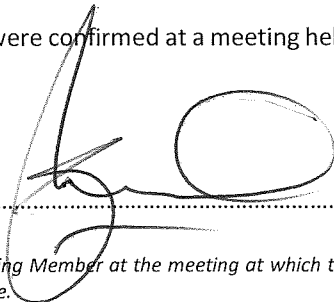
These minutes were approved for distribution on Friday 26 October 2018.



Alan J Sheridan
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on Wednesday 21 November 2018.

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.

TABLE OF CONTENTS

| | | |
|-----------|--|----------|
| 1. | DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS..... | 1 |
| 2. | RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS..... | 1 |
| 2.1 | Attendance | 1 |
| 2.2 | Apologies..... | 1 |
| 2.3 | Approved leave of absence | 1 |
| 2.4 | Announcements | 2 |
| 3. | DISCLOSURE OF INTEREST..... | 4 |
| 3.1 | Item 9.4.1 “Memorandum of Understanding: Chittering Tourist Association Inc.” | 4 |
| 3.2 | Item 14.1.1 “CONFIDENTIAL ITEM: Chief Executive Officer Annual Performance Appraisal 2018” | 4 |
| 4. | PUBLIC QUESTION TIME | 4 |
| 4.1 | Response to previous public questions taken on notice | 4 |
| 4.1.1 | John Curtis, Bindoon..... | 4 |
| 4.1.2 | Robert Pizzino, Bindoon..... | 5 |
| 4.2 | Public question time | 5 |
| 4.2.1 | Julie Duzevich and Richard Frew, Bindoon (representing Friends of Bell Hill Reserve) | 5 |
| 4.2.2 | Robert Pizzino, Bindoon..... | 6 |
| 4.2.3 | John Davis, Lower Chittering | 6 |
| 4.2.4 | John Curtis, Bindoon | 7 |
| 4.2.5 | John Nagel, Bindoon | 7 |
| 5. | PRESENTATIONS / PETITIONS / DEPUTATIONS | 8 |
| 5.1 | Petitions | 8 |
| 5.2 | Presentations | 8 |
| 5.3 | Deputations..... | 8 |
| 6. | APPLICATIONS FOR LEAVE OF ABSENCE | 8 |
| 6.1 | Cr George Tilbury | 8 |
| 7. | CONFIRMATION OF MINUTES | 8 |
| 7.1 | Ordinary Meeting of Council: 19 September 2018 | 8 |
| 8. | ANNOUNCEMENT FROM THE PRESIDING MEMBER | 8 |
| 9. | REPORTS..... | 9 |
| 9.1 | DEVELOPMENT SERVICES..... | 9 |
| 9.1.1 | Adoption of the Shire of Chittering Waste Local Law 2018* | 9 |
| 9.1.2 | Proposed Home Business (Pet Grooming): Lot 191 (RN 51) Hereford Way, Lower Chittering* | 13 |
| 9.1.3 | Proposed Amendment to Conditions of Development Approval - 40m high NBN and Telstra monopole: Lot 12383 Forrest Hills Parade, Bindoon (Bell Hill Reserve - 44213)* | 20 |
| 9.2 | TECHNICAL SERVICES | 30 |
| 9.3 | CORPORATE SERVICES..... | 30 |
| 9.3.1 | List of Accounts Paid for the period ending 30 September 2018* | 30 |

| | | |
|------------|--|-----------|
| 9.4 | CHIEF EXECUTIVE OFFICER | 32 |
| 9.4.1 | Memorandum of Understanding: Chittering Tourist Association Inc. .. | 32 |
| 9.4.2 | Request for Financial Assistance: Lions Cancer Institute, Children's Christmas Day Out* | 36 |
| 9.4.3 | Adoption of Corporate Business Plan 2017-2021* | 38 |
| 9.4.4 | Policy Register Amendment: Policy 3.18 Vehicle Use* | 42 |
| 9.4.5 | Development at Lots 88 and 89 Great Northern Highway Bindoon for proposed Lifestyle Village and Caravan Park* | 45 |
| 9.4.6 | Lower Chittering Sports and Recreation Facility* | 53 |
| 9.4.7 | Recruitment for Chief Executive Officer* | 58 |
| 10. | REPORTS OF COMMITTEES | 61 |
| 11. | MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 61 |
| 12. | QUESTIONS FROM MEMBERS WITHOUT NOTICE..... | 62 |
| 12.1 | Bindoon Transit Park Facility - Cr Aaron King..... | 62 |
| 13. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .. | 63 |
| 14. | MEETING CLOSED TO THE PUBLIC | 63 |
| 14.1 | Matters for which the meeting may be closed | 63 |
| 14.1.1 | CONFIDENTIAL ITEM: Chief Executive Officer Annual Performance Appraisal 2018* | 64 |
| 14.2 | Public reading of resolution that may be made public | 65 |
| 15. | CLOSURE..... | 65 |

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

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

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

2.1 Attendance

The following Members were in attendance:

| | | |
|---------|-------------------|------------------------------|
| Member: | Cr 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 | Alan Sheridan | Chief Executive Officer |
| | Rhona Hawkins | Executive Manager Corporate Services <i>left at 8.23pm</i> |
| | Peter Stuart | Executive Manager Development Services <i>left at 8.23pm</i> |
| | Jim Garrett | Executive Manager Technical Services <i>left at 8.23pm</i> |
| | Jake Whistler | Senior Planning Officer <i>left at 8.23pm</i> |
| | Natasha Mossman | Executive Support Officer |
| | Nadine Hayes | Minute Secretary |

| | |
|--------------------------|----|
| Members of the public | 15 |
|--------------------------|----|

| | |
|-------|---|
| Media | 0 |
|-------|---|

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

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)

- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 21 September 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 28 September 2018
- Development Assessment Panel (DAP) Member Training on 2 October 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 5 October 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 12 October 2018

Cr Peter Osborn (Deputy President)

- Weekly catchup meeting with the President and Chief Executive Officer on 21 September 2018
- Weekly catchup meeting with the President and Chief Executive Officer on 28 September 2018
- Development Assessment Panel (DAP) Member Training on 2 October 2018
- WA Local Government Grants Commission Public Hearing on 4 October 2018
- Weekly catchup meeting with the President and Chief Executive Officer on 5 October 2018
- Weekly catchup meeting with the President and Chief Executive Officer on 12 October 2018
- Lower Chittering Sports Facility meeting on 12 October 2018

Cr Carmel Ross

- Development Assessment Panel (DAP) Member Training on 2 October 2018
- Chittering Tourist Association Committee Meeting on 2 October 2018
- Chittering Residents and Ratepayers Association meeting on 10 October 2018
- Edmund Rice College 2018 Awards & Presentation Evening on 12 October 2018

Cr Mary Angus

- Chittering Youth Krew meeting on 4 October 2018
- Bindoon Show on 13 October 2018

Cr George Tilbury

- Bindoon Show on 13 October 2018

Cr Don Gibson

"Through the Chair, I have got an announcement to make.

I advise the meeting that a complaint was made to the Local Government Standards Panel in which it was alleged that I contravened two provisions of the Local Government Rules of Conduct Regulations 2007 (WA) on 28 September 2017 when I sent an email to Mr Alan Sheridan the Shires Chief Executive Officer and other Councillors concerning an invoice that I received from the Shire for the use of data on a shire issued iPad. The panel found that by sending the email I made improper use of my office as a councillor with the intention of causing detriment to Mr Sheridan thereby committing a breach of regulation 7(1)(b) of the Local Government Rules of Conduct Regulations 2007 (WA). The panel found that by sending the email I directed or attempted to direct Mr Sheridan in his capacity as an employee of the Shire and by acting as I did I committed a breach of Regulation 10(1)(a) of the Local Government Rules of Conduct Regulations 2007 (WA). I accept that I should not have sent the email and I apologise to Mr Sheridan and All my fellow Councillors for having done so.

A formal complaint was made to the Local Government Standards Panel alleging that I breached the Local Government Rules of Conduct Regulations 2007 during part of the Ordinary Council Meeting of 15 November 2017 that was closed to member of the public. The panel found I breached the Shires Local Government Council Meetings Local Law 2014 and Regulations 4(2) of the Rules of Conduct Regulations when I made adverse and unsubstantiated comments about the character and actions of the Shires Chief Executive Officer Mr Alan Sheridan. I failed to withdraw my comments and apologise to Mr Sheridan after the Shire President asked me to do so. I breached regulation 7(1)(b) of the Rules of Conduct Regulations when I made improper use my office as a Councillor by making the adverse comments about Mr Sheridan in the presence of all Shire Councillors with the intention of damaging him. By making the adverse comments about Mr Sheridan I failed to meet the standards of Conduct expected of a Councillor. I breached Regulation 11(2) of the Rules of Conduct Regulations when I failed to disclose and obvious impartiality interest in and Agenda item relating to my Shire email account and data allowance. I apologise to Mr Sheridan, the Shire President Cr Houston and all other Councillors for unjustifiably criticising Mr Sheridan's performance as the Shire Chief Executive Officer and casting aspersions on Mr Sheridan's character and for doing so with the intention of causing damage to Mr Sheridan. I also apologise for failing to disclose the impartiality interest."

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 9.4.1 “Memorandum of Understanding: Chittering Tourist Association Inc.”

Cr Carmel Ross declared an Impartiality Interest as she is a member of the Chittering Tourist Association, representing the Bindoon Farmers Market, which is a member of the CTA.

Cr Osborn declared the following:

1. Financial – as a part owner of Wootra Farm Bed and Breakfast, a member of the Chittering Tourist Association and appear in the annual planner. Wootra Farm (of which he is a part-owner) also sells preserves through the Chittering Tourist Association shop.
2. Impartiality – is the nominated Council Delegate to the Chittering Tourist Association and a closely associated person has interests in this matter – his wife is also a member on the Chittering Tourist Association (in the position of President) and is part owner of Wootra Farm Bed and Breakfast.

3.2 Item 14.1.1 “**CONFIDENTIAL ITEM:** Chief Executive Officer Annual Performance Appraisal 2018”

Mr Alan Sheridan declared a Financial Interest as he is the subject of the report to Council.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 John Curtis, Bindoon

Question 1: Why do Geraldton seem to get by without yellow bins and we can’t even sort out recyclable for a few hundred people?

Answer 1: *The City of Greater Geraldton offers their ratepayers the option to drop off approved recyclable items at Narngulu Recycle Centre. Community drop-off facilities are renowned for contamination and are not compulsory to use.*

The State Government Waste Authority endorses source separation of household waste through the provision of separate bins. The practice is widely supported and adopted in Australia and internationally. Separating waste at its source produces a more homogenous and higher quality waste stream which is less contaminated by other materials, easier and less costly for recyclers to recover. For these reasons, the Shire chooses to manage recycling through its kerbside collection service, rather than drop off facilities like Geraldton’s Narngulu Recycle Centre.

4.1.2 Robert Pizzino, Bindoon

Question 2: How much did minimum rate rise this year and last; why have my rates increased by 100%?

Answer 2: Post Meeting Note

| Financial Year | Rate in the \$ | Minimum Rate | ESL levy | Access / Maintenance Levy | Minimum Total |
|----------------|----------------|--------------|----------|---------------------------|---------------|
| 2018/19 | 0.100227 | \$1,000 | \$82.00 | \$47.15 | \$1,129.15 |
| 2017/18 | 0.097616 | \$1,000 | \$75.00 | \$46.00 | \$1,121.00 |
| 2016/17 | 0.095393 | \$1,000 | \$71.00 | \$45.00 | \$1,116.00 |

Mr Pizzino's rates rose by 2.5% from last financial year to this financial year. As it would be inappropriate to provide specific details in the Council Minutes, separate correspondence will be forwarded to Mr Pizzino regarding this matter.

4.2 Public question time

4.2.1 Julie Duzevich and Richard Frew, Bindoon (representing Friends of Bell Hill Reserve)

(As supplied)

Question 1: We've read the Agenda and Attachments for this meeting. It's stated that these are minor changes that don't need advertising. With regards to the Vodafone Fire Pager system, which is currently on the existing old windmill structure which was never ever approved, we feel it is a significant issue which should be advertised for public comment. The reason being, we spoke to the Nokia technician last Friday on Bell Hill, who has been maintaining the DFES Pager for 10 years. He stated that for the relocation onto the new tower, the old windmill structure has to be dismantled first before the relocation. Therefore there will be no pager system coverage for a period of time, while the new tower is constructed and Vodafone builds their new facility prior to connection. He was very concerned we will be at high risk during the peak of the fire season and it should be delayed until after the fire season. Also sparks for machinery and equipment during construction, could create significant additional hazards.

Will the Shire Council please assure that this is delayed so that residents and their properties are not placed under undue risk, which could also result in liability? This is not a "trivial" matter as stated by Aurecon letter 28 September 2018.

Also, who will facilitate and pay for the removal and decommissioning of the windmill structure.

Answer 1: *Through the Chair, the Executive Manager Development Service advised that consultation was addressed in the officer's report. The new condition requires the relocation of the DFES paging equipment from an existing mast to the proposed monopole.*

Through the Chair, Cr King addressed the meeting and advised that Council had a lengthy discussion with the applicants and were advised performance will not be interrupted during the upgrade.

The Presiding Member further stated that the applicant must adhere to any Harvest Hot Works and Movement Bans that may be put in place whilst updating the tower.

Question 2: What is the situation with Vodafone, who have signed a contract with Mr Parkinson for the use of the Optus tower site in 2017? Therefore why do they need to use Bell Hill for the DFES system at all?

Answer 2: *The Presiding Member took the question on notice.*

Through the Chair, the Chief Executive Officer advised that equipment has apparently been installed adjacent to the tower on Mr Parkinson's property, but it has not been activated.

4.2.2 Robert Pizzino, Bindoon

Question 1: When did the minimum rate rise from \$400 to \$900? This is the 100% rate rise I referred to in my question from the previous meeting.

