



COUNCIL MINUTES

Ordinary Meeting of Council

7pm, Wednesday 15 September 2021

Council Chambers, 6177 Great Northern Highway, Bindoon



PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

PREFACE

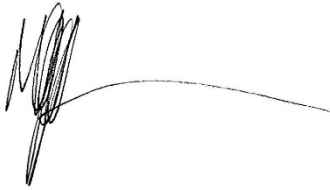
When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

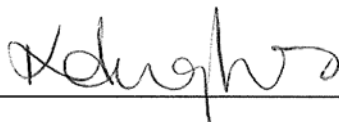
These minutes were approved for distribution on 24 September 2021.



Matthew Giffellon
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 20 October 2021.

Signed 

NOTE: the Presiding Member at the meeting at which these minutes are 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.



CONTENTS

ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	7
ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS.....	7
Attendance	7
Apologies	7
Approved leave of absence	7
Announcements	8
ITEM 3. DISCLOSURE OF INTEREST.....	9
ITEM 4. PUBLIC QUESTION TIME	9
Response to previous public questions taken on notice.....	9
Public question time.....	9
PQT01 – 09/21 Clint O’Neil, Chittering.....	9
PQT02 – 09/21 Colleen Osborn, Bindoon	10
PQT03 – 09/21 Chris Waldie, Bindoon	10
ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS	11
Petitions	11
Presentations	11
Deputations	11
ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE	11
ITEM 7. CONFIRMATION OF MINUTES	11
Ordinary Meeting of Council: 18 August 2021	11
ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER	12
ITEM 9. REPORTS.....	13
DEVELOPMENT SERVICES	13
DS01 – 09/21 Preparation of Scheme Amendment 73 – Exempting Development Approval in the Water Prone Special Control Area	13
DS02 – 09/21 Request for Tenure Over Road Reserve – Chittering Road	20
TECHNICAL SERVICES	25
CORPORATE SERVICES	26
CS01 – 09/21 List of Accounts Paid for the Period Ending 31 August 2021	26
CS02 – 09/21 Monthly Financial Report for the Period Ending 31 August 2021.....	28
CHIEF EXECUTIVE OFFICER.....	30
CEO01 – 09/21 Shire of Chittering Sport & Recreation Plan 2021 – 2031	30
CEO02 – 09/21 Lower Chittering Hall Replacement Project Reference Group.....	34

CEO03 – 09/21	Regional Economic Development Grant for Bindoon Mountain Bike Park	38
ITEM 10. REPORTS OF COMMITTEES		41
COM01 – 09/21	Muchea Recreation Centre Reference Group Minutes.....	41
ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		43
MOT01 – 09/21	Cr John Curtis: Claim on Post Office Licence Sale	43
ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....		45
QM01 – 09/21	Cr John Curtis: Waste Management Service and Policy for Mining.....	45
ITEM 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING		45
ITEM 14. MEETING CLOSED TO THE PUBLIC		45
	Matters for which the meeting may be closed	45
CON01 – 09/21	Chief Executive Officer Contract Renewal	46
	Public reading of resolution that may be made public	46
ITEM 15. CLOSURE.....		46

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

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

The Presiding Member declared the meeting open at 7.00pm.

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

Attendance

The following members will be in attendance:

Cr Kylie Hughes	Presiding Member
Cr Carmel Ross	
Cr Peter Osborn	
Cr Mary Angus	
Cr Mark Campbell	
Cr Rebecca Foulkes-Taylor	
Cr John Curtis	

The following staff will be in attendance:

Matthew Gilfellon	Chief Executive Officer
Melinda Prinsloo	Executive Manager Corporate Services
Jim Garrett	Executive Manager Technical Services
Jake Whistler	Principal Planning Officer
Denaye Kerr	EA to the CEO

Members of the General Public: 6

Media: 0

Apologies

Peter Stuart	Executive Manager Development Services
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Approved leave of absence

Nil

Announcements

Councillors 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 Meeting of Council for inclusion in the minutes.

Cr Kylie Hughes

18 August 2021	Ordinary Council Meeting
23 August 2021	Avon Midland Zone Meeting, Toodyay Bindoon Aged Care Forum
25 August 2021	LG Elections Candidate Information Session President & CEO Meeting
1 September 2021	Muchea Community Forum
2 September 2021	Australian Citizenship Ceremony
8 September 2021	President & CEO Meeting Agenda Forum and Briefings Aged Care Forum, Lower Chittering

Cr Carmel Ross

18 August 2021	Ordinary Council Meeting
23 August 2021	Avon Midland Zone Meeting, Toodyay Bindoon Aged Care Forum
25 August 2021	President & CEO Meeting Emergency Management Committee Meeting
28 August 2021	Huw Davies competition, Bushfire Brigades, Bindoon
30 August 2021	Muchea Project Reference Group
2 September 2021	Australian Citizenship Ceremony
8 September 2021	President & CEO Meeting Agenda Forum and Briefings
9 September 2021	NBN Online Meeting re Lower Chittering Tower
13 September 2021	Muchea Project Reference Group

Cr Peter Osborn

18 August 2021	Ordinary Council Meeting
8 September 2021	Agenda Forum and Briefings
13 September 2021	Wannamal AGM

Cr John Curtis

2 September 2021	Australian Citizenship Ceremony
8 September 2021	Aged Care Forum, Lower Chittering Agenda Forum and Briefings

Cr Mary Angus

18 August 2021	Ordinary Council Meeting
8 September 2021	Agenda Forum and Briefings

Cr Mark Campbell

18 August 2021	Ordinary Council Meeting
28 August 2021	Huw Davies competition, Bushfire Brigades, Bindoon
1 September 2021	Muchea Community Forum
8 September 2021	Agenda Forum and Briefings

9 September 2021 NBN Online Meeting re Lower Chittering Tower

Cr Rebecca Foulkes-Taylor

18 August 2021 Ordinary Council Meeting

8 September 2021 Agenda Forum and Briefings

ITEM 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.

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 09/21 Clint O’Neil, Chittering

With regard to agenda item DS02-09/21.

The background information to Council recorded in the officer’s recommendation related to the previously unknown and unmapped confined ancient buried river (palaeochannel) discovered, tested and professionally reported in 2002, at the site of the authorised constructed water supply bore, makes the claim:

‘Shire records show that this assertion has been consistently retorted’

The Shire Council would be fully aware that it undertook its own due diligence examination of the presence or otherwise of the reported confined ancient buried river, professionally reported in the Shire commissioned **‘Trial groundwater survey and Maryville bore hydrogeology**, Worley GPX, 1 September 2003, file ref:300/05064’. Within that report (page 7) the authors make the statement:

‘The existence of a palaeochannel groundwater resource is an encouraging sign for the future water development potential within the Shire. Palaeochannels are major aquifer resources for many communities in Western Australia and their existence in the otherwise laterite terrain of the Chittering Shire has not been documented before’

It is my understanding that the Council and the Shire are required to exercise a duty of care when making statements and recording information that may adversely impact an applicant, more particularly in circumstances where unsubstantiated views and opinions are contrary to a documented material fact.

The Council gives consideration to striking out and removing the sentence *‘Shire records show that this assertion has been consistently retorted’* from agenda item DS02-09/21 and the recorded minutes of the

Council meeting, for the reasons stated above.

Question 1: The Council gives consideration to striking out and removing the sentence '*Shire records show that this assertion has been consistently retorted*' from agenda item DS02-09/21 and the recorded minutes of the Council meeting, for the reasons stated above.

Response: Council does not have the power to change an officer's report. Officer reports are merely to provide information to Council in a balanced fashion. Council Decisions are the true position of a Local Government.

Question 2: Amend the officer recommendation, for reasons of accuracy, to read after road reserve PIN 11680758 'being centred at 300 metres east of the Chittering Road and Muchea East Road intersection.

Response: This suggested amendment will rely on a Councillor proposing the amendment and Council resolving to make the amendment.

Question 3: To more reasonably reflect the officer's executive summary, the Council gives consideration to amending condition 1 to read 'the consolidated easements in gross relate solely to enabling continuing access to existing authorised works and new water supply works' The amended condition 1 is consistent with the consolidation of existing and proposed water supply works referred to in the officer's report.

