

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

19 September 2018

**Council Chambers
6177 Great Northern Highway
Bindoon**

Commencement: 7.00pm

Closure: 7.29pm



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

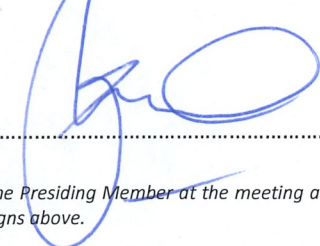
These minutes were approved for distribution on Friday 28 September 2018.



Alan Sheridan
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on Wednesday 17 October 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 / ANNOUNCEMENTS

2.1 Attendance

The following Members were in attendance:

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

Members of
the public 8

Media 0

2.2 Apologies

Rhona Hawkins Executive Manager Corporate Services

2.3 Approved leave of absence

2.3.1 Cr George Tilbury

Council has previously approved leave of absence for Cr George Tilbury for the period inclusive of Monday, 17 September 2018 until Sunday 23 September 2018 (Resolution 010718).

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)

- Taste of Chittering on 26 August 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 31 August 2018
- Spring Festival on 16 September 2018

Cr Peter Osborn (Deputy President)

- Weekly catchup meeting with the President and Chief Executive Officer on 31 August 2018
- Edmund Rice College Open Day and 80th Birthday Celebrations on 1 September 2018
- Chittering Tourist Association's AGM on 4 September 2018
- 2018 Resilient Australia Awards, State Awards Presentation on 6 September 2018
- Northern Growth Alliance meeting with the RDA Wheatbelt on 12 September 2018
- Perth Hills Vigneron Association's Wine Show 2018 on 12 September 2018

Cr Carmel Ross

- Chittering Fire Services Annual Huw Davies Training Day at Muchea on 18 August 2018
- Taste of Chittering on 26 August 2018
- Edmund Rice College 80th anniversary High Tea on 1 September 2018
- Chittering Tourist Association AGM on 4 September 2018
- Chittering Spring Festival on 15 September 2018
- Chittering Spring Festival on 16 September 2018
- Muchea Industrial Park working group meeting, Muchea on 18 September 2018

Cr Mary Angus

- WACHS strategic planning workshop in Northam on 13 August 2018
- Chittering Health Services Advisory Committee meeting on 22 August 2018
- Taste of Chittering on 26 August 2018

3. DISCLOSURE OF INTEREST

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

There were no disclosures of interest declared.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 John Curtis, Bindoon

Question 1: Would a community drop-off facility save the issue of contamination of recycling bins?

Answer 1: Community drop-off facilities are renowned for contamination as they are not supervised. People frequently place recyclables in waste bins, and vice-versa – even when there is clear signage available. People also tend to use drop-off facilities for non-recyclable materials and products (e.g. clothing, toys, furniture, electrical equipment, etc.), which then has to be removed at an additional cost – this is an ongoing problem with charity bins. The community kerbside collection service also has issues with contamination however to a lesser extent than drop-off facilities. What is needed is improved education to reduce contamination levels. Drop-off facilities at landfill / recycling sites are monitored by Shire staff and tend to be better utilised.

Question 2: Who puts out the rates information flyer? In 2014/2015 the rates went up but this was not included in the information, why?

Answer 2: Shire staff prepare the Rates Information Flyer for inclusion with the Rates Notice. Reference to the previous three years rating years in the overview was deemed to be sufficient.

4.2 Public question time

4.2.1 Chris Waldie, Bindoon

Before Mr Waldie asked his question he thanked the Shire for their assistance for the recent Historic Vehicle Day. The Day raised \$1,000 for the “Buy and Bale” fundraising campaign to assist the farmers that have been affected by drought.

Question 1: Is the Muchea tip limited in its capacity to take rubbish; if so what is the life expectancy?

Answer 1: Through the Chair, the Executive Manager Technical Services advised that the Muchea Landfill site is classified under the Environmental Protection Regulations as a Class 2 facility, which means that it is only allowed to receive inert building material and construction waste – no asbestos. The capacity of the Muchea Landfill site is for another 30/40 years.

Question 2: Of recent times I have noticed double trailer semis full of rubble from another shire dumping at Muchea. Is this approved by the Shire and do we receive a fee?

Answer 2: Through the Chair, the Executive Manager Technical Services advised that the landfill site does not receive any waste from other shires. There is a Boral site that operates adjacent to the Muchea Landfill site. The Shire's landfill sites are monitored on an monthly basis by the Department of Water and Environmental Regulation, and the Shire has to pay an annual fee if materials are received outside of our jurisdiction.

4.2.2 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 Chair took the question on notice.

Question 2: When is the depot leaving town?

Answer 2: Through the Chair, the Chief Executive Officer advised that it will cost a lot of money to relocate the depot and rehabilitate the site. The Shire's Capital Works Plan has included the relocation of the depot, however this is about six years away. The ability of the town to expand is also constrained by the lack of infrastructure (i.e. water, sewerage).

4.2.3 Robert Pizzino, Bindoon

Question 1: How much did rates rise this year as a percentage, and how much did they rise last year as a percentage?

Answer 1: Through the Chair, the Chief Executive Officer advised that the percentage rate rise for the current financial year was 2.5%.

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

Answer 2: The Chair took the question on notice.