Answer 2: *Through the Chair, the executive Manager Corporate Services advised that the minimum rate has been set at \$1,000 for the last three years.*

Post Meeting Note

The following table is provided to show a six year history of minimum rate rises:

| Financial Year | Rate in the \$ | Minimum Rate |
|----------------|----------------|--------------|
| 2018/19 | 0.100227 | \$1,000 |
| 2017/18 | 0.097616 | \$1,000 |
| 2016/17 | 0.095393 | \$1,000 |
| 2015/16 | 0.093728 | \$1,000 |
| 2014/15 | 0.114878 | \$500 |
| 2013/14 | 0.122254 | \$500 |

4.2.3 John Davis, Lower Chittering

Question 1: The 2017 Annual Electors Meeting was a fiasco. It seems as though this year's meeting is heading in the same direction. Residents have not been treated with respect. Usually the Annual Electors Meeting is always held in October. I called the Shire recently and was advised that this years' meeting will be held in Muchea, but a date hadn't been set yet. When will the Annual Electors Meeting be held?

Answer 1: *Through the Chair, the Chief Executive Officer advised that the date of the Annual Electors Meeting will be set once Council has reviewed and adopted the Annual Report. The officer report will recommend a date for the Annual Electors Meeting. It was also advised that an audit of the Shire's financials is required as part of the Annual Report.*

Through the Chair, the Executive Manager Corporate Services advised that the appointed auditors were undertaking the audit this week.

Question 2: Works on the intersection of Chittering Road and Muchea East Road have been ongoing for months. When will this be completed?

Answer 2: *Through the Chair, the Executive Manager Technical Services advised that the works had stopped during winter due to weather conditions. Works will be resumed late October and are expected to be complete by the end of November (pending weather).*

Question 3: In relation to the Targa West Rally, what financial benefit has there been to businesses in the Shire and residents of Maryville Downs?

Answer 3: *The Presiding Member took the question on notice.*

4.2.4 John Curtis, Bindoon

Question 1: Are the rumours about the CEO resigning true?

Answer 1: *The Presiding Member advised yes, the rumours are true. There is a report on the Agenda tonight to appoint a consultant to undertake the recruitment process.*

Question 2: Who will be on the selection panel? Will residents be allowed on the selection panel?

Answer 2: *There is a report on the Agenda tonight to appoint a consultant to undertake the recruitment process. All Councillors will be on the selection panel.*

Question 3: Will the new CEO be put on probation?

Answer 3: *The Presiding Member advised that a probationary period may be imposed, but this has not yet been discussed.*

4.2.5 John Nagel, Bindoon

(As supplied)

Question 1: Mr President my question tonight relates to two agenda items. Owing to the fact that the CEO has given notice the Ratepayers Association has concerns that the CEO is trying to push through two projects he has been working on before he leaves.

The agenda items are 9.4.5 and 9.4.6.

Mr President I would like to draw your attention to the part of the act 2.10 – Role of Councillors.

A Councillor:

- a) Represents the interest of electors, ratepayers and residents of the district.
- b) Provides leadership and guidance to the community in the council.
- c) Facilitates communication between the community and the council.

Mr President I will refer back to A where a Councillor represents the interest of the electors, ratepayers and residents of the district.

Mr President, the ratepayers association is of the opinion that this is not happening with some of the Councillors in the shire.

Mr President my question is will the Councillors here tonight move and pass a motion that item 9.4.5 and item 9.4.6 lay on the table until a new CEO is appointed as there is many millions of dollars involved and the shire must get it right. In the past we have seen CEO's making decisions that have had huge impact to the community prior to them leaving.

Answer 1: *The Presiding Member advised that it is up to the seven elected members here to decide when items come up to Council.*

Through the Chair, the Chief Executive Officer advised that these items have been under consideration by Council for many years; these are not new projects.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr George Tilbury

6.1 MOTION/COUNCIL RESOLUTION 011018

Moved Cr Tilbury/Seconded Cr Osborn

That Council grant Cr Tilbury 'Approved Leave of Absence' for the period inclusive of Tuesday 18 December 2018 to Wednesday 26 December 2018.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:29PM

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 19 September 2018

7.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 021018

Moved Cr Gibson/Seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 19 September 2018 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:29PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Adoption of the Shire of Chittering Waste Local Law 2018*

| | |
|------------------------|--|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 19/04/1 |
| Prepared by | Principal Environmental Health Officer |
| Supervised by | Executive Manager Development Services |
| Disclosure of interest | Nil |
| Voting requirements | Absolute Majority |
| Attachments | <ol style="list-style-type: none">1. Shire of Chittering Waste Local Law 20182. Letter of consent from the Director General of the Department of Water and Environmental Regulation |

Executive Summary

Following consent by the Director General of the Department of Water and Environmental Regulation, Council is requested to adopt the Shire of Chittering Waste Local Law 2018.

Background

At the Ordinary Meeting of Council held on 20 June 2018 the following was resolved:

"9.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070618

Moved Cr Ross/Seconded Cr Gibson

That Council:

1. *Adopts the proposed Shire of Chittering Waste Local Law 2018 incorporating the relevant changes recommended by the Department of Water and Environmental Regulation and the Department of Local Government, Sport and Cultural Industries.*
2. *Forwards two copies of the proposed local law to the Director General of the Department of Water and Environmental Regulation for his consent.*
3. *Published the Shire of Chittering Waste Local Law 2018 in the Government Gazette following consent from the Department of Water and Environment Regulation.*
4. *Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Shire of Chittering Waste Local Law 2018.*
5. *In accordance with Section 3.12 of the Local Government Act 1995, give state-wide public notice of the Shire of Chittering Waste Local Law 2018:*
 - a. *stating the title of the local law; and*
 - b. *summarising the purpose and effect of the local law and specifying the day on which it comes into operation; and*
 - c. *advising that copies of the local law may be inspected or obtained from the Shire of Chittering Administration Centre.*

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

CRS HOUSTON, OSBORN, KING, TILBURY, ROSS, ANGUS AND GIBSON VOTED IN FAVOUR"

Prior to printing in the Government Gazette, it is necessary for the Council to adopt the local law which has been consented to and signed by the Director General of the Department of Water and Environmental Regulation. A copy of the signed local law is included as **Attachment 1**.

Consultation/Communication Implications

State

The Shire gave state-wide public notice by advertising in The West Australian newspaper on 7 March 2018 and by local notice in The Advocate on 7 March 2018. The local law was also distributed locally in accordance with the Shire's Community Engagement Plan.

Copies of the draft Waste Local Law 2018 were sent to:

- Department of Local Government, Sport and Cultural Industries; and
- Department of Water and Environmental Regulation.

Local

Copies of the draft Waste Local Law 2018 were made available on the Shire's website and at the Shire Administration Centre and the Bindoon Library.

Internal consultation was undertaken with:

- Shire of Chittering staff and Executive Managers
- Councillors

After making minor changes to the local law, the final version was sent to the Director General, Department of Water and Environmental Regulation for consent. The Director General's consent letter is included as **Attachment 2**.

Legislative Implications

State

- Local Government Act 1995, Section 3.12

Following Council approval to adopt the local law the following additional steps will be undertaken to finalise the process:

- (i) A copy of the local law will be sent to the State Law Publisher in an acceptable format to be printed in the *Government Gazette*. A copy of the Gazette is to be sent to the Minister for Local Government, the Minister for Environment and the Director General of the Department of Water and Environmental Regulation.
- (ii) State-wide notice is to be given that Council has made the Local Law.
- (iii) Immediately after gazettal the WA Parliament Joint Standing Committee on Delegated Legislation is to be given an Explanatory Memorandum – sealed and signed by the Chief Executive Officer and the Shire President.

Policy Implications

Nil

Financial Implications

There will be further costs involved with the printing of the Waste Local Law 2018 in the *Government Gazette* which have been incorporated into the 2018/19 annual budget under the following account:

- 2040240 OTH GOV – Advertising & Promotion

Once printed in the Government Gazette the Shire is also required to publish a state-wide public notice, which will also be charged to the above account.

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Our natural environment
Objective: S2.2 Sustainable resources
Strategy: S2.2.3 Improved waste management outcomes

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

The Shire of Chittering Waste Local Law 2018 will better allow for the control of storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.

Officer Comment/Details

The purpose and effect of the proposed Shire of Chittering Waste Local Law 2018 are stated as follows:

Purpose: The purpose of the Shire of Chittering Waste Local Law 2018 is to regulate the storage, collection and disposal of waste and recyclable materials in the Shire of Chittering.

Effect: The effect of the Shire of Chittering Waste Local Law 2018 is to allow the control of storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.

It is therefore recommended that Council adopts the proposed Waste Local Law 2018 as consented to by the Director General of the Department of Water and Environmental Regulation and the document is signed and sealed by the Shire President and Chief Executive Officer before submission to the *Government Gazette* for printing.

9.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031018

Moved Cr Ross /Seconded Cr Osborn

That:

- 1. Council adopts the proposed Shire of Chittering Waste Local Law 2018 as consented to by the Director General of the Department of Water and Environmental Regulation.**
- 2. The local law is signed and sealed by the Shire President and Chief Executive Officer.**
- 3. The Shire of Chittering Waste Local Law 2018 is sent to the State Law Publisher to be printed in the *Government Gazette*.**
- 4. Following gazettal, state-wide notification is to be given that Council has made the local law.**
- 5. Immediately after gazettal the WA Parliament Joint Standing Committee on Delegated Legislation is to be given an Explanatory Memorandum – sealed and signed by the Chief Executive Officer and the Shire President.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1
BY AN ABSOLUTE MAJORITY**

7:31PM

9.1.2 Proposed Home Business (Pet Grooming): Lot 191 (RN 51) Hereford Way, Lower Chittering*

| | |
|-------------------------------|--|
| Report date | 17 October 2018 |
| Applicant | Sabrina Syred |
| File ref | A4070; P056/18 |
| Prepared by | Planning Officer |
| Supervised by | Executive Manager Development Services |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | 1. Application 2. Schedule of Submissions |

Executive Summary

Council is requested to consider and determine a proposed Home Business (pet grooming) to operate from within an existing approved shed on Lot 191 (RN 51) Hereford Way, Lower Chittering. The application has been assessed as generally compliant with the requirements of a home business, however is required to be determined by Council due to an objection being received during the advertising period.

IMAGE 1: Location Plan



Background

The proposal consists of the applicant undertaking dog grooming six days a week (Tuesday – Sunday), within an existing outbuilding on the property. Details of the proposal are listed below:

- A 30m² area within the shed shall be used for all business related activities;
- No persons other than the applicant is to be employed;
- A maximum of three dogs will be attended to on any given work day;
- No more than one dog (excluding the land owners dogs) will be on the property at any one time;
- A maximum of six vehicle movements associated with the business will occur per working day, with all parking to be contained within the property; and
- No retail sale of products will occur from the premises.

The applicant has supplied confirmation that all dogs associated with the business will remain within the shed while being tended to.

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 for a period of 21 days. A total of six (6) letters were sent, with one objection being received. The main concerns outlined in the objection are summarised below:

1. Increased noise from barking dogs;
2. Inadequate details within the application relating to opening hours;
3. Wandering dogs; and
4. Increased traffic.

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

1. Impact from barking dogs should be minimal as they will not be kept in cages;
2. Opening hours will be from 9am – 5pm;
3. Dogs to be groomed will be contained within the shed. The property is surrounded by a fence which would contain any dogs in the event they escape from the shed; and
4. Increased traffic will only be relating to clients dropping off and picking up dogs. Parking will be contained on site and therefore only noticeable for a short period of time.

Full details of the objection and the applicant's response can be viewed in **Attachment 2**.

State

Not applicable

Internal

The application was referred to the Shire's Principal Environmental Health Officer (PEHO) for comment as the proposal will require waste water disposal from dog washing. The PEHO was satisfied the current waste water system was adequate to manage the additional waste water generated from business activities.

Legislative Implications

State

- Planning and Development (Local Planning Schemes) Regulations 2015

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

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

The proposed Home Business will be located in an existing outbuilding on the property which is considered to be compatible with development in the locality being a 60m² green Colorbond® shed. The development itself (Home Business) is also considered compatible with the locality as there is adequate separation distances from dwellings to assist with the amelioration of any potential noise impacts.

(n) *the amenity of the locality including the following —*
(ii) *social impacts of the development;*

Concern was raised in the objection that increasing the number of dogs on the property would cause excessive barking from dogs being groomed as well as other dogs within the vicinity, and that this would be detrimental to the amenity of residents.

Dogs being groomed are separated and will not interact with the registered dogs on the property. Furthermore, the applicant has advised only one dog (being groomed) will be on the property at any one time. Following assessment of the application including an on-site assessment and discussions with the landowners of Lot 191, officers are satisfied that limiting client dogs to one at a time will minimise the risk of any excessive dog barking.

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

The current access for Lot 151 is considered to have adequate sightlines for clients entering and exiting the property.

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

A large graveled parking area exists adjacent to the outbuilding. This area is considered to be sufficient for clients dropping off and picking up their dogs associated with the proposed Home Business.

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

The application proposes a maximum increase of six vehicle movements per day, from Tuesday to Sunday. It is not anticipated this increase will have a detrimental impact on the traffic flow or safety of residents within the Maryville Estate.

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

The advertising of the application generated one response from a nearby landowner. The concerns raised in the submission have been addressed within this report.

