

**MINUTES FOR  
ORDINARY MEETING OF COUNCIL**

**WEDNESDAY, 18 APRIL 2018**

**Council Chambers  
6177 Great Northern Highway  
Bindoon**

**Commencement: 7:00PM**

**Closure: 8:21PM**



### 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 27 April 2018.



Alan Sheridan  
Chief Executive Officer  
Shire of Chittering

### Confirmed Minutes

These minutes were confirmed at a meeting held on 16 May 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.

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\* indicates separate attachments

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

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

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

### 2.1 Attendance

The following Members were in attendance:

Member:	Cr Gordon Houston	President (Presiding Member)
	Cr Peter Osborn	Deputy President
	Cr Aaron King	
	Cr 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
	Peter Stuart	Executive Manager Development Services
	Jake Whistler	Senior Planning Officer
	Natasha Mossman	Executive Support Officer (Minute Secretary)

Members of  
the public      5

Media            0

### 2.2 Apologies

Jim Garrett      Executive Manager Technical Services

### 2.3 Approved leave of absence

Nil

## 3. DISCLOSURE OF INTEREST

Nil

## 4. PUBLIC QUESTION TIME

### 4.1 Response to previous public questions taken on notice

#### 4.1.1 Michelle Rossouw, Lower Chittering

**Question 1** Thank you for your response provided to my question submitted to the Ordinary Council Meeting on the 21<sup>st</sup> February 2018. While I appreciate your response I believe my question wasn't answered in that the information I requested was not provided, although you advised it was possible. In your response you advised that the Presidents diary bookings (but not all) are coordinated through the CEO's ESO, and that relevant information is also available from travel claims which are submitted at the end of each quarter. I therefor[e] ask that the administration please provide a list of committee meetings (including WALGA Zone, AROC, LEMC, Landcare), invitations etc, attend by the President, including those that he was unable to attend, as accurately as possible, for the 12 months January-December 2017, together with a copy of the travel claims that the President has made over the same period?

*Response 1 Shire staff are currently compiling the information and this will be provided to you as soon as it is completed.*

#### 4.1.2 Doug Fleetwood, Wannamal

**Question 1** Mr Fleetwood acknowledged the help that the Shire has done to maintain the Wannamal Hall and to assist the community groups in running events. First question is regarding Hay Flat Road, where a resident submitted a formal request about two years ago; since this time the section of the Road has been declared 'dangerous'. To maintain the section I know that the Shire does not have the necessary equipment, my question therefore is that maybe the Shire can purchase the necessary equipment that can ensure the Shire staff are able to undertake necessary road issues in a timely manner.

*Answer 1 The Shire can advise that it is currently seeking a cost estimate from a contractor to undertake these works, and that this estimate will be incorporated into the Shire's 2018/19 Annual Budget for Council's consideration. The Shire is also investigating if some of the works can be carried out this financial year, if the funds are available.*

## 4.2 Public question time

**Note:** All submitted public questions have been reproduced without amendment, or correction to any typing errors. The following question was submitted prior to the Council meeting and responses are provided:

### 4.2.1 Clint O'Neil, Lower Chittering

*(as supplied)*

**My question relates to agenda item 9.1.1 – Maryville Estate stage 11 and agenda item 9.4.1 – Lower Chittering sport and rec centre stage 1.**

It would appear that both the Shire and IHC are of the opinion that sufficient quality and quantity groundwater resources are available at the locality to support drinking water demand, commercial water demand and irrigation demand, necessary to support the IHC expansion and the Shire sports and rec centre development. In addition, the developer has, for the last 15 years, been taking some 40,000 kilolitres per annum of groundwater to support its commercial irrigated vineyard. Previous Water Corporation domestic water use studies have identified that an average household of 3.35 people has an average daily in-house usage of 523 litres per day (191,895 litres per annum (excluding leakage)) and an ex-house usage of 707 litres per day (258,055 litres per annum. Clearly the 110,000 litres of usable rainwater storage (minimum requirement) is not sufficient to support the in-house demand of an average family unit of 3.35 people, as is evident by the volume of supplementary water supplies currently being road transported from Bullsbrook to the Estate. The Department of Planning has previously stated that road freighting supplementary water supplies to meet rural development demand is not sustainable.

**Question:** Taking into consideration the above and Council giving due regard to the following:

- (a) The developer has claimed the Estate was originally approved in 1989 and therefore the standards and conditions that applied in that era are relevant and appropriate for application in 2018.
- (b) The WAPC policy on supplementary reticulated water supplies to lots having areas of 1.0 hectares to 4.0 hectares.
- (c) The demonstration that groundwater resources are present at the locality with sufficient capacity to support efficient development usage.
- (d) The adverse amenity and community impacts the lack of developer installed reticulated supplementary water supply has had and continues to have, on the Estate as a whole:
  - (i) Why Council would accept the developer suggestion that a 120,000 litre rainwater storage tank on each lot would adequately meet the normal household water demand in a drying climate that has seen local rainfall decrease by some 20% over the last 25 years.
  - (ii) Why Council would not recommend to the WAPC that reticulated supplementary water supplies to each lot be included as a condition of development, consistent with the WAPC published policy.

**Answer:** *As there is no demonstrated reticulated water supply available to service the structure plan area, the applicant has reverted to clause 5.3(c)(vi) of State Planning Policy 2.5, which allows for lots less than 4 hectares to be created where a sustainable water supply can be achieved by harvesting water from a minimum roof catchment area into a purpose built water tank. I note this water tank size is a*

*minimum and can be increased at the home owner's determination. This, in combination with the previous subdivision approval with a near-identical average lot size, along with each of the previous stages, tends to suggest that requiring a reticulated water supply for this final stage is not an appropriate request from Council.*

*While Council is yet to debate these items, and can resolve to request such regardless of the above, ultimately the decision lies with the Western Australian Planning Commission.*

#### 4.2.2 John Curtis, Bindoon

During public question time Mr Curtis asked two questions on behalf of his neighbor Mr Pizzino and a further two questions on behalf of himself.

