

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY 21 November 2018

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 6:59PM
Closure: 8:53PM**



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 30 November 2018.



Alan J Sheridan
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on Wednesday 12 December 2018.

Signed

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

Disclaimer

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

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

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

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

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS.....	1
2.1	Attendance	1
2.2	Apologies.....	1
2.3	Approved leave of absence	1
2.4	Announcements	2
3.	DISCLOSURE OF INTEREST.....	3
3.1	Item 9.1.1 “Section 70A Notification and Restrictive Covenant Authorisation: Freehold (Green Title) Subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon”	3
3.2	Item 9.3.6 “Purchase of iPhone”	3
4.	PUBLIC QUESTION TIME	4
4.1	Response to previous public questions taken on notice	4
4.1.1	John Davis, Lower Chittering	4
4.2	Public question time	4
4.2.1	Clint O’Neil, Bindoon	4
4.2.2	Robert Pizzino, Bindoon.....	5
4.2.3	John Curtis, Bindoon	6
4.2.4	John Nagel, Bindoon (on behalf of the Chittering Residents and Ratepayers Association)	6
4.2.5	Chris Waldie, Bindoon	7
4.2.6	John Davis, Lower Chittering	7
4.2.7	Josephine Fern, Bindoon	7
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	7
5.1	Petitions	7
5.2	Presentations	7
5.3	Deputations.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE	8
6.1	Cr Peter Osborn.....	8
6.2	Cr Don Gibson	8
7.	CONFIRMATION OF MINUTES.....	8
7.1	Ordinary Meeting of Council: 17 October 2018.....	8
8.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	9
8.1	Vale Malcolm Charles Taylor.....	9
8.2	Last Council Meeting for Mr Alan Sheridan as Chief Executive Officer	9
9.	REPORTS.....	10
9.1	DEVELOPMENT SERVICES.....	10
9.1.1	Section 70A Notification and Restrictive Covenant Authorisation: Freehold (Green Title) Subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon*.....	10
9.1.2	Proposed Local Planning Policy No. 33 - Muchea Industrial Park Design Guidelines*	13

9.2	TECHNICAL SERVICES	21
9.3	CORPORATE SERVICES.....	21
9.3.1	List of Accounts Paid for the period ending 31 October 2018*	21
9.3.2	Monthly Financial Reports for the Period Ending 31 August 2018*	23
9.3.3	Monthly Financial Reports for the Period Ending 30 September 2018*	25
9.3.4	Proposed Corporate Values*	27
9.3.5	Purchase of iPhone*	30
9.4	CHIEF EXECUTIVE OFFICER	33
9.4.1	BBRF Astrotourism Towns Application*	33
9.4.2	Appointment of an Acting Chief Executive Officer from 2 December 2018 until 16 December 2018	36
9.4.3	Christmas and New Year Office Closure	40
9.4.4	Setting of Agenda Forum and Ordinary Council Meeting dates for 2019	42
9.4.5	Adoption of Local Emergency Management Arrangements*	46
10.	REPORTS OF COMMITTEES	49
10.1	Chittering Bushfire Advisory Committee*	49
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	51
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	51
12.1	Cr Mary Angus.....	51
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	52
13.1	Appointment of an Acting Chief Executive Officer until Permanent Chief Executive Officer Commences.....	53
14.	MEETING CLOSED TO THE PUBLIC	54
14.1	Matters for which the meeting may be closed.....	54
14.1.1	CONFIDENTIAL ITEM: Community Citizen of the Year Awards.....	55
14.1.2	CONFIDENTIAL ITEM: Compulsory Waste Collection Services Write Off	56
14.1.3	CONFIDENTIAL ITEM: Compulsory Waste Collection Services Write Off	57
14.2	Public reading of resolution that may be made public.....	57
15.	CLOSURE.....	58

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 6:59PM.

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	Deputy President
	Cr Aaron King	
	Cr George Tilbury	
	Cr Carmel Ross	
	Cr Mary Angus	

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
	Jim Garrett	Executive Manager Technical Services
	Lisa Edwards	Strategic Project Manager
	Natasha Mossman	Executive Support Officer
	Nadine Hayes	Minute Secretary

left the meeting at 7:46pm

Members of
the public 12

Media 0

2.2 Apologies

Cr Don Gibson

2.3 Approved leave of absence

Nil

2.4 Announcements

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

Cr Gordon Houston (President)

- Environmental Health Conference from 30 October to 2 November 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 2 November 2018
- Workshop with John Phillips Consulting on 8 November 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 9 November 2018
- Elected Member Information Session on 13 November 2018
- Agenda Forum on 13 November 2018
- Chittering Residents and Ratepayers Association meeting on 14 November 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 16 November 2018

Cr Peter Osborn (Deputy President)

- Ellen Brockman Integrated Catchment Group AGM on 22 October 2018
- Chittering Bushfire Advisory Committee meeting on 23 October 2018
- Local Government Act Review Phase 2 community session on 25 October 2018
- Visit with Chief Executive Officer to Lot 3874 Red Hill Road, Bindoon on 26 October 2018
- Site visit – Lot 3874 Red Hill Road, Bindoon on 29 October 2018
- Weekly catchup meeting with the President and Chief Executive Officer on 2 November 2018
- Wheatbelt North Regional Road Group meeting on 5 November 2018
- Chittering Residents and Ratepayers Association meeting with Councillors on 7 November 2018
- Workshop with John Phillips Consulting on 8 November 2018
- Weekly catchup meeting with the President and Chief Executive Officer on 9 November 2018
- Education Scholarship Panel meeting on 14 November 2018
- Chittering Residents and Ratepayers Association meeting on 14 November 2018
- Chittering Health Advisory Group meeting on 15 November 2018
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 16 November 2018

Cr Carmel Ross

- Chittering Chamber of Commerce meeting on 19 October 2018
- Chittering Bushfire Advisory Committee meeting on 23 October 2018
- Chittering Tourist Association Committee meeting on 6 November 2018
- Chittering Residents and Ratepayers Association meeting with Councillors on 7 November 2018

- Workshop with John Phillips Consulting on 8 November 2018
- Elected Member Information Session on 13 November 2018
- Agenda Forum on 13 November 2018
- Local Government Act Review Forum: Phase 2 on 15 November 2018
- Muchea LPS Public Consultation on 17 November 2018

Cr Mary Angus

- Chittering Health Advisory Group meeting on 18 October 2018
- Chittering Residents and Ratepayers Association Committee meeting on 24 October 2018
- Community Lunch at Chinkabee Complex on 31 October 2018
- Halloween Party at Bindoon Library on 31 October 2018
- Chittering Residents and Ratepayers Association meeting with Councillors on 7 November 2018
- Workshop with John Phillips Consulting on 8 November 2018
- Remembrance Day Service at Bindoon War Memorial on 11 November 2018
- Elected Member Information Session on 13 November 2018
- Agenda Forum on 13 November 2018
- Chittering Residents and Ratepayers Association meeting on 14 November 2018
- Chittering Health Advisory Group meeting on 15 November 2018
- Chittering Youth Krew meeting on 17 November 2018
- Engage Your Volunteers Workshop on 20 November 2018

Cr George Tilbury

- Approved leave of absence from 20 October to 28 October 2018
- Workshop with John Phillips Consulting on 8 November 2018
- Elected Member Information Session on 13 November 2018
- Agenda Forum on 13 November 2018

3. DISCLOSURE OF INTEREST

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

3.1 Item 9.1.1 “Section 70A Notification and Restrictive Covenant Authorisation: Freehold (Green Title) Subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon”

Cr Osborn declared a Proximity Interest as he owns the property beside Lot 14 Wells Glover Road, Bindoon.

3.2 Item 9.3.6 “Purchase of iPhone”

Mr Alan Sheridan declared a Financial Interest as it relates to him purchasing corporate property.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 John Davis, Lower Chittering

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

Answer 3 *Shire Officers have liaised directly with Targa West and accordingly we advise the following: In the Maryville Downs region the impact is more 'social capital' with hundred (if not thousands) of people enjoying the event as it passes their own property. When the event was presented to Council back in June 2015, it was realised that there would be limited economic impact to the Shire; see extract from the minutes below:*

"the proposed event may provide some economic stimulus (i.e. people coming into the area to watch/participate) and would provide exposure of the area through national television and media coverage.