Local

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

'Home Business' is defined by the Shire of Chittering Local Planning Scheme No. 6 (LPS6) as:

a business, service or profession carried out in a dwelling or on land in the curtilage of a dwelling by an occupier of the dwelling which –

- does not employ more than two persons full time, or a part time or mixed full time and part time equivalent of two full time employees over the year, in any case where such employees are not members of the occupier's household;*
- will not cause injury to or adversely affect the amenity of the neighbourhood;*
- does not occupy an area greater than 50m² unless in the Agricultural Resource zone or Rural Smallholdings zone where the local government may permit an area up to 200m²;*
- does not involve the retail sale, display or hire of goods of any nature;*
- does not involve the provision for refuelling, repair or maintenance of motor vehicles;*
- in relation to vehicles and parking, will not result in traffic difficulties as a result of inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;*
- does not involve the use of an essential service of greater capacity than normally required in the zone; and*
- does not involve the display of a sign of more than 1.0m².*

Lot 191 is zoned 'Rural Residential' under LPS6.

Pursuant to Schedule 2 - Zoning Table of LPS6, a Home Business is a 'D' use within the 'Rural Residential' zone and as such, can be considered for approval by the Shire.

The proposal's compliance with the above LPS6 Home Business definition is justified through the following:

- The only employer is the applicant;
- Officers consider the proposal will not adversely affect the amenity of the neighbourhood given that dogs will be kept within the shed, be limited to one dog on the property at a time and fencing surrounding the property is secure;
- The area of shed to be utilised is no more than 30m²;
- There is no proposed retail sale of any products from the premises;
- The proposal does not include a vehicle associated with the business;
- Additional vehicles visiting the property and on-site parking has been addressed in this report and is not considered to create traffic difficulties in the neighbourhood;
- Additional water and electricity will be required to service the Home Business, but is not considered to be of an amount that would be inconsistent with the usage from a typical rural residential property; and
- Signage associated with the Home Business is proposed to not exceed 1.0m².

Policy Implications

State

Nil

Local

- Local Planning Policy 13 – Car Parking

Table 1 within *Local Planning Policy No. 13* - 'Car Parking Requirements' states a home business should provide one bay for every person employed who is not residing on site, plus one visitor bay. This is in addition to any requirement for parking in the specified zone. The rural residential zone does not have any provisions within LPS6 or a policy that requires a certain amount of parking spaces, therefore, the number of parking spaces required for the proposed home business would be one, to cater for customer parking. The graveled area, discussed earlier in the report is considered to be more than sufficient for the number of parking spaces required and to provide a turnaround area for visiting customers.

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

State

Nil

Site Inspection

A site inspection was undertaken by the planning staff to both the subject site as well as a neighbouring property from where the objection was received.

During the inspection, the following observations were made:

- The closest neighbouring residence is approximately 70m from the outbuilding where the Home Business is proposed;
- A moderate level of screening vegetation exists between neighbouring residences; and
- Fencing around the perimeter of the property appeared to be suitable to contain dogs.

Triple Bottom Line Assessment

Economic implications

Allowing dog grooming to be undertaken from the premises will reduce the need for the applicant to source another property and/or warehouse which typically attracts greater overhead costs. In addition to this, the operation of a small business within the Shire can provide economic benefits to the community at large.

In general terms, a Home Business can facilitate the establishment of a small business within the Shire, without the risk of considerable overheads encountered in a designated commercial area. If successful, and there is a need and a desire for a Home Business to expand, the transition can then be made for the business to operate from a more suitable commercial location.

Social implications

Historically barking dogs in the area has been raised as an issue by residents. Increasing the number of dogs to the area (albeit temporarily), may have the potential to exacerbate any existing issues regarding barking dogs. However this is a matter that is to be dealt with under the *Dog Act 1976*.

Environmental implications

Any waste water generated will be suitably processed through the existing effluent disposal system, thereby ameliorating any environmental implications.

Officer Comment/Details

The application proposes to locate a dog grooming Home Business within an existing, approved outbuilding on Lot 191 (RN 51) Hereford Way, Lower Chittering. The proposed business is consistent with the LPS6 definition of a Home Business and is a 'D' use in the 'Rural Residential' zone, which is able to be considered for approval.

The main concerns raised by a nearby landowner relates to increased noise from barking dogs as well as higher levels of traffic from owners dropping off and picking up dogs. However by limiting the number of dogs being groomed at any one time to one, and limiting customers to three a day, there is sufficient means available to mitigate the concerns raised. Additionally, this would better match the intention of the home business within LPS6 requirements. Given that dogs will be groomed within an outbuilding (only opening faces the street) creating a physical separation between the registered dogs on the property and the dog being groomed, barking is envisaged to be minimal.

It is noted that should a barking issues arise from the subject property (i.e. registered dogs to Lot 191 cause a barking nuisance), there are provisions in the *Dog Act 1976* that enables the Shire's Ranger Department to investigate into the matter, and take action if required. This could occur independently of any Development Approval granted by Council.

In relation to the traffic generated, the six vehicle movements (three clients dropping off and picking up their dogs) is not considered excessive for a rural residential area. Site visits conducted to the property also determined there is ample parking space for customers and sufficient site distances when exiting.

In light of the above, it is recommended that Council grant Development Approval for the proposed Home Business (dog grooming) subject to appropriate conditions.

9.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 041018

Moved Cr Gibson/Seconded Cr Tilbury

That Council grants Development Approval for a Home Business (Dog Grooming) on Lot 191 (RN 51) Hereford Way, Lower Chittering subject to the following Conditions:

- 1. All development shall be in accordance with the approved plans.**
- 2. Activities associated with the approved Home Business shall conform to the Shire of Chittering Local Planning Scheme No. 6 definition of 'Home Business' at all times to the satisfaction of the Shire unless otherwise stipulated by a condition of Development Approval.**
- 3. Activities associated with the approved Home Business shall be contained to an area not greater than 30m² within the existing outbuilding on the property as indicated on the approved plans to the satisfaction of the Shire.**
- 4. The approved Home Business shall only be operated by the residents of the subject property at all times to the satisfaction of the Shire.**
- 5. The approved Home Business shall be limited to receiving/grooming no more than three dogs per day, to the satisfaction of the Shire.**
- 6. Activities associated with the approved Home Business shall not occur outside of 9am to 5pm, Tuesday to Sunday inclusive, to the satisfaction of the Shire.**
- 7. The approved Home Business shall not display a sign of more than 1.0m² at any time. Any sign erected advertising the Home Business shall be within the subject property boundaries at all times to the satisfaction of the Shire.**
- 8. No more than one customer dog shall be permitted on the subject property at any time to the satisfaction of the Shire**

Advice Notes:

- 1. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An Application must be made within 28 days of the determination.**
- 4. The applicant is advised that the provisions of the Dog Act 1976 should be adhered to at all times with regard to the registered dogs for the property. Excessive barking can be investigated into under the Dog Act 1976 and enforcement action taken. Care should be taken that the approved Home Business does not create or intensify any barking issues with regard to the registered dogs for the property and any visiting dogs.**
- 5. The applicant is advised that the disposal of waste water generated from the approved Home Business is required to be connected to the existing effluent disposal system on the property, or other approved system in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.**
- 6. The applicant is advised that the use of any equipment associated with the Home Business is required to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:32PM

9.1.3 Proposed Amendment to Conditions of Development Approval - 40m high NBN and Telstra monopole: Lot 12383 Forrest Hills Parade, Bindoon (Bell Hill Reserve - 44213)*

| | |
|-------------------------------|---|
| Report date | 17 October 2018 |
| Applicant | Aurecon Pty Ltd on behalf of NBN Co. |
| File ref | A10088 |
| Prepared by | Senior Planning Officer |
| Supervised by | Executive Manager Development Services |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | 1. Council Minutes - 20 June 2018 2. Applicant's Request for Modifications |

Executive Summary

Council is requested to consider and determine an application to amend two (2) conditions of the Development Approval issued by Council in June 2018 for a 40m high telecommunication monopole on Lot 12383 Forrest Hills Parade, Bindoon. The two conditions requested to be amended relate to landscaping of the site and the transference of DFES paging equipment from an existing mast to the proposed monopole.

As the Development Approval was issued by Council, any requested amendments to the approval are required to be presented to Council for determination.

IMAGE 1: Location Plan



Background

At its Ordinary Council Meeting held 20 June 2018, Council considered an application to extend the term of a Development Approval for the construction of a 40m high telecommunication monopole and associated infrastructure on Lot 12383 Forrest Hills Parade (Bell Hill Reserve). Council subsequently resolved as follows:

"9.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040618

Moved Cr Tilbury/Seconded Cr Osborn

That Council:

- 1. Approve the application to extend the period for a further two years within which development approval must be substantially commenced for a telecommunications facility (40m high monopole and associated infrastructure) on Lot 12383 Forrest Hills Parade, Bindoon.*

2. *Issue an amended Development Approval for the proposed telecommunications facility (40m high monopole and associated infrastructure) on Lot 12383 Forrest Hills Parade, Bindoon subject to the following Conditions:*

Conditions:

- a. *All development shall be in accordance with the approved plans.*
- b. *A Landscape Management Plan shall be submitted to and approved by the Shire to the specifications of Chittering Landcare prior to the completion of construction of the proposed development. The Landscape Management Plan shall make provision for the planting of at least 50 native trees within Lot 12383 and their ongoing maintenance for a period not less than two summers and the Plan shall address the following:*
 - i. *screening planting;*
 - ii. *firebreak upgrades;*
 - iii. *weed control;*
 - iv. *removal of dead trees; and*
 - v. *protection of trees from kangaroos.*
- c. *The approved Landscape Management Plan shall be implemented by the proponent within three months of the proposed development being constructed to the satisfaction of the Shire.*
- d. *The proponent shall provide an environmental report to the Shire prepared by a suitably qualified consultant detailing the vegetation required to be removed to accommodate the proposed development and whether any vegetation being removed is likely to be habitat to any threatened and/or endangered fauna, prior to commencement of works on site. The report shall make provision for the installation of roosting/nesting boxes being provided if the vegetation to be removed is determined to be threatened and/or endangered species habitat.*
- e. *The measures of the environmental report shall be implemented by the proponent within three months of the completion of construction of the proposed development to the satisfaction of the Shire.*
- f. *Any soils deposited or land disturbed on site shall be stabilised and/or remediated to the satisfaction of the Shire to avoid erosion prior to and at all times during the construction of the proposed development.*
- g. *All stormwater from the proposed development and associated access track shall be suitably managed and contained on site to the satisfaction of the Shire.*
- h. *The proposed development site shall be made free from all rubbish/litter immediately following the completion of construction of the proposed development to the satisfaction of the Shire.*
- i. *The existing Department of Fire and Emergency Services telecommunications equipment on Lot 12383 shall be suitably co-located on the proposed development by the proponent to the specifications of the Department of Fire and Emergency Services to the satisfaction of the Shire prior to the use and/or operation of the proposed development.*
- j. *A new crossover and internal accessway shall be located and constructed to the Shire's specifications at the proponent's cost prior to commencement of construction of the proposed development.*
- k. *The Development Approval granted by Council on 18 May 2016 for telecommunication infrastructure on Lot 12383 Forrest Hills Parade, Bindoon is hereby invalidated by this approval.*
- l. *This Development Approval is valid for a period of two years commencing from the date of issue by Council.*

Advice Notes:

- i. *With regard to Condition 2.d. and 2.e., 'threatened and/or endangered' species are those listed as such under the Wildlife Conservation Act 1950 or the Environmental Protection and Biodiversity Conservation Act 1999.*
 - ii. *With regard to Condition 2.g., it is acknowledged that retention of all stormwater from the access track on site may not be possible and in this instance, the proponent should contact the Shire to arrange an alternate solution which may include connection to the roadside drainage network.*
 - iii. *The proponent is required to comply with the Aboriginal Heritage Act 1972 with respect to disturbing Aboriginal Heritage Sites. It is recommended that the proponent liaise and engage with the South West Land and Sea Council regarding Aboriginal Heritage prior to any works being undertaken on site.*
 - iv. *The proponent is advised of the requirements for the clearing of native vegetation under the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*
 - v. *Noise emitted from the proposed development is required to comply with the Environmental Protection (Noise) Regulation 1997 at all times.*
 - vi. *The proponent is recommended to consult with the Civil Aviation Safety Authority and the Royal Australian Air Force prior to construction of the proposed development to ensure compliance with relevant aviation legislation.*
 - vii. *With regard to Condition 2.l., the proponent is advised that this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing) that may be granted by the local government. Where Development Approval has lapsed, no further development is to be carried out.*
 - viii. *The proponent has a right of review to the State Administrative Tribunal should the proponent be aggrieved by the Council's decision. Such a review should be lodged to the State Administrative Tribunal within 28 days of Council's decision.*
3. *Following the issuance of the Development Approval referred to in Resolution 2. above, instruct the Chief Executive Officer to apply to the Department of Lands to:
 - a. *Excise a portion (118m² compound and separate access easement) of Bell Hill Reserve; and*
 - b. *Re-reserve the 118m² excised portion of reserve for the purpose of 'Telecommunication Infrastructure' with the power for the Shire to lease to a third party.**
 4. *Following the creation of the new 118m² reserve in accordance with Resolution 3. above, instruct the Chief Executive Officer to enter into a lease agreement between the Shire and the proponent for the ongoing use of the 118m² reserve with the lease agreement to be prepared by the proponent's solicitor and all costs associated with the preparation of the lease agreement to be borne by the proponent to the satisfaction of the Shire.*
 5. *Instruct the Chief Executive Officer to allocate revenue generated from the lease agreement entered into in accordance with Resolution 4 above, into the Shire's Public Open Space reserve account.*

6. *Authorises the Shire President and the Chief Executive Officer to sign and affix the Shire's common seal to all relevant documents relating to the lease agreement entered into in accordance with Resolution 4. above.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1
CRS HOUSTON, OSBORN, KING, TILBURY, ROSS AND ANGUS VOTED IN FAVOUR
CR GIBSON VOTED AGAINST"*

A copy of the Council report upon which the above determination was made has been provided as an attachment to this report (**Attachment 1**).