##### Officer Comment

Questions from a person who is not present at the meeting should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting to ensure a response during the Ordinary Council Meeting. On this occasion, the questions that were asked on behalf of Mr Pizzino were allowed, however **in the future a person must be present at the meeting to ask a question (or otherwise submit the question in writing).**

The following two questions were asked by Mr Curtis on behalf of his neighbour, Mr Pizzino:

**Question 1: Where can I get a copy of the questions that were asked at the Annual Electors Meeting?**

*Answer 1: Through the Chair, the Chief Executive Officer advised that the minutes were prepared and adopted by Council at the Meeting held on 21 February 2018. This information is publically available on the Shire's website and in the Bindoon Library.*

*Website address: [www.chittering.wa.gov.au/council/council-meetings/council-minutes.aspx](http://www.chittering.wa.gov.au/council/council-meetings/council-minutes.aspx)*

**Question 2: Why are the majority of ratepayers ignored with regard to sewerage, free rent at the post office and flash cars?**

*Answer 2: The President advised that no resident is ignored. All residents are listened to and each decision is made by the Council as a whole. The President noted that these matters have also been previously dealt with by Council.*

##### Post Meeting Notes regarding these matters are as follows

It is noted that Section 6.7(7)(a) of the *Shire of Chittering Local Government Meetings Local Law 2014* provides that the Presiding Member may decide that a public question shall not be responded to where the same or similar question has been asked at a previous meeting and the member of the public is directed to the minutes of the meeting at which the response was provided.

Many of the questions asked by Mr Curtis are repetitive in nature and have been asked and answered previously and on several occasions. In the future, the Presiding Member may refer to Section 6.7(7)(a) of the *Shire of Chittering Meetings Local Law* if this practice continues. On this occasion, these matters have been answered as follows:



### **Post Office**

Mt Curtis has asked similar questions in relation to the Post Office on numerous occasions over the last two years and those questions have been answered. Specifically:

#### **Ordinary Council Meeting on 19 October 2016**

**Question:** Why is the Shire handing out \$20,000 of the ratepayer's money to the visitors centre when they have a profitable post office business?

**Answer:** *The President advised that Council made the decision as part of the 2016/17 budget deliberations to support a part-time tourism officer at the Chittering Visitor Centre. The centre is a not-for-profit organisation and the service that they provide to visitors is very economical. The visitor centre is a separate entity to the Bindoon Post Office.*

#### **Ordinary Council Meeting on 19 April 2017**

**Question:** Apart from the Post Office not paying rent, who else is not paying rent on Council properties.

**Answer:** *Through the Chair, the Chief Executive Officer advised that the Chittering Tourist Association (which holds the Post Office Licence) is a not-for-profit organisation, they are not a business which operates for profit. Every Shire facility has a community group that leases the buildings from the Shire at nominal rent.*

#### **Ordinary Council Meeting on 21 June 2017**

**Question:** Why is the Post Office getting free rent from Council; and is it fair that they charge rent on PO Boxes?

**Answer:** *(Post Meeting Note) The Chittering Tourist Association is a not-for-profit (NFP) organisation and in accordance with the Australian Tax Office website "an NFP organisation is not an organization that hasn't made a profit. An NFP organization can still make a profit, but this profit must be used to carry out its purposes".*

### **Further comment**

The Chittering Tourist Association (CTA) is a not-for-profit incorporated association which provides a range of tourism related services for the area. The CTA holds the licence for the Local Post Office which is operated as a service to the community. Any profit from the Post Office is used to support tourism activities for the local area. In a report to Council at its Ordinary Council Meeting on 21 March 2018, the Chief Executive Officer provided a detailed update on all significant projects (strategic and operational) being undertaken by Council staff. That report included a specific project relating to the Operations of the CTA. Further information can be found in the CEO Attachments from the Ordinary Council Meeting held on 21 March 2018 (page 77 – Review operations of CTA). Specifically:

*This matter was discussed at length with Council at a workshop on 13 Sep 2016. Following a Notice of Motion on 17 March 2017, the CEO provided further detailed information to Council with regard the CTA's role in supporting and promoting tourism within the Shire. The report also covered the CTA's revenue and expenditure, support provided by Council, its status as a Not for Profit and its compliance with the relevant legislation. As a result, Council resolved to express its continued support for the Chittering Tourist Association and that Council should take a long term view during the budgetary process to provide them with certainty.*

*Regardless, the CTA continues to be an issue of concern within the community. While much of the concern is unfounded, it is clear that better and more transparent arrangement is necessary. With this in mind, it is proposed to develop an MOU with the new Board in early 2018. A draft of the MOU will be discussed with Council when available.*

### Vehicles

Council has invested considerable time and effort in reviewing the efficiency of its vehicle fleet operations. In the same report to Council on 21 March 2018, a full update was provided regarding these matters. Further information can be found in the Chief Executive Officer Attachments from the Ordinary Council Meeting held on 21 March 2018 (page 74 – Fleet Management Review and page 90 – Fleet Management). Specifically, page 90 highlights the following:

*Results to date include:*

- *Light Vehicles*
  - *Permanent Reduction in Light Fleet (x2) - **\$37,000** / annum*
  - *Conversion from Private Use (x2) - **\$17,000** / annum*
  - *Implementing a 4 cylinder light vehicle fleet*
- *Ongoing Fleet savings - **\$115,000** / annum*
  - *Revised capital program*
  - *Extended change-over period for light vehicles*
  - *Safety risk assessments to extend life of heavy plant*
- *Savings in Plant Equipment:*
  - *Hire of roller in lieu of owning - **\$25,000** one off saving*
  - *Purchase of Revised Spec Loader - **\$100,000** one-off saving*
- *Reduction in Private Use Vehicles*
  - *From 9 down to 4 over last 18 months (to be reduced further as employment contracts expire)*
- *Additional cost reductions through*
  - *Savings in Fringe Benefits Tax*
  - *Restrictions on private & commuter use (none existed previously)*
- *Optional vehicle arrangements for Senior staff*
  - *Ability to provide their own vehicle for work purposes resulting in a net saving to Council*

The revised vehicle policy which was adopted by Council on 18 October 2017 followed a report to Council on 17 May 2017 and a further workshop (attended by Council's Fleet consultant) on 25 July 2017. Subsequent to the 25 July workshop, the Chief Executive Officer produced briefing notes regarding the proposed fleet policy. Those notes were discussed with Council at the Briefing Session on 23 August 2017. The matter was further workshopped with Council on 6 September 2017 with specific reference to the principles of the proposed policy and detailed calculations relating to FBT, running costs and resale values.

The revised vehicle fleet policy has given effect to the implementation of a more cost effective four cylinder vehicle fleet with reduced operating costs, a significant reduction in private use vehicles (from 9 to 4) and restrictions on remaining private use arrangements. Council will be reviewing the policy again in August/September 2018, following the current budget process.