...the event would result in a greater number of visitors to the area throughout the year and possibly increase the interest in property in the area, particularly given the scenery at this time of the year."

If the Muchea stage is approved, there will be significant economic impact but this will only be limited to the service station located on Brand Highway.

4.2 Public question time

4.2.1 Clint O'Neil, Bindoon

Question 1 My question is a request for Council consideration of amendments to the proposed policy guidelines being:

Section 4.1 – objectives: delete section 4.1 (ii) paragraph 2

Justification: The Shire would be aware of a planned/proposed full suite of water related servicing to the MIP planning area by a licensed water service provider.

Section 4.2.4 – objectives: insert after scheme requirements – 'and consistent with the Government draft sewerage policy'

Section 4.2.4 – acceptable development criteria – insert as (i) 'On site nutrient stripping ATU's may be considered as an interim measure for wastewater disposal until such time that the Lot can be connected to precinct/Estate sewerage scheme infrastructure'

Section 4.2.15 – bush fire management – add after the objective works 'bush fires' – in addition to satisfying the requirements of Australian Standard AS2419 – fire hydrant installation – part 1: system design, installation and commissioning.

Answer 1 Through the Chair, the Strategic Project Manager advised that the Staff recommendation is for Council to give Public Notice to a proposed Local Planning Policy. During the Public Notice period Submissions can be made to Council for further consideration whereby there can be amendment to provisions and the policy accepted/refused.

Section 4.1 Response;

The proposed local planning policy cannot override the provisions of the Shire's Local Planning Scheme. Section 4 (ii) paragraph 2 of the proposed policy is a replication of the Local Planning Scheme Schedule 11 Muchea Employment Node Special Control Area Clause 4.4. In this regard, the Western Australian Planning Commission determined such provisions in Scheme Amendment 62 on 14/2/17. At this very time there is no water service provider.

Section 4.2.2 Response

This Question can be taken on notice and considered as a Submission to the draft Local Planning Policy which will be returned to Council following the Public Notice period for consideration.

Again these provisions are included in the LPS. There is no objection to including the additional text, however the Shire would need to investigate that there is no conflict between the draft Country Sewerage Policy and the text of the LPS.

Section 4.2.4 Response;

The suggested inclusion of text would conflict with the provisions of the LPS of which overrides any provision in the proposed Local Planning Policy.

Section 4.2.15 Response;

This Question can be taken on notice and considered as a Submission to the draft Local Planning Policy which will be returned to Council following the Public Notice period for consideration.

In this time, Administration will refer the draft Local Planning Policy to the Department Fire and Emergency Services and the Department Planning Lands and Heritage for a response to this matter.

It is noted that the most recent Western Australian Planning Commission subdivision approval in the Muchea Industrial Park, has a bushfire management plan, which, among other matters required the developer to provide reticulated water supply and fire hydrants.

4.2.2 Robert Pizzino, Bindoon

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

Answer 1 The Chair took this question on notice.

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

Answer 2: The Chair took this question on notice.

4.2.3 John Curtis, Bindoon

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

Answer 2 The Chair took this question on notice.

Question 2 Who is responsible for the yellow bins?

Answer 2 The Chair advised that some years ago Council decided to implement a two bin kerbside waste collection service. The Shire is responsible for the yellow recycling bins.

Question 3 Will the new CEO get a new car?

Answer 3 The Chair advised that the use of a corporate car is usually included in a Chief Executive Officer's employment package and will be negotiated with the new Chief Executive Officer.

4.2.4 John Nagel, Bindoon (on behalf of the Chittering Residents and Ratepayers Association)

Question 1 Has there been a date set for the Annual Electors Meeting?

Answer 1 Through the Chair, the Chief Executive Officer advised that the Annual Electors Meeting (AEM) has been postponed due to circumstances which are out of Council's control. In recent changes, the Auditor General has taken responsibility of undertaking audits of all Local Government financial statements which has resulted in a backlog. The Shire expects the audit to be signed off later this week or early next week. The financial statements must be audited in order for them to be presented to Council in the Annual Report. An AEM must be held within fifty-four days of Council adopting the Annual Report. This give Council two options:

Option One: A special Council Meeting is held on Tuesday 27 November or Tuesday 4 December to adopt the Annual Report. This will enable to the AEM to be held on Wednesday 19 December.

Option Two: Council receives the Annual Report at its Ordinary Council Meeting on Wednesday 12 December. The AEM can be held on Monday 4 February. This option will also allow for appropriate advertising.

Council has chosen to proceed with option two.

Question 2 When will the letter provided to the Shire President at the Chittering Residents and Ratepayers Association meeting on 7 November 2018 be discussed by Council?

Answer 2 The Chair advised that he hasn't had time to raise this with Council yet. It will be discussed at the next Ordinary Council Meeting.

4.2.5 Chris Waldie, Bindoon

Question 1 Will the maintenance of Great Northern Highway be handed over to Council once the new heavy haulage route has been constructed?

Answer 1 Through the Chair, the Chief Executive Officer advised that this matter has been discussed with Ministers and Main Roads. The Shire has received verbal advice that Main Roads will most likely continue to operate and maintain the existing Great Northern Highway, however we are seeking confirmation of this in writing.

4.2.6 John Davis, Lower Chittering

Question 1 When will the roadworks on Muchea East Road and Chittering Road be completed?

Answer 1 Through the Chair, the Chief Executive Officer advised that works on this section of road commenced prior to the last wet season. This is a large project including 3.2 kilometers of road widening and a number of intersection improvements. Shoulder widening and intersection turn lanes will be completed to a gravel standard by Christmas. Due to unavailability of sealing crews; sealing of the road will be undertaken early next year.

4.2.7 Josephine Fern, Bindoon

Question 1 The Shire expects respect from its ratepayers. When will the Shire start showing the same respect to its ratepayers?

Answer 1 The Chair advised that respect in this room works both ways. Staff and Councillors receive criticism on a regular basis.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Peter Osborn

6.1 MOTION / COUNCIL RESOLUTION 011118

Moved Cr Osborn / Seconded Cr Angus

That Council grant Cr Osborn 'Approved Leave of Absence' for the period inclusive of Thursday 22 November 2018 to Monday 10 December 2018.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:24PM

6.2 Cr Don Gibson

6.2 MOTION / COUNCIL RESOLUTION 021118

Moved Cr King / Seconded Cr Angus

That Council grant Cr Gibson 'Approved Leave of Absence' for the period inclusive of Wednesday 21 November 2018 to Monday 10 December 2018.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:25PM

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council: 17 October 2018

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031118

Moved Cr Osborn / Seconded Cr Ross

That the minutes of the Ordinary meeting of Council held on Wednesday 17 October 2018 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:26PM

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

8.1 Vale Malcolm Charles Taylor

On behalf of Council, the Presiding Member offers sincere condolences to the family of Malcolm Charles Taylor who served as Shire President from 1991-1996 and held two terms of office on the Chittering Shire Council from 1983-1985 and 1990-1998.

The Funeral Service for the late Malcolm Charles Taylor, will be held at Pinnaroo Valley Memorial Park East Chapel, Whitfords Avenue, Padbury on Wednesday 28 November commencing at 2.30pm.

8.2 Last Council Meeting for Mr Alan Sheridan as Chief Executive Officer

On behalf of Council, the Presiding Member wishes to thank Mr Alan Sheridan for his service as Chief Executive Officer since March 2016. Mr Sheridan has initiated a number of exciting community projects including plans for recreational facilities with Immaculate Heart College, Muchea Industrial Park, transfer of land to St John Ambulance Chittering/Gingin Sub Centre and the procurement of land for future development as a lifestyle village and mountain bike park.

Mr Sheridan's ability to liaise at a high level including Ministers and State Government Departments on issues such as Main Roads and Waste Water has been of great benefit to the Shire. His work on strategic plans and budgets has provided a solid foundation for the Shire to build on. His presence and liaison in the community with local landowners, business owners and residents has been well noted and will be missed.