Following Council's above resolution, the applicant has contacted the Shire to express the difficulties they are experiencing in complying with Conditions c) and i), in particular the timing requirements attached to both of these conditions. Following liaison with Shire staff and unsuccessfully exploring potential options to ensure compliance with the conditions, the applicant has submitted an Application for Development Approval to modify the subject two conditions as follows:

Condition c)

'The approved Landscape Management Plan shall be implemented by the proponent within six (6) months of the proposed development being constructed to the satisfaction of the Shire'.

Condition i)

'Provision must be made on the proposed development to enable the paging equipment to be co-located on the proposed development to the specifications of the Department of Fire and Emergency Services. The existing telecommunications mast on lot 12383 shall be suitably decommissioned to the satisfaction of the Shire within three (3) months of the use and/or operation of the proposed development, or as otherwise agreed in writing by the Shire.'

The formal request from the applicant requesting a modification of the conditions is provided in **Attachment 2** of this report.

Condition c) is the requirement for an approved Landscape Management Plan to be implemented within 3 months of the telecommunications monopole being constructed. The applicant has indicated that the infrastructure is likely to commence construction in January 2019 and completed shortly after (approximately 4 weeks). Subsequently and in accordance with Condition c), the Landscape Management Plan is required to be implemented 3 months following this time which results in plantings occurring in approximately mid-Autumn. The applicant's request is to extend the implantation of the Landscape Management Plan to 6 months after the construction of the monopole to enable plantings to occur at a more seasonally appropriate time.

Condition i) is the requirement for the existing Department of Fire and Emergency Services (DFES) telecommunications equipment on the subject lot to be co-located on the monopole prior to the use/or operation of the monopole. The applicant has indicated that the DFES telecommunications equipment (pager) is operated by Vodafone Hutchinson Australia (VHA) on behalf of DFES. As the DFES paging equipment is not operated/controlled by NBN, but a separate entity, the timing for the relocation of the equipment onto the monopole is not something the proponent can completely control. The applicant's request is for the timing of the paging equipment to be relocated to be extended to 3 months following use/operation of the monopole.

The application to be determined by Council is for the modification to Condition c) and i) of the Development Approval issued 20 June 2018 for a 40m high telecommunication monopole on Bell Hill Reserve.

Consultation/Communication Implications

Local

Pursuant to Sch. 2, Pt. 9, Cl. 77(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), an application for Development Approval which seeks to amend a condition of an existing Development Approval is not required to be advertised if the local government is satisfied that the application relates to a minor amendment.

In this instance the modifications being proposed to the Development Approval are minor as they only relate to the timing of the two subject conditions being implemented. They do not change Council's overall requirements for this facility.

State

As stated above, the requirement for consultation with State authorities under the Regulations is not required if the modifications are considered to be minor and do not affect previous advice provided. The proposed modifications are of a nature that do not warrant re-referral to any state authority.

Legislative Implications

State

- The *Planning and Development (Local Planning Schemes) Regulations 2015* dictate the process for modifications to be made to an existing Development Approval.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.1 - Economic growth and S4.2 - local business growth

Action: 'Continue to advocate for improved access to the NBN and better mobile phone coverage.'

State

Nil

Site Inspection

Site inspection undertaken: Yes. A site inspection was undertaken by officers prior to the application being considered by Council at its 20 June 2018 meeting. It can be verified that the nature of the soil/terrain being dry and rocky on Bell Hill Reserve would present challenges regarding landscaping.

Triple Bottom Line Assessment

Economic implications

The proposed development (telecommunications) monopole has the capacity to assist the growth of existing businesses and promote further businesses being established within the locality, including the Bindoon Townsite, through increased communication connectivity.

The modification of the subject conditions would assist the proponent in achieving the above.

Social implications

The modifications to the conditions are not anticipated to result in negligible social impacts as the ultimate development is not proposing to change, only the timing of such.

Environmental implications

The implementation of a Landscaping Management Plan within 6 months of the telecommunication monopole being constructed (as opposed to 3 months) is likely to increase the survival rate of any plantings proposed as the plantings would occur within the winter months.

Officer Comment/Details

The application requests the modification to Conditions c) and i) of the Development Approval issued on 20 June 2018 for a 40m high monopole on Bell Hill Reserve. Of relevance to this application is the Regulations, which dictate the process for any modification to a Development Approval. The following outlines the requirements of the Regulations.

Sch. 2, Pt. 9, Cl. 77 of the Regulations - 'Amending or cancelling development approval'

In assessing the current application for a modification of two conditions, Sch. 2, Pt. 9, Cl.77 (1)(a) of the Regulations is pertinent which states:

'(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following -

(b) to amend or delete any condition to which the approval is subject;

Further to the above, Sch. 2, Pt. 9, Cl. 77 (2) of the Regulations states:

'(2) An application under subclause (1) -

- (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
- (b) may be made during or after the period within which the development approved must be substantially commenced.'*

The above provisions of the Regulations allow modifications to be made to any Development Approval granted by the Local Government. Furthermore, Sch. 2, Pt. 9, Cl. 77 (3) of the Regulations states:

'(3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.'

Pursuant to the above, there is discretion that can be applied towards the advertising requirements (Part 8) for the subject application. Given the minor nature of the modifications, and as a full consultation process was undertaken within the past five months, re-advertising of the application is not considered warranted and can be determined by Council as presented.

Condition c) - Implementation of Landscape Management Plan

Condition c) of the current Development Approval requires that a Landscape Management Plan be implemented within 3 months of the monopole being constructed. Following liaison with the applicant, it is understood that all the necessary approvals have been obtained (i.e. Council Development Approval and Department of Aboriginal Affairs) for a Certified Building Permit to be lodged with the Shire and construction to commence in January 2019. The timing of the construction of the monopole and completion in approximately February 2019, equates to the Landscaping Management Plan being implemented within the autumn months which is not conducive to successful plantings due to the lack of rainfall. On-site watering options were investigated by the applicant, however were considered to bear an unreasonable financial burden. The applicant also liaised with the Muchea Nursery who did not favour the timing of the plantings imposed by the Development Approval.

It is acknowledged that the current Development Approval issued for the construction of the monopole has a two year validity period which expires in June 2020. As such, a hypothetical scenario could see the monopole substantially commence construction in May 2020 and the Landscape Management Plan implemented within the 3 months following, without the need for a modification to the condition. This would see landscaping of Bell Hill Reserve occur 12 months later than what is proposed by the applicant.

Given the above, the request to extend the period within which the Landscape Management Plan shall be implemented is not considered unreasonable or unwarranted. The original condition for the plantings on Bell Hill Reserve is to achieve a net environmental gain and to allow the plantings to occur at a season appropriate time, facilitates this objective. Furthermore, the extension of the timeframe to six months does not modify the ultimate development approved by Council and as such, it is recommended that Council amend the condition as requested.

Further to the above and to provide additional clarity to the starting of the required timeframe (i.e. start of the 6 months) for the implementation of the Plan, it is recommended that the condition be modified further as follows:

Condition c) - 'The approved Landscape Management Plan shall be implemented by the proponent within six (6) months of the completion of construction of the proposed development to the satisfaction of the Shire.'

Condition i) - Relocation of DFES Telecommunication Equipment

Condition i) of the current Development Approval requires that the existing DFES paging equipment to be relocated from its current mast (on Bell Hill Reserve), onto the proposed monopole.

This condition stems from the original 2016 Development Approval whereby the requirement was listed as an 'advice note'. An 'advice note' however, cannot be enforced and therefore, the Shire did not possess the statutory powers to ensure the relocation occurred. This was amended by Council in 2018 and included as a 'condition' of Development Approval to ensure that this relocation could be enforced.

Following investigation from the applicant, it has been identified that the DFES paging equipment is operated by Vodafone Hutchinson Australia (VHA), a separate commercial entity to the proponent. Compliance with the condition as it stands requires the involvement and cooperation of VHA, who are under no statutory obligations to undertake any relocation works under the Development Approval. As compliance with the condition cannot solely be satisfied by the proponent and relies on a third party, it is considered to be *ultra vires* and not a valid planning condition.

The applicant has requested a modification to Condition i) that extends the timeframe within which the relocation of the existing DFES paging equipment is to be co-located on the monopole. Given the above questions the validity of the condition, it is recommended that Condition i) be modified further from the applicant's request, to remove the requirement for the co-location to occur, and only impose the requirement for provision being made for the co-location to occur. The actual co-location of the pager equipment can be recommended to occur through an advice note on the Development Approval. This would ensure that the co-location of the equipment can occur when the appropriate arrangements have been made between the applicant and VHA.

Pursuant to the above, a revised condition i) and associated advice note are recommended as follows:

Condition i) - 'Provision shall be made on the proposed development to enable the existing Department of Fire and Emergency Services paging equipment on Lot 12383 to be co-located on the proposed development to the specifications of the Department of Fire and Emergency Services to the satisfaction of the Shire.'

Advice Note - 'With regard to Condition i), the applicant is recommended to liaise with the owner/operator of the DFES paging equipment on the existing telecommunications mast on lot 12383 to facilitate the timely co-location of the paging equipment onto the approved development and the decommissioning of the existing infrastructure.'

In light of the above, it is recommended that the applicant's request be approved subject to the officer's proposed modifications, and an amended Development Approval is issued.

9.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 051018

Moved Cr Osborn/Seconded Cr Tilbury

That Council:

- 1. Approve the Application for Development Approval to modify Condition c. and i. of the Development Approval issued 20 June 2018 for a telecommunications facility (40m high monopole and associated infrastructure) on Lot 12383 Forrest Hills Parade, Bindoon, subject to modifications.**
- 2. Issue an amended Development Approval for the proposed telecommunications facility (40m high monopole and associated infrastructure) on Lot 12383 Forrest Hills Parade, Bindoon subject to the following conditions:**
 - a. All development shall be in accordance with the approved plans.**
 - b. A Landscape Management Plan shall be submitted to and approved by the Shire to the specifications of Chittering Landcare prior to the completion of construction of the proposed development. The Landscape Management Plan shall make provision for the planting of at least 50 native trees within Lot 12383 and their ongoing maintenance for a period not less than two summers and the Plan shall address the following:**
 - i. screening planting;**
 - ii. firebreak upgrades;**
 - iii. weed control;**
 - iv. removal of dead trees; and**
 - v. protection of trees from kangaroos.**
 - c. The approved Landscape Management Plan shall be implemented by the proponent within six (6) months of the completion of construction of the proposed development to the satisfaction of the Shire.**
 - d. The proponent shall provide an environmental report to the Shire prepared by a suitably qualified consultant detailing the vegetation required to be removed to accommodate the proposed development and whether any vegetation being removed is likely to be habitat to any threatened and/or endangered fauna, prior to commencement of works on site. The report shall make provision for the installation of roosting/nesting boxes being provided if the vegetation to be removed is determined to be threatened and/or endangered species habitat.**
 - e. The measures of the environmental report shall be implemented by the proponent within three months of the completion of construction of the proposed development to the satisfaction of the Shire.**
 - f. Any soils deposited or land disturbed on site shall be stabilised and/or remediated to the satisfaction of the Shire to avoid erosion prior to and at all times during the construction of the proposed development.**
 - g. All stormwater from the proposed development and associated access track shall be suitably managed and contained on site to the satisfaction of the Shire.**
 - h. The proposed development site shall be made free from all rubbish/litter immediately following the completion of construction of the proposed development to the satisfaction of the Shire.**
 - i. Provision shall be made on the proposed development to enable the existing Department of Fire and Emergency Services paging equipment on Lot 12383 to be co-located on the proposed development to the specifications of the Department of Fire and Emergency Services to the satisfaction of the Shire.**
 - j. A new crossover and internal accessway shall be located and constructed to the Shire's specifications at the proponent's cost prior to commencement of construction of the proposed development.**

- k. The Development Approval granted by Council on 20 June 2018 for telecommunication infrastructure on Lot 12383 Forrest Hills Parade, Bindoon is hereby invalidated by this approval.
- l. This Development Approval is valid for a period of two years commencing from 20 June 2018.

Advice Notes:

- 1. With regard to Condition d. and e., 'threatened and/or endangered' species are those listed as such under the Wildlife Conservation Act 1950 or the Environmental Protection and Biodiversity Conservation Act 1999.
- 2. With regard to Condition g., it is acknowledged that retention of all stormwater from the access track on site may not be possible and in this instance, the proponent should contact the Shire to arrange an alternate solution which may include connection to the roadside drainage network.
- 3. The proponent is required to comply with the Aboriginal Heritage Act 1972 with respect to disturbing Aboriginal Heritage Sites. It is recommended that the proponent liaise and engage with the South West Land and Sea Council regarding Aboriginal Heritage prior to any works being undertaken on site.
- 4. The proponent is advised of the requirements for the clearing of native vegetation under the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- 5. Noise emitted from the proposed development is required to comply with the Environmental Protection (Noise) Regulation 1997 at all times.
- 6. The proponent is recommended to consult with the Civil Aviation Safety Authority and the Royal Australian Air Force prior to construction of the proposed development to ensure compliance with relevant aviation legislation.
- 7. With regard to Condition l., the proponent is advised that this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from 20 June 2018, or within any extension of that time (requested in writing) that may be granted by the local government. Where Development Approval has lapsed, no further development is to be carried out.
- 8. The proponent has a right of review to the State Administrative Tribunal should the proponent be aggrieved by the Council's decision. Such a review should be lodged to the State Administrative Tribunal within 28 days of Council's decision.
- 9. With regard to Condition i., the applicant is recommended to liaise with the owner/operator of the DFES paging equipment on the existing telecommunications mast on Lot 12383 to facilitate the timely co-location of the paging equipment onto the approved development and the decommissioning of the existing infrastructure.