Response: This suggested amendment will rely on a Councillor proposing the amendment and Council resolving to make the amendment.

PQT02 – 09/21 Colleen Osborn, Bindoon

Question 1: Do you believe it is appropriate to call a community organisation parasites?

Response: The President advised that this reference was made on an internal email that was sent to Councillors only not public, by way of coming to this meeting tonight and speaking of this you are making it public. I had already spoken to Cr Curtis and objected strongly to the wording and explained the etiquette of emails. This is not the reflection of Council.

All Councillors agreed that this was not appropriate.

Question 2: What are the pie in the sky projects that you are talking about in Item 11 of the Agenda?

Response: Cr Curtis responded that he was referring to the community trailer.

PQT03 – 09/21 Chris Waldie, Bindoon

Question 1: I would like to ask that Cr Curtis apologise for using such wording as pie in the sky and if there is no apology that that particular motion be amended or withdrawn before it is voted on this evening.

Response: The President advised she would talk to Cr Curtis and failing an apology from him she would write to the Chittering Tourist Association and clarify Councils position on that.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 18 August 2021

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010921

Moved Cr Ross, Seconded Cr Campbell

That the minutes of the Ordinary Meeting of Council held on Wednesday 18 August 2021 be confirmed.

CARRIED 7 / 0

TIME: 7.20pm

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Presiding Member, Kylie Hughes

As this is the last Ordinary Meeting of Council prior to the Election on 16 October 2021, I would just like to thank Councillor Peter Osborn for his six years serving as a Councillor with the Shire of Chittering, Cr Osborn also held the office of Deputy President from 2016 to 2019. During this time Peter has represented Council on the following committees and advisory groups:

- Audit Committee
- Chittering Australia Day Advisory Group
- Chittering Education Scholarship Group
- Chittering Tourist Association
- Local Emergency Management Committee
- Local Recovery Coordination Committee
- WALGA Avon Midland Country Zone
- Avon Regional Organisation of Councils
- Midwest/Wheatbelt Joint Development Assessment Panel
- Rural Water Council of WA
- Wannamal Community Centre
- Wheatbelt North Regional Road Group

Thank you again Peter.

I would also like to wish all nine nominees the best of luck in the upcoming election.

Councillor Peter Osborn

Life moves on and Colleen and I are great believers in having exit strategy but as late as Thursday last week I was still considering nominating. We believe that now is the right time to move on which meant not nominating. As our process moves forward it will be going on the market in the very near future. It is sad but things moves on. I have thoroughly enjoyed my 6 years on Council although it has had its tough moments. I would like to express my thanks to the Councillors, the four CEO's who I have had the privilege to work with, Gary, Alan, Neil and now Matt and to the wonderful staff who make this place tick. Good luck to the new Council, who no doubt will come in with a different set of views and send this Shire off in a different dejectory and I wish Beck and Carmel the best in the elections. Thank you.

ITEM 9. REPORTS

DEVELOPMENT SERVICES

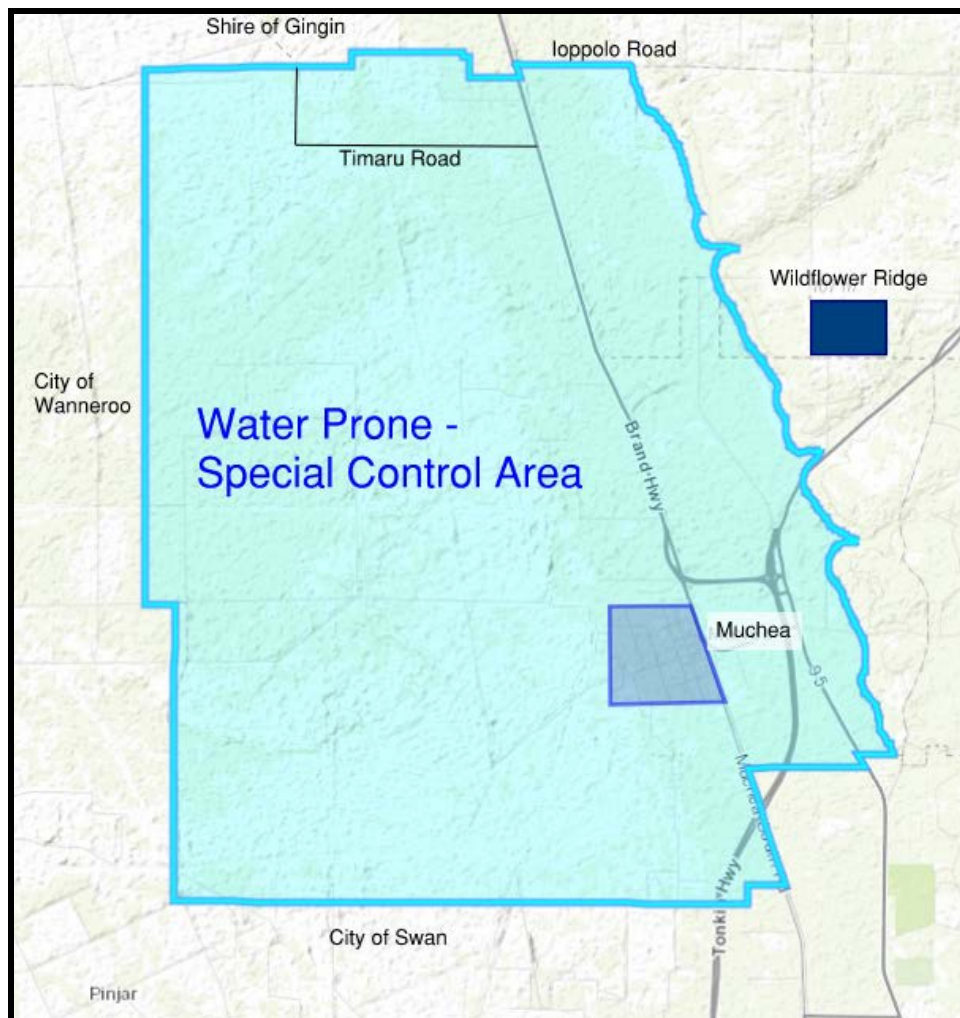
DS01 – 09/21 Preparation of Scheme Amendment 73 – Exempting Development Approval in the Water Prone Special Control Area

Applicant	Shire of Chittering
File ref	PLN.SA.73
Author	Principal Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Scheme Amendment 73 Document

Executive Summary

Council is requested to consider an amendment to Local Planning Scheme No. 6 to remove the requirement for development approval for incidental (minor) development in the Water Prone Special Control Area.

Location Plan



Background

Clause 5.3 of the Shire of Chittering Local Planning Scheme No. 6 (LPS6) identifies the area of the Swan Coastal Plain within the Shire's jurisdiction as an area that requires special planning attention due to its seasonally high water table. It is labelled and spatially represented under LPS6 as the Water Prone Area – Special Control Area (SCA) (see location plan above).

Development within this area often needs consideration towards the effects of potential flooding, and conversely, the environment needs protection against development that may compromise the environmental values of the area.

Clause 5.3 of LPS6 is provided below:

5.1 WATER PRONE AREA – ELLEN BROOK PALUSPLAIN

5.1.1 Land subject to Inundation or flooding are delineated on the Scheme Map. Development approval is required for any development within the Special Control Area.

5.1.2 Purpose

- a) To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.*
- b) To preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems.*
- c) To ensure that wetland environmental values and ecological integrity are preserved and mentioned.*

5.1.3 Planning Requirements

The local government will impose conditions on any Development approval relating to-

- a) the construction and occupation of any dwelling or outbuilding;*
- b) the type of effluent disposal system used in this area shall be high performance with bacterial and nutrient stripping capabilities to the specifications of local government and the Health Department and shall be located in a position determined by local government.;*
- c) minimum floor levels for any building above the highest known water levels;*
- d) any land use that may contribute to the degradation of the surface or sub- surface water quality.*
- e) no development other than for conservation purposes will be permitted within 30 metres of any natural water body;*
- f) damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved*

Catchment Management Plan.