Staff morale and knowledge has increased under Mr Sheridan's leadership. This is evident in the staff that have been retained and the calibre of new staff which have been recruited during his time as Chief Executive Officer.

Mr Sheridan leaves behind a legacy which the community will see come to fruition in the years to come.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Section 70A Notification and Restrictive Covenant Authorisation: Freehold (Green Title) Subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon*

Report date	21 November 2018
Applicant	Greenstone Legal and Survey Line
File ref	18/03/143; WAPC156152
Prepared by	Senior Planning Officer
Supervised by	Not applicable
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Restrictive Covenant Document 2. Section 70A Notification Document 3. Deposited Plan

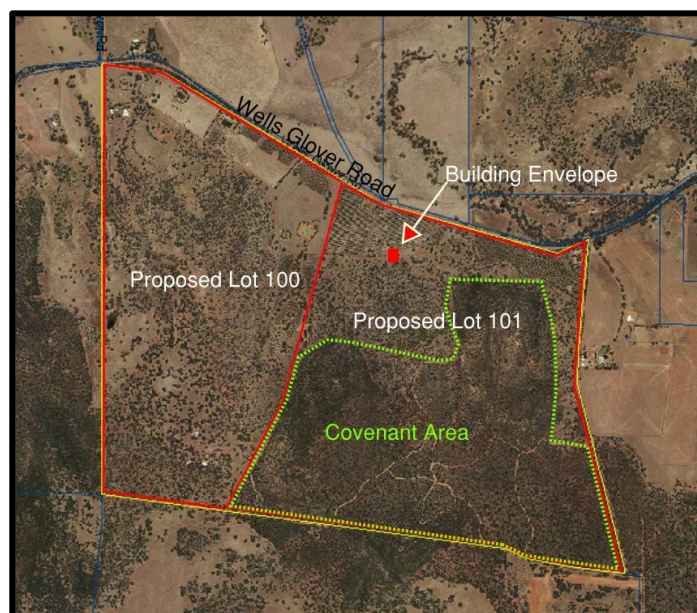
Executive Summary

Council's consideration is requested in relation to the execution of Section 70A Notifications and a Restrictive Covenant for the subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon. The applicant has approval for the freehold subdivision of Lot 14 into two parcels which includes the preservation of high value vegetation as a 'Covenant Area'.

Background

On 19 January 2018, the Shire was notified that the subdivision of Lot 14 Wells Glover Road had been conditionally approved by the Western Australian Planning Commission.

FIGURE 1: LOCALITY PLAN



Condition 2 of the subdivision approval requires a restrictive covenant pursuant to the *Transfer of Land Act 1893* to be placed on the Certificate of Title of Lot 101 (refer **Attachment 1**). The purpose of the restrictive covenant is to ensure that *'No buildings and effluent disposal systems are to take place outside the defined building envelope, unless otherwise approved by the local government.'*

Further to the above, conditions 5, 6 and 8 require that Section 70A Notifications, pursuant to the *Transfer of Land Act 1893*, are placed on the Certificates of Title and state the following respectively:

- 'A mains potable water supply is not available to the lot'.
- 'A reticulated sewerage service is not available to the lot'.
- 'A network electricity supply is not available to the lot'.

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

Consultation/Communication Implications

Local

Not applicable

State

Not applicable

Legislative Implications

State

- *Transfer of Land Act 1893* (as amended)

Local

Nil

Policy Implications

Local

- *1.5 Execution of Documents*

State

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken by planning staff to discuss the clearance of conditions with the landowner.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

In order to satisfy Conditions 2, 5, 6 and 8 of the subdivision approval, the applicant has provided the Section 70A Notification and Restrictive Covenant documents, pursuant to the *Transfer of Land Act 1893* (as amended) (refer **Attachments 1**). The execution of these documents requires the Shire President and the Chief Executive Officer to sign and affix the Common Seal as a requirement of the subdivision clearance.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041118

Moved Cr Tilbury /Seconded Cr Ross

That Council authorise the Shire President and the Chief Executive Officer to sign and affix the Common Seal in relation to the subdivision of Lot 14 (RN 413) Wells Glover Road, Bindoon (proposed as Lots 100 and 101), upon:

- 1. The Notification under Section 70A of the *Transfer of Land Act 1893* relating to the following:**
 - a. 'A mains potable water supply is not available to the lot'.**
 - b. 'A reticulated sewerage service is not available to the lot'.**
 - c. 'A network electricity supply is not available to the lot'.**
- 2. The Restrictive Covenant under Section 129BA of the *Transfer of Land Act 1893* relating to the following:**
 - a. 'No buildings and effluent disposal systems are to take place outside the defined building envelope, unless otherwise approved by the local government'.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:34PM

9.1.2 Proposed Local Planning Policy No. 33 - Muchea Industrial Park Design Guidelines*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	18/01/3
Prepared by	Strategic Project Manager
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Muchea Industrial Park Design Guidelines "DRAFT" 2. Road and Drainage Guidance Note – Muchea Industrial Park

Executive Summary

Council is requested to:

1. Consider the proposed Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines (Design Guidelines); and
2. Receive the Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers.

A copy of the draft MIPDG is attached as **Attachment 1**. A copy of the Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers is attached as **Attachment 2**.

Background

The draft MIPDG and the Road and Drainage Guidance Note- Muchea Industrial Park has been prepared under the requirements of a Building Better Regions Grant Fund of which purpose is to implement the coordination of a series of certain Reports for the Muchea Industrial Park area. The MIPDG have been prepared to guide landowners and assist the Shire of Chittering in achieving a high standard of development within the area of Muchea Employment Node Special Control Area (MEN SCA) as defined under Local Planning Scheme No. 6 (LPS 6).

The Design Guidelines can be adopted by the Shire of Chittering under the provisions of LPS 6 and would have the same status as a Local Planning Policy adopted under the Scheme. The Design Guidelines do not form part of LPS 6 and shall not bind the Shire of Chittering in respect of its consideration of any scheme amendment, structure plan, subdivision application or application for planning approval. This notwithstanding, the Shire of Chittering shall have due regard to the objectives of the Design Guidelines before making its decision in relation to any planning application. The Design Guidelines are also intended to assist the Western Australian Planning Commission (WAPC) in its consideration of scheme amendment, structure plan and subdivision proposals. In the event of any inconsistency between the Design Guidelines and the Scheme, the Scheme shall prevail.

The Design Guidelines includes provision for future RAV Category 10 vehicles to access site including Great Northern Highway to the southern Shire boundary. This matter has been confirmed and accepted by Main Roads WA therefore it is important for a coordinated approach to road and drainage design particularly. In this regard, the Road and Drainage Guidance Note- Muchea Industrial Park was prepared by Porter Consulting Engineers to provide the required technical inputs for stakeholder's information. This information has generally been transposed into the Design Guidelines. Therefore it is considered strategically appropriate to cater for this vehicle configuration within the development. RAV Category 10 vehicles however, will not have access from Wubin until upgrades to the Great Northern Highway have occurred.

Other guidelines include consideration for streetscape, water management, landscaping, parking, storage areas, built design, signage etc.

The Muchea Industrial Park, previously referred to as Muchea Employment Node in previous planning studies, was identified in the North East Corridor Extension Strategy (WAPC,2003) as having potential as an industrial area. Further planning studies have since been undertaken which resulted in the Muchea Employment Node (MEN) Structure Plan Final Report (WAPC 2011) and subsequently amendment to the Shire's Local Planning Scheme No.6 has occurred to provide scheme provisions for industrial development.

Currently, the Western Australian Planning Commission and the Department Planning Lands and Heritage (DPLH) are undertaking a review of the 2011 Muchea Employment Node Structure Plan, due for completion in April 2019. Further, Emerge Environmental Consultants were recently engaged, by the DPLH to undertake an extensive review of the area and to undertake a District Water Management Plan which will further inform development requirements in the area of which recommendations are likely to be included in that review.

Consultation/Communication Implications

Local

It is necessary to provide Public Notice for a minimum of twenty one days accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is suggested that Public Notice be provided directly to landholders in the policy area and further notice provided in a local newspaper for a period of 28 days, where it the draft policy and consideration of any Submissions received will be returned to Council for further consideration.