### Sewerage

It is unclear what is meant by this comment. It is noted that Mr Curtis has previously raised numerous questions regarding the proposed STED Scheme and those questions have all been answered. The State Government has since cancelled the sewerage project for Bindoon, however Council is investigating more cost effective alternatives. Further information can be found in the Chief Executive Officer Attachments from the Ordinary Council Meeting held on 21 March 2018 (page 69 – Bindoon Sewerage (STED) Program). Specifically:

*Report to Council on 18 May 2016 wherein Council resolved to register its vote in support of the Scheme. The report also proposed that Council assist in minimising this impact on individuals by subsidising the cost of initial connection to the scheme. This was incorporated into the 2016/17 Budget (\$50,000 per year over four years). There was a subsequent meeting with the Minister on 3 June 2016 where this (and other issues) were discussed.*

*Water Corp wrote to residents on 1 August 2016 advising of the outcome of the voting and that the scheme will be proceeding. Planning and design commenced shortly thereafter. The Scheme for Bindoon was originally estimated at \$4.8m ended up being costed at \$12.1m. A satisfactory explanation for the cost increase is yet to be provided.*

*On 18 August 2017, the newly elected State Government advised that it would no longer be proceeding with the STED / Sewerage Schemes in four rural localities as a result of budget pressures. The reported increase in costs was the primary reason for not proceeding.*

*A Meeting of the four Councils with Water Corp staff was held on 28 Nov 2017. At that meeting, copies of the design and planning work undertaken to date were requested. What was finally provided was a copy of the Executive summary of the Planning Report and some of the design drawings.*

*The broad costings provided as part of the Executive Summary give little indication of where the major costs are – save to say that the treatment ponds seem to comprise a significant proportion of the overall project costs. However, some of the other costs such as Preliminaries also seem excessive – but without knowing what these costs comprise, it is impossible to draw any conclusions. Water Corp has been requested to provide a full copy of the Planning Report.*

*Staff have been actively examining more cost effective alternatives with commercial providers both in WA and interstate. As a result of a report to Council on 18 Dec 2017, Council resolved to engage a consultant to develop an alternative and affordable proposal for wastewater treatment in the town of Bindoon.*

The following additional questions were asked by Mr Curtis:

**Question 3: Are the Nationals paying rent on the building on Binda Place?**

*Answer 3: Through the Chair, the Chief Executive Officer advised that the ownership of the building remains with Council, and that the State Government are paying full commercial rent on the premises.*

**Question 4: Why am I being charged for a full recycle bin (estimate 23kgs)?**

*Answer 4: The President advised that the estimate of 23kgs is a full recycle bin.*

Post Meeting Notes regarding these matters are as follows

It is noted that Mr Curtis has asked similar questions in relation to recycling on numerous occasions over the last two years with a view to the Shire discontinuing part or all the waste collection service. Specifically:

Ordinary Council Meeting on 19 October 2016:

**Question: Is the Shire going to continue with the service when the contract expires?**

*Answer: The President advised that the collection of waste will continue in the Shire as it is now a compulsory service. The staff will either extend the current contract or re-tender for the service.*

Ordinary Meeting on 19 April 2017:

**Question: Having passed laws to stop recycling going to landfill, when are the yellow recycling bins going to become voluntary?**

*Answer: The Presiding Member advised that the recycling bins are compulsory for the designated areas and that the Shire will continue to provide these bins to those residents.*

## **5. PRESENTATIONS / PETITIONS / DEPUTATIONS**

### **5.1 Petitions**

Nil

### **5.2 Presentations**

Nil

### **5.3 Deputations**

Nil

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **7. CONFIRMATION OF MINUTES**

### **7.1 Ordinary Meeting of Council: Wednesday 21 March 2018**

#### **7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010418**

**Moved Cr Gibson / Seconded Cr Angus**

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

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0**  
7:15PM

## **8. ANNOUNCEMENT FROM THE PRESIDING MEMBER**

Nil

## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Modification to existing Local Structure Plan: Stage 11 Maryville Downs, Lot 650 (RN95) McGlew Road, Lower Chittering\*

<b>Report date</b>	18 April 2018
<b>Applicant</b>	Roberts Day on behalf of the landowner
<b>File ref</b>	18/07/14; A11438
<b>Prepared by</b>	Executive Manager Development Services
<b>Supervised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed updated Local Structure Plan</li> <li>2. Schedule of Submissions</li> <li>3. Previously approved Structure Plan</li> <li>4. <a href="#">"Draft" Liveable Neighbours (external link to website)</a></li> </ol>

#### Executive Summary

Council's consideration is requested to endorse a modification to the existing approved Local Structure Plan (LSP) for Stage 11 of Maryville Downs. The updated LSP intends to better reflect current standards and legislation. The amendments have been advertised, with a number of submissions received. As a result of the number of submissions, and the nature of the item, Council is required to consider the matter. Such determination will inform the Department of Planning, Lands and Heritage of Council's recommendation, however as the Department is the determining body, discretion as to the outcome ultimately lies with the Department.

#### Background

IMAGE 1: LOCALITY PLAN



Stage 11 is the final stage of the Maryville Downs estate to be developed. It is located in the far north-western corner of the estate and adjoins McGlew Road. At the northern end of the stage, there exists a heavily vegetated area. Approximately 46ha of this bush area was slated for conservation through ceding to the Crown as public open space via the previously approved subdivision. This subdivision approval has since lapsed

Stage 11 was included in an overall Structure Plan for the entire Maryville Downs estate and was originally endorsed in 1989. All other stages of the Maryville estate have been subdivided, or are in the process of being subdivided. Stage 11 has an expired subdivision approval and, due to the change in regulations and legislation in relation to subdivision design and planning in bushfire prone areas, a modification to the structure plan was required.

The previously approved LSP specifically for Stage 11 is referenced as **Attachment 3**. The predominant change relates to a number of lots previously approved within the bushland area to the north of the subdivision, notwithstanding a number of other changes to Lot and road layouts. Due to bushfire planning legislation changes, these types of subdivisions that are proposed for heavily vegetated areas are no longer supported by the Department of Planning Lands and Heritage (DPLH). Accordingly, the applicant has endeavoured to revise the LSP to conform to current standards and requirements.

In the time since the previous subdivision approval, an area has been approved for, and had constructed a mobile communications tower. This lot is proposed to be isolated and retained in the developer's ownership.

### Consultation/Communication Implications

#### Local

Advertising was undertaken to adjoining landowners, published in the local newspaper and displayed on the Shire's webpage. In total, seven public submissions were received along with responses from Main Roads WA, Department of Water and Environment Regulation (DWER), and Department of Fire and Emergency Services (DFES).