5.1.4 Relevant Considerations

In considering applications for Development approval, the local government shall have regard to-

- a) the likely impact on the health and welfare of future occupants;*
- b) the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;*
- c) any provision or recommendation from any Catchment Management Plan.*
- d) the likely impact on any wetland;*
- e) buffer distances from any wetland.*

5.1.5 Referral of Applications for Development approval

The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

Pursuant to the requirements of Clause 5.3.1 above, development approval is required to be obtained for any development that is proposed within the Water Prone SCA. The term 'development' captures everything from construction of a building or structure, to demolition and earthworks. As such, landowners within this SCA are required to seek development approval from the Shire's Planning Department for any building or works proposed, prior to applying for a building permit.

There are instances that development within this SCA needs special planning consideration as the high water table may have impact on the development (i.e. dwellings or other habitable buildings). There are further instances where development may impact the environmental values of the area with particular impact on the ground water quality (i.e. intensive agriculture, nurseries, effluent disposal systems). In these cases, the requirement for development approval is warranted as it gives the Shire opportunity to assess the proposal against the SCA requirements, and make appropriate determinations.

There are many instances however, where the requirement for development approval is merely a processed based exercise as the development proposed is not one that will impact the quality of ground water or environment, and will conversely not be affected by the risk of flooding. Such developments include outbuildings, pergolas, patios, garages, carports, decks, verandas, swimming pools, retaining walls, cubby houses, solar panels and demolition of buildings.

Planning staff have witnessed over the past few years a number of these 'minor' developments that do not require assessment against the Water Prone SCA provisions, and if compliant with other components of the local planning framework (i.e. R-codes, Local Planning Policies etc.), are simply granted development approval. In order to remove the unnecessary burden of landowners seeking development approval for such minor development, Scheme Amendment 73 proposes to modify Clause 5.3.1 of LPS6, to exempt certain development.

Consultation/Communication Implications

Local

Pursuant to Part 5, Division 3, Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Scheme Amendment 73 will be required to be advertised to the local community. Following the period of advertising, the Scheme Amendment will be brought back to Council for a final recommendation.

State

Pursuant to Part 5, Division 3, Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Scheme Amendment 73 will be required to be advertised to state government agencies for comment. Following the period of advertising, the Scheme Amendment will be brought back to Council for a final recommendation.

Prior to presenting this item to Council, Planning staff have liaised with the officers from the Department of Planning, Lands and Heritage (DPLH) to garner a level of support for Scheme Amendment 73. DPLH have also assisted with the specific wording of the Scheme Amendment provisions to ensure that it is consistent with the Regulations.

Legislative Implications

State

• *Planning and Development (Local Planning Schemes) Regulations 2015*

Pursuant to Part 5, Division 1, Regulation 35 of the Regulations, the local government can make a resolution to prepare or adopt an amendment to a local planning scheme. Within that resolution, it must specify whether the amendment is complex, standard or basic amendment as defined by the Regulations. A 'basic amendment' is typically one that corrects inconsistencies within the Scheme or modifies the Scheme map to be consistent with a Structure Plan. A 'complex amendment' is typically one that seeks to alter the Scheme in a way that is inconsistent with a Local Planning Strategy.

It is considered that Scheme Amendment 73 is a 'standard amendment' as defined by the Regulations, as it is considered to be:

- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- An amendment that is not a complex or basic amendment.

The above reasons will be included in the officer's recommended resolution of Council.

Local

- *Shire of Chittering Local Planning Scheme No. 6*

Scheme Amendment 73 seeks to alter the provisions within Clause 5.3 to exempt certain development from the requirement for development approval.

While the Regulations provide the statutory foundation for certain developments to be exempted throughout the State, they cannot be applied to areas affected by an SCA. Development approval exemptions within an SCA need to be applied within the provisions of the Scheme, and need to relate specifically to that SCA and provide conditions under which development approval is not required.

If Scheme Amendment 73 is ultimately endorsed by the Western Australian Planning Commission, it will alter Clause 5.3.1 of LPS6 and will exempt a series of minor development within the Water Prone SCA.

Policy Implications

State

Nil

Local

Both Local Planning Policy 18 – ‘Setbacks’ and Local Planning Policy 7 – ‘Outbuildings’ will continue to have effect in the Water Prone SCA. Scheme Amendment 73 seeks to introduce conditions attached to the list of exemptions that ensure that development complies with the above-mentioned Policies. If a proposed development does not comply with either of the Policies, the Shire will still have the legal capabilities to require a development application to be lodged, and assess the application against the planning framework.

Financial Implications

Endorsement of Scheme Amendment 73 will remove the need for development approval to be gained for minor development by landowners in the Water Prone SCA. This will reduce the amount of development applications received by the Shire which attracts a fee, based on the cost of development. For the minor development proposed to be exempted, a fee of \$147 is typically charged (\$147 is the fee for development applications when the cost of development is less than \$50,000). A reduction in applications being lodged with the Shire will see a reduction in revenue generated from fees charged.

The \$147 fee however, is a cost recovery fee for officers’ time in considering, assessing and processing the application. It is contended that the standard \$147 fee does not completely cover the costs associated with processing applications of this nature. As such, the reduction in applications being received as a result of this Scheme Amendment will likely have a positive effect on Council’s finances as less officer time is required to process development applications.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

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

The reduction of development approval requirements and the associated fees enables landowners to invest further into their properties. It will also create greater efficiencies in the local building sector and assist local construction businesses by avoiding waiting period for development applications to be processed.

Social implications

Nil

Environmental implications

The list of exempted developments and the conditions attached ensure that any development that has the potential to adversely affect the environment, will require development approval and full assessment against the planning framework.

Officer Comment/Details

Scheme Amendment 73 is proposed to create greater efficiencies in the planning process for landowners

within the Water Prone SCA. It seeks to exempt development within the SCA that is relatively minor in nature and does not warrant a formal assessment against the planning framework.

For landowners within the SCA that wish to construct minor development (i.e. shed, patio, pergola, retaining wall, swimming pool etc.) the proposed changes to the Scheme will allow them to by-pass the planning process, and go straight to lodgement of a building permit application. For Council's confidence, the Shire has an internal process where the Planning department review each building permit that is lodged, to determine whether development approval is required or not. It will still remain the responsibility of the Shire's Planning department to ensure that any development that is not specifically exempt by LPS6 or the Regulations, obtains the necessary development approval prior to a building permit being issued.

As mentioned in the consultation section of this report, the new provisions proposed to be inserted into Clause 5.3.1 of LPS6 have already been given a level of support from DPLH. The scheme amendment process however, dictates that all government agencies and relevant stakeholders (environmental agencies) will be given the chance to provide comment on this proposal. This will ensure that the environmental and groundwater quality values that the Water Prone SCA provisions currently protect, are not being compromised by this amendment.

It is recommended that Council resolve to 'prepare' Scheme Amendment 73 to enable the advertising of the amendment to commence. It is also recommended that Council resolve that this amendment is a 'standard amendment' as defined by the Regulations.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020921

Moved Cr Ross, seconded Cr Foulkes-Taylor

That Council:

1. Pursuant to Part 5, Division 1, Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to prepare Scheme Amendment No. 73 to the Shire of Chittering Local Planning Scheme No. 6 to amend clause 5.3.1 by deleting the second sentence of this clause and in its place, insert the following provision:

'Development approval is required for any development within the Special Control Area, excluding development of a class specified in Column 1 of an item in the following Table and if all of the conditions set out in Column 2 of the Table opposite that item are satisfied in relation to the development.'