State

The Design Guidelines will be referred to State Agencies for same period for comment which will also be considered by Council.

Legislative Implications

State

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

If a local government resolves to prepare a local planning policy, the local government must follow the procedure under clause 4(1) up to and including clause 4(6) of the Planning and Development (Local Planning Schemes) Regulations 2015 as follows:

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows—*
 - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of—*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must—*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to—*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
 - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

Local

- Local Planning Scheme No 6

The Shire's Local Planning Scheme provides for the development intent of industrial land uses, generally as follows;

3.2.3 General Industry

The objectives of the General Industrial Zone are to:

- a) *accommodate a range of service based and related industrial land uses such as livestock, fabrication, warehousing, wholesaling and general commercial uses which will not by the nature of their operations, detrimentally impact upon residential and other sensitive land uses outside of the General Industry zone.*
- b) *to apply environmental standards and practices that protect and maintain the amenity and water and air quality of adjoining areas and support the retention and enhancement of the environmental values of the site and its surrounds. maintain the visual amenity of the area as seen from major public roads.*
- c) *minimise the visual impact of development to achieve a built form that is harmonious with the surrounding area.*
- d) *ensure orderly and comprehensive planning and coordinated subdivision and development.*

3.2.4 Industrial Development Zone

The objectives of the Industrial Development Zone are to:

- a) *Designate strategic land areas for future industrial development and employment creation purposes, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;*
- b) *ensure orderly and comprehensive planning and co-ordinated subdivision and development through the requirement for the preparation and endorsement of a structure plan in accordance with Part 4 of the deemed provisions and any associated provisions contained in Schedule 10 of the Scheme;*

- c) *ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land; d) protect the amenity of adjacent properties; and e) protect the environmental assets of the site.*

There are also provisions specifically related to the policy area and include the following as a result of recent scheme amendments;

5.7 MUCHEA EMPLOYMENT NODE

The Muchea Employment Node Special Control Area is shown on the Scheme Map. Development approval is required for any development within the Special Control Area.

5.7.1 Purpose

- a) *to provide a basis for the zoning and development of the Muchea Employment Node as an industrial estate in accordance with the Muchea Employment Node Structure Plan;*
- b) *to accommodate impacts from industrial uses within the boundaries of the Muchea Employment Node;*
- c) *to provide a basis for the co-ordination of future subdivision and development;*
- d) *to protect and manage the natural environment, landscape values and air and water quality, resulting in a high quality industrial estate that responds to its natural setting;*
- e) *to provide for essential services for a broad range of land uses; and*
- f) *limit the development of land uses that might compromise the intended purpose of the area as an industrial estate.*

5.7.2 Planning Requirements

5.7.2.1 *Notwithstanding any other land use permissibility expressed in the Scheme, no residential and uses or caretakers dwellings will be approved in the Muchea Employment Node Special Control Area. Shire of Chittering LPS 6 Page No.44*

5.7.2.2 *In considering zoning proposals for 'Industrial Development', 'General Industry' and 'Light Industry' within the Muchea Employment Node, proposals are to address the objectives and requirements of the Muchea Employment Node Structure Plan, including:*

- a) *details of how the proposal will manage stormwater run-off and wastewater disposal with specific reference to potential impacts on water quality and quantity and the nutrient load of the Ellen Brook which may include studies, commensurate with the scale of the proposal, in accordance with State Policy and the Better Urban Water Management Guidelines;*
- b) *details of potential impacts on flora and vegetation, fauna and habitat which may include the need for studies undertaken in accordance with Environmental Protection Authority guidance and consideration of matters of national environmental significance;*
- c) *details of potential impacts to, and proposed buffers from, waterways and wetlands which may include the need for studies in accordance with State Policy and technical guidance;*

- d) *a land capability assessment demonstrating that the site is capable of assimilating nutrients and disposing of wastewater without an adverse impact on ecosystem health;*
- e) *a desktop Aboriginal heritage assessment; and*
- f) *any other matters relevant to the site, such as access and egress and basic raw materials.*

5.7.2.3 *Zoning proposals are to be assessed for suitability on the basis of:*

- a) *their location relative to sensitive land uses;*
- b) *the environmental suitability of the site; and*
- c) *the potential impact of proposed drainage and wastewater treatment and disposal systems on the environment.*

5.7.2.4 *Structure planning is not required for lots 700, 701 and 352 (previously described as lots 100 and 101) and lots 102, M1606, 22, 30, 202, 3 and 201. Structure planning is required on other lots in the Special Control Area in the following circumstances:*

- a) *in precincts where orderly and proper planning is needed to achieve co-ordinated provision of services and infrastructure; or*
- b) *where land is zoned for Industrial Development.*

5.7.2.5 *Subdivision or development of land within the Muchea Employment Node shall also be in accordance with the provisions and requirements of Schedule 11 as applicable.*

5.7.2.6 *Unless a planning proposal demonstrates otherwise, and is supported by relevant agencies and the local government, servicing within the SCA is to be as follows:*

- a) *reticulated water supplied by a licenced provider is to be provided at the first stage of any industrial subdivision;*
- b) *wastewater disposal is to be in accordance with Government policy and clauses 4.9(b) to (e); Shire of Chittering LPS 6 Page No.45*
- c) *provision is to be made for essential service infrastructure, including drainage, wastewater disposal, water supply and roads.*

5.7.2.7 *Internal roads identified in Figure 8 of the Muchea Employment Node Structure Plan (2011) are to be reserved at the first stage of industrial subdivision.*

5.7.3 *Relevant Considerations*

5.7.3.1 *In addition to the requirements of clause 4.20, in considering applications for Development Approval the local government shall have regard to:-*

- a) *The separation distances required for the proposed use and ability to ensure that impacts can be contained within the boundary of the Special Control Area;*
- b) *That the visual impact of the development is in keeping with the surrounding rural landscape, including:*
 - i. *landscaping to protect views from roads adjoining the Muchea Employment Node;*
 - ii. *buildings to be designed and constructed to minimise visibility from outside the Muchea Employment Node; and*
 - iii. *advertising signage to be designed and appropriately located.*
- c) *The protection of the environmental assets of the land including:*
 - i. *the need for appropriate setbacks and buffers;*
 - ii. *the maintenance of ecological linkages; and*

- iii. *whether there is a need for the environment assets to be in public ownership to ensure ongoing protection and maintenance;*
- d) *The management of surface and groundwater to maintain the natural water balance within the Muchea Employment Node area, within the provisions set out in the water management plans for the area; and e) Whether there are basic raw materials located on the lot, and whether the proposed development will impact upon their extraction.*

5.7.4 Referrals

The Local Government may refer any application for development approval or other planning proposal to any relevant authority or community organisation.

Policy Implications

State

The implementation of this policy will impact on the future of Restricted Vehicle Access (RAV) to the site and provide the Council's position in respect of access and egress of the land. The State Government and Main Roads WA have unequivocally announced the introduction of a RAV network extending RAV 10 access from Wubin once the upgrades to the Great Northern Highway are undertaken.

Local

The implementation of a Local Planning Policy will guide future development in the area and have due regard to the intent of the land use and zone objectives.

Financial Implications

The implementation of this policy will not result in a greater financial implication for the Shire as the intent of the Design Guidelines is to provide clarity on matters for which Council has some development control over. The planning framework has previously been well established for the area by the adoption of the 2011 Western Australian Planning Commission approved Structure Plan which endorsed the and for industrial land use.

Harley Dykstra Consulting Town Planners have prepared the draft MIPDG guidelines for \$9,900 (inc GST) and the Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers was prepared for \$13,500 inc GST. Those costs have been expended from the Building Better Regions Grant Fund for the implementation of Reports for the industrial area.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.1 Economic Growth

Strategy: S4.1.1 Support private investment which stimulates significant and sustainable jobs growth.
S4.1.2 actively pursue development of the Muchea Employment Node

State

- WAPC Muchea Employment Node Structure Plan 2011

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Primarily, the Council will need to carefully monitor the construction standards and ongoing road maintenance requirements as a result of development in the area and enabling heavy access vehicles to use the roads.