Generally the responses received are in favour of the amended plan subject to further information or requirements. One objection was received relating to loss of views, and vegetation.

#### State

The proposed modification to the LSP has been forwarded to the Department of Planning as required under clause 18(1)(c) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Legislative Implications

#### State

- *Planning and Development (Local Planning Schemes) Regulations 2015*
  - 29. *Amendment of structure plan*
    - (1) *A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.*
    - (2) *The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan.*



- (3) *Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.*
- (4) *An amendment to a structure plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.*

The Modification to the existing Structure Plan has progressed in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application has been submitted in accordance with the legislative framework stated above.

#### Local

- Local Planning Scheme No 6  
Lot 650 is zoned Rural Residential under the Shire's *Local Planning Scheme No 6* (LPS6) and is therefore capable of subdivision following the structure planning process. Clause 4.8 of LPS6 sets out the development requirements, including building envelopes and environmental considerations. The developer, having regard to the subclauses therein, has modified the lot layout and locations to conform to these standards.

#### **Policy Implications**

##### State

- State Planning Policy 2.5  
*State Planning Policy 2.5* (SSP2.5) Clause 5.3 sets out the general requirement for developing in rural living based precincts such as Maryville Downs. In general, the policy allows for subdivision at a minimum four hectares per lot where a reticulated water supply is not available. Should a reticulated supply be available, a minimum lot size of one hectare can be achieved.

Notwithstanding, the WAPC can consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health.

In this instance, the lots are proposed at a minimum two hectares, which is consistent with each of the previous stages, and with LPS6 despite not having provision for a reticulated water service. The applicant has demonstrated through an Urban Water Management Plan, and had confirmed by DWER, that the provision of a 120,000 litre water tank for each lot is a sufficient supply of water for each Lot proposed. This is consistent with all previous stages and with SPP2.5 and is thus satisfactory.

In relation to lot layout and protection of the natural habitat, the modifications remove 11 lots previously approved within the vegetation area, meaning there will be no additional loss of vegetation within this area from that which currently exists. The proposed road layout will likely require the removal of some vegetation, however none of which is considered to be a significant detriment to the natural habitat.

- State Planning Policy 3.0  
*State Planning Policy 3.0* (SPP3.0) sets out the guiding principles and consideration which apply to urban growth and settlement in Western Australia. Clause 5.6 of SPP3.0 specifically relates to managing rural-residential growth. Many of the clauses within relate to the settlement patterns and locations relative to productive agricultural land or basic raw materials, and the potential conflicts that are posed.



In this instance, the land has been identified for rural-residential subdivision since at least 1989 as it maintains little to no land-use conflicts. The proposed layout has demonstrated that it avoids high bush fire risks in addition to managing the environmental sensitivities. Questions remain in relation to drainage infrastructure as this has not been addressed in detail by the applicant, notwithstanding that the applicant affirms that the lot and road layout best responds to the natural drainage lines.

- State Planning Policy 3.7

*State Planning Policy 3.7* sets out the framework for development in bushfire prone areas. The subject property has been identified as a bushfire prone area and is thus subject to the measures within this policy. Accordingly, the applicant has submitted a Bushfire Management Plan that identifies how each proposed lot can achieve a Bushfire Attack Level (BAL) of 29 or lower; while also identifying strategic fire break locations and firefighting contingencies.

- Development Control Policy 1.1

*Development Control Policy 1.1* (DCP1.1) is the general overarching mechanism controlling subdivision in Western Australia. It provides for basic principles such as the requirement for each new, green title lot being created only where frontage to a constructed public road is available. In addition, DCP1.1 requires confirmation that the land in question is physically capable of sustaining development. To this end, the applicant has prepared a land-use capability study which demonstrates the land is capable of the intended development purposes.

Local

- Local Planning Policy 16 – Roads and Drainage

*Local Planning Policy 16 – Roads and Drainage* designates road reserve widths and associated infrastructure. The applicant has addressed this in part – an allocation of 30 metre road reserve widths has been provided for, however has not addressed clause 5.4 – Drainage. A likely reason for this is cost factors and no requirement for such infrastructure in previous stages. Regardless, because of the topographical location of the property, drainage infrastructure is important to apply. In this instance, a recommendation for such infrastructure is to be applied as a modification should the Local Structure Plan be supported.

### Financial Implications

The subdivision design incorporated into the Modification to the Structure Plan will result in additional roads under the care of the Shire as well as fire mitigation infrastructure in the form of two water tanks for firefighting purposes. These will carry with them ongoing maintenance costs to the Shire.

The removal of the requirement to cede the northern bush area to the Shire for Public Open Space (POS) will reduce any costs associated with the burden of maintaining the POS.

### Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area:	Our built environment
Objective:	S3 Improved infrastructure and amenities
Strategy:	S3.3.1 Improved asset management across all asset classes

State

Nil

### Site Inspection

Site inspection undertaken: Yes. The site is currently accessible only by McGlew Road, which is currently unsealed. The site topography shifts steeply towards the north with parts being inaccessible. Ostensibly the developable area is generally cleared and has used primarily for animal grazing. The area was identified as having a fine natural outlook that will complement the development of the area.

### Triple Bottom Line Assessment

#### Economic implications

Increasing the availability of lots for purchase will increase ratepayer base within the Shire of Chittering.

#### Social implications

Provisions of the Modification to the Structure Plan allows for the sealing of McGlew Road which will greatly reduce dust when vehicles traverse the road.

#### Environmental implications

The Marbeling Brook is located on the western boundary of Lot 605. Measures have been put in place for the protection of the Brook such as development exclusion zone and the later requirement to cede for reserve. This would be implemented by a conservation reserve rather than public open space for recreation as it is considered that the environmental quality of the Brook requires a higher level of protection.

### Officer Comment/Details

The modified Structure Plan is reference as **Attachment 1** and proposes a reduction of lots for the northern bushland down to one conservation lot consisting of approximately 79.92ha and one lot of approximately 2.0437ha which incorporates the existing telecommunications infrastructure.

In addition, a subdivisional road has been moved from traversing the bushland area to a cul-de-sac proposed to finish just south of the bushland area. It was originally proposed that the bushland area be retained by the Shire as Public Open Space; however the modified Structure Plan proposes to retain the bushland lot as one lot for conservation purposes. This particular issue will be discussed further in the report.

Two water tanks have been added to the structure plan area in accordance with SPP3.7 requirements.