Table

	<u>Column 1</u> <u>Development</u>	<u>Column 2</u> <u>Conditions</u>
1.	<p>a) Demolition of buildings and structures.</p> <p>b) Internal building work.</p> <p>c) Erection, installation, alterations, additions of or to pergolas, patios, garages, carports, decks, verandahs, shade sails, swimming pools forming part of, connected to, or are detached from (but associated with) an existing dwelling on the lot.</p> <p>d) Outbuildings that are characterised as sheds, barns,</p>	<ul style="list-style-type: none"> • The development works are not located in a heritage-protected place. • The development works are not located within 30 metres of any natural water body. • The development works do not alter the natural flow of surface water. • The relevant requirements of the R-Codes are satisfied. • The relevant requirements of Local Planning Policy No.18 - Setbacks are satisfied. • The outbuildings the subject of d) that

	<p><i>workshops, lean-to's and similar buildings or structures that could be reasonably characterised as an outbuilding.</i></p> <p><i>e) Erection, installation, alterations, additions of or to boundary or retaining walls or fences and other means of boundary enclosures.</i></p> <p><i>f) Cubby houses.</i></p> <p><i>g) Solar panels.</i></p> <p><i>h) Flagpoles.</i></p> <p><i>i) The signage and advertisements contained in Schedule 6 of this Scheme.</i></p> <p><i>j) Maintenance and repair works.</i></p> <p><i>k) Works for public safety, the safety or security of plant or equipment, installation and maintenance of essential services or the protection of the environment.</i></p>	<p><i>are not subject to the requirements of the R-Codes are to be used for warehouse/storage purposes associated with an existing approved land use on the lot, and the requirements of Local Planning Policy No.7 – Outbuildings are satisfied.</i></p> <ul style="list-style-type: none"> <i>• The development requirements of this Scheme for the underlying zone are satisfied.</i> <i>• The local government confirms that the Objectives of the underlying zone and the Purpose of any other Special Control Area applicable to the land are satisfied.</i> 	
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The provisions of this clause prevail where a conflict arises with any other provision of this Scheme that requires development approval for development of a class specified in Column 1 of the Table.'

2. Pursuant to Part 5, Division 1, Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves that Scheme Amendment No. 73 is a 'standard amendment' as it is:

- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- An amendment that is not a complex or basic amendment.

CARRIED 7 / 0

TIME: 7.25pm

DS02 – 09/21 Request for Tenure Over Road Reserve – Chittering Road

Applicant	Clinton O’Neil
File ref	11/06/0006
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Letter from DPLH to Mr O’Neil

Executive Summary

Council is requested to consider and action advice received from the Department of Planning, Lands and Heritage (Lands division) regarding the consolidation of irrigation extraction infrastructure within the Chittering Road road reserve, and support the notion to provide reticulated infrastructure into the ‘Maryville Village Precinct’ as identified with the Shire of Chittering Local Planning Strategy 2019.

Background

The matter of NGOs supplying reticulated water with the Shire has been ongoing for more than 20 years. It originated from a call for water holders to help supply citrus orchards and agricultural properties with otherwise dwindling water resources. The Shire, in its capacity as custodians public lands, would allow bores to be located on public property in order for the supply to be cost effective and relatively immediate. A number of willing participants applied to both have bores and associated infrastructure. One such entity was Chittering Valley Irrigators (CVI), who were a conglomerate of end users. In January 2001, Council, at a Special Meeting, permitted CVI authorisation to conduct exploratory drilling on Chittering Road. It is understood that CVI, according to the applicant, ‘discovered’ the Marbling Brook confined artisanal aquifer. Shire records show that this assertion has been consistently retorted.

The Shire has extensive records relating to Mr O’Neil’s claims spanning many years. It is both heavily convoluted and complex.

In an attempt to have the matter resolved simply and quickly, Shire officers discussed the opportunity for the applicant to submit a works request to install infrastructure associated with water abstraction. While it is not in the realm of authority for the Shire and Council to dictate water abstraction, the Shire district would undoubtedly benefit socially and economically by having reticulated water services supplying its district.

With this advice, the applicant approached the Department of Planning, Lands and Heritage (lands division) relating to the securing of existing exploration and supply bore infrastructure, and associated infrastructure to supply the strategically identified ‘Maryville Village Centre’.

The Department of Planning, Land and Heritage subsequently responded to Mr O’Neil indicating that he would require Council approval in support of his application.

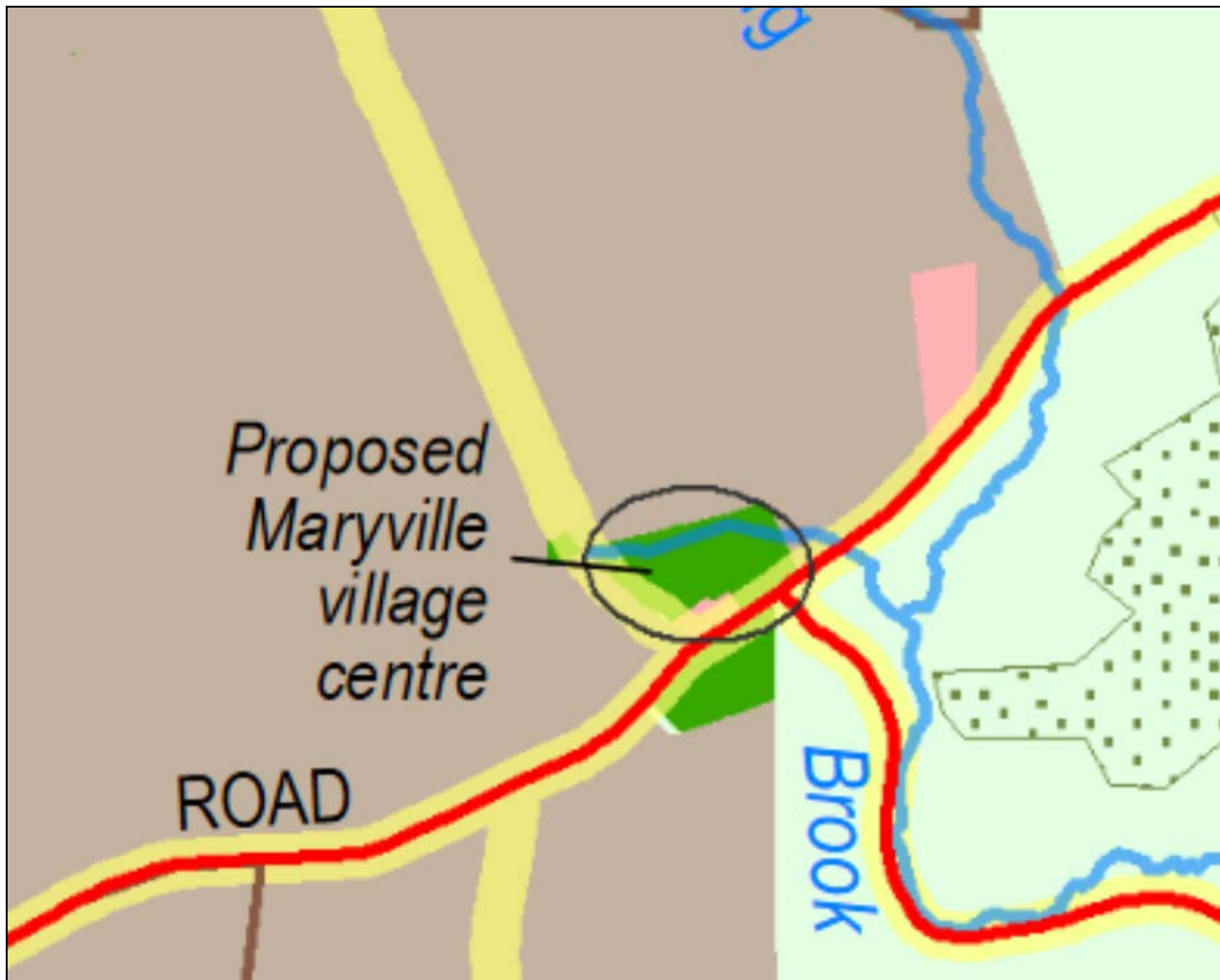


Figure 1: extract from the Shire of Chittering Local Planning Strategy 2019.