Development of the area will most likely result in a transition in rating from unimproved values to gross rental values where an increase in revenue would result.

Social implications

The Policy provisions are constructed to ensure that the amenity of the area is considered due to the industrial land uses which will prevail and includes provision for such matters as streetscape, landscaping requirements, built form etc.

Environmental implications

The Policy raises awareness of the local environs in the Muchea Industrial Park which includes additional consideration for water quality within the Ellenbrook catchment. The ultimate development of the site would result in large areas, particularly drainage lines, being reserved for conservation. In this regard, the Policy aims to ensure setbacks will be sufficient and there is adequate interface with conservation areas.

Officer Comment/Details

Local Planning Policies are used as a guidance document by local government when considering development applications, structure plans and subdivisions. They are not statutory binding and do not override provisions of higher order planning documents; however can be given due regard particularly where clarification of matters is required.

The Muchea Industrial Park is currently developing with recent state government approvals for structure plans, scheme amendments and a significant subdivision on the land. The proposed planning policy therefore includes local level matters for which Council and administration can influence planning outcomes under the provisions of its Local Planning Scheme in more detail. Additionally it provides clarity to all Stakeholders in regards to the development expectations at the site.

It is considered appropriate to receive the Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers as the detail of that Report has been transposed for road and drainage requirements into the Local Planning Policy. Further, Council should refer that Report to State Government agencies to ensure that they are aware of the Shire's position in relation to the future RAV network.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051118

Moved Cr Tilbury / Seconded Cr Ross

It is recommended that Council;

- 1. Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 authorise Public Notice of the draft Shire of Chittering Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines for a period of 28 days; and**
- 2. Receive the Road and Drainage Guidance Note- Muchea Industrial Park prepared by Porter Consulting Engineers.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:35PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

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

Report Date	21 November 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 31 October 2018

Executive Summary

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

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061118

Moved Cr Osborn /Seconded Cr Angus

That Council:

1. Endorse the Accounts Paid:

- a. PR4646, PR4661, PR4680
- b. EFT16814 – EFT16968
- c. Direct Debits and Transfers as listed
- d. Trust Fund payments as listed

Totalling \$951,288.89 for the period ending 31 October 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:35PM

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

Report Date	21 November 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 31 August 2018

Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 August 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 August 2018 as presented (**Attachment 1**).

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071118

Moved Cr King / Seconded Cr Ross

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:36PM

9.3.3 Monthly Financial Reports for the Period Ending 30 September 2018*

Report Date	21 November 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 30 September 2018

Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 September 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 30 September 2018 as presented (**Attachment 1**).

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081118

Moved Cr Angus / Seconded Cr Ross

That Council receives the Monthly Financial Reports for period ending 30 September 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:36PM

9.3.4 Proposed Corporate Values*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	04/01/2
Prepared by	Human Resources Coordinator
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Proposed amended Values Presentation

Executive Summary

Council's consideration is requested in adopting the proposed amended Corporate Values (refer **Attachment 1**).

Background

Our workforce and workplace has changed dramatically in a short period of time. Over the last five year's our population has increased by 25%, and we have had a staff turnover of around 70 people in this time, some long term staff, equating to a one and a half full turnover of staff in this period.

A review has been undertaken based on terminated staff statistics, although some staff were transient, the statistics identified there were some issues with retention that needed to be addressed. To help to resolve this, a thorough workforce review was conducted identifying roles and task matrix requirements, and an external needs analysis was provided to assist in determining if there were any retention issues that could be resolved.

Local Government Insurance Services provided a report to the Executive Management Team detailing recommendations in order to attract and retain staff. The report found the Shire of Chittering needed to improve workplace culture, with the primary recommendation being to form a working group and review our corporate values.

Following an extensive engagement process with staff and LGIS representatives, a new set of Corporate Values (replacing the 12 which previously existed) has been developed. In reality, these would not be greatly different from other Local Governments, but they have been developed from the ground up, ensuring ownership and commitment to their implementation.

The new values are based on the Acronym "SHARE":

- Support – help one another
- Honesty – be truthful and always act with integrity
- Accountability – always be accountable for your actions
- Respect – treat everyone with fairness and dignity
- Effective Communication – listen to what is being said, responding with respect

A list of Do's and Don'ts applicable to each of the values has been developed to better describe what is considered acceptable and not acceptable with respect to each of the Values (as per **Attachment 1**).

Consultation/Communication ImplicationsLocal

A number of staff volunteered to form a working group to represent all departments. This process included consultation with Local Government Insurance Services and briefing sessions with the Executive Management Team and staff.

State

Nil

Legislative ImplicationsState

Nil

Local

Nil

Policy ImplicationsState

Nil

Local

The Corporate Values will form a part of the structure for policy development and implementation.

Following the adoption of the new Values as outlined in this report, it is proposed to review *Council Policy 3.1 Code of Conduct – Staff, Volunteers and Contractors* to ensure alignment with the new values.

Financial Implications

Nil

Strategic ImplicationsLocal

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.1 An active and supportive community

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

- Community Engagement Plan

Focus area: Our community

Objective: To ensure that community members are given the opportunity to contribute to processes and that Council has the opportunity to consider Community input before making decisions

Strategy: Inform, Consult, Involve and Collaborate

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

The Corporate Values provide support to our code of conduct and outline how the Shire of Chittering operates and consults with all stakeholders.

Environmental implications

Not Applicable.

Officer Comment/Details

The Shire of Chittering has gone through extensive operational and organisational change over the past five years. These changes have included the loss of a number of long term staff and a complete review of our culture, practices, policies and processes. External consultants have been engaged to assist in this process and recommendation has been given to review, develop and implement new values relevant to today's culture and community in order to assist in addressing workplace culture and staff attraction and retention issues.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091118

Moved Cr Osborn / Seconded Cr King

That Council:

- 1. Acknowledge the significant body of work which has gone into developing a revised set of Values for the organisation.**
- 2. Adopt the proposed Corporate Values as outlined in this report.**
- 3. Note that staff will arrange to review *Council Policy 3.1 Code of Conduct – Staff, Volunteers and Contractors* to ensure alignment with the new Values.**
- 4. Note that a separate briefing and report will be provided to Council regarding *Council Policy 3.1*.**

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:37PM

Lisa Edwards left the meeting at 7:46PM.

9.3.5 Purchase of iPhone*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	22/10/110
Prepared by	Executive Manager Corporate Services
Supervised by	Alan Sheridan, Chief Executive Officer
Disclosure of interest	Alan Sheridan – Financial implications
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Prices for used iPhone 6S as per eBay

Executive Summary

The Chief Executive Officer has requested to purchase the iPhone which was allocated to him in April 2016 for its depreciated value in accordance with Clause 11.5 of his Employment Contract.

Background

Clause 11.5 of the Chief Executive Officer's Contract of Employment provides for the following:

"On the termination of your employment, or expiry of the term, at you request the Council (or if Council so resolves, the President) may agree to you purchasing from the Shire of Chittering, at its depreciated value any of the out of office communications facilities used by You immediately before the termination or expiry".

Accordingly, the Chief Executive Officer has requested that he purchase the iPhone 6S which was allocated for his use in April 2016 for its depreciated value.

A search of eBay for used iPhone 6S mobile phone is at **Attachment 1**. The average of the six iPhone 6S mobile phones on that list indicates an average value of \$140.

The iPhone will be decommissioned by Council's IT Manager prior to the Chief Executive Officer's departure.

Consultation/Communication Implications

Local

Shire President
Chief Executive Officer
Executive Manager Development Services
IT Manager

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The phone will be purchased for its depreciated value – assessed as \$140.

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 purchase of such items is provided for in the Chief Executive Officer's Contract of Employment.

OFFICER RECOMMENDATION

Moved Cr Tilbury /Seconded Cr Osborn

That Council:

1. Resolve to allow the Chief Executive Officer to purchase his iPhone in accordance with Clause 11.5 of the Chief Executive Officer's Contract of Employment.
2. Note that the Chief Executive Officer's iPhone will be decommissioned by Council's IT Manager prior to the Chief Executive Officer's departure.