In relation to road construction, the applicant has only briefly mentioned that roads will be constructed within the 30 metre road reserve. However, in order to reduce the likelihood of road infrastructure being insufficient relative to Council's standards and expectations, or otherwise be constructed to the recommended standards of Liveable neighbourhoods, a condition is recommended upon any letter of support that infrastructure including drainage and kerbing be constructed as part of the subdivision process as consistent with the final approved Local Structure Plan.

**OFFICER RECOMMENDATION**

Moved Cr Tilbury / Seconded Cr Ross

That Council in relation to the modifications to the existing Local Structure Plan – ‘Stage 11 Maryville Downs’ on Lot 650 (RN95) McGlew Road, Lower Chittering, resolves in accordance with Clause 20(2)(e) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*, to recommend approval to the Western Australian Planning Commission subject to following:

1. The Local Structure Plan being further amended to include the requirement for all roads being constructed to Liveable Neighbourhoods standards including piped drainage and kerbing.

**AMENDMENT**

Moved Cr Tilbury / Seconded Cr Osborn

That the following Condition “2” be added to the Officer Recommendation:

2. The Bushfire Management Plan being updated to incorporate general public accessibility into the Strategic Firebreaks surrounding the Conservation lot for the purposes of public enjoyment. This means:
  - a. fencing of the Conservation Area is to be limited to the inside of the Strategic Firebreaks only; and
  - b. the Strategic Firebreaks are not to have locked gates preventing general access.

**MOTION / COUNCIL RESOLUTION 020418**

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**

7:33PM

**MOTION / COUNCIL RESOLUTION 030418**

Moved Cr Tilbury / Seconded Cr Ross

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

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

7:47PM

**AMENDMENT**

**Moved Cr Tilbury / Seconded Cr Osborn**

**That the following Condition “2” be added to the Officer Recommendation:**

- 2. The Bushfire Management Plan being updated to incorporate general public accessibility into the Strategic Firebreaks surrounding the Conservation lot for the purposes of public enjoyment. This means:**
  - a. fencing of the Conservation Area is to be limited to the inside of the Strategic Firebreaks only; and**
  - b. the Strategic Firebreaks are not to have locked gates preventing general access.**

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 4/3  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

7:48PM

**9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 040418**

**Moved Cr Tilbury / Seconded Cr Ross**

**That Council in relation to the modifications to the existing Local Structure Plan – ‘Stage 11 Maryville Downs’ on Lot 650 (RN95) McGlew Road, Lower Chittering, resolves in accordance with Clause 20(2)(e) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*, to recommend approval to the Western Australian Planning Commission subject to following:**

- 1. The Local Structure Plan being further amended to include the requirement for all roads being constructed to Liveable Neighbourhoods standards including piped drainage and kerbing.**
- 2. The Bushfire Management Plan being updated to incorporate general public accessibility into the Strategic Firebreaks surrounding the Conservation lot for the purposes of public enjoyment. This means:**
  - a. fencing of the Conservation Area is to be limited to the inside of the Strategic Firebreaks only; and**
  - b. the Strategic Firebreaks are not to have locked gates preventing general access.**

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0**

7:48PM

### 9.1.2 Additional Dog Application: Lot 390 (RN131) Santa Gertrudis Drive, Lower Chittering

Report date	18 April 2018
Applicant	A Wilson
File ref	19/02/2; A10226
Prepared by	Ranger
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

#### Executive Summary

An application has been received by the Shire of Chittering for a third dog at Lot 390 Santa Gertrudis Drive, Lower Chittering. This application is being referred to Council as objections were received during the public comment period.

#### Background

The applicants have recently moved to the Shire of Chittering and has previously had an application approved in Wanneroo Shire for the exemption of number of dogs.

The applicant has made an application under section 26 of the *Dog Act 1976*, Part V and section 3.2 of the Shire of Chittering's *Dogs Local Law 2011* – KEEPING OF DOGS – Limitation as to numbers, to have three dogs.

The Shire's Rangers sent out consultation letters and also spoke with the applicant regarding the concerns raised by the neighbouring properties.

The property is on 2 hectares zoned "Rural Residential", with boundary fencing of standard rural fencing for the area.

#### Consultation/Communication Implications

##### Local

The Shire Ranger has sent letters to seven adjacent and adjoining landowners giving them the opportunity to comment on the additional dog application. At the conclusion of the consultation period a total of two submissions being received, both of which are in objection to the application. Public consultation was advertised from 14 January 2018 until 12 February 2018. Refer to table below for responses:

Submitter	Summary of Submission	Officer's Comment
Objector 1	Concerns of the dogs wandering, Loss of sheep previously	<ul style="list-style-type: none"> <li>All three dogs are new to the Shire and have no history with us or the City of Wanneroo. Fences are in good condition.</li> <li>A new containment area has been installed close to the house as requested by the Rangers.</li> </ul>
Objector 2	<ul style="list-style-type: none"> <li>Believes these breeds of dogs are not suitable for the area.</li> <li>Have had alpacas lost to dogs before.</li> <li>Concerned dogs will get out.</li> </ul>	As above the dog owner has improved the containment for the dogs close to the house.

State

Nil

**Legislative Implications**

State

*Dog Act 1976, Part V — The keeping of dogs*

*Limitation as to numbers*

- (1) *A local government may, by a local law under this Act—*
  - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
  - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1)—*
  - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
  - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
  - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*
  - (d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*
- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption—*
  - (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
  - (b) *cannot authorise the keeping in or at those premises of—*
    - (i) *more than 6 dogs that have reached 3 months of age; or*
    - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;**and*
    - (c) *may be revoked or varied at any time.*
  - (4) *A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment—*
    - (a) *in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under—*
      - (i) *a local law mentioned in subsection (1); or*
      - (ii) *an exemption granted under subsection (3);**or*
    - (b) *more than—*
      - (i) *2 dangerous dogs (declared); or*
      - (ii) *2 dangerous dogs (restricted breed); or*
      - (iii) *one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
    - (c) *any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

*Penalty:*

- (a) *for an offence relating to a dangerous dog—*
  - (i) *a fine of \$10,000, but the minimum penalty is a fine of \$500;*
  - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984, section 71, a fine of \$500;*

- (b) *for an offence relating to a dog other than a dangerous dog—*
    - (i) *a fine of \$5,000;*
    - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984, section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
  - (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
  - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,**may apply to the State Administrative Tribunal for a review of the decision.*
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

#### Local

- Shire of Chittering Dogs Local Law 2011

#### 3.2 *Limitation on the number of dogs*

- (1) *This clause does not apply to premises which have been—*
  - (a) *licensed under Part 4 as an approved kennel establishment; or*
  - (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
  - (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*
  - (b) *3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

#### **Policy Implications**

##### State

Nil

##### Local

- Environment and Health Policy 10.7 Multiple Dog

The Multiple Dog Policy ensures alignment with the Shire of Chittering *Dog Local Law 2011* section 3.2(2) which allows for:

- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*
- (b) *3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

Residents wishing to register additional dogs are to submit to the Shire of Chittering an “Application for Exemptions of limitations of Number of Dogs” form and enclose the additional dog application fee, which is non-refundable and is prescribed in the Shire of Chittering’s Fees and Charges.