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1
CR GIBSON VOTED AGAINST THE MOTION**

7:35PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

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

| | |
|------------------------|--|
| Report Date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 12/03/4 |
| Prepared by | Finance 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 September 2018 |

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 September 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 August 2018" is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 061018

Moved Cr Ross /Seconded Cr Angus

That Council:

- 1. Endorse the Accounts Paid:**
 - a. PR4547, PR4593**
 - b. EFT16663 – EFT16813**
 - c. Direct Debits and Transfers as listed**
 - d. Trust Fund payments as listed**

Totalling \$778,432.64 for the period ending 30 September 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:35PM

9.4 CHIEF EXECUTIVE OFFICER

Cr Ross declared an Impartiality Interest in that she is a member of the Executive of the Chittering Tourist Association; where she is the representative of the Bindoon Farmers Market with no financial interest.

Cr Osborn declared the following:

1. Financial – as a part owner of Wootra Farm Bed and Breakfast, a member of the Chittering Tourist Association and appear in the annual planner. Wootra Farm (of which he is a part-owner) also sells preserves through the Chittering Tourist Association shop.
2. Impartiality – is the nominated Council Delegate to the Chittering Tourist Association and a closely associated person has interests in this matter – his wife is also a member on the Chittering Tourist Association (in the position of President) and is part owner of Wootra Farm Bed and Breakfast.

The Department of Local Government have formally advised that:

“You may wish to consider the application of section 5.68 of the Act (if you haven’t already) which provides the power for the other Councillors to allow Cr Osborn to participate in the Council meeting (and decide on the extent of his participation i.e. whether he can vote). The Councillors may allow Cr Osborn to participate if they determine that his interest is so trivial or insignificant that it is unlikely to influence his conduct in relation to the adoption of the budget. The Council’s decision is to be recorded in the minutes of the meeting.”

In accordance with Council Resolution 200618 Cr Osborn is allowed to participate in debate and vote on matters involving the Chittering Tourist Association:

9.4.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200618

That Council in accordance with the Local Government Act 1995, Section 5.68 allow Cr Osborn to participate in debate and vote in regard to matters involving the Chittering Tourist Association on the basis that the extent of the Financial Interest as declared by Cr Osborn is so trivial or insignificant as to be unlikely to influence Cr Osborn’s conduct in regard to matters involving the Association.

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 4/3
CRS HOUSTON, TILBURY AND ROSS VOTED IN FAVOUR
CRS KING, ANGUS AND GIBSON VOTED AGAINST
AS THE VOTE WAS TIED CR HOUSTON CAST HIS DECIDING VOTE IN FAVOUR*

9:44PM

9.4.1 Memorandum of Understanding: Chittering Tourist Association Inc.

| | |
|-------------------------------|----------------------------------|
| Report date | 17 October 2018 |
| Applicant | Chittering Tourist Association |
| File ref | 04/18/98 |
| Prepared by | Economic Development Coordinator |
| Supervised by | Chief Executive Officer |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | Nil |

Executive Summary

Council is requested to consider extending the lease agreement at 6180 Great Northern Highway, Bindoon, for a further six-month period, and defer the approval of the Memorandum of Understanding between the Chittering Tourist Association (CTA) and the Shire of Chittering until the outcome of the Facilities Management Review (particularly as it relates to the CTA) is reported to Council in November 2018.

Background

At the Ordinary Council Meeting held on 19 July 2017 Council resolved:

2. *That the Chief Executive Officer draft a Memorandum of Understanding with the Chittering Tourist Association for Council consideration.*

Further to the above, at the Ordinary Council Meeting held on 16 May 2018 Council resolved:

That Council:

1. *Authorise the Shire President and Chief Executive Officer to extend the current lease with the Chittering Tourist Association from 28 May 2018 to 30 November 2018.*
2. *Note that Shire staff will provide a Draft Memorandum of Understanding and Lease Document for consideration by Council prior to the expiry of the extended lease.*

In May 2018 it was resolved that Council extend the lease with the Chittering Tourist Association (Inc.) at 6180 Great Northern Highway, Bindoon for six month period. In addition to this, a Draft Memorandum of Understanding and Lease Documents were requested for consideration by Council prior to the expiry of the extended lease.

John Ravlich from Ravim RBC is currently consulting with the Shire to provide a Facilities Management Review, due to be presented to Council in November. There may well be additional work which comes out of this process and which will need to be taken into account prior to finalising any documentation associated with the CTA.

This Facilities Management Review will recommend renewing Lease Agreements and Service Level Agreements for all user groups to fit within a prescribed framework. It would be appropriate to produce a Lease Agreement and an MOU document that aligns with those recommendations. In addition, as the MOU with the CTA is effectively a Service Level Agreement, the intention is to rename it accordingly.

Separately, the Shire has written to both the CTA and BEAT advising that, with effect from 1 November 2018, revenue associated with caravans using the transit park or the oval will no longer be available to those organisations. The facilities which are used by caravans and groups for overnight stays are operated, maintained and cleaned by the Shire. It therefore follows that the revenue should be returned to the Shire to assist with the upkeep of these facilities.

In the past, we have been unable to separately meter the electricity which is used by the caravans, however that has since been resolved. The cost of electricity which is used for overnight stays will, in the future, be met by the Shire.

It is proposed that the CTA continue to take bookings for transit park and, in return for the booking service, the Association will retain a fixed percentage of that revenue as a booking fee. If caravaners wish to use the facilities in the Hall, then there is nothing to stop BEAT billing them separately for this. It is assumed that BEAT would organise such arrangements directly with the CTA.

Prior to 1 November, staff will make arrangements for appropriate records to verify the transactions. Ultimately we will want to implement an on-line booking system which we would hope to have up and running in the New Year.

Consultation/Communication Implications

Local

Chittering Tourist Association Inc.
Chief Executive Officer

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

- *Administration Policy 1.5 Execution of Documents*

Financial Implications

Nil

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*

| | |
|-------------|---|
| Focus area: | Our community |
| Objective: | S1.2 Strong sense of community |
| Strategy: | S1.2.1 Actively support community, volunteer groups and networks S1.2.2 Strengthen and grow social events and festivals S1.2.3 Activate our local centres and towns |
| 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 |
| Objective: | S4.3 Increased visitors |
| Strategy: | S4.3.2 Support and grow events to attract visitation S4.3.3 Facilitate, promote and support ecotourism |
| Focus area: | Strong Leadership |
| 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

The promotion of a vibrant and dynamic tourism sector is vital to the economy of the Chittering region and to the creation of local jobs and employment.

Social implications

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

Environmental implications

Not Applicable.

Officer Comment/Details

Council is requested to consider extending the lease agreement at 6180 Great Northern Highway, Bindoon, for a further six-month period, without an updated Lease Agreement or Service Level Agreement. The Draft MOU, in the form of a Service Level Agreement, will be presented to Council following the November (Facilities Management Review) Report to Council.

9.4.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 071018

Moved Cr Tilbury/Seconded Cr King

That Council extend the lease agreement with the Chittering Tourist Association (Inc.) at 6180 Great Northern Highway, Bindoon for a further six months.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:37PM

9.4.2 Request for Financial Assistance: Lions Cancer Institute, Children's Christmas Day Out*

| | |
|-------------------------------|--|
| Report Date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 15/01/7 |
| Prepared by | Community Development Officer |
| Supervised by | Chief Executive Officer |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | 1. Letter of Request 2. Flyer for Christmas Big Day Out |

Executive Summary

Council is requested to consider the request for funding from the Lions Cancer Institute for their Annual Special Children's Christmas Big Day Out. This application falls outside of the application period for Community Assistance Grants and Sponsorship Funding and is over the \$500 threshold, and therefore requires approval of Council.

Background

Each year Council allocates funding to Community Groups and Sporting groups for projects and events benefiting the local community. In 2018/19 there will be two rounds of funding. The first round of funding was allocated in July. The second round of funding applications is due to open in October, closing in November, for allocation in December.

Lions Cancer Institute is seeking financial assistance from Council to support 10 local children to attend their annual Special Children's Christmas Big Day Out (**Attachment 1**). The event is for Terminally Ill, Handicapped and Disabled Children. The Institute requires the funding before the next round of funding is allocated (**Attachment 2**).

Consultation/Communication Implications

Nil

Legislative ImplicationsState

Nil

Local

Nil

Policy ImplicationsLocal

- *Policy 2.8 – Requests for Assistance and / or Donations*
Policy 2.8 states that requests for donations over five hundred dollars (\$500) will be presented to Council in the form of a Council Agenda Report for determination.

Financial Implications

There are no financial implications as additional funding has been included in the 2018/19 Annual Budget for additional requests. As this is a donation to a registered charity the money is fully tax deductible.

Strategic Implications

Local

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The allocation of funding will greatly impact on the mental health and wellbeing of the children in our community, who through no fault of their own, are not always afforded the pleasures of a normal childhood.

Environmental implications

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

Officer Comment/Details

Council is requested to endorse the Officer Recommendation to allow for the 10 local children to enjoy the "Special Children's Christmas Big Day Out" event, which is being held on 22 December 2018.

9.4.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081018

Moved Cr Ross/Seconded Cr Gibson

That Council approves the allocation of \$1,000 from GL 2110718.2700 for the Lions Cancer Institute to be used to fund 10 local children to attend their Special Children's Christmas Big Day Out on 22 December 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:37PM

9.4.3 Adoption of Corporate Business Plan 2017-2021*

| | |
|------------------------|--------------------------------------|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 04/01/1 |
| Prepared by | Chief Executive Officer |
| Supervised by | Shire President |
| Disclosure of interest | Nil |
| Voting requirements | Absolute Majority |
| Attachments | 1. Corporate Business Plan 2017-2021 |

Executive Summary

At the Ordinary Council Meeting on 20 June 2018, Council resolved to receive the Draft Corporate Business Plan 2017-2021 and to adopt a final version of the plan following a review of the long term financial plan. Finalisation of the plan has been delayed while a way forward has been identified for the major projects contained within the plan; principally the Lower Chittering Sports and Recreation Facility and the Lifestyle Village / Caravan Park development in Bindoon.

In respect of the Lower Chittering Sports Facility, it is proposed that a significant proportion of the funding is derived from other funding partners, with 40-50% of the project costs being subject to successful Federal Government Grants Applications. In addition, Council has reserve funds which would be allocated to the project. Overall, the level of loan borrowings would be quite modest.

In relation to the Lifestyle Village Development it is proposed to seek expressions of interest from the Private sector for the delivery and operation of the facility. Under such an arrangement, Council would provide the land on a long term lease arrangement, resulting in a future revenue stream. As a result, the up-front capital investment is restricted to the re-purchasing the WA retirees site.

The Corporate Business Plan is therefore focused largely on meeting the requirements as identified in the various Asset Management Plans (Roads, Buildings and Fleet), with other more modest and affordable projects making up the balance of the Plan.

The review of the Long Term Financial Plan has not been finalised at this time; the consultant who is assisting with this work is not in a position to finalise the review prior to the October Council Meeting. It is proposed that the Long Term Financial Plan be presented to Council at its November Meeting, including a pre-briefing on the day of the Agenda Forum.

This presents no issues for Council as the current year of the plan is already encompassed in the budget. Any modifications to the Corporate Business Plan, which are expected to be minor in nature, can be dealt with in the lead-up to the 2019/20 budget process.

Council is therefore requested to adopt the Shire of Chittering Corporate Business Plan 2017-2021. The Plan has been prepared on the basis of what is considered both practical and affordable.

Background

Under the *Local Government Act 1995*, Councils have the general power to provide for the good governance of the people in their district. An essential part of the governance process is for Councils to determine exactly what services and infrastructure is required by residents and ratepayers through the process of preparing and enacting a Strategic Community Plan. Council's Strategic Community Plan 2012-2022 was reviewed in late 2016 / early 2017 and covers the ten year period from 2017 to 2027.

Council is required to update and review its planning documents on a regular basis and this review of the 'Corporate Business Plan 2015-2019' is part of that process. Council's Corporate Business Plan is a medium term (2017-2021) plan, which sets out the medium term priorities for Council based on the strategic direction and goals as articulated in the 'Strategic Community Plan 2017-2027'.

This version of the Corporate Business Plan is based on detailed 10 year asset plans (roads, buildings and fleet) and the development of a 10 year capital program based on dialogue and discussion with a range of community groups, associations and Council. Formal and informal dialogue has occurred as part of the Community Strategic Plan process and as an integral part of ongoing community engagement.

In terms of asset management, it is important to note that the Road Network Program has been reduced from \$25.2m to \$21.1m over the next 10 years through better asset management practices and more efficient use of resources. Similarly, fleet replacement costs have been reduced from \$12.3m over the next 10 years to \$3.7m through improved fleet management systems and procurement. This has provided the ability for Council to invest in community building infrastructure which will assist in securing a sustainable future for current and future generations.

The Corporate Business Plan guides the formation of the annual budget and is reflective of community aspirations with regard to the provision and maintenance of services and facilities within the Shire. However, the Corporate Business Plan does not commit the Council to funding or proceeding with a particular project; that can only be done through the annual budget process. Nonetheless, it is a very important tool for planning and shaping future investment priorities.

Considerable time and effort has gone into preparing an affordable and realistic Plan with real project activities that reflect the aspirations and priorities of the community. In the future, it is intended that the Corporate Business Plan be updated on an annual basis as part of the budget process; ensuring that it remains relevant and current in terms of setting a future investment path and priorities for Council.

Consultation/Communication Implications

Local

Community consultation associated with the 'Strategic Community Plan 2017-2027' was undertaken between September and December 2016. A range of formal and informal consultation processes have been underway since that time. Councillors have been consulted via a number of briefing sessions, the most recent of these being held in June 2018.

Legislative Implications

State

- Local Government Act 1995
5.56. Planning for the future
 - (1) A local government is to plan for the future of the district.
 - (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.
- Local Government (Administration) Regulations 1996
19DA. Corporate business plans, requirements for (Acts. 5.56)
 - (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
 - (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

- (3) *A corporate business plan for a district is to—*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Local

Nil

Policy Implications

There are no direct policy implications. The effect of a Corporate Business Plan is to set the direction for the organisation and to determine the medium term priorities for the future.