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.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010918

Moved Cr King / Seconded Cr Ross

That the minutes of the Ordinary meeting of Council held on Wednesday, 15 August 2018 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:15PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Initiation of Trading in Thoroughfares and Public Places Policy*

Report date	19 September 2018
Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Principal Environmental Health Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Proposed Trading in Thoroughfares and Public Places Policy 2. Proposed Approved Traders' Sites

Executive Summary

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

Background

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

Consultation/Communication Implications

Local

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

State

Public Transport Authority of WA – School Bus Services

Legislative Implications

State

- Food Act 2008

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

Local

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

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

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

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

Policy Implications

State

Nil

Local

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

Financial Implications

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

Strategic Implications

Local

The proposed policy has a threefold effect:

1. To protect existing permanent commercial businesses from businesses losses by preventing food vehicle traders operating in townsites and commercial areas;
2. To provide a range of alternative locations whereby food vehicles can trade where they will not conflict with permanent food businesses; and
3. To enhance the tourism industry and opportunities for residents that live away from townsites by providing a greater range of food alternatives.

State

Nil

Site Inspection

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

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

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

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

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

Clause 6.5(2)(d) of the Local Law states:

The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –

That the needs of the district, or part for which the permit is sought are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall;

It is evident that most town site food businesses are strongly opposed to food van traders operating in town particularly when they sell food that is similar or the same and when they sell at concurrent times. A primary consideration is therefore whether established food businesses cater for the needs of the district. Regardless of whether the food vans sell alternative foods to that sold by permanent food businesses the general consensus amongst the permanent business proprietors is that they are still threatened due to reduced potential customers. With regard to 'the needs of the district' it is apparent that most areas outside of the two town sites are not very well provided for. These areas could be well-served by food van traders and they could pick up significant trade from rural/residential areas and the tourist industry particularly on weekends.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020918

Moved Cr Gibson / Seconded Cr Angus

That Council:

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 5/1

7:19PM

9.1.2 Final Adoption of Scheme Amendment No. 65 to Town Planning Scheme No. 6: Re-advertising of Modifications – Omnibus*

Report date	19 September 2018
Applicant	Shire of Chittering
File ref	18/02/23
Prepared by	Senior Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Council Minutes (13/12/17) and Scheme Amendment No. 65 Report 2. WAPC Request for Modifications and Re-advertising 3. Schedule of Submissions

Executive Summary

Council is requested to consider the Western Australian Planning Commission's (WAPC) modifications to Scheme Amendment No. 65 to the Shire of Chittering *Local Planning Scheme No. 6* (LPS6), and the submissions received from the advertising of these modifications.

The primary WAPC modification is the inclusion of the existing approved Transport Depots within the 'Agricultural Resource' zone to be given 'Additional Use' rights under LPS6.

Background

At its meeting held 13 December 2017, Council resolved (Resolution 051217) to support modified Scheme Amendment No. 65 to LPS6 by:

- i) Modifying Schedule 1 - 'Land Use Definitions' (various updates to definitions); and
- ii) Modifying Schedule 2 - 'Zoning Table' (land use permissibility updated).

A copy of these Council Minutes and Scheme Amendment No. 65 report has been provided as an attachment to this report (**Attachment 1**), which documents the Council supported modifications to LPS6.

The above was forward to the WAPC in January 2018 with a request for approval from the Minister for Planning.

Correspondence has since been received from the WAPC (**Attachment 2**) on behalf of the Minister directing the Shire make modifications to Scheme Amendment No. 65 and conduct further advertising prior to the Minister further considering approval.

The primary modification directed to be made to the Scheme Amendment is the inclusion of nine properties within the Shire that have Development Approval to operate a 'Transport Depot' within the 'Agricultural Resource' zone. These properties are to be included within Schedule 3 of LPS6 and given 'Additional Use' rights. The properties affected are provided in the WAPC correspondence in **Attachment 2**. These properties were deemed to be significantly impacted by the Amendment as the use class of 'Transport Depot' is proposed to become an 'X' (not permitted) use class within the 'Agricultural Resource' zone.

The minor modifications directed to be made include changes to the LPS6 land use definitions to align them with the model definitions provided in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations 2015). These changes are generally consistent with the Council's previous resolution for support of Scheme Amendment 65 with only some administrative changes.

An additional minor modification has been made to the LPS6 Zoning Table which involves the separation of the use class 'Winery/Brewery' into 'Winery' and 'Brewery'. The permissibility of a 'Winery' in the relevant LPS6 zones has not been changed as part of this amendment. The permissibility of a 'Brewery' in the relevant LPS6 zones has not changed with the exception of the 'Light Industrial' and 'General Industry' zone whereby a brewery can be considered for approval ('D') in these zones whereas previously it was not permitted ('X').

Consultation/Communication Implications

Local

In accordance with the Minister's direction, the modifications to the Scheme Amendment were advertised directly to the nine affected landowners that have approval to operate a 'Transport Depot'. Each landowner was sent letter correspondence and were afforded 42 days (21 June 2018 to 2 August 2018) to provide comment to the Shire.

As a result of the advertising, three submissions were received with each submission tabled within the 'Schedule of Submissions' (**Attachment 3**).

All submissions received were generally supportive of the modifications however, two submissions have requested that in addition to the 'Transport Depot' use class being included as an 'Additional Use', the use class of 'Warehouse/Storage' also be included, consistent with their Development Approvals. This has been discussed within the Officer Comment/Details section of the report.