#### **Financial Implications**

Nil



### Strategic Implications

Nil

### Site Inspection

Site inspection undertaken: Yes

A Shire Ranger attended the property in approximately late February 2018 to assess the dogs and the concerns of the objections. All three dogs were in good health and well behaved at the time of the inspection.

With the concerns of the dogs getting out by the respondents, the dog's owners have added a containment area at the rear of the house using 1,200mm high pool fencing to blend in with the existing fence. The boundary fencing is in good condition, of the standard rural type.

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

The increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation. This has been made clear with the dog owner to address the situation of excessive barking at all times, as is a standard response to all site inspections relating to dogs.

#### Environmental implications

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

### Officer Comment/Details

The applicants have forwarded an application for the additional dog and a fee of \$100 (including GST) to the Council, including the breed of the dogs and fencing or confinement details.

In determining the application the following processes were undertaken:

1. All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
2. The Shire Ranger attended the property and undertook dog welfare and fencing check and spoke to the applicant regarding any concerns raised.

The applicant had an application approved for an exemption on the number of dogs with the City of Wanneroo. The City of Wanneroo were contacted with regard to any recorded history, with there being no such history on file.

The dogs' owners were spoken with at the time of inspection regarding the conditions that the Permit will likely have in place, and the importance to abide by them and the relevant Acts at all times. Failure to do so would revoke the application.

Ranger Services therefore recommend that approval be given to this application.



**9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050418**

Moved Cr Osborn / Seconded Cr Tilbury

That Council approve the Application for a third dog by Amy Wilson of Lot 390 (RN131) Santa Gertrudis Drive, Lower Chittering subject to the following conditions:

1. An authorised officer may at any reasonable time inspect the property in respect of the animals;
2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property:

Breed	Name	Microchip Number
American Staffordshire Bull Terrier Cross	Lilly	98517000091327*
Rottweiler	Fred	941000017685070
Bull Terrier	Roxy	985121004986636

3. Should one of the current registered dogs under this application become deceased, the Applicant cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering.
4. The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above.
5. The dogs must be registered at all times, and be compliant to the *Dog Act 1976* and Shire of Chittering *Dogs Local Law 2011*.
  - a. If at any time these requirements have been breached, Ranger Services may terminate the application; and may
  - b. Direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days.
6. Fencing must be kept in excellent condition and be able to prevent the dogs from going under, over or through it.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1

7:54PM

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

### 9.3.1 List of Accounts Paid for the period ending 31 March 2018\*

Report Date	16 April 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 31 March 2018

#### Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 March 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 2017/18 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 March 2018" is presented to Council for endorsement.

#### **9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060418**

**Moved Cr Osborn / Seconded Cr King**

**That Council endorses the List of Accounts Paid as follows:**

- a. PR4138, PR4169**
- b. EFT15509 – EFT15712**
- c. Municipal Fund Cheques 14325 – 14336**
- d. Direct Debits and Transfers as listed**
- e. Trust Fund payments as listed**

**totalling \$1,092,581.30 for the period ending 31 March 2018.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/1**

**7:57PM**

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Proposed Lower Chittering Sports and Community Centre Project: Stage 1\*

Report date	18 April 2018
Applicant	Shire of Chittering
File ref	18/07/15
Prepared by	Chief Executive Officer
Disclosure of interest	Ni
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"><li>1. Site plan</li><li>2. Lower Chittering Land Development Options, dated March 2018 (Confidential – not for public disclosure)</li><li>3. Valuation Report Part Lot 8017 Muchea East Road, Lower Chittering (Confidential – not for public disclosure)</li></ol>

#### Executive Summary

Council's is requested to approve a budget amendment to release \$70,000 from the Recreation Development Reserve to allow for planning and costing of facilities associated with Stage 1 of the Lower Chittering Recreation and Sports Facility.

In order to ensure that Council is prepared for future Federal Grant Funding rounds (which is a possibility prior to the end of the current financial year), it is essential that a preliminary survey, geotechnical analysis, costed concept plan and a fully documented cost benefit analysis is prepared for Stage 1 of the proposed Lower Chittering Sports and Community Centre Project. It is also proposed to further investigate the proposed sale of a 3 ha portion of Public Open Space land to Immaculate Heart College.

Accordingly, it is proposed to transfer \$70,000 from the Recreation Development Reserve (current balance \$333,601) into a specific project budget to further progress these matters. While Council could delay any such considerations for the upcoming budget, there is a high risk that Council would not be prepared for future Federal Grant applications. It is too late to prepare this information after a grant funding round is announced as the time between announcement and lodgement is usually less than six weeks.

#### Background

Council will recall that a detailed Sports and Recreation Centre Feasibility study, which included an extensive community consultation component, was undertaken in 2016. The final report was presented to Council on 16 November 2016 followed by a staging workshop in early 2017. However, project viability depends on future grant funding opportunities and a potential partnership with Immaculate Heart College for the possible development or joint use facilities which would be of benefit to both the school and the local community.

On 15 November 2017, Council was advised of a Federal grant funding opportunity through the Building Better Regions Fund. However, in developing the application it became apparent that finalising a sufficiently detailed funding application with supporting cost benefit analysis would not be possible prior to the close of submissions on 16 December 2016. At the time it was proposed to develop an affordable project (circa \$6m) be developed as part of the 2018/19 Annual Budget. However, as there are funds available from the Recreation Development Reserve which would be suitable for this purpose, it is proposed

to undertake the necessary work in anticipation of future funding opportunities, which may well arise prior to finalising the 2018/19 Annual Budget.

A related issue is the transfer/sale of 3 ha of Public Open Space land in Lower Chittering to Immaculate Heart College (IHC). Council is already aware of ongoing negotiations with Immaculate Heart College to determine the viability of a land-swap with Council. IHC is in the process of transitioning from a Year 7 school through to a Year 12 School over the next four years, with the first Year 8 intake in 2018. The school has recently completed a new classroom building to cater for increased numbers. The facility has been constructed and completed to a very high standard which bodes well for future developments at the school. Enrolment numbers are also exceeding annual targets.