Consultation/Communication Implications

Local

Nil

State

The Department of Planning Lands and Heritage have supplied the background to this request (attachment 1)

Legislative Implications

State

- Land Administration Act 1997
- Local Government Act 1995

Local

Nil

Policy Implications

State

Nil

Local

Nil. A policy that was the basis for the original proposal has since been removed from the Shire's policy manual. It is unknown whether Council formally rescinded the policy. The policy is, therefore, no longer in use and has not been applied to this report, nor is it recommended that Council apply it.

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027
Focus area: Our Built Environment
Objective: S3.1 Development of local hubs
Strategy: S3.1.3 Plan for and facilitate housing choice

Whilst not directly related, the advent of a water supply to the Maryville Village Precinct area greatly improves the ability for a range of housing choices to be located in close proximity to community, educational and (future) retail facilities.

State

- Shire of Chittering Local Planning Strategy 2019

The Local Planning Strategy identifies the Maryville Village Precinct in a number of key areas. In particular, the strategy states "The development of a village centre in Maryville is intended to provide recreation, retail and tourism facilities in Lower Chittering" and that "All water supply and wastewater servicing is to be provided consistent with government legislation and policy."

Site Inspection

Site inspection undertaken: Yes. Four markers are present at the exploration site. Three of the markers are exploration points, and the fourth a witches hat next to a bolted closed bore. This fourth bore is understood to be a supply bore.

The location is in close proximity to the strategically identified Maryville Village Precinct.



Left: test bores.

Right: the bolted closed production bore. Note the close proximity to the road itself.

Triple Bottom Line Assessment

Economic implications

The supply of water to the Maryville Village Precinct will help consolidate and sustain the area surrounding and including the Immaculate Heart School.

Social implications

A retail and tourism development would be well serviced by a reticulated supply of water. This, in turn, would provide the community with a retail centre, thereby improving the social capital of the area, as is consistent with the Shire's strategic intent.

Environmental implications

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

Officer Comment/Details

This proposal is intended to allow the applicant to pursue rights to supply water in accordance with the original Council determination of January 2001. DPLH have offered a twofold resolution to allow the process to proceed.

Request 1

In the first instance, it asks for a Council resolution on the lawful occupation of the portion of road reserve PIN11680758, pursuant to the Land Administration Act. This can take the form of:

- A grant of easement;
- Issuance of a lease;
- Issue of a licence; or
- Purchasing in freehold.

Allowing the purchasing of the land in freehold is not in the best interest of the Shire, since the portion of road reserve would, thereafter guarantee exclusive use of the land. This is not the Shire's intent, since no single user should be arbitrarily prioritised over another. In simple terms, the Shire would not generally sell portions of such a road reserve to individuals for exclusive use and this should be no exception.

Similarly, issuing a lease or licence would also guarantee exclusive use of the land, with the same repercussions as above.

Accordingly, it is recommended that Council provides its consent to the applicant to pursue a Grant of Easement for the infrastructure. This is the simplest option and involves the lowest risk to the Shire.

Request 2

The second aspect of the advice aligns with the recommendation above and allows for associated infrastructure (water mains) to be installed along the road reserve, through to Santa Gertrudis Road and McGlew Road.

Council's mandate is not to deliberate how the water is delivered and accessed by the end user due to its non-potable origin. This proposal, therefore, does not seek Council's approval to supply water. Rather, as stated earlier, it merely seeks to confirm Council's resolution on whether the applicant should be granted rights to secure existing infrastructure by way of land tenure.

To this end, Council may wish to add terms to its consent. These are suggested as follows:

- No liability is accepted for the maintenance or public accessibility of the infrastructure;
- The easement does not guarantee Council's support for the works component of any future application for installation;
- Council is unfettered by the agreement financially; and
- Council's decision does not include or infer exclusivity rights.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030921

Moved Cr Campbell, seconded Cr Foulkes-Taylor

That Council, having regard to the Department of Planning Lands and Heritage letter of 22 June 2021 reference File 00500-2015 Case 1902838, acknowledges and consents to an easement of access to road reserve PIN11680758, being approximately 130 metres east of the Santa Gertrudis Road and Muchea East Road intersection, along with an associated easement for water mains extending from the intersection of Santa Gertrudis Road and Muchea East Road to Lot M367 Chittering Road; subject to the following conditions:

- 1. The easements in gross relate solely to abstraction infrastructure to enable access to the existing water, and piping related to water supply works;**
- 2. No liability is accepted for the maintenance or public accessibility of the infrastructure;**
- 3. The easement does not guarantee Council's support for the works component of any future application for installation;**
- 4. Council is unfettered by the agreement financially; and**
- 5. Council's decision does not include or infer exclusivity rights.**

CARRIED 7 / 0

TIME: 7.27pm

TECHNICAL SERVICES

Nil

CORPORATE SERVICES

CS01 – 09/21 List of Accounts Paid for the Period Ending 31 August 2021

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 31 August 2021

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 August 2021.

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

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2021/22 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

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 31 August 2021" is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040921

Moved Cr Hughes, seconded Cr Osborn

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$743,507.00 for the period ending 31 August 2021:

- 1. PR5841, PR5847;**
- 2. EFT22119 – EFT22264; and**
- 3. Direct Debits, Cheques as listed.**

CARRIED 7 / 0

TIME: 7.31pm

CS02 – 09/21 Monthly Financial Report for the Period Ending 31 August 2021

File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 31 August 2021

Executive Summary

Council is requested to consider the financial statement for the period ending 31 August 2021.

Background

In accordance with *Local Government (Financial Management) Regulations 1996*, the Financial Activity Statement has been prepared in compliance with the following:

“Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. For the 2019/20 financial year the statement of financial activity will be presented by nature and type.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2019/20 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation/Communication Implications

This document has been prepared in consultation with Responsible Officers for review and analysis.

Legislative Implications

State

This monthly financial report complies with *Section 6.4 of the Act and Regulations 34(5) of the Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2017-2027
Focus area: Strong leadership
Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

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.

Officer Comment/Details

Council adopted the Annual Budget for the 2021/22 financial year on 23 June 2021 (Resolution 130621). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050921

Moved Cr Hughes, seconded Cr Ross

That Council receives the Monthly Financial Report for period ending 31 August 2021, as per Attachment 1.

CARRIED 7 / 0

TIME: 7.32pm

CHIEF EXECUTIVE OFFICER

CEO01 – 09/21 Shire of Chittering Sport & Recreation Plan 2021 – 2031

Applicant	SOC
File ref	03/01/6
Author	Community Development Coordinator
Authorising Officer	CEO
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Shire of Chittering Sport & Recreation Plan 2021 - 2031

Executive Summary

Council is requested to adopt the Shire of Chittering Sport & Recreation Plan 2021-2031, as attached.

Background

The current Sport and Recreation Plan 2012 – 2022 was endorsed by council in 2012 with a review undertaken in 2014. A further desktop review was undertaken in 2016 involving consultation with facility managers, clubs and internal stakeholders. This review also considered other internal plans with overlays to including the Building Maintenance Plan.

The majority of projects across the existing plan were completed between 2012 – 2015. Several projects identified in this plan were held over, not seen as a priority of the clubs involved or Council or, placed on hold pending the outcome of the Lower Chittering Regional Sports Facility project, Bindoon master planning process and the Muchea Recreation Centre project.

This sport and recreation plan has been developed to reflect Councils careful placement of projects to ensure that Council can successfully navigate the coming ten years to ensure that the community has access to recreation facilities but the shire's finances are not overstretched.

Consultation/Communication Implications

Local

The Shire of Chittering Sport & Recreation Plan 2021 – 2031 has been developed by consolidating outstanding items from the current plan, reference to the shire Building Maintenance Plan and consultation with facility managers and clubs via a clubs audit. A community survey - Sport & Recreation Facilities now and into the future conducted in 2020 was utilised as an informing strategy.

A draft plan proposal was workshopped by Council in June 2021 with prioritized projects identified for the 2021-2022 budget and beyond, taking into consideration the necessity for Masterplan development for our Sport & Recreation precincts and the impact to future staging of those projects that span several years.

As part of this workshop Council considered the end of life and end of useful life projections for Council facilities and recognised the inherent challenge that has been left by fiscal decisions of previous Councils where there is not reserve funds available to replace these facilities.