State

Nil

Legislative Implications

State

1) Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) dictate the process to be undertaken for Scheme Amendments including the re-advertising of modifications to a Scheme Amendment.

The modifications made were pursuant to Pt. 5, Div. 4, R. 56(1) of the Regulations which states:

'Before a decision is made under Section 87 of the Act, the Minister or an authorized person may direct the local government to advertise modifications to a standard amendment to a local planning scheme if -

- (a) the local government proposes, or the Commission recommends, that the amendment that was advertised under regulation 47(2) be modified; and*
- (b) the Minister or authorised person is of the opinion that the modification is significant.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Nil

Triple Bottom Line Assessment

Economic implications

Scheme Amendment No. 65 restricts further industrial type land uses (i.e. 'Warehouse/Storage', 'Transport Depot') from occurring on land zoned 'Agricultural Resource'. This may have a perceived negative economic impact on rural landholdings however, given the onset of the Muchea Industrial Park, industrial type businesses can soon be operating within an appropriate industrial zone within the Shire.

Social implications

Restricting industrial type activities to industrial zoned land only will restrict rural landowners from operating small industrial businesses (i.e. parking and storage of trucks). This may increase/protect the existing amenity of these rural environments which is valued by rural residents and visitors to the Shire.

Environmental implications

Restricting industrial type activities to industrial zoned land only will give the relevant authorities, including the Shire, better control and ability to manage industrial impacts on the environment.

Officer Comment/Details

Scheme Amendment No. 65 has already been supported by Council and referred to the WAPC for consideration and for the Minister's approval. This report is for Council's consideration of the modifications directed to be made by the Minister and submissions received as part of the advertising of these modifications.

The direction provided by the Minister seeks to introduce nine properties within Schedule 3 of LPS6 to allow them 'Additional Use' rights to continue operating their 'Transport Depot'. As a result of the advertising period, the following was raised as a request from two of the three submissions received and is further discussed:

- 2) Inclusion of the use class 'Warehouse/Storage' within the permitted 'Additional Uses' of the subject properties.

Following receipt of the submissions, an internal review of the nine properties was conducted to ascertain which properties were granted approval under LPS6 for 'Warehouse/Storage' in addition to 'Transport Depot'.

The relevant properties and approvals are presented in the below table:

Property Address	Approved Use Classes	Approval Date
Lot 6 Brand Highway, Muchea	'Transport Depot', 'Warehouse/Storage'	15/02/2017
Lot 814 Brand Highway, Muchea	'Transport Depot'	19/08/2017
Lot 202 Great Northern Highway, Muchea	'Transport Depot'	14//11/2014
Lot 609 Great Northern Highway, Muchea	'Transport Depot', 'Warehouse/Storage'	4/04/2018
Lot 3281 Great Northern Highway, Muchea	'Transport Depot'	18/11/2015
Lot 700 Muchea East Road, Muchea	'Transport Depot'	18/7/2012
Lot 701 Muchea East Road, Muchea	'Transport Depot'	22/10/2008
Lots 3 and 600 Old Gingin Road, Muchea	'Transport Depot', 'Warehouse/Storage'	13/12/2017
Lot 191 Wandena Road, Lower Chittering	'Transport Depot', 'Warehouse/Storage'	19/04/2017

The above is relevant due to the use class 'Warehouse/Storage' (in addition to 'Transport Depot'), becoming a land use that is not permitted in the 'Agricultural Resource' zone through Scheme Amendment No. 65.

It is considered appropriate that the four identified properties that have obtained Development Approval for 'Warehouse/Storage' be provided with the security of continuing this approved use into the future, by inclusion as an 'Additional Use'. The impacts of such are considered to be negligible as the 'Warehouse/Storage' component of any Development Approval can continue without this 'Additional Use' right, through the 'Non-Conforming Use' right provisions of the LPS6. It does however, provide benefits and security to the relevant landowners in the instance the 'Warehouse/Storage' activity happened to cease to operate for a period of time. It also provides clarity for the Shire in regards to the administration of LPS6.

Officer Comment/Details

It is recommended that Council support the various modifications directed by the Minister to be made to Scheme Amendment No. 65. In addition, it is recommended that Council recommend to the Minister to include the use class 'Warehouse/Storage' as an 'Additional Use' for the following four land parcels:

- 1) Lot 6 Brand Highway, Muchea;
- 2) Lot 609 Great Northern Highway, Muchea;
- 3) Lots 3 and 600 Old Gingin Road, Muchea; and
- 4) Lot 191 Wandena Road, Lower Chittering.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030918

Moved Cr Osborn / Seconded Cr King

That Council:

- 1. Modifies Scheme Amendment No. 65 to *Local Planning Scheme No. 6* as directed by the Minister for Planning in the letter dated 11 June 2018.**
- 2. Recommends to the Minister for Planning that the following four land parcels be provided, within Schedule 3 of the *Local Planning Scheme No. 6*, the 'Additional Use' of 'Warehouse/Storage':**
 - a. A18 - Lot 6 Brand Highway, Muchea**
 - b. A21 - Lot 609 Great Northern Highway, Muchea**
 - c. A25 - Lots 3 & 600 Old Gingin Road, Muchea**
 - d. A26 - Lot 191 Wandena Road, Lower Chittering.**
- 3. Forwards the modified Scheme Amendment No. 65 to the Western Australian Planning Commission requesting the approval of the Minister for Planning.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0
7:19PM