Financial Implications

There is no direct financial implication from the adoption of a Corporate Business Plan, however the purpose of such a plan is to guide the allocation of resources and assist Council with its annual budget process.

Strategic Implications

This Corporate Business Plan sets the medium term strategic direction for Council and provides guidance for the allocation of priorities and resources. The '*Corporate Business Plan 2017-2027*' is based on the longer term strategies as articulated in the '*Strategic Community Plan 2017-2027*' and a number of supporting plans previously adopted by Council such as the:

- Community Development Plan 2014-2024
- Sport and Recreation Plan 2012-2022
- Chittering Trails Network Master Plan 2012-2023
- Community Safety and Crime Prevention Plan 2016-2019
- Disability Access and Inclusion Plan 2017-2022
- Communication Plan 2012
- Aged Friendly Community Plan 2016-2019.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Economic development and job creation is a strong focus in the revised plan.

Social implications

An inclusive, safe and healthy community is a strategic priority within the plan.

Environmental implications

Protection of the environment and biodiversity continues to be a strong focus.

Officer Comment/Details

While the Corporate Business Plan is an essential medium term (5 Year) planning document, it is important to note that the adoption of such a plan does not commit Council to funding particular projects or initiatives; that can only occur as part of the annual budget process or specific project reports.

9.4.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 091018

Moved Cr Osborn/Seconded Cr Ross

That Council resolves to adopt the Corporate Business Plan 2017-2021 as per Attachment 1.

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

7:38PM

9.4.4 Policy Register Amendment: Policy 3.18 Vehicle Use*

| | |
|---------------------|--|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 04/03/1 |
| Prepared by | Chief Executive Officer |
| Supervised by | Shire President |
| Voting requirements | Simple Majority |
| Attachments | 1. "Draft" Policy 3.18 Use of Council Vehicles 2. Table of Vehicle Values (Attachment to Policy 3.18) |

Executive Summary

The purpose of this report is to propose a revised Vehicle Use Policy following further consultation with Councillors regarding this matter. The revised Policy is designed to provide more cost effective arrangements for the management of the Shire's light fleet.

Background

Council adopted a revised Vehicle Use Policy at its Ordinary Council Meeting on 18 October 2017. The purpose of the new policy was to provide for a more cost effective and efficient light vehicle fleet. In summary, the current Vehicle Use Policy is based on:

- A more cost effective 4 cylinder vehicle fleet with reduced operating costs;
- A significant reduction in private use vehicles and placing restrictions on remaining private use arrangements;
- An optional increase to the base salary for Executive staff if they provide their own vehicle for both business and private use, with such arrangements being at no net cost to Council; and
- Mechanisms to minimise Council's Fringe Benefits Tax (FBT) liability.

Council has been previously briefed on a number of occasions regarding these matters including Briefing Sessions and Council Meetings on 4 April 2017, 19 April 2017, 17 May 2017, 25 July 2017, 23 August 2017 and 6 September 2017.

More recently, at the Briefing Session on 11 September 2018, Council was briefed on a proposal to modify the Policy to deliver further efficiencies for the organisation in the management of its light vehicle fleet while preserving an attraction and retention benefit for senior staff.

The objectives of the policy are to provide:

- (i) Details of the terms and conditions for each category of vehicle use.
- (ii) Guidelines on the range of vehicles which Council will procure and offer to staff for commuting or private use.
- (iii) A way to maximise vehicle availability for business use.
- (iv) A way to minimise Fringe Benefit Tax (FBT) liabilities.
- (v) An attractive employment benefit for staff.

As previously briefed, Auditor Generals from around Australia are moving towards full disclosure of salary package components as part of overall remuneration packages. In the past, vehicle benefits have been "hidden" within fleet operations and have not been visible as part of the overall remuneration package.

Policy Intent

The intent of the policy is to implement a number of changes which will make the light vehicle fleet more effective and which will save money. Specifically:

- All vehicles to be 4 cylinder vehicles which are more cost effective and efficient with reduced operating costs and lower carbon footprint
- Private use vehicles restricted to CEO and Executive Managers (4)
- Providing for a vehicle subsidy as part of Executive Manager salary packages and a fortnightly contribution from after tax salary
- Providing for an optional increase to base salary for Executive Staff and for those staff to provide their own vehicle for both work and private use
- CEO vehicle cost cap of \$40,000 (excl GST)
- Executive Manager vehicle cost cap of \$30,000 (excl GST)
- Refuelling of Private Use Vehicles on weekends and during periods of leave to be at the expense of the individual
- Vehicle selection to be based best whole of life cost which will vary on an annual basis
- Annual cap of 35,000km private use and 25c/km for additional private use
- Annual cap of 25,000km commuter use for commuter use vehicles and 25c/km for additional commuter use
- Commuter use and operational vehicles to be utility type vehicles
- Providing for staff attraction and retention by offering salary packages which are competitive within the industry

Summary Comparison

| Existing Policy | Proposed Policy |
|---|--|
| General statement about reducing private use vehicles | Private use vehicles restricted to 4 vehicles (CEO and Exec Managers) |
| CEO vehicle currently costs \$55,000 | CEO vehicle – cap of \$40,000 |
| Exec Manager vehicles currently cost \$40,000 | Exec Managers – cap of \$30,000 |
| Vehicle selection based on the policy | Vehicle selection based on best whole of life cost |
| Annual cap for private use of 40,000km | Annual cap for private use of 35,000km |
| Annual cap for commuter use of 30,000km | Annual cap for commuter use of 25,000km |
| Commuter use vehicles not defined | Commuter use vehicles to be utilities which minimise FBT - cap of \$25,000 |
| Cash in lieu based on current vehicle values | Cash in lieu based on new vehicle values |
| Unrestricted refuelling of private use vehicles | Refuelling on weekends and holidays to be at individuals cost |
| Fortnightly payment based on Uniqco recommendation | Fortnightly contribution based on State Government Vehicle Scheme - \$140 / fn |

Consultation/Communication Implications

External

Council was briefed by Uniqco Fleet Management on these matters at briefing sessions on 4 April 2017, 19 April 2017 and again on 27 July 2017.

Internal

The Chief Executive Officer has briefed Council on a number of occasions regarding these matters (17 May 2017, 23 August 2017 and 6 September 2017) and most recently at the Briefing Session on 11 September 2018.

Legislative Implications

State

- Local Government Act 1995
Section 2.8(2)(b) of the *Local Government Act 1995* informs that it is a function of Council to determine the local government's policies.

Policy Implications

Local

- Policy 3.18 Vehicle Use
Should senior staff (Executive Managers and above) take up the option of a car allowance in lieu of a Council supplied motor vehicle, they will be required to provide a vehicle which meets minimum requirements as detailed in the Policy.

Financial Implications

Overall, the Policy will provide for long term savings in Fleet running costs and a reduction in FBT.

Strategic Implications

Full disclosure / transparency are enhanced.

Triple Bottom Line Assessment

Economic implications

The revised policy will provide for long term savings in Fleet running costs.

Social implications

N/A

Environmental implications

A more efficient 4 cylinder vehicle fleet will deliver a reduced carbon footprint.

Officer Comment/Details

The revised Policy is designed to provide more cost effective arrangements for the management of the Shire's light fleet, including full disclosure of the value of vehicles as part of senior staff salary packages. The Policy reduces the number of private use vehicles, places a new upper limit on private use, places a restriction on the refuelling of private use vehicles, seeks to minimise Council's FBT liability and offers the option for senior staff to provide their own vehicle in lieu of a Shire supplied vehicle.

9.4.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101018

Moved Cr King/Seconded Cr Gibson

That Council endorses:

1. The amended *Policy 3.18 Use of Council Vehicles*.
2. The inclusion of the new vehicle arrangements in future staff contracts.
3. The amendment of existing staff contracts with the agreement of individual staff.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:40PM

9.4.5 Development at Lots 88 and 89 Great Northern Highway Bindoon for proposed Lifestyle Village and Caravan Park*

| | |
|-------------------------------|---|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | A9502 |
| Prepared by | Strategic Project Manager |
| Supervised by | Chief Executive Officer |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | <ol style="list-style-type: none"> 1. Bindoon Lifestyle Village Feasibility Report, Breakaway Tourism 2. Preliminary site plan for the “integrated” Lifestyle Village / Caravan Park Development on the old Golf Course Site 3. Request for Fee Proposal – Engineering Consultancy for Wastewater Treatment and Disposal |

Executive Summary

Council is requested to consider a proposed Lifestyle Village and Caravan Park development on Lots 88 and 89 Great Northern Highway, Bindoon. A series of actions would be required to progress development of the site, including the re-purchase of land from WA Retirees. A budget allocation was made in the 2018/19 budget to allow for this to occur.

It is envisaged that the Lifestyle Village would be managed as on “over 50’s” facility with residents owning their own home (modular dwelling) and paying a lease for the land and the maintenance of common facilities. The *Caravan Parks and Camping Grounds Act 1995* and the *Caravan and Camping Grounds Regulations 1997* provide the statutory framework for this model.

As the development is considered to be a commercially viable proposition which would be of interest to the private sector, it is proposed to call expressions of interest to ascertain what the private sector might be willing to offer. With the pending completion of Northlink, and the upgrade of the Great Northern Highway to the Chittering Roadhouse, the proposed development is likely to attract interest from the private sector.

Background

At its Ordinary Council Meeting of 20 August 2014, Council considered an offer to purchase Lot 62 from WA Retirees Inc and resolved as follows;

“14.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 140814

Moved Cr Mackie/ Seconded Cr Douglas

1. *That the offer of purchase by Retirees WA Inc for portion of Lot 62 Great Northern Highway, Bindoon, otherwise known as Lot A, be accepted by Council subject to the following conditions;*
 - a) *A Contract of Sale be prepared by Council’s solicitors (McLeods) and executed by the purchaser and Council which contains the conditions of sale as outlined in the report 9.1.4 Independent Living Units.*
2. *That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract of Sale and any other associated sale transaction documents for portion of Lot 62, otherwise known as proposed Lot A Great Northern Highway, Bindoon.*

3. *That the funds from the sale of the proposed Lot A be allocated with priority to development of the Lot 62 and any excess to be put into the development of Binda Place.*

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0"

Given that WA Retirees has advised of their intention to not proceed with the proposed development, Shire Staff have been investigating alternate options for development of the site. Council will be aware of previous briefings regarding the viability of an alternative development on the site, including the option of a Lifestyle Village and Caravan Park.

Breakaway Tourism Pty Ltd has prepared separate feasibility studies for proposed Lifestyle Village and Caravan Park developments within the Bindoon town site. Councillors have been previously provided with copies of those reports.

The final version of the Lifestyle Village Feasibility Report (**Attachment 1**) contemplated the option of an "integrated" Lifestyle Village / Caravan Park development on a single site; that being the former golf course site to the rear of the Chittering Medical Centre. The consultant briefed Council regarding that work on 10 July 2018 at the Chinkabee Rec Club.

The proposal to co-locate the facilities offers a number of advantages:

- More scalable development costs
- More scalable operating costs
- More market exposure
- Cash flow benefits for both products
- Increased appeal to commercial developers
- Safer access from the Great Northern Highway

It is intended that the two developments be located adjacent to one another, with a dividing access road which will separate the entry/exit movements into the Lifestyle Village and Caravan Park but utilise a common check in point.

In terms of a planning context, each product is considered a caravan park and developed under the Caravan Park and Camping Grounds Regulations 1997. The difference would be in the licensing which would dictate that the Lifestyle Village would be licensed as a Residential Park Home Park having long term tenants under long term tenancy agreements and the Caravan Park would be licensed to have short term sites available only for tourist or worker accommodation purposes.

A preliminary site plan for the integrated Lifestyle Village / Caravan Park development has been produced (refer **Attachment 2**) which provides for:

- 119 sites for transportable homes
- 25 powered caravan bays
- five drive through powered caravan sites
- six motel style rooms
- Ablutions
- Camp kitchen

It should be noted that there is considerable spare land available on the site for other development purposes in the future. Some of those options might include expansion of either the Lifestyle Village or Caravan Park, or the provision of additional options for aged care. There is also other Council owned land within the Bindoon town site which could potentially be used for such purposes; specifically the 2.5 ha parcel of land which was recently purchased by Council at the rear of the staff housing development.

It should also be noted that sufficient land also needs to be made available for disposal of waste water on the site, although other options may emerge from the proposed waste water / engineering consultancy as detailed later in this report.

A draft feasibility study for the “integrated” Lifestyle Village / Caravan Park development has been prepared by Breakaway Tourism and was distributed to Councillors as part of the Agenda Forum reports. However, at the time of publishing this Agenda, the feasibility study had not been finalised; in particular, the independent third party economic verification process is still underway. Rather than publish a draft feasibility study for the integrated Lifestyle Village and Caravan Park development, it would be better to finalise that report and provide it to Council at the next Ordinary Council Meeting. This has no impact on Council proceeding with the actions as outlined in this report; this work is required in any case.

Recently, the Chief Executive Officer met with representatives from the Water Corporation to discuss options for the provision of reticulated waste water services in the town. Given the State Government’s decision to not proceed with the proposed STED (sewerage) project it is unlikely that such a service will be available in the short to medium term. Nevertheless, options for providing such service, particularly for the commercial strip, continue to be explored. Council has undertaken its own investigations of alternative options and more recently, the Water Corporation has been providing some assistance with the examination of likely alternatives.

As a result, development of the site for the proposed use (Lifestyle Village and Caravan Park) would require alternate options for either on-site or off-site disposal of treated waste water. As the geology of the site includes heavy soil profiles, it is recommended that an engineering consultancy be engaged to consider infiltration rates at the site and make recommendations in relation to housing densities and appropriate waste water treatment options. It is likely that an alternate waste water treatment unit/s could be used with the waste water being treated and disposed of via irrigation or a combination of irrigation and leach drains.