State

Not applicable

Legislative Implications

State

- Local Government (Administration) Regulations 1996 - integrated planning and reporting requirements.

Local

Nil

Policy Implications

State

Nil

Local

- 1.11 Asset Management – Infrastructure Assets
- 2.8 Funding Submissions
- 2.14 Improvements to Council Properties by External Groups
- 8.4 Establishment and Maintenance of Playground Equipment

Financial Implications

Nil

Strategic Implications

Local

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

Shire of Chittering informing documents:

- Building Maintenance Plan & end of life projections
- Chittering Parks and Gardens Reference Group Precinct Plan
- Chittering Trails Network Masterplan
- Community Development Plan
- Bindoon Townsite Masterplan - Draft
- Community Safety & Crime Prevention Plan
- Disability Access and Inclusion Plan
- Mountain Bike Master Plan
- Economic Development Strategy

State

- WA Guidelines for Community Infrastructure 2020 - <https://www.parksleisure.com.au/Site/emails/email-wa/newsletters/cfg-released.aspx>
- Various Sport & Recreation policies - <https://www.dlgsc.wa.gov.au/sport-and-recreation/policies>
- Active Living for All 2017-2019 - <https://www.dlgsc.wa.gov.au/departments/publications/publication/active-living-for-all-2017-2019>
- Classification Framework for Public Open Space - <https://www.dlgsc.wa.gov.au/departments/publications/publication/classification-framework-for->

public-open-space

- DLGSC Asset Management Guide -
<https://www.dlgsc.wa.gov.au/department/publications/publication/asset-management-guide>
- DLGSC Facility Planning Guide:
<https://www.dlgsc.wa.gov.au/department/publications/publication/facility-planning-guide>
- DLGSC Life Cycle Cost Guidelines:
<https://www.dlgsc.wa.gov.au/department/publications/publication/life-cycle-cost-guidelines>
- DLGSC Management Plan guide:
<https://www.dlgsc.wa.gov.au/department/publications/publication/management-plan-guide>
- Sports Dimensions guide: <https://www.dlgsc.wa.gov.au/sport-and-recreation/sports-dimensions-guide>

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 economic implications associated with this proposal.

Environmental implications

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

OFFICER RECOMMENDATION

Moved Cr Ross , seconded Cr Angus

That Council adopt the Shire of Chittering Sport & Recreation Plan 2021-2031.

FORESHADOWED MOTION

Proposed Cr Hughes

That Council defer this item until the new Council is elected, given this is a 10 year plan.

AMENDMENT

Moved Cr Ross, seconded Cr Angus

That the Officer Recommendation be amended to adopt the Shire of Chittering Sport & Recreation Plan 2021-2031 with the following change:

Replace the final paragraph on page 4 of the draft Sport and Recreation plan (Council have also considered the end of life and end of useful life projections for council facilities. The great difficulty of this plan is that the inaction and cost-cutting of previous Councils has left the current Council in a position where facilities are getting very near to replacement, but there is not the reserves available to replace them. This means that there will need to be careful placement of projects to ensure that Council can successfully navigate the coming ten years to ensure that the community has access to recreation facilities, but the shire's finances are not overstretched); with:

During the period from 2001 to 2016 (the most recent census data available), the population of the Shire has doubled, from 2752 in 2001 to 5472 in 2016. There is reason to believe the population data from the 2021 census is likely to show a further increase, mostly in the southern localities of the Shire. The following table shows population changes over these years.

Shire of Chittering Census Data – Australian Bureau of Statistics				
Locality	2001	2006	2011	2016
Bindoon		740	1063	1183
Chittering		385	503	921
Lower Chittering		1395	1558	2127
Mooliabeenie				157*
Muchea		634	1018	968
Wannamal		360	284	114*
TOTAL	2752	3520	4427	5472
<i>Data from the 2021 ABS census will be added when it becomes available</i>				
<i>* This data was combined in previous censuses, with Mooliabeenie and Wannamal grouped together in the ABS data.</i>				

CARRIED 7 / 0

TIME: 7.37pm

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 060921**Moved Cr Ross, seconded Cr Angus**

That Council adopt the Shire of Chittering Sport & Recreation Plan 2021-2031 with the following change:

Replace the final paragraph on page 4 of the draft Sport and Recreation plan (*Council have also considered the end of life and end of useful life projections for council facilities. The great difficulty of this plan is that the inaction and cost-cutting of previous Councils has left the current Council in a position where facilities are getting very near to replacement, but there is not the reserves available to replace them. This means that there will need to be careful placement of projects to ensure that Council can successfully navigate the coming ten years to ensure that the community has access to recreation facilities, but the shire's finances are not overstretched*); with:

During the period from 2001 to 2016 (the most recent census data available), the population of the Shire has doubled, from 2752 in 2001 to 5472 in 2016. There is reason to believe the population data from the 2021 census is likely to show a further increase, mostly in the southern localities of the Shire. The following table shows population changes over these years.

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Mooliabeenie				157*
Muchea		634	1018	968
Wannamal		360	284	114*
TOTAL	2752	3520	4427	5472
<i>Data from the 2021 ABS census will be added when it becomes available</i>				
<i>* This data was combined in previous censuses, with Mooliabeenie and Wannamal grouped together in the ABS data.</i>				

CARRIED 6 / 1

TIME: 7.42pm

CEO02 – 09/21 Lower Chittering Hall Replacement Project Reference Group

Applicant	Shire of Chittering
File ref	RCS.PROJ. LWR CHIT HALL REPLACEMENT
Author	Community Development Officer
Authorising Officer	CEO
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. EOI Amanda Adams 2. EOI Kerrie Read 3. EOI Nicole Dean 4. EOI Simon Cox 5. EOI Carmen Jones 6. EOI Anthony McConnell

Executive Summary

Council is requested to consider the six expressions of interest received for the Lower Chittering Hall Replacement Project Reference Group, selecting 5 of the applicants to be members of the reference group.

Council is also requested to select two Elected Members/Council Delegates of the Shire of Chittering (one of whom is to be the Presiding Person).

Background

On 5 August the Shire opened an expression of interest process for five Community Representatives on the Lower Chittering Hall Replacement Project Reference Group. Nominations closed at 4pm on Friday, 20 August 2021.

Consultation/Communication Implications

Local

At the 21 July 2021 Ordinary Council Meeting Council resolved the following:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070721

Moved Cr Ross / Seconded Cr Foulkes-Taylor

Council is requested to:

- 1. Approve the Lower Chittering Hall Replacement Reference Group as an Advisory Group of Council and;*
- 2. Approve the attached terms of reference for the group.*

CARRIED 7 / 0

TIME 7.11PM

The following expressions of interest were received at the close of nominations

1. Amanda Adams
2. Kerrie Read (existing hall community group user)
3. Nicole Dean (existing hall community group user)
4. Simon Cox
5. Carmen Jones
6. Anthony McConnell

A copy of the nominations forms are attached for Council consideration.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Council Committees and Advisory Groups Membership

Financial Implications

Nil

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*
Focus Area: Our Community
Objective S1.1 An active and supportive Community
Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local communities

Objective: S2 Outcome: Strong sense of community
Strategy: S1.2.3 Activate our local centres and towns
Focus Area: Our built environment

Objective: S3 Outcome: Development of local hubs
Strategy: S3.1.1 Plan for new and enhanced community facilities

Objective: S3 Outcome: Improved infrastructure and amenities
Strategy: S3.3.1 Improved asset management across all asset classes
Focus Area: Strong leadership

Objective: S5.1 An engaged community
Strategy: S5.1.1 Encouraged and promote community engagement

Objective S5.2 Strong partnerships and relationships
Strategy: S5.2.1 Build effective partnerships with stakeholders

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

Site Inspection

Not applicable

Triple Bottom Line AssessmentEconomic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The Terms of Reference for the LCHR Reference Group states that membership will consist of:

- Two Elected Members/Council Delegates of the Shire of Chittering (one of whom is to be the Presiding Person). Council Delegates may be re-appointed following biennial Local Government Councillor Elections.
- 5 independent Community representatives, with preference for 2 positions going to representatives of the current users of the existing Lower Chittering Hall facility and;
- Other intermittent stakeholders as determined and invited by the Project Manager.