MOTION / COUNCIL RESOLUTION 040918**Moved Cr King / Seconded Cr Gibson****That Item 9.1.3 "Additional Dog Application: Lot 168 (RN 27) Chianina Place, Lower Chittering" be raised from the table.****THE MOTION WAS PUT AND DECLARED CARRIED 6/0**

7:20PM

9.1.3 Additional Dog Application: Lot 168 (RN27) Chianina Place, Lower Chittering

Report date	19 September 2018
Applicant	J. Rakic
File ref	A4082
Prepared by	Ranger
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to raise from the table the previously considered application for a third dog at Lot 168 (RN27) Chianina Place, Lower Chittering. The application was originally made for an additional, third dog. However, one of the dogs since Council's Ordinary Meeting of August 2018 has deceased, meaning the application no longer requires Council's determination.

Background

At its Ordinary Meeting of August 2018, Council considered an application for a third dog at the subject address. As a result of new information provided by a neighbouring party, the application was placed on hold pending officers' research results, as follows:

"That Item 9.1.3 "Additional Dog Application: Lot 168 (RN27) Chianina Place, Lower Chittering" be laid on the table to allow for Shire officers to research the matter further following the deputation presented by Cilla and Jeff Fahey-Gilmour and present to the September Ordinary Council Meeting; and that copies of the material provided by Cilla and Jeff Fahey-Gilmour is distributed to Council prior to the September Ordinary Meeting"

Since the August 2018 Ordinary Meeting of Council, one of the applicant's dogs has since deceased. Accordingly, as the applicant now wishes to register two animals, this does not require Council's determination in accordance with Part V of the *Dog Act 1976*.

Consultation/Communication ImplicationsLocal

Nil

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.*

Nuisance dogs

If the authorised person is satisfied that the dog is causing a nuisance via Bark Diaries issued to the complainants, Then an Abatement Notice will be issued to the person liable for the control of the dog and advise them that a breach of the Abatement Notice constitutes an offence. That is, it is not the fact that the dog has caused a nuisance that constitutes the offence, but the fact that the owner does not prevent future instances of nuisance.

Division 4 — Control of nuisance

38. Nuisance dogs

For the purposes of this section, a dog is a nuisance if the dog —

- a) *makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any place; or*
- b) *is shown to be allowed to behave consistently in a manner contrary to the general interest of the community; or*
- c) *makes a noise, by barking or otherwise, that exceeds —*
 - (i) *a prescribed noise level measured by a prescribed method over a prescribed period of time; or*
 - (ii) *a prescribed number of times of occurrence during or over a prescribed period of time.*

- (1) *A person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.*
- (2) *If an authorised person is satisfied that a dog is a nuisance as alleged in a complaint, the authorised person may issue an order to a person liable for the control of the dog requiring that person to prevent the behavior that is alleged to constitute the nuisance by a time specified in the order.*
- (3) *An order has effect for 6 months after the day on which it is issued.*
- (4) *A person to whom an order is issued must comply with the order during the period in which it has effect.*
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, a fine of \$5 000.*
- (5) *This section does not apply to a dog while that dog is kept at an establishment licensed as an approved kennel establishment under section 27.*

Policy Implications

State

Nil

Local

- **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

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

As discussed above, this matter is no longer subject to discretion. Rather the matter requires lifting from the table in order to be formally withdrawn.

For observational value, staff remain vigilant in addressing the concerns of the adjoining property owner in relation to nuisance behaviour of the two existing animals. Some previously applied measures to stifle barking have failed – such as the use of citrus collars – however the Ranger has worked within legal means to resolve the issue as amicably and timely as possible.

Accordingly, it is recommended that Council lift the item from the table in order to allow for the item to be formally withdrawn.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050918

Moved Cr Osborn / Seconded Cr Ross

That the application for an Additional Dog at Lot 168 (RN 27) Chianina Place, Lower Chittering be no longer considered by Council.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:21PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 List of Accounts Paid for the period ending 31 August 2018*

Report Date	19 September 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 August 2018

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 August 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 060918

Moved Cr Ross / Seconded Cr Osborn

That Council:

- 1. endorse the Accounts Paid:**
 - a. PR4493, PR4507**
 - b. EFT16491 – EFT16662**
 - c. Municipal Fund Cheques 14339, 14341 – 14343**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund payments as listed**
- totalling \$1,301,619.62 for the period ending 31 August 2018.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:21PM

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

Report Date	19 September 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Senior Finance Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 31 July 2018

Executive Summary

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

Background

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

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

Consultation/Communication Implications

Nil

Legislative Implications

State

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

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to receive the Monthly Financial Reports for the period ending 31 July 2018 as presented.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080918

Moved Cr Angus / Seconded Cr King

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:22PM

9.4 CHIEF EXECUTIVE OFFICER

Nil

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Previous questions from Members without notice asked at the Ordinary Council Meeting held on 15 August 2018

12.1.1 Policy 4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits – Cr Peter Osborn

Under the Policy Elected Members' attending conferences paid for by the Shire the following applies:

"Reports of conference attendance are to be provided in writing to the next Ordinary Council Meeting briefing session".