As the provision of waste water services represents a risk to potential investors, it is considered prudent to de-risk that element of the project and to provide appropriate advice to potential investors regarding this issue. It is therefore recommended that an appropriate engineering report be commissioned, followed by an EOI for development at the site. A copy of the Request for Fee Proposal to engage an appropriate Engineering Consultancy is provided at **Attachment 3**.

Council will have the opportunity to decide on appropriate requirements which are fundamental to the delivering the desired outcome, prior to the advertising of an EOI. At this stage it is proposed that Council offer the land on a long term lease arrangement and that conditions be developed regarding the expected price point, maintenance/management fee structure, exit fees (preferably zero) and environmental/sustainability factors such a green energy and water re-use.

It is proposed that the subsequent EOI process, seeking interested investors/developers, be advertised for a minimum period of eight weeks as the development industry will require enough time to properly consider their proposals. Once EOI's are received, Council may then decide to invite detailed proposals from selected investors and to establish an Evaluation and Selection Committee to further consider those detailed proposals.

Consultation/Communication Implications

There have been a number of Council briefings regarding the proposed Lifestyle Village and Caravan Park including independent feasibility reports for each development. The decision to combine the two proposals on the one site provides a number of advantages for both investors and Council.

The Chief Executive Officer has briefed a number of groups and individuals within the community on the proposed development. Feedback from the community has been overwhelmingly positive.

Legislative Implications

State

- The proposed Lifestyle Village and Caravan Park would be developed and operated under the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan and Camping Grounds Regulations 1997*.
- *The Environmental Protection Regulations 1987* (prescribed premise Category 85) & *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* provide provisions for licensing of onsite wastewater.
- *The Local Government Act 1995* provisions apply to land disposal arrangements where applicable. Provisions under this act will be considered in more detail once an EOI has been received for development of the land.
- *The Planning and Development Act 2005* provides provisions for subdivision and amalgamation of land. In the event the development proceeds it is likely that the two lots will need to be amalgamated.

Local

- The land is located in the Townsite zone in the Shire's Local Planning Scheme No.6 (LPS No.6) which provides land for a high range of services, residential types, community and recreational facilities. A caravan park is a discretionary land use in LPS No.6.

Policy Implications

State

- The Draft Government Sewerage Policy 2016 controls the density of development on land, particularly where that land is not connected to a service reticulated service provider.

Local

- Various Local Planning Policies under Shire of Chittering Local Planning Scheme No. 6 may apply at the time of development application.

Financial Implications

In 2014 the land parcel which was sold to WA Retirees was valued at \$680k (serviced) but was sold to WA Retirees for a discounted amount of \$530k due to the lack of waste water treatment services.

Council has already budgeted to re-purchase the site in the 2018/2019 financial year. It is estimated that the Wastewater Options Engineering Study will cost between \$10-15k and the funds drawn from Council's Strategic Consultancy Budget (2040251) which has an unallocated "Feasibility Studies" allocation of \$12,000.

The full financial implications will be further considered by Council once it has received EOI's for development at the site.

Strategic Implications

Council has previously recognized that the land is located in a desirable location for development.

Local• Strategic Community Plan 2017-2027

Focus area: Our Community

Objective S1.1 An active and supported community

Strategy S1.1.2 Activate out local town centres

Focus area: Our Built Environment

Objective S3.1 Development of local hubs

Strategies S3.1.2 Activate local town centres to ensure a good mix of residential, commercial and social infrastructure

S3.1.3 Plan for an facilitate housing choice

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth.

S4.2.1 Encourage and support local business and new investments for the future

State

Nil

Site Inspection

There have been numerous site visits over an extensive period of time, including consultants associated with the feasibility study and economic analysis. The land consists of heavy soil profiles with a moderate slope and is considered to be suitable for the development purpose, subject to infiltration testing being undertaken to determine the residential yield permissible on the site.

Triple Bottom Line AssessmentEconomic implications

In terms of development, there are arrangements based around build/own/operate (BOO), joint ventures, contract management and lease options which can be structured to suit. This would generally involve separate parties committing to the role of developer and operator.

It would be unrealistic to consider the Shire undertaking the entire development given the slow capital and resources required. The Shire could seek a commercial relationship with a reputable developer via BOO contract or joint venture; such an arrangement may provide the Shire with greater control over the development in terms of amenity, price pointing, staging etc and ensure that any flow on economic benefits to the community can be better realised.

However, in this particular instance, it is proposed to first seek EOI's from the private sector on the basis that Council would provide the land on a long term lease arrangement. Council can then make an informed decision of how to best proceed based the outcome of that process.

Social implications

Development of the land would provide a strong social outcome for the community and would provide for an unmet demand within the community. The residential component would provide alternative, affordable accommodation for an aging population and the caravan park facility would provide short stay accommodation for itinerant workers and tourists.

Environmental implications

Proponents would be required to demonstrate how any development would retain significant trees particularly if Carnaby Cockatoo habitat is found at the site. In any event, the trees at the site provide good visual amenity and should be retained where possible.

The site is located close to the Brockman River and is in a sewage sensitive location under the Draft Government Sewerage Policy 2016. Disposal of wastewater is critical however achievable.

Officer Comment/Details

The land is centrally located in the Bindoon town site and offers a strategic development location. The development of a Lifestyle Village and a small Caravan Park would provide desirable social and economic benefits to the community.

There is an appropriate development solution at the site which responds to the provision of smaller affordable housing sites and a caravan park in the town. Further, this model does not require the Shire to manage or fund the capital investment to provide the facility, in the event private sector development occurs.

OFFICER RECOMMENDATION

Moved Cr Osborn/Seconded Cr King

That Council:

1. Note that an Integrated Lifestyle Village/Caravan Park Development Feasibility Report will be provided at the November Ordinary Council Meeting.
2. Authorise the Chief Executive Office to engage an Engineering Consultancy associated with on-site waste water disposal (as outlined in this report).
3. Authorise the Chief Executive Officer to prepare an Expression of Interest for development on the land comprising of an integrated Lifestyle Village/Caravan Park.
4. Note that the proposed Expression of Interest document will be returned to Council for further consideration.

AMENDMENT

Moved Cr Gibson/Seconded Cr Angus

That the following condition 5 be added to the officer recommendation

5. That the provision of land for aged care be included in the plan.

MOTION/COUNCIL RESOLUTION 111018

Moved Cr King/Seconded Cr Tilbury

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:46PM

MOTION/COUNCIL RESOLUTION 121018

Moved Cr King/Seconded Cr Angus

That Council resume *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:51PM

AMENDMENT

Moved Cr Gibson / Seconded Cr Angus

That the following condition 5 be added to the officer recommendation

5. That the provision of land for aged care be included in the plan.

THE AMENDMENT WAS WITHDRAWN WITH THE AGREEMENT OF THE MOVER AND SECONDER

AMENDMENT

Moved Cr Gibson/Seconded Cr Angus

That the following Advice Note be added:

That the expression of interest document considers land for aged care or other development within the Bindoon Townsite.

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

7:56PM

9.4.5 SUBSTANTIVE MOTION/COUNCIL RESOLUTION 131018

Moved Cr Osborn/Seconded Cr King

That Council:

1. Note that an Integrated Lifestyle Village/Caravan Park Development Feasibility Report will be provided at the November Ordinary Council Meeting.
2. Authorise the Chief Executive Office to engage an Engineering Consultancy associated with on-site waste water disposal (as outlined in this report).
3. Authorise the Chief Executive Officer to prepare an Expression of Interest for development on the land comprising of an integrated Lifestyle Village/Caravan Park.
4. Note that the proposed Expression of Interest document will be returned to Council for further consideration.

Advice Note:

That the expression of interest document considers land for aged care or other development within the Bindoon Townsite.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:57PM

9.4.6 Lower Chittering Sports and Recreation Facility*

| | |
|------------------------|---|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 18/07/15 |
| Prepared by | Chief Executive Officer |
| Supervised by | Shire President |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | <ol style="list-style-type: none">1. Feasibility Study – Summary Document2. Master Plans, Facility Concept Drawing and 3D Image3. Quantity Surveyors Estimate for Stage 1 Facility4. Draft Business Case (including Cost Benefit Analysis) |

Executive Summary

The purpose of this report is to seek Council endorsement for the lodgment of a funding application under the Building Better Regions Fund for Stage 1 of the Lower Chittering Sports and Recreation Facility. It is expected that the BBRF3 funding round will be announced in October 2018.

As previously advised, when BBRF funding rounds are announced, there is usually only a 6 week period to develop, finalise and lodge a sufficiently detailed funding application. In effect, this requires any substantial proposals to be developed well in advance of such announcements.

The BBRF3 funding round was announced on 27 September 2018 with applications closing on 15 November 2018 (prior to the next Council Meeting on 17 November).

As Council is aware, a substantial body of work has already been completed in preparation for the submission of a funding application, which is further explained in the body of this report.

Background

The Shire of Chittering has experienced rapid annual population growth in recent years (4% per annum over the last 10 years) and this is expected to continue. This increase is already placing considerable demand on existing infrastructure and facilities within the Shire. Planning is required to ensure that the provision of such infrastructure keeps pace with the expected demand.

Existing facilities are limited in capacity to accommodate larger membership bases for sporting and recreation clubs. Better and improved facilities would enable the clubs to meet the needs of a broader population base. For example, junior football has a strong membership base; however the capacity for players to progress to senior league level is hindered by the lack of facilities to support a senior competition (there is no field for a senior competition within the Shire). In addition there are no indoor sports facilities within the Shire and no rectangular format sports fields.

Most of the growth is occurring in and around Lower Chittering, in the South of the Shire. This growth is expected to escalate as proximity to Perth is significantly enhanced, principally through the Northlink project, which is due for completion in 2019. Development of the Muchea Industrial Park will also act as a driver for economic development and local jobs which will further stimulate development in Lower Chittering.

Council has a 10 hectare parcel of land in Lower Chittering adjacent to Immaculate Heart College which is reserved for future sporting facilities. The land was provided as part of a previous development contribution. The adjacent school, Immaculate Heart College, is also growing and is in the process of transitioning to a full

service secondary school (K1-12) by 2022. The school is also in need of sporting and recreation facilities to service the growing school population.

Council has been working with the local community and with Immaculate Heart College to develop plans for a sporting and community facility that would be jointly funded and used by both the school and the local community.

Feasibility Study

In 2016, Council completed a feasibility study for a proposed Regional Sports Facility in Lower Chittering. The feasibility study was externally facilitated (Jill Powell and Associates) and involved a significant level of community consultation. A summary document is included as **Attachment 1**.

The primary objective of the feasibility study was to assess existing facilities, future demand, social and economic benefits and to determine the suitability of a 10 hectare Council owned green field site in Lower Chittering and the possible consolidation of existing facilities into a regional sporting.

An extensive community consultation process formed part of the feasibility study. Most respondents (88%) stated there was a need for more recreational and social facilities within the Shire. A further 76% stated they would use the proposed new facilities. Based on those responses, the utilisation rate would be 620 persons per week rising to 840 per week over the next ten years.

The feasibility study found no significant engineering factors that would prevent the development of the proposed Chittering Regional Sporting Complex on the 10ha green field site.

The Proposal

Council has commissioned and funded a comprehensive planning process to develop a Master Plan, detailed facility concepts and economic analysis which can be used for the purpose of future funding applications to either the State or Federal Government.

With regard to Immaculate Heart College, their previous plans for expansion required the senior school to be developed on the opposite side of Santa Gertrudis Drive; a busy local road serving a large rural residential subdivision. Having a school which is separated by a road is never ideal; principally from the aspect of student safety.

In discussion with the school, the option of selling 3 ha of the 10 ha site to the school was raised so that the entire school could be developed on one side of the road. The balance parcel of 7 ha would be more than adequate for developing the joint use sporting facilities. The State Government has been formally engaged in these discussions and a process is underway to deliver this outcome.

Specifically, the following has been completed to date:

- Detailed site and feature survey, geotechnical investigations and service investigations.
- Valuation of 3 ha parcel to be transferred to the school.
- Formation of a community working group - that group has had a number of meetings over recent months to develop the Master Plan and to refine an affordable Stage 1 project (this work included a site visits to "like" facilities in other Wheatbelt towns)
- Engagement of an architect to develop the concept in consultation with the working group (including the coordination of supporting work – engineering, hydraulic, servicing and quantity surveyor)
- Development of costed concept plans for the proposed facility and staging options which creates for an affordable Stage 1 project

- Engagement of an independent economist to prepare a detailed cost benefit analysis (which has been completed)
- Preparation of a Grant Funding Application is underway.

The following detailed plans are provided as **Attachment 2**:

- Master Plan for development of the site
- Stage 1 project plan (proposed as the subject of a BBRF 3 funding application)
- Floor plans and sketches for the Community / Club Facility and Multipurpose / Indoor sports Facility
- 3D Rendered Concept

The independent Quantity Surveyors estimate for the project (refer **Attachment 3**) indicates a total project cost of \$16m, with the Stage 1 project being valued at \$9.6m. The proposed Stage 1 project is considered to represent the basis of an affordable and reasonable funding application under BBRF3. The amount is consistent with previous projects funded under BBRF2 and is considered affordable for all parties.

The draft Business Case Report (including Cost Benefit Analysis) is provided as **Attachment 4**. The report indicates the following in terms of Cost Benefit:

At the selected real discount rate of 7% for this project, the analysis yields a Benefit to Cost Ratio (BCR) of 1.3 meaning that it is economically desirable and provides a net benefit. Even at the higher discount rate of 10%, the project still yields a positive NPV and BCR.

Under the baseline scenario (without project scenario), none of the identified benefits would be captured nor any of the costs incurred. As such, the scenario with the project provides positive economic and social benefits. Sensitivity analysis has shown that with variations in various project assumptions of +/- 30%, the project maintains a positive NPV and a BCR over one, demonstrating the strength of the project.

Consultation/Communication Implications

Local

Significant consultation was undertaken as part of the Feasibility Study in 2016.