AMENDMENT

Moved Cr King / Seconded Cr Angus

That condition 1 be amended by adding the work “at the price of \$330” after the word “iPhone” so that condition 1 reads as follows.

1. Resolve to allow the Chief Executive Officer to purchase his iPhone at the price of \$330 in accordance with Clause 11.5 of the Chief Executive Officer’s Contract of Employment.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/4
7:47PM

9.3.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101118

Moved Cr Tilbury / Seconded Cr Osborn

That Council:

1. Resolve to allow the Chief Executive Officer to purchase his iPhone in accordance with Clause 11.5 of the Chief Executive Officer’s Contract of Employment.
2. Note that the Chief Executive Officer’s iPhone will be decommissioned by Council’s IT Manager prior to the Chief Executive Officer’s departure.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 4/3
ON THE CASTING VOTE OF THE PRESIDING MEMBER
7:52PM

Post Meeting Note

The CEO will not be purchasing the iPhone as was proposed in this report.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 BBRF Astrotourism Towns Application*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	08/02/0001
Prepared by	Chief Executive Officer
Supervised by	Not applicable
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Astrotourism Towns Project Summary

Executive Summary

Council has been approached by Stargazers WA to support a funding application under the Building Better Regions Fund (BBRF3) Community Investments Stream.

Background

Council will recall a previous briefing by Carol Redford (Stargazers WA) regarding a tourism initiative aimed at tapping into the growing global market for tourism based stargazing. The night skies within WA are some of the brightest on the planet and compared with many Asian skies in more populated areas, are almost pristine by comparison. A summary document regarding the project is provided at **Attachment 1**.

More recently, Stargazers WA has been promoting an initiative to engage with a number of Wheatbelt towns which offer the potential for a coordinated approach to stargazing and other tourism related activities in those towns. The following Shires have shown interest in the project:

- Koorda
- Mt Marshall
- Wyalkatchem
- Northam
- Toodyay
- Chittering
- Gingin
- Victoria Plains
- Lake Grace
- Kulin
- Narrogin
- Pingelly
- West Arthur
- Wagin
- Coorow
- Sandstone

In consultation with RDA Wheatbelt, Stargazers WA is intending to lodge a Building Better Regions Fund (BBRF3) grant under the Community Investments Stream for the 2019/20 financial year.

Councillors will recall that preliminary concept planning for the proposed lifestyle village and caravan park makes allowance for a Stargazing location in close proximity to that facility.

Consultation/Communication Implications

Local

Councillors

State

RDA Wheatbelt

Stargazers Club WA

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

In order to submit the BBRF funding application, Stargazers WA has sought funding support implementing the project in 2019. The cost per Shire is \$8,000 of which \$6,000 would be met by the Federal Government, should the application be successful.

The Shire of Lake Grace has indicated that they will sponsor the application (as a remote Shire, the BBRF funding will cover 75% of the cost). Council would therefore need to make an allocation of only \$2,000 in its FY 2019/20 budget for this project if the BBRF application is successful.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our natural environment

Objective: S2.1 A protected environment

Strategy: S2.1.3 Explore opportunities for other eco-based recreational activities

Focus area: Economic growth

Objective: S4.3 Increased visitors

Strategy: S4.3.3: Facilitate, promote and support ecotourism

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.2: Actively seek grant funding opportunities to support identified projects

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

The initiative has positive implications in terms of expanding the range of tourism activities within the Shire, adding to potential overnight stays and visitor spend within the local community. As a passive activity, stargazing has minimal environmental impact.

Officer Comment/Details

As the funding application is required to be submitted prior to the next Council Meeting, the Chief Executive Officer, in consultation with the Shire President, has submitted a letter of support for the application.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111118

Moved Cr Tilbury / Seconded Cr Ross

That Council resolve to:

1. Endorse the action of the Chief Executive Officer in providing a letter of support for the BBRF Funding Application.
2. Pending a successful BBRF Application, include a \$2,000 allocation in the Draft 2019/20 Budget for the Astrotourism Towns Project.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 5/1

7:59PM

9.4.2 Appointment of an Acting Chief Executive Officer from 2 December 2018 until 16 December 2018

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	22/10/119
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to appoint Rhona Hawkins (Executive Manager Corporate Services) as the Acting Chief Executive Officer during the period of 2 December 2018 until 16 December 2018, whilst the Chief Executive Officer is on annual leave.

Background

The Chief Executive Officer will be on annual leave from Sunday 2 December 2018 until Sunday 16 December 2018.

Consultation/Communication Implications

Local

Executive Management Team
Human Resources Coordinator

State

Not applicable

Legislative Implications

State

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

Local

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

Policy Implications

State

Nil

Local

- Policy 3.14 – Appointment of an Acting Chief Executive Officer

Objective To provide guidelines for the appointment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual, long service or extended sick leave.

Definitions “annual leave” means annual leave in excess of 5 working day;
“long service leave” means long service leave in excess of 5 working days
“extended sick leave” means sick leave in excess of 5 working days
“Council” means the Shire of Chittering
“local government” means the Shire of Chittering
“senior employee” means an employee or a person belonging to a class of employee designated as a ‘senior employee’ by the local government within the terms of the **Local Government Act 1995 Section 5.37**.

Background Section 5.36 of the **Local Government Act 1995** (the Act) requires that a local government is to employ a person to be the Chief Executive Officer of the local government.

There are special constraints under s5.36(2) of the Act which apply to the employment of a person as Chief Executive Officer, and it is considered those provisions apply also to the appointment of a person as Acting Chief Executive Officer where the appointment is made directly by resolution of the Council, and where the person is not an existing employee of the local government who will perform the role of Acting Chief Executive Officer while employed under the employee’s existing Contract of Employment. This policy does not purport to deal with the employment of a person who is not an existing employee of the local government directly by resolution of the Council.

The intent of this Policy is to deal with the appointment of an existing senior employee of the local government to perform the role of Acting Chief Executive Officer during the temporary absence of the existing Chief Executive Officer on extended sick leave, annual leave or long service leave.

If an existing employee of the local government is required to perform the role of Acting Chief Executive Officer that can be achieved by:

1. resolution of the Council on each occasion; or
2. the Chief Executive Officer under delegated authority from the Council; or
3. the Chief Executive Officer by virtue of his/her authority under s5.41 and s5.44 of the Act, but an employee exercising the authorities so delegated to him/her would not be able to exercise the Chief Executive Officer’s power of delegation.

It is intended that this Policy will operate in the area covered by Point 2 above, where the council delegates authority to the Chief Executive Officer to appoint an existing senior employee as Acting Chief Executive Officer, in which case the senior employee so appointed as the Acting Chief Executive Office would be able to exercise the Chief Executive Officer’s power of delegation.

- Policy**
1. It is intended that the Executive Managers of Development Services, Corporate Services and Technical Services will carry out the role of Acting Chief Executive Officer during period of absence of the Chief Executive Officer due to annual, long service or extended sick leave, and that they will do so on a rotational basis.
 2. It is intended that a senior employee will only be appointed as Acting Chief Executive Officer under the terms of this Policy if:
 - i) the employee has performed the duties of his/her substantive position for a period of 12 months;
 - ii) in the opinion of the Chief Executive Officer the employee has satisfactorily performed his/her duties over the previous 12 months;
 - iii) in the opinion of the Chief Executive Officer and the employee, the employee has the capacity to perform the duties of Acting Chief Executive Officer along with his/her current duties satisfactorily; and
 - iv) this Policy does not apply to an employee who is temporarily acting in the role of an Executive Manager.
 3. It is the intent of this Policy that the Council will resolve to delegate to the Chief Executive Officer the power to appoint senior employees as Acting Chief Executive Officer in the circumstances contemplated by this policy.
 4. The Chief Executive Officer is to ensure that future contracts for senior employees reflect the terms and the intentions of this Policy.