I request that those members who attended the WALGA State Conference to provide a written report of their activities.

Response from Cr Gordon Houston

PRESIDENT'S REPORT – 2018 LOCAL GOVERNMENT CONVENTION

This year's WA Local Government Convention was well attended with over 500 delegates and 150 local government officers in attendance over the three days. There were also 107 exhibitors who populated the Trade Exhibition.

Two presentations were made to the Mayors and Presidents' Forum which was held on Tuesday 31 July. The first was an update on the NBN national network roll out and the second an overview of the Commissioner's role at the City of Perth from their perspective.

WEDNESDAY, 1 AUGUST

Political Forum

On the Wednesday, the program commenced with a Political Forum where the Local Government Minister and the Leader of the Opposition presented their perspectives on topical issues surrounding the local government space.

Rotational Dialogues

Following that forum, the CEO and Shire President attended two Rotational Dialogues with Department of Water and Main Roads WA.

Rotational Dialogues are a series of planned "appointments" with a range of public service leaders who attend at the request of WALGA and make themselves available to listen(briefly) to individual issues presented by various local governments. The major issues discussed with the agencies were Sewage Infill to Bindoon and future ownership of the section of Great Northern Highway excised by the new Bypass. On the matter of sewage infill, the Chittering delegates were invited to stay on at the Water Corporation dialogue while another local government facing the same issue had their turn with the Water Corporation.

State AGM

The AGM was held in the afternoon and the principal items of business which were carried by the meeting were:

- An item which proposed a number of amendments to WALGA's Constitution that were raised or identified since the last governance review and amendments to WALGA's Constitution in 2016. Generally related to representation of both the Metropolitan and Non-metropolitan constituencies in the positions of President and Deputy President of WALGA and also included some minor items. The issues were as follows:
 1. President and Deputy President – Metropolitan and Country Representation
 2. President and Deputy President – Rotation of Presidency between Metropolitan and Country constituencies
 3. State Councillor Eligibility – Ex-officio Members
 4. State Councillor Eligibility – Ministerial Suspension of Council or Councillor
 5. Election Procedure – Confirmation that the WALGA President is entitled to vote in elections for the positions of President and Deputy President
 6. Change of Name – Local Government Professionals Australia WA
 7. Zone Delegate Eligibility – Ministerial Suspension of Council or Councillor

Amongst the other approved amendments, the formalisation of the election arrangements resulted in the determination that the *"State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17"*, and that the *"rotation of Presidency be added to the Association Constitution"*.

- In an attempt to improve road safety, the Shire of Victoria Plains moved a motion to amend the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* to permit clearing or reduction of vegetation within 30m of all farm driveways/gates/entrances and on road bends and intersections obstructing 'line of sight'.
- WA is underrepresented in the amount of GST share received and the Shire of Donnybrook-Balingup moved a motion seeking WALGA's support to advocate for an increase to the GST distribution for WA. The adopted motion requested WALGA to *"persistently seek and advocate for an increase of the GST distribution share back to Western Australia"*.
- In a response to concerns regarding funding cuts, particularly to education services and infrastructure, affecting rural communities, the Shire of Moora moved that *"WALGA express its deep concern to the W.A State Government regarding the continued attack on rural, regional and remote communities in W.A through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across W.A."*

THURSDAY, 2 AUGUST

The Convention program featured a number of outstanding speakers, across both plenary and topic specific concurrent sessions.

Session 1 - Keynote

The opening keynote speaker, Anh Do, was two when he arrived in Australia on a small overloaded fishing boat with 47 other dehydrated and starving Vietnamese refugees. By the time he was 30 years old, he held a Bachelor of Business and a Bachelor of Laws, and was also voted Australian Comedian of the Year and now, he is the author of an award-winning autobiography, *The Happiest Refugee*, was a finalist in the 2014 Archibald Prize and won the 2017 Archibald Prize People's Choice Award. He has now become one of Australia's best-loved personalities.

Anh shared a moving and engaging account of his family and how they arrived in Australia and his story demonstrated the challenges confronted at the time by refugees to this country. It was both touching and humorous in its telling and its predominant message was around resilience and optimism.

Session 2: Big Picture Economy

Dr Geoff Raby, Chairman and CEO of Geoff Raby & Associates (Beijing) and a former Australian Ambassador to China presented an international economic perspective on what is currently happening around the world in the face of Brexit, 'Trumponomics', trade sanctions and the emerging economic strengths of the Asian economic community. He discussed the likely implications of these economic pressures on Australia's economy.

Session 3: Demographic Snapshot of Australia: Now and Towards 2020

In this session, Mark McCrindle, a research based futurist asserted that, to engage with people and connect with communities, we need to find and understand the available data and the demographic of those communities. Mark demonstrated how population analysis tells a revealing story of Australia today and shows clear trend lines. Mark used the latest demographic data to give a snapshot of the changes, the trends, the challenges and the opportunities for WA and WA's Local Government sector.