Name	Locality	User	Representation	Skills
Amanda Adams	Lower Chittering	No	LCVBFB	Business experience, communication skills, links to ADF (memorial walk), marketing, and arts/cultural experience.
Kerrie Read	Lower Chittering	Yes	Chittering Scout Group	Local knowledge of people's needs and wants, links to historical information for existing facility and area, links with local youth/sporting groups, involved with previous Lower Chittering Rec Centre project.
Nicole Dean	Bindoon	Yes	Chittering Homeschool Co-op	Events and markets manager, research and administrative experience, fundraising for charities, perspective from homeschooling community.
Simon Cox	Muchea	Yes	NA	On reference group for Muchea Rec Centre redevelopment, training officer for Muchea VBFB, member of Chittering Scout Group.
Carmen Jones	Lower Chittering	No	NA	Admin experience, project management, member of horse-riding community, ability to work within a team and the community.
Anthony McConnell	Lower Chittering	No	NA	Building industry experience, negotiation skills.

Both Kerrie Read and Nicole Dean are representing community group/users of the existing facility and preference should be given to their applications as per the Terms of Reference for the group.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070921

Moved Cr Ross, seconded Cr Campbell

That Council:

- 1. Alter the Lower Chittering Hall Replacement Project Reference Group Terms of Reference to have six independent community representatives;**
- 2. Appoint Ms Amanda Adams, Ms Kerrie Read, Ms Nicole Dean, Mr Simon Cox, Ms Carmen Jones and Mr Anthony McConnell to the Lower Chittering Hall Replacement Project Reference Group;**
- 3. Appoint Cr Angus as Council Delegate and Presiding Member of the Lower Chittering Hall Replacement Project Reference Group; and**
- 4. Appoint Cr Campbell as Council Delegate and Deputy Presiding Member of the Lower Chittering Hall Replacement Project Reference Group.**
- 5. Appoint Cr Foulkes-Taylor as Proxy Delegate for both Council Delegates.**

CARRIED 7 / 0

TIME : 7.46pm

CEO03 – 09/21 Regional Economic Development Grant for Bindoon Mountain Bike Park

Applicant	Shire of Chittering
File ref	ECDEV-PROJECT-MOUNTAIN BIKE
Author	Economic Development Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

Executive Summary

Council is requested to endorse Shire Officers to apply for the Regional Economic Development Grants for a modified Stage 1A of the Mountain Bike Park.

Background

At December 2020's Ordinary Council Meeting Council resolved to instruct the Chief Executive Officer to prepare a grant application for the Bindoon Mountain Bike Park in Round 5 of the Federal Government's Building Better Regions Fund. This was undertaken and submitted.

Since the submission of this grant work has been undertaken on contingency planning should this bid fail, as well as work on the preparation of a masterplan of the whole facility, including other attractions that appeal to a broader audience.

It has been discovered that there are other potential funding avenues to fund the construction of some, if not all of the trails outlined in the Stage 1 Detailed Design document.

The Regional Economic Development Fund is a State Government initiative that "invests in projects that contribute to economic growth and development in regional Western Australia". The Feasibility Study, Business Case and Cost Benefit Analysis undertaken in preparation for grant funding have all indicated that the positive economic growth from the mountain bike trails planned in Bindoon would mean that this project would be an economic growth project eligible for grant funding in this pool.

Consultation/Communication Implications

Local

Nil

State

Discussion with Wheatbelt Development Commission and Department of Sport and Recreation undertaken.

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil. No change to the budget is required.

Strategic Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objectives: S1.2 A Strong Sense of Community
S1.2.3 Activate our local centres and towns

Focus area: Our natural environment

Objectives: S2.1 Protective Environment
S2.1.2 Develop an integrated network of walking and cycling trails

Focus area: Our built environment

Objectives: S3.1 Development of local hubs
S3.1.1 Plan for new and enhanced community facilities
S3.1.2 Activate town centres to include a good mix of residential, commercial and social infrastructure
S3.1.4 Balance urban development with a focus on natural environment protection and open spaces

Focus area: Economic Growth

Objectives: S4.2 Local business growth
S4.1.2 Encourage and support local businesses and new investments for the future
S4.3 Economic growth
S4.3.3 Facilitate, promote and support ecotourism

- Mountain Bike Trails Master Plan (2016)
- Chittering Economic Development Strategy (2021-2031)
- Chittering Trails Network Plan (2013 -2023)

State

- Northern Growth Alliance Tourism Strategy 2019

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

An opportunity to create a major economic attraction for Chittering, and a chance to offset the expected negative impacts of diverted traffic from the impending Bindoon Heavy Haulage Route. The feasibility study suggests that the Bindoon Mountain Bike and Adventure Park could bring around:

- An extra 17,200 visitors to the region annually; and
- \$1,670,000 additional in spending in the region; and
- The creation of 11 new full time jobs.

Social implications

Increased community connectedness.

Environmental implications

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

Officer Comment/Details

The Shire is still waiting on the results of an application for part-funding the Bindoon Mountain Bike Park from the Building Better Regions Fund. Contingency planning has been undertaken to see where else the Shire could find alternative funding partners from should this not be successful, or even, in addition to the funding from BBRF.

Regional Economic Development (RED) Grants have a maximum funding amount of \$250,000. This would not fund the entire trail development site but could fund a significant portion of the mountain bike trails that would enable visitors in a potentially modified "Stage 1A".

This would mean that the trails alone (without any of the other desirable infrastructure like toilets and hire kiosk required for a highly attractive facility) could provide 45% of the required matched funding through the RED Grants, if successful. It should be noted that once the trails are built then the Shire is eligible for further funding for change rooms, toilets and other infrastructure through the Community Sporting and Recreation Facilities Fund (CSRFF) through the Department of Sport and Recreation.

It has always been recommended that for a potential trail network system to be successful in attracting a large amount of visitors that additional infrastructure is required, other than a simple trail network. It should be planned that following any installation of Stage 1A that Stage 1B should follow closely behind, making use of any forthcoming available grants like CSRFF or Lotterywest.

In addition to this, should the Shire be successful for both BBRF funding and RED Grant funding there will be surplus funds that could be saved or invested into further additions to the facility. In recent months the Chittering Tourism Advisory Group and Bindoon Mountain Bike Park Steering Group contributed to the design of a forthcoming Bindoon Mountain Bike and Adventure Park Masterplan which will outline a desirable design of the entire facility, including exciting potential additions like a kids bike park, summit point featuring a barbecue and stargazing area, boutique accommodation, stairs and a lookout.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080921

Moved Cr Osborn, seconded Cr Hughes

That Council endorse the Shire in applying for additional funding partners to progress the construction of the Bindoon Mountain Bike Park.

CARRIED 7 / 0

TIME: 7.48pm

ITEM 10. REPORTS OF COMMITTEES

COM01 – 09/21 Muchea Recreation Centre Reference Group Minutes

Report date	15 September 2021
Applicant	Shire of Chittering
File ref	GRT.CSRFF.MUCHEA HALL
Prepared by	CDC
Supervised by	CEO
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Muchea Recreation Centre Reference Group Minutes 220721

Executive Summary

Council is requested to receive the Muchea Recreation Centre Reference Group Minutes 22 July 2021.

Background

This was the first official meeting of the Muchea Recreation Centre Reference Group which was endorsed by Council at the Ordinary Council Meeting on 21 April 2021.

Alongside the Shire Project Manager, Nathan Gough and the appointed architect, Site Architecture, the Muchea Community Centre Reference Group members aiming to produce a facility that is embraced by our local community, used and enjoyed for years to come.

Consultation/Communication Implications

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

While there are no statutory requirements for Council Advisory Groups to report to Council, the regular reporting of the Muchea Recreation Centre Reference Group minutes to Council will ensure that Council is kept up to date on the reference group activities and proposed actions in relation to the Muchea Recreation Centre Project, including recommendations to Council for consideration.