Financial Implications

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

Strategic Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to appoint Rhona Hawkins, Executive Manager Corporate Services, as Acting Chief Executive Officer from Saturday 2 December 2018 until Sunday 16 December 2018.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121118

Moved Cr Tilbury / Seconded Cr Osborn

That Council appoints Ms Rhona Hawkins as Acting Chief Executive Officer for the period inclusive from Saturday 2 December 2018 until Sunday 16 December 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:59PM

9.4.3 Christmas and New Year Office Closure

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	13/02/36
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to note that the Shire's Administration Centre will be closed from 3pm on Friday 21 December 2018 and will re-open on Wednesday 2 January 2019.

Background

The Shire Policy allows for the Administration to be closed from 3pm on the last working day before Christmas and re-open on the first working day following New Year's Day. As Christmas Day falls on a Tuesday, Council is requested to close the Administration Centre from the Friday before.

Consultation/Communication Implications

Local

Executive Management Team

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

- Policy 3.15 Christmas/New Year Closure of Facilities
"The Administration centre will be closed from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day."

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Bindoon and Muchea landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas/New Year period"

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

It is proposed that the Council Administration Centre close at 3pm on Friday 21 December 2018 and re-open at 8.30am on Wednesday 2 January 2019. This will be a total of seven days, made up of three public holidays (Christmas Day, Boxing Day and New Year's Day) and four annual leave / RDO days.

The proposed closure of the Administration Centre will be advertised on the office doors, the Shire's website and Facebook, on the notice boards at the Administration Centre and Post Office and in the local newspapers (Northern Valley News).

In light of the above, it is requested that Council support the recommended closing dates.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131118

Moved Cr Tilbury / Seconded Cr Angus

That Council notes the closure of the Council Administration Centre from 3pm on Friday 21 December 2018 to 8.30am on Wednesday 2 January 2019.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:00PM

9.4.4 Setting of Agenda Forum and Ordinary Council Meeting dates for 2019

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	13/02/36
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of Interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to endorse the proposed dates for 2019 Agenda Forums and Ordinary Meetings of Council.

Background

The *Local Government (Administration) Regulations 1996* requires that a local government is to give local public notice at least once each year of the proposed dates on which meetings are to be held and the times and venues at which they are to be held. The purpose of this report is to set the Agenda Forum and Ordinary Council Meeting dates for the period February 2019 to December 2019, so that these can be advertised in accordance with that regulation.

Historically, Ordinary Council Meetings have been held on the third Wednesday of each month, commencing at 7pm; with the exception of January (when there is no meeting) and December's meeting is held on the second Wednesday.

Consultation/Community Implications

Local

Executive Management Team

State

Nil

Legislative Implications

State

- *Local Government (Administration) Regulations 1996*
- *Local Government Act 1995*

Local

Nil

Policy Implications

State

Nil

Local

- Elected Member Policy 4.6 Agenda Forums

Objective: *The Shire of Chittering conducts Agenda Forums the week prior to every Ordinary Meeting of Council. Agenda Forums are open to the public, unless the matter is of a confidential nature. Agenda Forums provide Councillors with the opportunity to seek additional information, clarify any concern, request the drafting of alternative motions and organise attendance at on-site visits if considered appropriate.*

Financial Implications

There will be costs involved in advertising for meeting dates in *Northern Valley News*. If there are any Special Council Meetings called during the 2019 calendar year, these will also incur advertising charges. These charges have been allowed for in the 2018-2019 Annual Budget under Account 2040240.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Strong leadership

Objective: S5.1 An engaged community

Strategy: S5.1.1 Encouraged and promote community engagement

Focus area: Strong leadership

Objective: S5.3 Accountable governance

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

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

In determining meeting dates for 2019, consideration needs to be given to school and public holidays, and their impact on agenda distribution, meeting clashes, Councillors and the general public's ability to attend the scheduled meetings. It should also be noted that the next Local Government Elections is scheduled for Saturday 19 October 2019.

The following timetable shows the relationship between school and public holidays and the usual meeting cycle (i.e. third Wednesday of the month, February – December):

Usual cycle meeting date	Scheduled holidays (i.e. school and public)	Suggested meeting date
20 February	*School returns Monday 4 February	20 February
20 March	<u>Public holidays</u> Monday 4 March – Labour Day	20 March
17 April	<u>Public holiday</u> Friday 19 April – Good Friday Monday 22 April – Easter Monday Thursday 25 April – ANZAC Day <u>School holidays</u> Saturday 13 April – Sunday 28 April <i>*School returns Monday 29 April</i>	17 April
15 May		15 May
19 June	<u>Public holiday</u> Monday 3 June – WA Day	19 June
17 July	<u>School holidays</u> Saturday 6 July – Sunday 21 July <i>*School returns Monday 22 July</i>	17 July
21 August		21 August
18 September	<u>School holidays</u> Saturday 28 September – Sunday 13 October <i>*School returns Monday 14 October</i> <u>Public holiday</u> Monday 30 September – Queen's Birthday	18 September
16 October	LG Elections are scheduled for Saturday 19 October	16 October
20 November		20 November
11 December	<u>School holidays</u> Friday 20 December – Sunday 2 February 2020 <u>Public holidays</u> Wednesday 25 December – Christmas Day Thursday 26 December – Boxing Day	11 December

In accordance with *Elected Member Policy 4.6 Agenda Forums* Council is also requested to endorse the dates for the Agenda Forums for 2019.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141118

Moved Cr Angus / Seconded Cr Osborn

That Council:

1. Endorses the following dates for the Agenda Forums and Ordinary Meetings of Council of the Shire of Chittering for the 2019 calendar year:

Agenda Forum	Ordinary Meetings of Council
Tuesday 12 February	Wednesday 20 February
Tuesday 12 March	Wednesday 20 March
Tuesday 9 April	Wednesday 17 April
Tuesday 7 May	Wednesday 15 May
Tuesday 11 June	Wednesday 19 June
Tuesday 9 July	Wednesday 17 July
Tuesday 13 August	Wednesday 21 August
Tuesday 10 September	Wednesday 18 September
Tuesday 8 October	Wednesday 16 October
Tuesday 12 November	Wednesday 20 November
Tuesday 3 December	Wednesday 11 December

2. Approves the advertising of the 2019 meeting dates in accordance with the *Local Government (Administration) Regulations 1996*.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0
8:00PM

9.4.5 Adoption of Local Emergency Management Arrangements*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	09/08/1
Prepared by	Finance Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Shire of Chittering Local Emergency Management Arrangements

Executive Summary

Council is asked to consider the adoption of the Shire of Chittering 2018 Local Emergency Management Arrangements (LEMA), including Recovery Plan in accordance with the *Emergency Management Act 2005*.

Background

The purpose of the LEMA is to structure how the Shire coordinates and operates during the response and recovery phase of an emergency.

The Arrangements are designed to ensure that appropriate strategies are in place to minimise the adverse effects on the community, and to restore normality as quickly as possible following an emergency event.

The LEMA undergoes a major review every five years. The existing Arrangements were compiled back in 2015 when there was no requirement for a separate Recovery Plan. The processes, resources, and contacts it contained have since become superseded as a result of numerous inquiries and post-incident analyses, changes in legislation, and advancements in technology.

A meeting of the Shire of Chittering Local Emergency Management Committee took place on 22 August 2018, where the Local Emergency Management Arrangements were presented to the assembled Committee for tabling.

Consultation/Communication Implications

Local

Chittering Local Emergency Management Committee
Gingin Police
St John Ambulance Chittering-Gingin

State

Department of Fire and Emergency Services
Department of Communities

Legislative Implications

State

- Emergency Management Act 2005
Section 41. Emergency management arrangements in local government district
 - 2) The local emergency management arrangements are to set out—
 - a) the local government's policies for emergency management;
 - b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;

- c) *provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
- d) *a description of emergencies that are likely to occur in the local government district;*
- e) *strategies and priorities for emergency management in the local government district;*
- f) *other matters about emergency management in the local government district prescribed by the regulations; and*
- g) *other matters about emergency management in the local government district the local government considers appropriate.*
- 3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
- 4) *Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator*

Section 42. Reviewing and renewing local emergency management arrangements

- 1) *A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
- 2) *Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

• Strategic Community Plan 2017-2027

- | | |
|-------------|--|
| Focus area: | Our community |
| Objective: | S1.3 A safe and healthy community |
| Strategy: | S1.3.1 Improve the safety of our community |
| Focus area: | Strong leadership |
| Objective: | S5.2 Strong partnerships and relationships |
| Strategy: | S5.2.1 Build effective partnerships with stakeholders |
| Objective: | S5.3 Accountable governance |
| Strategy: | S5.3.1 Good governance which supports efficient and effective service delivery |

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

Alignment of Local, State and Federal Emergency Management Arrangements to ensure the smooth management of emergency situations, and the local government's recovery from emergencies.