Session 4: Concurrent Sessions

In the afternoon, Session 4 entailed four concurrent sessions. They were:

- **Leading Local Economies**
This session explored the important role of Local Government in sustainable economic development. Speakers from academia, business and Local Government gave short presentations and participated in a facilitated discussion about the role that Local Government can play in leading their local economy on a path to sustainable growth.
- **Changing Nature of Communities**
This session was about making sense (and the best use) of the abundant amount of information available about our communities. It asked how we apply that information to our individual circumstances to create vibrant, liveable and activated communities. As a follow on from Mark McCrindle's plenary session, the Office of Multicultural Interests presented on those changes and introduced Search Diversity WA, a new online tool which allows local government to search and download data on cultural, faith and language statistics in WA from the Australian Bureau of Statistics Census information.

- **Creating Great Places**
This session presented the Town Team Movement to the delegates. Dean Cracknell, Chief Executive Officer of the Movement described it as “a non-profit organisation helping ‘town teams’ to organise and empower their local communities by working proactively with their Local Government to create active, resilient and successful places”. Dean provided practical advice on how to involve communities in creating authentic great places and presented case studies for consideration by regional communities.
- **Too Toxic to Talk**
Mary Power, Director of mPower People presented a series of strategies to help deal with “toxic” people; those individuals who drain you of energy instead of enriching you, the people who pull you down instead of raising you up, the people who require more than they can provide. She suggested that no matter how good our people skills are, in general most of us have problems dealing effectively with this kind of person and strategies are needed to assist in those interactions.

Session 5: The Granny Whisperer

Billie Jordan founded The Hip Op-eration Crew; a hip hop dance group consisting of members aged 73 to 98 years old. They are in the Guinness World Records as the oldest dance group in the world and have performed at the World Hip Hop Championships in Las Vegas.

Billie and the Crew feature in an award-winning feature documentary film called Hip Hoperation about Billie’s mission to get her elderly neighbours to the World Hip Hop championships and Billie shared her inspiring story of how she changed the lives of her elderly neighbours and how they changed hers.

FRIDAY, 3 AUGUST

Session 6: Conversations

Liam Bartlett, 60 Minutes Reporter, broadcaster and journalist facilitated one of the Convention’s favourite sessions, the “Conversations” discussion. This year, three leading political figures from Australia’s recent democratic past (the Hon Bob Carr, Former Premier of NSW and Minister for Foreign Affairs; Jacqui Lambie, Former Senator for Tasmania and Natasha Stott Despoja, Former Senator for South Australia) provided insights into the political landscape and how “politics” impacts on the decisions and issues that affect local communities.

Session 7: Concurrent Sessions

- **Getting Professional Performance from Non-Professionals**
Elected Members in Western Australia have incredibly diverse careers, interests and cultures but when they come together to represent their communities, there is a universal expectation of high performance. Dwayne Nestor, Director and Performance Coach of SiSu Life and Head Coach of the Australian Walleroos suggested that the combination of personal and civic responsibilities and the obligation to observe uncompromising standards of personal behaviour creates tremendous pressures that can and do impact on the ability of elected members to perform at a high level.

Dwayne argued that elected members share many of the traits and a similar pressure of expectation as elite amateur sportspeople as both are expected to perform at levels equivalent with professionals in their field but without the support or recognition afforded to the professionals.

He shared his insight into the demands placed on both elite professional and elite amateur athletes and discussed the psychological mindset required for elite amateurs to achieve professional outcomes.

- **Native Title and the South West Settlement Process**
This session followed the successful Aboriginal Culture and Heritage Preservation Forum run in 2017 and focussed on the South West Settlement process and key aspects relating to the 103 Local Governments that this will affect. Key players in the settlement process presented the main aspects for consideration. The session particularly addressed Reconciliation Action Plans (RAPs) and how they hold a key role to meaningful commitment and engagement in the Settlement Process. RAPs have the ability to be a significant starting point for Local Government and delegates heard experiences from those who have been through the process of developing RAPs.
- **How Prepared Are We?**
The Chairman of the State Emergency Management Committee and representatives from the Department of Fire & Emergency Services and the Office of Emergency Management presented on the Emergency Preparedness Report which is a State-wide assessment on the preparedness of the State to combat emergencies. This style of reporting was adopted by the agencies in 2012 after some catastrophic fires and WA is the only state in Australia to report in this manner. The session highlighted the key findings and provided an overview of the State's preparedness against a number of risks/hazards our communities may face. The session also presented the latest developments and trends in the Recovery space.

PRESENTATIONS - CONCURRENT SESSIONS

Several of the presentations from the concurrent sessions are available from the WALGA website at <https://walga.asn.au/News,-Events-and-Publications/Events/2018-WA-Local-Government-Convention-Trade-Exhibi/Presentations.aspx>. They are detailed below.

Session 4

Leading Local Economies

Presentation - Andrew Campbell

Presentation - Kitty Prodonovich

Changing Nature of Communities

Presentation - Office of Multicultural Interests (OMI) and the City of Stirling

Creating Great Places

Presentation - Dean Cracknell and Cr Jimmy Murphy

Session 6

Native Title and the South West Settlement Process

Presentation - Angela Elder

Presentation - Glen Mesch

Presentation - Carol Innes

How Prepared Are We?

Presentation - Mal Cronstedt

Response from Cr Mary Angus

2018 W.A. Local Government Convention - 'Ready & Relevant'

I attended the 2018 WALGA convention and AGM from Wednesday 1 August to Friday 3 August.