The provision of these minutes as part of the Ordinary Council Meeting Minutes will also ensure that Muchea Recreation Centre Reference group minutes are recorded as a public document.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090921

Moved Cr Ross, seconded Cr Angus

That Council receive the Muchea Recreation Centre Reference Group Minutes 22 July 2021.

CARRIED 7 / 0

TIME: 7.49pm

ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**MOT01 – 09/21 Cr John Curtis: Claim on Post Office Licence Sale****MOTION**

Moved Cr Curtis

That Council seek legal advice for if the Shire of Chittering is able to claim a percentage of the funds from the sale of the Post Office.

LAPSED FOR WANT OF A SECONDER

Cr Curtis Provided the following reason

The CTA who have operated the Post Office on behalf of the community of the Shire, has received peppercorn leases and financial assistance over 30 years from the Shire of Chittering.

The ratepayers of the Shire should be fairly rewarded for the support they have given the CTA and not for the association to spend all the profits from the sale on pie in the sky marketing projects.

Officer Comment/Details

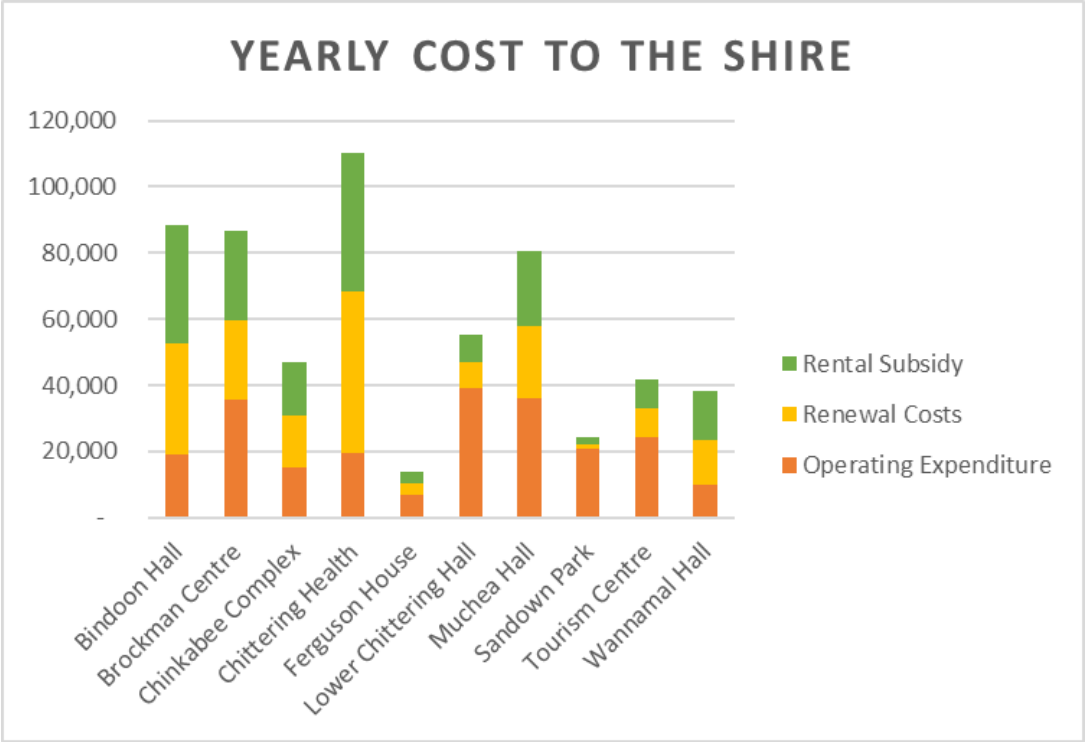
If Council pass this motion, then legal advice can be sought and there is the budget provision available for officers to seek such legal advice. Due to the extremely low chance of the legal advice being the Shire could be successful in an action, it would be money that would be better allocated elsewhere.

The agreements between the Shire of Chittering and the Chittering Tourist Association for both the provision of funding and lease of a building would be considered contracts under law. Contracts between parties create specific obligations between each party, but also contain the obligations to those specified in the contract. For the shire to try and claim a percentage of funds from a sale of a Licence that they do not own, nor have a right under law to, would overturn a great deal of contract law.

The below table shows the expense for the Shire over the past four years. For this expense though, the Shire received in return, the provision of a Visitors Centre which assists in the development of the Tourism Industry within the Shire.

Contributions & Building Expense		2018	2019	2020	2021
2130211	TOURISM - Visitor Centre Contribution	33,936.36	29,863.64	30,000.00	-
2130288	TOURISM - Building Operations	2,645.64	6,346.64	6,691.85	7,241.64
2130289	TOURISM - Building Maintenance	2,532.03	6,667.93	15,416.59	16,915.03

The majority of the Shire owned facilities do make a loss. The below table shows the loss made by the various Shire facilities in 2021. The loss shown is made up of Building Maintenance Costs, Building Operations Costs, and a 'Rental Subsidy' made up of the difference between a rental of 2.25% for community facilities and 3.25% for commercial facilities and the actual rental received. Many of the organisations in these facilities would make a profit through their activities.



ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

QM01 – 09/21 Cr John Curtis: Waste Management Service and Policy for Mining

Question 1: Last year it was Compulsory Waste Collection Service and this year it is referred to as Waste Management Service. Does this need a Council resolution to change this wording?

Response: The Chief Executive Officer advised that there was discussion around the wording of this in the Budget process and we looked back through the original source legislation, we were calling it a Waste Collection Fee but it is actually under the legislation a Waste Disposal Fee. We went through and updated this which became a decision of Council when the budget was adopted.

Question 2: Do you know if we have a Policy on Mining in Julimar Forest?

Response: The Chief Executive Officer advised that we have a general presumption against mining within the Shire of Chittering and we have been working with the Mining Advisory Group. Where the mining is actually to take place is not within our Shire so we can't create a policy against it. Most mining activity will be assessed and approved by the Department of Mines.

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100921

Moved Cr Osborn, seconded Cr Hughes

That Council moves into a confidential session to discuss item CON01 – 9/21 Chief Executive Officer Contract Renewal.

Under the terms of the *Local Government Act 1995, Section 5.23(2)(c)(e)*:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), 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 –

- (a) a matter affecting an employee or employees; and*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

CARRIED 7 / 0

TIME: 7.55pm

CON01 – 09/21 Chief Executive Officer Contract Renewal

Applicant	N/A
File ref	22/10/153
Author	Chief Executive Officer
Authorising Officer	N/A
Disclosure of interest	The contract concerns the employment and conditions of employment of the Chief Executive Officer
Voting requirements	Absolute Majority
Attachments	1. Draft Chief Executive Officer Employment Contract

Reason for confidentiality

Local Government Act 1995, Section 5.23(2)(c)(e) Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), 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 –*
- (a) *a matter affecting an employee or employees; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

Public reading of resolution that may be made public

The meeting was reopened to the public at pm and the Presiding Member read aloud the Council Resolution.

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 110921

Moved Cr Ross, seconded Cr Hughes

That Council:

- 1. Endorse the Chief Executive Officer Employment Contract, including Key Performance Indicators for 2021-22, as per Appendix 1;**
- 2. Resolve that the Chief Executive Officer Contract, as per Appendix 1, contains requirements necessary under Section 5.29 of the *Local Government Act 1995*;**
- 3. Certify that the Contract Renewal process has been undertaken in line with the Council Policy and Model Standards in relation to CEO Recruitment and Selection; Performance Review; and Termination of Employment;**
- 4. Endorse the offer of a new contract, as per Appendix 1, to the current Chief Executive Officer, Mr Matthew Gilfellow;**
- 5. Authorise the Shire President to sign the Chief Executive Officer Employment Contract on behalf of Council.**
- 6. The Chief Executive Officer Employment Contract be amended at clause 3.2.1 to include at the end “(refer to section 9)”**

CARRIED BY ABSOLUTE MAJORITY 7 / 0

TIME: 8.13pm

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 8.16pm.