Environmental implications

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

Officer Comment/Details

The LEMA have been reviewed and updated by Natasha Mossman and Nadine Hayes, and have been checked by Yvette Grigg, Office of Emergency Management, and they are compliant to the requirements of the *Emergency Management Act 2005* and underpinning policies.

From time to time, the LEMA will be amended with changes noted in the amendment record. These changes will largely be updates to contact details and available resources. Minor changes such as these do not require Council endorsement.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151118

Moved Cr Osborn / Seconded Cr Ross

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:00PM

10. REPORTS OF COMMITTEES

10.1 Chittering Bushfire Advisory Committee*

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Executive Support Officer
Supervised by	Chief Bushfire Control Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" minutes from CBFAC meeting held on 23 October 2018

Executive Summary

Council is requested to endorse the 2019 meeting dates for the Chittering Bushfire Advisory Committee.

Background

The Chittering Bushfire Advisory Committee met on 23 October 2018 where the following recommendation was presented and carried by the members present:

8.1 OFFICER/COMMITTEE RECOMMENDATION

Moved Phill Humphry / Seconded Dave Wilson

That:

1. *The Chittering Bush Fire Advisory Committee meeting dates for 2019 are as follows:*
 - a. *Tuesday 12 March;*
 - b. *Tuesday 11 June; and*
 - c. *Tuesday 8 October.*
2. *The Chittering Bush Fire Advisory Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.*

[CARRIED]

Consultation/Communication Implications

Local

Chittering Bushfire Advisory Committee members

State

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 Chittering Bushfire Advisory Committee, Council is requested to endorse the 2019 committee meeting dates. The unconfirmed minutes from the meeting are also presented to Council to be received.

10.1.1 OFFICER / COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 161118

Moved Cr Osborn / Seconded Cr Ross

That Council:

1. Approves the 2019 Chittering Bush Fire Advisory Committee meeting dates as follows:
 - a. Tuesday 12 March;
 - b. Tuesday 11 June; and
 - c. Tuesday 8 October.
2. Approves the Chittering Bush Fire Advisory Committee meetings are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.
3. Receives the unconfirmed minutes from the Chittering Bushfire Advisory Committee meeting held on 23 October 2018.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0
8:01PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Cr Mary Angus

Question: Is there any power to the Bindoon Landfill site for the comfort of staff that work there? Eg. Use of a kettle and air conditioning.

Answer: *Through the Chair, the Executive Manager Technical Services advised that there is no power to Bindoon Landfill site. Staff bring their own water and thermos to work. The Landfill site is subject to Department of Environment Regulations and staff are employed to pick up litter around the outskirts of the Landfill site to meet these regulations. The staff shelter does not have air conditioning as it is not enclosed. Staff are not expected to continue work if temperatures reach unsafe levels.*

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

MOTION / COUNCIL RESOLUTION 171118

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 Appointment of an Acting Chief Executive Officer until Permanent Chief Executive Officer Commences" as the matter is unable to be dealt with administratively by the local government and must be considered and dealt with by Council before the next meeting and in accordance with the *Local Government Act 1995* Section 5.23 the meeting went behind closed doors.

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

THE MOTION WAS PUT AND DECLARE CARRIED 6/0

8:06PM

Rhona Hawkins, Jim Garrett, Peter Stuart and all members of the general public left the meeting at 8:08PM.

PROCEDURAL MOTION / COUNCIL RESOLUTION 181118

Moved Cr King / Seconded Cr Osborn

That Council suspended in accordance with *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 6/0

8:09PM

Natasha Mossman and Nadine Hayes left the meeting at 8:15PM

Natasha Mossman and Nadine Hayes return to the meeting at 8:20PM

PROCEDURAL MOTION / COUNCIL RESOLUTION 191118

Moved Cr Osborn / Seconded Cr Tilbury

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:35PM

PROCEDURAL MOTION / COUNCIL RESOLUTION 201118

Moved Cr King / Seconded Cr Ross

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:36PM

Rhona Hawkins, Jim Garrett, Peter Stuart and six members of the general public returned to the meeting at 8:36PM.

13.1 Appointment of an Acting Chief Executive Officer until Permanent Chief Executive Officer Commences

MOTION / COUNCIL RESOLUTION 211118

Moved Cr Ross / Seconded Cr Angus

That Council, as discussed in closed session, endorses the preferred candidate as Acting Chief Executive Officer for the period from Monday 21 January 2019 until such time as the new Chief Executive Officer commences, subject to satisfactory formal reference checks and attendance at a meeting with Council.

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

Cr Houston provided the following comments

The Shire President has liaised with Council's recruitment consultant and LG Professionals in compiling a shortlist of eight experienced and capable candidates to fill the position of Relief Chief Executive Officer from 21 January 2019 onwards.

As a result of those enquiries, three of the eight are available to fill the role. Following a discussion with Council at the Information Session on 21 November 2018, it is proposed to appointment one of those to the position of Acting Chief Executive Officer

Staff Comments

In accordance with the Local Government Act Section 5.36

5.36 Local government employees

(1) A local government is to employ—

- (a) a person to be the CEO of the local government; and
- (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

(2) A person is not to be employed in the position of CEO unless the council—

- (a) believes that person is suitably qualified for the position; and
- (b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1)—

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section—

- (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless—*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 PROCEDURAL MOTION / COUNCIL RESOLUTION 221118

Moved Cr Tilbury / Seconded Cr Osborn

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8:42PM

Six members of the public left the meeting at 8:42PM.

14.1.1 CONFIDENTIAL ITEM: Community Citizen of the Year Awards

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	02/01/2
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Reason for Confidentiality

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

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

Executive Summary

Council's consideration is required to select the winners of the Community Citizen of the Year Awards.

14.1.2 CONFIDENTIAL ITEM: Compulsory Waste Collection Services Write Off

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	12/05/0001; A11482
Prepared by	Customer Service Officer Rates
Supervised by	Executive Manager Corporate Services
Voting requirements	Absolute Majority
Attachments	Nil

Reason for Confidentiality

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

- (2) *If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (b) *the personal affairs of any person; and*
 - (e) *a matter that if disclosed, would reveal:—*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

Executive Summary

Council is requested to consider the write off of Compulsory Waste Collection Service charges of \$276.96.

14.1.3 CONFIDENTIAL ITEM: Compulsory Waste Collection Services Write Off

Report date	21 November 2018
Applicant	Shire of Chittering
File ref	12/05/0001; A9974
Prepared by	Customer Service Officer Rates
Supervised by	Executive Manager Corporate Services
Voting requirements	Absolute Majority
Attachments	Nil

Reason for Confidentiality

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

- (2) *If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (b) *the personal affairs of any person; and*
 - (e) *a matter that if disclosed, would reveal—*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

Executive Summary

Council is requested to consider the write off of Compulsory Waste Collection Services charges of approximately \$2,294.47.

14.2 Public reading of resolution that may be made public

No members of the public returned to the meeting.

14.1.1 RECOMMENDATION/COUNCIL RESOLUTION 231118

Moved Cr Ross / Seconded Cr Osborn

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

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

8:49PM

14.1.2 RECOMMENDATION / COUNCIL RESOLUTION 241118

Moved Cr Osborn / Seconded Cr Angus

That Council write off the Compulsory Waste Collection Service charges as outlined in the Officer's report.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:51PM

14.1.3 RECOMMENDATION / COUNCIL RESOLUTION 251118

Moved Cr Osborn / Seconded Cr Ross

That Council write off the Compulsory Waste Collection Service charges as outlined in the Officer's report.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY
8:52PM

15. CLOSURE

The Presiding Member declared the meeting closed at 8:53PM.



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