Wednesday 1 August:

I attended the WALGA AGM at 1.30pm at the Perth Convention and Exhibition Centre which included the presentations of the 2018 Honours Awards. The backgrounds and achievements of the recipients were inspiring. This was followed by the Official Opening Welcome Reception and Trade Exhibition where I spent two hours networking with staff and Councillors from other shires throughout Western Australia, while perusing the trade exhibition, all the time thinking "how nice it would be to have bottomless pockets!"

Thursday 2 August:

Thursday morning Session 1 started at 9am with a Keynote Presentation by Anh Doh, Author, Actor, Producer and Comedian, who gave us an insight into his life. He talked about his early childhood as a Vietnamese 'boat person' refugee, growing up in poverty in Australia, to his successes achieved in his life now. His heartfelt stories brought a tear to our eyes both in sadness and in humour. He has been broke, bullied, achieved a Bachelor of Business and a Bachelor of Law. It's my intention now to read his autobiography "The Happiest Refugee".

Session 2 at 11am was by Dr Geoff Raby, former Australian Ambassador to China. In a time of 'Brexit', 'Trumponomics' and trade sanctions, Dr Raby discussed what is currently happening around the world and the implications on Australia's economy.

Session 3 at 11.45am was presented by Research based Futurist, Mark McCrindle discussing social trends, changes, challenges and opportunities for Western Australia. The expectations and perceived needs of different generations vary greatly and we need to adjust accordingly.

In the afternoon I attended Session 4 "Too Toxic to Talk". We talked about the people who drain you of energy instead of enriching you. The people who pull you down instead of raising you up, the people who require more than they can provide, the negative, whining, needy, manipulative people who can turn a happy day into a living hell. We talked about strategies to assist in dealing with these situations. We practised effective ways to deal with toxic people and strategies to assist in positive communication. Not every battle needs to be fought. Diffuse emotions by treating with respect even if you disagree with their view.

At 3.45pm I attended the presentation of the 2018 Banners in the Terrace Awards and saw some amazing artwork representing many different shires around our state, including Chittering with the trees and birds and 'NorthLink' clearly depicted on our banner.

Session 5 at 4pm brought an entertaining session by 'The Granny Whisperer' Billie Jordan, the founder of the 'Hip Op-eration Crew'. They are a hip-hop dance group consisting of members aged 73 to 98 years old. They are in the Guinness Book of Records as the oldest dance group in the world and performed in the world Hip Hop Championships in Las Vegas.

Billie shared her inspiring and humorous story of how she changed the lives of her elderly neighbours and how they changed hers. By the end of the session she had us all on our feet breaking out a few hip hop moves!

Thursday evening brought the Convention Gala Dinner. An evening of good food, music, dancing, comedy and networking was enjoyed by all.

Friday 3 August:

Friday morning brought an amusing panel Session (6) with discussions between Hon Bob Carr (former Foreign minister and longest continuously serving Premier in NSW history), Tasmanian former Senator Jacqui Lambie (very amusing!) and Natasha Stott-Despoja, the youngest woman ever to enter the Australian Federal Parliament. The session was moderated by high profile journalist Liam Bartlett.

Session 7 at 11.30am was 'Getting professional performance from non-professionals'. This session highlighted that although council members in WA have incredibly diverse careers, interests and cultures, when they come together to represent their communities, there is a universal expectation of high performance.

The Session was led by Dwayne Nestor from 'Sisu Life' – mindset coaching, who discussed at length the seven valuable steps to mindset excellence:

- 1: Purpose
- 2: Self-awareness
- 3: Goal setting
- 4: Self development
- 5: Mental toughness
- 6: Purposeful preparation
- 7: Learning to lead.

I found these self-improvement suggestions very valuable.

Once again I found the Annual WALGA Convention to be informative, inspiring and a great opportunity to network with others in similar positions to ourselves. I think it would be of value for more of our councillors to attend next year.

Response from Cr Don Gibson

On arrival at the Convention Centre Cr Angus and I were fortunate to meet with Jim Kelly from Victoria Plains who drove us to our accommodation. Unfortunately the hotel was substandard, which is disappointing after the excellent choices of previous years' experience. To obtain any meals we had to visit a very ordinary cafe next door. This was obviously a very poor decision and should not be repeated.

The Annual General meeting was short, with a motion to require Council permission to demolish a building soundly defeated, in the interests of freedom to deal with private property as the owner requires.

The keynote speaker Anh Doh was the highlight of the event, his life story is an inspiration to everyone, an impoverished beginning is no barrier to a life of significant achievement if persistence and common sense is applied.

The principal value of the conference is to catch up with members who I had met over many years at events throughout Australia, and swap advice and accumulated knowledge.

There is a general consensus that we need to reduce rates, concentrate on our core business of roads and waste control, and improve efficiency in all departments to reduce costs.

Our residents appreciate the current lifestyle in the Shire, which attracted them here, they are not interested in a bigger and more urban environment.

Council's priority must be the welfare of our pioneers who built this place for others to enjoy.

Comments as provided by Shire officers

In accordance with Policy 4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits (see extract below) "accommodation is in a standard room at a reasonably priced hotel near the conference venue for the duration of the conference".

*WALGA provides a list of recommended accommodation providers for local governments to use during the convention. On this list was the **Rendezvous Hotel Perth Central** (a 4 star hotel) for an overnight room rate of \$165. Bookings were made for Crs Houston, Gibson and Angus at that hotel.*

Unfortunately the Rendezvous Hotel was deemed unsuitable by Crs Angus and Gibson. There is no problem with Councillors requesting alternative accommodation arrangements provided it falls within the Policy as outlined above.

In past years, the Shire has made reservations at the Parmelia Hilton. When enquires were made for this year's conference, the quoted room rate was \$354 per night, which was deemed excessive and not consistent with Council's Policy.

*Alternative accommodation for Crs Angus and Gibson was therefore booked at the **Citadines St Georges Terrace**. This hotel was also listed on the WALGA recommended list of accommodation providers at a nightly rate of \$230. Cr Gibson was advised that if he required breakfast (which was not included in the booking) he was welcome to contact the hotel and ask for breakfast to be added to the booking. Cr Houston chose to keep his accommodation booking with the Rendezvous Hotel Perth Central during his time at the conference and found it satisfactory.*

On 30 July Cr Gibson contacted the Shire seeking five taxi vouchers to travel from the accommodation to the convention centre. The Shire advised the following:

It no longer has taxi vouchers for the use by Councillors and/or staff. Councillors that use their vehicles/taxis during training/conferences/workshops are reimbursed in accordance with the relevant policy (ie. Policy 4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits, Elected Members).

The walk from the Citadines Hotel to the Convention Centre is only 200m; and having looked online (Google Earth) it is noted that the walk is about 90% undercover. Transperth also provides a free CAT bus service for travel around the CBD with a stop opposite the hotel and a stop at the Convention Centre.

Cr Gibson was advised that if he wished to use a taxi to travel to the Convention Centre, to keep the receipts and he would be reimbursed in accordance with Policy 4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits, Elected Members. The policy allows for expenses associated with food, beverages and taxi fares to be reimbursed.

With regard to the motion to require Council permission to demolish a building, the issue is one which would be relevant to urban Council's (not rural Council's) and was intended to be discretionary in nature. Regardless, the Motion was defeated. For further information, the Motion that was presented at the AGM can be accessed via the following link:

<https://walga.asn.au/getattachment/About-WALGA/WALGA-AGM-Agenda-and-Minutes/2018-AGM-Minutes.pdf.aspx>

12.2 Questions from Members without notice asked at the Ordinary Council Meeting held on 19 September 2018

12.2.1 Local Government Standards Panel – Cr Don Gibson

Question to the Chief Executive Officer: how much money has been spent on Local Government Standards Panel complaints over the past 15 months?

The Chief Executive Officer advised that he did not have the exact figure available.

Cr Gibson informed the Council that it has been over \$7,500 on complaints which have mostly failed. Cr Gibson advised that he considered this a waste of money.

Response from the Chief Executive Officer

The Chief Executive Officer informed the meeting that when a matter is referred to the Local Government Standards Panel Council has to pay a proportion of the Panel Fees along with other Local Governments. As Council is aware, referrals which have been made to the Local Government Standards Panel were submitted in consultation with the Shire President and Deputy Shire President.

Post Meeting Note

As the matters are confidential, it is not possible to provide any further details. However, as per the public apologies from Cr Gibson at the July and September Council Meetings, Cr Gibson has been found to have breached the following *Local Government (Rules of Conduct) Regulations* -

4(2), 7(1)(b) [on two occasions], 10(1)(a), 11(2); and *Local Government (Council Meetings) Local Law 2014* which relates to conduct at Council meetings.

12.2.2 2018 Resilience Australia WA Awards – Cr Peter Osborn

Is Council aware that the Shire of Chittering's Community Emergency Services Manager produced a series of videos about firebreaks and what to do in case of a fire; that were produced with funding through AWARE. On the 6 September 2018 I attended (with the Community Emergency Services Manager) the State function and Chittering was "highly commended" for these videos.

Council was not aware that Chittering were nominated and expressed their appreciation to the Shire's Community Emergency Services Manager and team that produced the videos.

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

13.1 Public apology by Councillor Donald Gibson

"I advise this meeting that:

A formal complaint was made to the Local Government Standards Panel in which it was alleged that I contravened three provisions of the *Local Government (Rules of Conduct) Regulations 2007* during part of the Ordinary Council Meeting on 15 November 2017 that was closed to the public. The Panel found:

- (i) I breached the Shire's *Local Government (Council Meetings) Local Law 2014*, which relates to conduct at Council meetings, and regulation 4(2) of the Rules of Conduct Regulations when I made adverse comments about the character and actions of the Shire's Chief Executive Officer, Mr Alan Sheridan; and
- (ii) I failed to withdraw my comments and apologise to Mr Sheridan after the Shire President asked me to do so; and
- (iii) I breached regulation 7(1)(b) of the Rules of Conduct Regulations when I made improper use of my office as a Councillor by making the adverse comments about Mr Sheridan in the presence of all Shire Councillors; and
- (iv) By making the adverse comments about Mr Sheridan I failed to meet the standards of conduct expected of a councillor; and
- (v) My impartiality interest is common to all Councillors.

I apologise to Mr Sheridan, the Shire President Councillor Houston and all other Councillors for criticising Mr Sheridan's performance as the Shire Chief Executive Officer and casting aspersions on Mr Sheridan's character"

14. MEETING CLOSED TO THE PUBLIC

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 7:29PM.



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