As it currently stands, IHC would be forced to construct part of the school across the road from its existing location in Lower Chittering. Split campus schools across Australia have a poor record when it comes to student safety. It would be a far better outcome for the School to be developed in its current location. The school adjoins 10ha of Public Open Space which is intended for the development of the Lower Chittering Sports and Community Centre. The proposed facility can easily be accommodated on 7ha of the land; the balance 3ha could therefore be used for school expansion. The 7ha parcel is quite capable of housing a full size AFL field with indoor sporting facilities, recreation club, outdoor courts and car parking. The diagrams at **Attachment 1** show the land which is proposed for school expansion and the balance parcel which is proposed for recreation/sporting facilities. Initially it was proposed that Council enter into a land swap with the school however the school's preference is to purchase the land at market price.

Giving effect to such a transaction involves subdivision of the land and Council entering into an agreement with the State Government to purchase the land in Freehold title. Such arrangements are quite complex and time consuming and must be supported by a specific business case. In order to put some context around the actual process, Council and the School jointly engaged NAJA Consulting (Paul Rosair) to detail the process required. A copy of that report is at **Attachment 2 (Confidential – not for public disclosure)**. The report is provided on a confidential basis at this stage as we would not want to compromise further discussions with the State Government should something in the report not be strictly in accordance with current practice/policy. In the past, the transfer of land to freehold has occurred at a discount (i.e. less than full market price) and would usually be in accordance with prescribed conditions (e.g. conditional freehold - for education purposes only). A current valuation for the 3ha parcel of land is at **Attachment 3 (Confidential – not for public disclosure)**. The report is again provided on a confidential basis as the matter will be the subject of future commercial negotiations.

The \$70,000 allocation is proposed to be allocated as follows:

Description	Amount
Preliminary survey / geotechnical	\$10,000
Architectural concept / preliminary design	\$10,000
QS estimates	\$5,000
Cost Benefit Analysis	\$25,000
Land Transaction Costs	\$20,000
TOTAL	\$70,000

**Consultation/Communication Implications**Local

Council has been previously briefed regarding the Sports and Community Centre Feasibility Study (numerous workshops and consultant briefings - the most recent of these being the staging workshop on 15 February 2017) and the proposed land transaction involving IHC (the most recent of these being at the Council Briefing session on 12 December 2017).

Community consultation occurred as part of the Sports and Community Centre Feasibility Study from March to September 2016.

State

Nil

**Legislative Implications**State

There are legal implications associated with the proposed land transactions, the basis of which are summarised in **Attachment 2 (Confidential – not for public disclosure)**.

Generally, Council must comply with the requirements of the *Local Government Act 1995*. Section 3.58 of the Act contains specific provisions regarding the disposal of property. Most notably, the size of the proposed transaction is considerably less than the threshold for a major land transaction.

Local

Nil

**Policy Implications**State

There are policy implications associated with the proposed land transaction, the basis of which are summarised in **Attachment 2 (Confidential – not for public disclosure)**.

Local

Nil

**Financial Implications**

As referenced under "Background" the \$70,000 which is currently in the Shire's Recreation Development Reserve, will be used to fund:

Description	Amount
Preliminary survey / geotechnical	\$10,000
Architectural concept / preliminary design	\$10,000
QS estimates	\$5,000
Cost Benefit Analysis	\$25,000
Land Transaction Costs	\$20,000
<b>TOTAL</b>	<b>\$70,000</b>

## Strategic Implications

### Local

- Strategic Community Plan 2017-2027

- |             |  |
|-------------|--|
| Focus area: | Our community  |
| Objective:  | S1.1. An active and supported community  |
| Strategy:   | S1.1.2 Develop and enhance existing recreation and social facilities for local communities |
| Objective:  | S1.3 A safe and healthy community  |
| Strategy:   | S1.3.1. Improve the safety of our community  |
| Focus area: | Our built environment  |
| Objective:  | S3.1 Development of local hubs   |
| Strategy:   | S3.1.1. Plan for new and enhanced community facilities                                     |
| Focus area: | Strong leadership  |
| Objective:  | S5.2 Strong partnerships and relationships   |
| Strategy:   | S5.2.1. Build effective partnerships with stakeholders                                     |
|             | S5.2.2. Actively seek grant funding opportunities to support identified projects           |

### State

The Department of Planning, Lands and Heritage (DPLH) will need to be involved for the purposes of reclassification sometime in the future (refer to **Attachment 2 Confidential – not for public disclosure**).

## Site Inspection

Site inspection undertaken: Yes

There have been numerous site inspections over the last two years, with many more to follow.

## Triple Bottom Line Assessment

### Economic implications

There are positive economic implications associated with the proposed land transaction. It is recommended that any excess funds generated through the process be allocated to the Recreation Development Reserve for the Lower Chittering Sports and Recreation Facility.

The only realistic mechanism for funding the Lower Chittering Sports and Recreation Facility is through partnerships (potentially with IHC) and through either federal or state grant funding opportunities.

### Social implications

There are positive social implications associated with the development of shared use sporting facilities adjacent to the IHC school in Lower Chittering, with the school community and the local community involved in the management and use of those facilities.

The safety risk associated with a split school campus is effectively eliminated, should IHC be consented to develop on the western side of the current Public Open Space, rather than across Santa Gertrudis Drive, Lower Chittering.

Environmental implications

There are no known significant environmental implications associated with the proposal. Stormwater can be managed in such a way that it does not cause any appreciable increase in runoff with potentially enhanced mechanisms for treating runoff. There is also the potential for storage of water used for irrigation purposes which is yet to be fully explored.

**Officer Comment/Details**

Overall, the proposed land transaction and the joint development of sporting facilities at Lower Chittering represents an excellent example of Council, the School and the local community working towards a common outcome for the benefit of all.

**OFFICER RECOMMENDATION**

Moved Cr Tilbury / Seconded Cr Osborn

That Council approves a budget amendment to release \$70,000 from the Recreation Development Reserve to allow for planning and costing of facilities associated with Stage 1 of the Lower Chittering Recreation and Sports Facility, including the preparation of a cost benefit analysis and further progress of the proposed land transaction involving Immaculate Heart College.

**AMENDMENT**

Moved Cr King / seconded Cr Ross

That the amount of "\$70,000" be amended to read "up to \$100,000" so that the Recommendation reads as follows:

"That Council approves a budget amendment to release up to \$100,000 from the Recreation Development Reserve to allow for planning and costing of facilities associated with Stage 1 of the Lower Chittering Recreation and Sports Facility, including the preparation of a cost benefit analysis and further progress of the proposed land transaction involving Immaculate Heart College."

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

8:06PM

**9.4.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 070418**

Moved Cr Tilbury / Seconded Cr Osborn

That Council approves a budget amendment to release up to \$100,000 from the Recreation Development Reserve to allow for planning and costing of facilities associated with Stage 1 of the Lower Chittering Recreation and Sports Facility, including the preparation of a cost benefit analysis and further progress of the proposed land transaction involving Immaculate Heart College.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8:06PM



## 10. REPORTS OF COMMITTEES

### 10.1 Bushfire Advisory Committee: 13 March 2018\*

Report date	18 April 2018
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	<b>Absolute Majority</b>
Attachments	1. "Unconfirmed" minutes from the Bushfire Advisory Committee held on 13 March 2018

#### Executive Summary

Council's consideration is requested to endorse the appointment of Cr Peter Osborn to the position of Chairperson, and Cr Carmel Ross to the position of Deputy Chairperson; and receive the unconfirmed minutes from the Bushfire Advisory Committee meeting that was held on 13 March 2018.

#### Background

The Chittering Bushfire Advisory Committee meeting met on 13 March 2018 where the following two formal recommendations were resolved:

##### COMMITTEE RECOMMENDATION

*Moved Alan Sheridan / Seconded David Carroll*

*The Chittering Bushfire Advisory Committee hereby elects:*

- 1. Cr Peter Osborn to the position of Chairperson; and*
- 2. Cr Carmel Ross to the position of Deputy Chairperson.*

**CARRIED**

#### Consultation/Communication Implications

##### Local

Bushfire Advisory Committee

##### State

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

Nil

### Strategic Implications

#### Local

- Strategic Community Plan 2017-2027

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

#### State

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

Following the meeting of the Bushfire Advisory Committee Council is hereby requested to approve the appointments of Chairperson and Deputy Chairperson. The unconfirmed minutes from the meeting are also presented to Council to be received.

**10.1 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 080418**

Moved Cr Tilbury / Seconded Cr King

That Council:

1. Appoints Cr Peter Osborn to the position of Chairperson, and Cr Carmel Ross to the position of Deputy Chairperson on the Bushfire Advisory Committee.
2. Receives the unconfirmed minutes from the Bushfire Advisory Committee meeting held on 13 March 2018.

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

8:06PM

## 10.2 Audit Committee: 21 March 2018\*

Report date	18 April 2018
Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" Audit Committee Minutes dated 21 March 2018

### Executive Summary

Council's consideration is 'requested' to receive the unconfirmed minutes from the Audit Committee meeting that was held on Wednesday 21 March 2018.

### Background

The Chittering Audit Committee meeting met on 21 March 2018 where the following two formal recommendations were resolved:

#### 6.1 COMMITTEE RECOMMENDATION

*That the Audit Committee accepts the 2016-2017 Management Audit Report and Independent Auditors Report that was presented by Moore Stephens.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0*  
6:38PM

#### 6.2 OFFICER / COMMITTEE RECOMMENDATION

*Moved Cr Ross / Seconded Cr King*

*That the Audit Committee reviews the Local Government Compliance Audit Return for the period 1 January 2017 to 31 December 2017 and presents to Council for adoption.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0*  
6:40PM

As the Local Government Compliance Audit Return was required to be adopted before 31 March 2018, a late item was tabled at the March Ordinary Council Meeting. Accordingly, Council resolved the following:

#### 13.2 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 150318

*Moved Cr Tilbury / Seconded Cr Osborn*

*That Council:*

- 1. endorses the Local Government Compliance Audit Return for the period 1 January 2017 to 31 December 2017 as detailed in Attachment 1.*
- 2. authorises the Shire President and Chief Executive Officer to sign the Local Government Compliance Audit Return for the period 1 January 2017 to 31 December 2017 as detailed in Attachment 1 and submit it to the Department of Local Government, Sport and Cultural Industries.*

*THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0*  
9:14PM

### **Consultation/Communication Implications**

#### Local

Chittering Audit Committee  
Moore Stephens

#### State

Nil

### **Legislative Implications**

#### State

- *Local Government Act 1995, section 5.8*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

#### Local

Nil

#### State

Nil

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

Environmental implications

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

**Officer Comment/Details**

The unconfirmed minutes of the Chittering Audit Committee meeting held on 21 March 2018 are presented to Council to be received.

**10.2 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 090418**

Moved Cr Osborn / Seconded Cr King

That Council:

1. Accepts the 2016-2017 Management Audit Report and Independent Auditors Report that was presented by Moore Stephens.
2. Receives the unconfirmed minutes from the Audit Committee meeting held on 21 March 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0  
8:08PM

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

Nil

**12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

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

**MOTION / COUNCIL RESOLUTION 100418**

Moved Cr Osborn / Seconded Cr Ross

That Council, in accordance with c5.4(2) of *Local Government (Council Meetings) Local Law 2014* deal with Item 13.1 Monthly Financial Statements as the matters are unable to be dealt with administratively by the local government and must be considered and dealt with by Council before the next meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0  
8:09PM

### 13.1 Monthly Financial Reports\*

Report Date	18 April 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 28 February 2018 and 31 March 2018

#### Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the periods ending 28 February 2018 and 31 March 2018.

#### Background

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

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

#### Consultation/Communication Implications

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

### Strategic Implications

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

Over the past few months we have transitioned to a new Chart of Accounts which has resulted in new set of Monthly Financial Reports. These new reports include processes to verify the integrity of the accounting system ensuring all modules balance before moving to the next month.

These reports are still being tweaked as we have endeavoured to meet this Council Meeting deadline. It would be appreciated if Councillors could provide some constructive feedback in regard to the layout and style of the report.

Council is requested to receive the Monthly Financial Reports for the period ending 28 February 2018 and 31 March 2018 as presented.

#### **13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110418**

**Moved Cr King / Seconded Cr Osborn**

**That Council receives the Monthly Financial Reports for period ending 28 February 2018 and 31 March 2018.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

8:11PM

## **14. MEETING CLOSED TO THE PUBLIC**

### **14.1 Matters for which the meeting may be closed**

Nil



## 15. CLOSURE

The Presiding Member declared the meeting closed at 8:12PM.



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