A Local Reference Group was formed in May 2018 and has worked with the Architect in developing a Master Plan for the site and an affordable Stage 1 Facility.

State and Federal

There have been ongoing discussions with our local State and Federal Members. Our Federal Member has been fully briefed on the project offered to facilitate a visit to Canberra following the lodgment of a BBRF3 funding application.

The Regional Development Australia (Wheatbelt) office has been fully briefed on the project and will be requested to assist with the review of a draft Grant Application.

Legislative Implications

State

Not Applicable at this stage. If the Grant application is successful, funds would need to be borrowed through WA Treasury. Given Council's low level of borrowings, we are not expecting there to be any issues.

Local

Planning and building applications would be required in due course.

Policy Implications

Nil

Financial Implications

At this stage, the funding application would seek a grant of \$4.8m with the funding partners making up the balance. It is noted that Council has open space and recreation reserves valued around \$500,000 and will generate around \$300,000 from the sale of land to the school. While the split of capital funding between the school and Council is yet to be negotiated, it is likely that Council would only be required to borrow between \$2m and \$3m to deliver a community sporting and recreation facility valued at around \$10m.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

State

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The project has been developed to a Stage where a comprehensive funding application, with supporting cost benefit analysis and detailed engineering assessments, could be submitted at relatively short notice.

Council, in conjunction with Immaculate Heart College, is seeking funding support for the project via a funding application under Building Better Regions Fund (BBRF3), which is expected to be announced shortly.

9.4.6 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 141018

Moved Cr Tilbury/Seconded Cr Ross

That Council:

- 1. Note the significant progress which has been made towards the development an appropriately detailed and fully costed funding application with supporting technical and economic studies.**
- 2. Authorise the Chief Executive Officer to negotiate a funding commitment from Immaculate Heart College as a contribution towards the capital cost of the project.**
- 3. Authorise the Chief Executive Officer to obtain letters of support from Immaculate Heart College regarding the intention to enter into long term arrangements for the management and maintenance of such a facility.**
- 4. Authorise the Chief Executive Officer to obtain letters of support from various community groups, sporting groups and State/Federal representatives supporting the project.**
- 5. Note that the Building Better Regions Fund (BBRF3) funding round was announced on 27 September 2018 and that applications are required to be lodged by 15 November 2018.**
- 6. Authorise the Chief Executive Officer to lodge a funding application under the Building Better Regions Fund (BBRF3).**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

7:58PM

9.4.7 Recruitment for Chief Executive Officer*

| | |
|------------------------|---|
| Report date | 17 October 2018 |
| Applicant | Shire of Chittering |
| File ref | 22/02/19 |
| Prepared by | Chief Executive Officer |
| Supervised by | Shire President |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | 1. Local Government Operational Guideline 10 – Appointing a CEO 2. Recruitment Consultant Fee Proposals (x 3) - CONFIDENTIAL 3. Draft CEO Contract of Employment - CONFIDENTIAL |

Executive Summary

The Chief Executive Officer (CEO) officially tendered his resignation with the Shire President on 9 October 2018. The purpose of this report is to seek Council endorsement for the process which is proposed to be used to recruit a new CEO.

Background

To assist Council in seeking a suitably experienced and qualified CEO and in consultation with the Shire President and Deputy Shire President, fee proposals have been sought from the following recruiting agencies:

- JCP Consulting (John Phillips)
- (WALGA) Executive Recruitment Services
- Lester Blades - Executive Search, Selection & Retention

Those Fee Proposals are attached (refer **Attachment 2**).

Consultation/Communication Implications

Local

Shire President

Deputy Shire President

Legislative Implications

State

- Salaries and Allowances Act 1975
Section 7A of the *Salaries and Allowances Act 1975* ('the SA Act') requires the Salaries and Allowances Tribunal at intervals of not more than 12 months, to "*inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments*".

Local

- Local Government (Administration) Regulations 1996
Section 18C of the *Local Government (Administration) Regulations 1996* states:
"*The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.*"

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

Recruiting costs

The costs of the process that each consultant proposes are set out in their proposals. Provision has not been made in the 2018-2019 budget for the recruitment process for a CEO. As a result, Council will need to amend its Budget accordingly during the Budget review process.

Remuneration

Salary details are required to be advertised for the position in accordance with the Local Government Act. The Council is to take into consideration the banding for the Shire of Chittering as determined by the Salaries and Wages Tribunal. The Salaries and Allowances Tribunal Determination for Local Government CEO's and Elected Members dated 10 April 2018 prescribes the following Total Reward Packages for CEO's:

| <u>Band</u> | <u>Total Reward Package</u> |
|--------------------|------------------------------------|
| 1 | \$247,896 - \$375,774 |
| 2 | \$204,455 - \$316,586 |
| 3 | \$156,356 - \$256,711 |
| 4 | \$126,956 - \$198,210 |

The Shire of Chittering is a Band 3 Council.

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

Council is required to approve a process to be used for the selection and appointment of a CEO before the position of CEO of the local government is advertised.

It is proposed that:

- A recruiting consultant be appointed to assist with the process.
- A Council CEO Recruitment Advisory Group be established.
- The applications received be opened soon after the closing date, then assessed, ranked and a short list developed by the Advisory Group in conjunction with the recruiting consultant.
- Interviews be conducted at an offsite location with the CEO Recruitment Advisory Group and the recruiting consultant.
- The short list of preferred applicants attend a final interview with the full Council.
- A decision of full Council will be made to appoint the preferred applicant.

It is recommended that Council refer to **Attachment 1** "*Local Government Operational Guideline 10 – Appointing a CEO*" for guidance on this matter, as it provides recommended steps for the Council to take in the recruiting process.

A Draft Employment Contract for the position is provided at **Attachment 3**. This Employment Contract is based on the Local Government Professionals WA / Western Australian Local Government Association Model Contract of Employment dated April 2016. It is noted that Schedule 1 has been drafted to reflect the nature of the current position and the priorities of Council as reflected in its Strategic Corporate Plan and Corporate Business Plan. The Schedule also includes a version of the KPI's as developed during the current CEO's Performance Appraisal.

In accordance with the current CEO's Employment contract, the three month notice period will expire on 9 January 2019. The CEO intends working up until Christmas and will be taking accrued leave prior to commencing a new position in mid-January 2019. The CEO will:

- Continue to progress the major projects as identified in the Corporate Business Plan and as tabled in the current Council Agenda
- Prepare detailed hand-over notes which can be passed onto the incoming CEO
- Provide administration support to the CEO Recruitment Advisory Group as and when required
- With the agreement of his new employer (which has been obtained), will be available to assist the incoming CEO and other staff on a casual basis following his departure

OFFICER RECOMMENDATION

That Council resolve to:

1. Appoint the President, Deputy President and Cr _____ to the Chief Executive Officer Recruitment Advisory Group.
2. Authorise the new expenditure for the recruitment of a Chief Executive Officer and amend its 2018-2019 Annual Budget accordingly during the Annual Budget review.
3. Appoint _____ to assist with the recruiting process for a Chief Executive Officer as detailed in their submission for a total approximate cost of \$_____.

MOTION/COUNCIL RESOLUTION 151018

Moved Cr Tilbury/Seconded Cr King

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7:59PM

MOTION/COUNCIL RESOLUTION 161018

Moved Cr Tilbury/Seconded Cr Osborn

That Council resume *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:09PM

9.4.7 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 171018

Moved Cr Gibson/Seconded Cr Osborn

That Council resolve to:

1. Appoint the President, Deputy President, Cr King and Cr Ross to the Chief Executive Officer Recruitment Advisory Group, with other Councillors being invited to participate.
2. Authorise the new expenditure for the recruitment of a Chief Executive Officer and amend its 2018-2019 Annual Budget accordingly during the Annual Budget review.
3. Appoint John Phillips Consulting to assist with the recruiting process for a Chief Executive Officer as detailed in their submission for a total approximate cost of \$ 7,100.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

8:10PM

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Bindoon Transit Park Facility - Cr Aaron King

Why did the Chief Executive Officer, without any consultation with Council, without having completed the facilities review and briefing Council on the recommendations; without Council debating the recommendation(s) at a Council Meeting and Council endorsing the action taken by the Chief Executive Officer; send a letter dated 21 September 2018 titled "Bindoon Transit Park Facility" to the Bindoon Entertainment Arts and Theatre advising "*As already discussed with the Chittering Tourism Association, the Shire of Chittering will be implementing new arrangements for the booking and payment of caravan stay overnight at the transit park. The facilities that are used by caravans and groups for overnight stays are operated and maintained by the Shire of Chittering. It therefore follows that the revenue should be returned to the Shire to assist with the upkeep of these facilities.*"

MOTION/COUNCIL RESOLUTION 181018

Moved Cr King/Seconded Cr Angus

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

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:14PM

MOTION/COUNCIL RESOLUTION 191018

Moved Cr Osborn/Seconded Cr Tilbury

That Council resume *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members*.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:21PM

Response from the Chief Executive Officer

The matter of caravan and camping fees has been an issue of concern to Council which has been raised with me previously in the Chamber. The matter of the Chittering Tourist Association has been a matter which has been raised on numerous occasions within this Chamber in terms of the monies the Tourist Association gets, how they get it and what they use it for. There have also been suggestions that the Post Office is a business that shouldn't be run by the Chittering Tourist Association. I took on board the comments of the Council in terms of providing transparency and accountability for the operations of Council and there is no doubt that the caravan transit park is maintained and looked after by the Council. When camping groups come in, they camp on the oval. The oval and the amenities are looked after and maintained by the Council. I do not see that I was stepping outside any of the boundaries in fulfilling the administrative functions of the Chief Executive Officer in requiring groups to return those funds back to the Council. My understanding was that was what the Council wanted me to do.

Post Meeting Note

At the Ordinary Meeting of Council held on 19 July 2017, Council resolved that the Chief Executive Officer draft a Memorandum of Understanding with the Chittering Tourist Association for Council's consideration. At the Ordinary Meeting of Council held on 16 May 2018, the draft Memorandum of

Understanding was tabled, which outlined aspects relating to the history of the organisation, its activities and measures to improve accountability. In the interest of avoiding any conflict between the terms of the draft Memorandum of Understanding and a new lease document; it was proposed that the draft Memorandum of Understanding would not be finalised at that time and that its adoption by Council be timed to coincide with the new lease.

The draft Memorandum of Understanding specifically referred to the Chittering Tourist Association as delivering the following services:

- *Provide tourist information for visitors to the Chittering region*
- *Market regional tourism and local tourism enterprises*
- *Maintain and develop a retail space in the visitor centre in which to promote and supply local goods*
- *Build relationships with regional tourism organisations*
- *Assist in the development of tourism products*
- *Encourage cohesion among tourism and hospitality providers in the Shire*
- ***Provide Bindoon Transit Park site booking service – the revenue from which will be transferred to the Shire of Chittering with a processing fee retained by the Chittering Tourist Association. Commencement date effective 1 July 2018 (subject to separate metering of electrical supply being in place prior to that date.***

It was clearly the intention of Council to implement these arrangements.

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 201018

Moved Cr Osborn/Seconded Cr Tilbury

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 DECLARED CARRIED 7/0

8:22PM

Rhona Hawkins, Jim Garrett, Peter Stuart and Jake Whistler left the meeting at 8:23PM and did not return.

14.1.1 CONFIDENTIAL ITEM: Chief Executive Officer Annual Performance Appraisal 2018*

| | |
|------------------------|--|
| Report date | 17 October 2018 |
| File ref | 22/10/110 |
| Prepared by | Shire President |
| Disclosure of interest | Chief Executive Officer – Financial Interest |
| Voting requirements | Simple Majority |
| Attachments | 1. Reviewer/Feedback Report 2. Final Report – includes revised/interim KPI's for October 2018 to May 2019 |

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

Executive Summary

The purpose of this report is to finalise the Chief Executive Officers' Annual Performance Appraisal for the period from April 2017 to April 2018.

PROCEDURAL MOTION/COUNCIL RESOLUTION 211018

Moved Cr Houston/Seconded Cr Osborn

That Council in accordance with *Local Government (Council Meetings) Local Law 2014, Part 11 – Procedural Motions* adjourn the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:26PM

Crs Tilbury, King, Ross, Angus, Natasha Mossman and Nadine Hayes left the meeting at 8:26PM

Crs Tilbury, King, Ross, Angus, Natasha Mossman and Nadine Hayes returned to the meeting at 8:31PM

PROCEDURAL MOTION/COUNCIL RESOLUTION 221018

Moved Cr Houston/Seconded Cr Osborn

That Council in accordance with *Local Government (Council Meetings) Local Law 2014, Part 11 – Procedural Motions* reconvened the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:31PM

14.2 Public reading of resolution that may be made public

14.1.1 SUBSTANTIVE MOTION/COUNCIL RESOLUTION 231018

Moved Cr Osborn/Seconded Cr Tilbury

That Council:

1. Commends the Chief Executive Officer on, and thanks him for, his continued service with the Shire of Chittering.
2. Notes that the Chief Executive Officers' annual appraisal for the 2017/18 period has been undertaken.
3. Endorses the Committee's finding that Mr Sheridan's overall performance has been rated as 'Meets Performance Criteria' and to a high standard.
4. Endorses the 'draft' Key Result Areas for the period from October 2018 to May 2019.
5. Acknowledges that a workshop will be held with Council in the New Year to develop a revised set of KPI's for Financial Year 2019/20.
6. Approves an increase to Mr Sheridan's base salary by 1.5% effective from 11 April 2018 in accordance with the terms of the Contract of Employment between Council and the Chief Executive Officer.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/3
CRS TILBURY, ROSS, OSBORN AND HOUSTON VOTED FOR THE MOTION
CRS KING, ANGUS AND GIBSON VOTED AGAINST THE MOTION

8:40PM

15. CLOSURE

The Presiding Member declared the meeting closed at 8:41PM.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm