



**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
WEDNESDAY, 18 APRIL 2012**

**Council Chambers
6177 Great Northern Highway, Bindoon**

**COMMENCEMENT: 7.00PM
CLOSURE: 7.52PM**

These minutes will be confirmed at the Ordinary meeting of Council to be held on **16 May 2012**

SIGNED BY

Person presiding at the meeting at which minutes were confirmed

DATE

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.

Agendas and minutes are available on the Shire's website www.chittering.wa.gov.au

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	1
	2.1 Attendance	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence	1
3.	DISCLOSURE OF INTEREST	1
4.	PUBLIC QUESTION TIME	2
	4.1 Response to previous public questions taken on notice.....	2
	Lot M1496 Muchea East Road, Muchea - Proposed Scheme Amendment.....	2
	4.2 Public question time.....	2
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	3
	6.1 Ordinary meeting of Council – 21 March 2012	3
	6.1 Special meeting of Council – 30 March 2012	3
7.	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
8.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	3
9.	OFFICER’S REPORT	4
	9.1 DEVELOPMENT SERVICES.....	4
	9.1.1 Affixing Common Seal – Lot 15 Julimar Road, Chittering (WAPC 138756)*	4
	9.2 TECHNICAL SERVICES	6
	9.3 CORPORATE SERVICES.....	7
	9.3.1 Financial statements for the period ending 31 March 2012*	7
	9.4 ADMINISTRATION AND COMMUNITY SERVICES	9
	9.4.1 Disability Access and Inclusion Plan*	9
	9.4.2 Community Safety and Crime Prevention Plan*	11
	9.4.3 Shire of Chittering Change to Authorised Officers	14
	9.5 CHIEF EXECUTIVE OFFICER	18
	9.5.1 Nomination of Complaints Officer.....	18
	9.5.2 Local Government National General Assembly (ALGA) – Call for motions*.....	20
10.	REPORTS OF COMMITTEES.....	22
	10.1 Minutes of the Audit Committee meeting held on 21 March 2012*	22
	10.2 Minutes of the Community Support Funding Committee meeting held on 2 April 2012*	24
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	27
12.	MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING.....	27
13.	URGENT BUSINESS	27
	13.1 GP Surgery, Bindoon.....	27
	13.2 Change of council meeting date for June 2012	29
	13.3 Bindoon Outdoor Gym Proposal	30
14.	CONFIDENTIAL ITEMS	30
15.	CLOSURE.....	30

* indicates separate attachments.



1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

Cr Alex Douglas declared the meeting open at 7.00 PM

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

2.1 Attendance

The following members were in attendance:

Cr Alex Douglas Shire President
Cr Barni Norton
Cr Sandra Clarke
Cr Doreen Mackie
Cr Michelle Rossouw

The following staff were in attendance:

Mr Gary Tuffin Chief Executive Officer
Ms Jean Sutherland Executive Manager Corporate Services
Mr Azhar Awang Executive Manager Development Services
Mrs Karen Parker Manager Administration and Community Services
Mrs Natasha Mossman Minute Secretary

There were three members of the general public in attendance.

2.2 Apologies

Cr Robert Hawes Deputy President
Mr Gavin Pollock Executive Manager Technical Services

2.3 Approved leave of absence

Council has previously approved Leave of Absence for:

- Cr Gibson for the period inclusive of 30 March 2012 until 30 April 2012

3. DISCLOSURE OF INTEREST

Cr Douglas declared an impartiality interest in item 10.2 as he is the Chittering Tourist Association president and member of the Bindoon Historical Society who have applied for funding.

Cr Clarke declared an impartiality interest in item 10.2 as she is a member of the Bindoon Arts and Craft who has applied for funding.



Cr Mackie declared an impartiality interest in item 10.2 as she is a member of the Bindoon and Districts Agricultural Society, Chittering Landcare and Ellen Brockman Integrated Catchment Group who have applied for funding.

Cr Norton declared an impartiality interest in item 10.2 as she is a member of the Chittering Tourist Association who has applied for funding.

Cr Norton also declared an impartiality interest in item 13.3 as she may have a professional interest as she is a qualified personal trainer.

Cr Rossouw declared an impartiality interest in item 10.2 as she is the Vice President of the Chittering Valley Progress and Sporting Association who has applied for funding.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Lot M1496 Muchea East Road, Muchea - Proposed Scheme Amendment

Mr Clint O'Neil asked the following question at the Ordinary Council meeting held on 21 March 2012:

In the event that Council proceeds with the proposed scheme amendment, how does Council propose to accommodate CVI's (Chittering Valley Irrigators) continued unfettered approved use of a portion of the Lot or in the alternate, how does Council propose to compensate CVI for the loss of its unfettered use of the Lot?

The Shire responded to Mr O'Neil on 3 April 2012 and advised the following:

Although our records show there were initial investigations into a possible lease for portion of Lot M1496 Muchea East Road, Muchea to CVI for the purpose of a water treatment facility, it appears that no formal arrangement was ever concluded.

This view is further reinforced by the lack of any evidence to suggest Council initiated any of the requirements under section 5.38 of the Local Government Act 1995 – Disposing of Property. Therefore, it is our understanding that it is not possible for a valid contract to exist.

Moreover, we do not believe that our actions will give rise to a claim for any form of compensation as CVI has no legal entitlement over the property.

The purpose of the proposed scheme amendment is to allow Council the ability to subdivide the land and to allow the appropriate land uses consistent with the Muchea Employment Node Structure Plan. Once the amendment has been approved, then Council may consider the disposal of the land in accordance with section 5.38 of the Local Government Act 1995; if it so wishes.

4.2 Public question time

Nil



5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary meeting of Council – 21 March 2012

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 010412

Moved Cr Mackie / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 21 March 2012 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:09PM

6.1 Special meeting of Council – 30 March 2012

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 020412

Moved Cr Clarke / Seconded Cr Rossouw

That the minutes of the Special meeting of Council held on Friday, 30 March 2012 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:09PM

7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil



9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Affixing Common Seal – Lot 15 Julimar Road, Chittering (WAPC 138756)*

Applicant	Shire of Chittering
File ref	18/03/0043
Prepared by	Brendan Jeans – Acting Senior Planner
Supervised by	Azhar Awang – Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil

Attachments	<ol style="list-style-type: none">1. Notification Section 70A (Reticulated Water)2. Notification Section 70A (Fire Management Plan)3. Restrictive Covenant4. Deposited Plan 72154
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OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 030412

Moved Cr Mackie / Seconded Cr Clarke

That Council authorises the Shire President and Chief Executive Officer to sign and apply the Common Seal on the following:

1. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to No Reticulated Water Supply on Deposited Plan 72154.
2. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to the lot being subject to the Fire Management Plan on Deposited Plan 72154.
3. Restrictive Covenant under Section 129BA of the *Transfer of Land Act 1893 (as amended)* relating to the land being burdened by the restriction of the building envelope on Deposited Plan 72154.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:15PM

During the meeting Council expressed concern in relation to the email received from Chittering Landcare Centre (dated 17 April 2012) regarding the overstocking of lot and degradation of the land. Council requested that the proponent be reminded of the stocking rate requirements in the Local Planning Policy; and that the Department of Agriculture and Food and Commissioner for Soils and Land Conservation be advised of Council's concerns.

Background

Council at its Ordinary meeting held 16 December 2009 resolved to advise the Western Australian Planning Commission to not support the subdivision (WAPC 138756). The Western Australian Planning Commission refused the subdivision on 23 March 2010.

The applicant sought to review the determination through the State Administrative Tribunal (SAT). The Western Australian Planning Commission resolved to approve subdivision (WAPC 138756) for Lot 5, 7, 10, 15, 502, 559, 584, 595, 596, 775, 779, 853, 939, 995, 1092, 1280 Chittering Road, Lower Chittering on 26 July 2010 subject to conditions.



Consultation

Nil

Statutory Environment

Local Government Act 1995, section 9.94(A)

Policy Implications

Execution of Documents

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.

Comment

The applicant currently wishes to lodge Notifications on the titles for two (2) lots of the subdivision; Lot 401 and Lot 9000. This report only applies to the Deposited Plan 72154 (mentioned above) for subdivision WAPC 138756.

This is a formality requiring Council to authorise the Chief Executive Officer and Shire President to affix the Common Seal for the requirement of Section 70A Notification and other notifications in accordance with the *Transfer of Land Act 1893* (as amended).



9.2 TECHNICAL SERVICES

Nil



9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 March 2012*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland – Executive Manager Corporate Services
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. List of accounts paid for period ending 31 March 20122. Bank reconciliation for period ending 31 March 20123. Monthly Statement of Financial Activity ending 31 March 20124. Financial Statements for period ending 31 March 2012

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 040412

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. endorse the list of payments:

- PR2775
- PR2778
- EFT 6565 - EFT 6682
- Municipal Fund Vouchers 13037–13055
- Direct Debits as listed
- BPV13 to BPV13
- Trust Vouchers 283-285

Totalling \$876,863.07 for the period ending 31 March 2012.

2. receive the bank reconciliation for the period ending 31 March 2012 as presented.

3. receive the financial statements for the period ending 31 March 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:16PM

Summary

The bank reconciliation together with the list of accounts paid for the period ending 31 March 2012, and the financial statements for the period ending 31 March 2012 are presented for council's information.

Background

Not applicable

Consultation

Chief Executive Officer
Executive Manager Technical Services
Executive Manager Development Services
Manager Administration and Community Services
Community Emergency Services Manager



Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 (as amended)

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Council is requested to:

1. endorse the list of payments:
 - PR2775
 - PR2778
 - EFT 6565 - EFT 6682
 - Municipal Fund Vouchers 13037 - 13055
 - Direct Debits as listed
 - BPV13 to BPV13
 - Trust Vouchers 283-285Totalling \$876,863.07 for the period ending 31 March 2012.
2. receive the bank reconciliation for the period ending 31 March 2012 as presented.
3. receive the financial statements for the period ending 31 March 2012.



9.4 ADMINISTRATION AND COMMUNITY SERVICES

9.4.1 Disability Access and Inclusion Plan*

Applicant	Shire of Chittering
File ref	03/01/0008
Prepared by	Karen Parker – Manager Administration and Community Services
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil

Attachments 1. Draft Shire of Chittering Disability Access and Inclusion Plan

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 050412

Moved Cr Clarke / Seconded Cr Mackie

That Council:

1. **endorses** the Draft Shire of Chittering 2012 – 2016 Access and Inclusion Plan.
2. **advertises** the Draft Shire of Chittering Disability Access and Inclusion Plan for public comment for a period of fourteen (14) days.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
7:17PM

Background

The *Western Australia Disability Services Act 1993* requires local governments to develop and implement a Disability Service Plan which identifies barriers to access and proposes to ensure people with disabilities have equality of access to services and facilities.

The plan also serves to assist Council to meet its obligations under the *Disability Discrimination Act 1992* and the *Equal Opportunity Amendment Act Western Australia 1988*.

The Shire of Chittering Disability Access and Inclusion Plan expired on the 30 June 2010.

The Shire has undergone major key staff changes over the last few years and many of the outcomes for the 2006 – 2010 Plan have not been achieved. It has therefore been determined that a further audit is not required for the development of the 2012 – 2016 Disability Access and Inclusion Plan.

Consultation

Chief Executive Officer
Executive Manager Development Services
Executive Manager Corporate Services
Executive Manager Technical Services

Statutory Environment

Western Australian Disability Services Act 1993
Disability Discrimination Act 1992
Equal Opportunity Act 1988
Building Code of Australia



Policy Implications

Nil

Financial Implications

Nil – all projects and goals will need to be costed for future budget consideration.

Strategic Implications

The Acts require that all planning for local governments shall include accommodation for the disabled of all categories and this principle is now exemplified in most legislation and codes.

Site Inspection

Inspections have been undertaken by the Principal Environmental Health Officer of all Council owned facilities.

Triple Bottom Line Assessment

Economic implications

Strategically planning for universal access will benefit the whole community. To include disabled provision after a project has been completed can become a very costly exercise.

Social implications

The plan and its implementation is a vital component in the social fabric of the community. The outcomes are far reaching, bringing individuals and therefore the community together to go forward as equals.

Environmental implications

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

Comment

The Disability Service Plan is not viewed as an obligation thrust upon local government but as a vital tool with which local government through consideration and implementation, can service the community, treating all persons as equal.

Council is requested to endorse:

- the Draft Shire of Chittering Disability Access and Inclusion Plan. The Plan will then be advertised for public comment for a period of fourteen (14) days;

The Plan will also be forwarded to the Disability Services Commission for comment prior to being presented to Council for adoption.



9.4.2 Community Safety and Crime Prevention Plan*

Applicant	Shire of Chittering
File ref	02/03/0003
Prepared by	Karen Parker – Manager Administration and Community Services
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil

Attachments	<ol style="list-style-type: none">1. Shire of Chittering Community Safety and Crime Prevention Plan2. Draft Plan containing the Office of Crime Prevention comments and recommendations
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OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 060412

Moved Cr Mackie / Seconded Cr Rossouw

That Council adopts the Shire of Chittering Safety and Crime Prevention Plan.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:17PM

Background

In August 2011 the Office of Crime Prevention contacted Shire staff requesting a copy of the Shire's Community Safety and Crime Prevention Plan.

An investigation by staff revealed that, due to a number of reasons, including staff turnover and poor record keeping practices, Council received a grant in 2007/2008 to develop a Community Safety and Crime Prevention Plan but the action was never undertaken.

At the August 2011 Council determined to develop the Shire of Chittering Safety and Crime Prevention Plan rather than the alternative option provided by the Office of Crime Prevention of returning the \$10,000 grant to the Office of Crime Prevention.

A Working Group as formed to assist with the development of the Plan and membership consisted of:

- Cr Doreen Mackie
- Snr Sergeant Scott Gillis, Gingin Police
- Jamie O'Neill, Community Emergency Services Manager
- Frank Lawrence, Senior Ranger
- Grace Pritchard, Club and Community Development Officer
- Karen Parker, Manager Administration and Community Services.

Surveys were posted to all landowners in the Shire and the forms were also made available on the Shire's website and at the administration front counter.

The Working Group met to review the outcome of the surveys and prioritised issues identified through the consultative process to develop the Plan.

The Working Group, in partnership with the Shire, will manage the implementation of the plan and will play an ongoing role in the evaluation of the outcomes through their meetings.



Council considered the Draft Shire of Chittering Safety and Crime Prevention Plan at the 21 March 2012 Ordinary meeting of Council. The Plan was then advertised in the Bullsbrook/Gingin Advocate and uploaded on the Shire's website on 28 March 2012. The Plan was advertised for a period of fourteen (14) days and Shire staff then contacted all responders who provided telephone numbers or email addresses to inform them that the Draft Plan was available for comment.

Other than a very detailed response from the Office of Crime Prevention, no other comments relating to the Draft Shire of Chittering Safety and Crime Prevention Plan were received.

The Office of Crime Prevention provided detailed comments and suggestions for changes to the document and all the recommendations have been incorporated into the final Safety and Crime Prevention Plan. The Office of Crime Prevention advised that overall the Shire is on the right path with what actions we wish to take to address the identified issues; however, the strategies for the actions require some work including some of the actions being combined, while others do not fit in the plan at all and needed to be removed. The Office of Crime Prevention clarified that community safety for this plan is referring to safety of the community against deliberate actions of others. For example, while reducing bushfire hazards is a community safety action unless it is related to the reduction of deliberately lit bushfires it doesn't belong in the Shire of Chittering Safety and Crime Prevention Plan.

Consultation

Office of Crime Prevention
Chief Executive Officer
Shire of Chittering Safety and Crime Prevention Working Group
Community through consultation

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The costs associated with the development of the Plan have been included in the current financial year budget. The projects prioritised for immediate implementation will have minimal impact financially and can be met within the current budget constraints. Other projects identified will need to be included in future year/s budget considerations.

Strategic Implications

The implementation of projects/actions identified in the Plan will significantly impact and increase awareness on community safety and reduce the level of crime within the Shire.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The implementation of the projects/actions identified in the Plan will result in safer communities fostering opportunities for increased social and recreational activities.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY, 18 APRIL 2012**

Environmental implications

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

Comment

Council is requested to adopt the Shire of Chittering Safety and Crime Prevention Plan.



9.4.3 Shire of Chittering Change to Authorised Officers

Applicant	Shire of Chittering
File ref	13/05/2
Prepared by	Karen Parker – Manager Administration and Community Services
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	List of Authorised Person's
Attachments	Nil

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 070412

Moved Cr Mackie / Seconded Cr Clarke

That Council:

1. **approve** the removal of Drew Monkhouse from the Register of Authorised Officers.
2. **endorse** the appointment of Elena Bull (Principal Building Surveyor) to represent the Shire of Chittering in the capacity nominated under the *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act*.
3. **endorse** the appointment of Robert Butler (Ranger) to represent the Shire of Chittering in the capacity nominated under the:
 - *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15);*
 - *Local Government (Miscellaneous Provisions) Act 1960, Section 449 – Ranger & Pound Keeper;*
 - **Issue of Infringement Notices – Section 59 (2) (a) – Bush Fires Act 1954 and Section 64 (1) – Cemeteries Act 1986;**
 - *Bush Fires Act 1954, Section 38 (Fire Control Officers);*
 - *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 – Local Government Act 1995;*
 - *Miscellaneous Provisions About Enforcement – part 9 – Division 2 - Subdivision 1 Sections 9.13, 9.16 & 9.17 – Local Government Act 1995; and*
 - *Impounding & Removing Goods Involved in Certain Contraventions Section 3.39 – Local Government Act 1995.*
4. **endorse** the appointment of Ross Keegan (relief Principal Environmental Health Officer) to represent the Shire of Chittering in the capacity nominated under the:
 - *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15);*
 - *Health Act 1911;*
 - *Food Act 2008, Part 10, Division 3, Sections 122, 126 (2);*
 - *Environmental Protection Act 1986, Sections 87 and 88; and*
 - *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 – Local Government Act 1995.*

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0
BY ABSOLUTE MAJORITY VOTE**

7:18PM



Background

The appointment of all Authorised Officers for the Shire of Chittering is required to be advertised in the Government Gazette, confirming Council endorsement of nominated Shire officers to carry out their duties as per the Acts nominated.

With the resignation of Drew Monkhouse and the appointment of Elena Bull, Principal Building Surveyor, Council is requested to approve the changes detailed below to the Register of Authorised Officers to ensure Ms Bull has the necessary approvals to carry out her duties as the Shire's Principal Building Surveyor.

Robert Butler has also been appointed as Ranger and will commence on the 19 April 2012 and Council's approval for Mr Butler to be an Authorised Officer is necessary for him to undertake the role of Ranger.

The Principal Environmental Health Officer, Glenn Sargeson, is taking two months leave commencing in May 2012 and this report also seeks council endorsement to include Mr Ross Keegan (who will be relieving Mr Glenn Sargeson as Principal Environmental Health Officer) as an Authorised Officer for the Shire of Chittering for that period.

As Section 28 of the *Health Act 1911* requires every appointment by a local government of an Environmental Health Officer be subject to the approval of the Executive Director, Public Health who may require satisfactory proof of competency to be supplied, and may give his approval absolutely or with any modification or condition as to the period of appointment or otherwise the Chief Executive Officer will need to seek approval of Mr Keegan's appointment from the Executive Director, Public Health.

Table: Shire of Chittering - Appointment of Authorised Officers

Act and/or Regulation	Authorised Officer
<i>Dog Act 1976 & Regulations</i>	Robert Butler Ross Keegan
<i>Control of Off-Road Vehicles Act 1978 & Regulations</i>	Robert Butler Ross Keegan
<i>Litter Act 1979 & Regulations</i>	Robert Butler Ross Keegan
<i>Local Government Laws</i>	Robert Butler Ross Keegan
<i>Local Government Act 1995 – Sections 3.39, 9.10, 9.11, 9.15</i>	Robert Butler Ross Keegan
<i>Local Government (Miscellaneous Provisions) Act 1960 – Section 449 – Ranger & Pound Keeper</i>	Robert Butler
<i>Bush Fires Act 1954 – Section 59(2)(a) – Issue of Infringement Notices</i>	Robert Butler
<i>Cemeteries Act 1986 – Section 64(1)</i>	Robert Butler
<i>Bush Fires Act 1954 - Section 38 – Fire Control Officers</i>	Robert Butler
<i>Health Act 1911</i>	Ross Keegan
<i>Local Government Act 1995 – Part 3, Division 3, Sections 3.28 & 3.29 – Powers of Entry</i>	Elena Bull Robert Butler Ross Keegan



Act and/or Regulation	Authorised Officer
<i>Local Government Act 1995 – Part 9, Division 2, Subdivision 1, Sections 9.13, 9.16 & 9.17 – Miscellaneous Provisions About Enforcement</i>	Robert Butler
<i>Local Government Act 1995 – Section 3.39 – Impounding & Removing Goods Involved in Certain Contraventions</i>	Robert Butler
<i>Food Act 2008 – Part 10, Division 3, Sections 122, 126 (2)</i>	Ross Keegan
<i>Environmental Protection Act 1986, Sections 87 and 88</i>	Ross Keegan
All previous authorisations for Drew Monkhouse are hereby revoked	

Consultation

Chief Executive Officer
Executive Manager Development Services

Statutory Environment

Local Government Act 1995
Bush Fires Act 1954
Dog Act 1976
Control of Off Road Vehicles Act 1978
Litter Act 1979
Local Government Laws
Local Government (Miscellaneous Provisions) Act 1960
Cemeteries Act 1986
Health Act 1911
Building Act 2011
Environmental Protection Act 1986
Food Act 2008

Policy Implications

Nil

Financial Implications

There will be a charge for advertising in the Government Gazette.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no economic implications associated with this report.

Social implications

There are no social implications with this report.



Environmental implications

There are no environmental implications associated with this report.

Comment:

Endorsement of the changes requested will ensure that compliance of the associated Acts can be fulfilled at all times.



9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Nomination of Complaints Officer

Applicant	Shire of Chittering
File ref	04/03/4
Prepared by	Natasha Mossman – Executive Support Officer
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 080412

Moved Cr Rossouw / Seconded Cr Clarke

That Council appoint the Executive Manager Corporate Services to fulfil the role of Complaints Officer at the Shire of Chittering as per section 5.120 of the *Local Government Act 1995*.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:19PM

Council expressed thanks to Karen Parker who acted in the position of Complaints Officer until this evening.

Background

Through the Compliance Audit Report for the period 1 January to 31 December 2011 it was highlighted that the Shire's current Complaints Officer is not a designated senior employee as defined under section 5.37 of the *Local Government Act 1995*. The Manager Administration and Community Services is the current complaints officer.

Consultation

Not applicable

Statutory Environment

Local Government Act 1995, section 5.120

5.120 Complaints Officer

- (1) Each local government is to designate a senior employee, as defined under section 5.37, to be its complaints officer.
- (2) If a local government does not have any other person as its complaints officer, the person holding the office as, or acting as, its CEO is its complaints officer.

Policy Implications

Council's Code of Conduct and Shire of Chittering Policy – Code of Conduct.

Financial Implications

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

Strategic Implications

There are no known strategic implications associated with this proposal.



Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

There are no known social implications associated with this proposal.

Environment implications

There are no known environmental implications associated with this proposal.

Comment

It is recommended that the Executive Manager Corporate Services position be amended to incorporate the role as Complaints Officer; and that all Shire documentation will be amended and updated accordingly.



9.5.2 Local Government National General Assembly (ALGA) – Call for motions*

Applicant	Shire of Chittering
File ref	30/04/0003
Prepared by	Natasha Mossman – Executive Support Officer
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Images showing a 'normal' Saturday morning in Bindoon townsite

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 090412

Moved Cr Mackie / Seconded Cr Norton

That Council authorise the Chief Executive Officer to prepare a motion for consideration by the 2012 Local Government National General Assembly, requesting additional funding for National Highways.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
7:23PM

Background

The 2012 National General Assembly will be held in Canberra from Sunday, 17 June to Wednesday, 20 June 2012. Local Governments are invited to submit motions for consideration at the Assembly consistent with the theme “*National Voice, Local Choice – Infrastructure, Planning, Services*”.

To be eligible, motions must follow the principles:

1. Fall under one of the themes – Infrastructure, Planning, Services;
2. Be relevant to the work of Local Government nationally; and
3. Complement or build on the policy objectives of State and Territory Associations.

To assist in preparing motions a Discussion Paper has been prepared and is available from the ALGA website www.alga.asn.au. The Paper discusses a range of key policy issues that arise under each of the themes. While the themes are not mutually exclusive, they are discussed separately to help focus attention on specific policy initiatives that could assist the Local Government sector.

At the Avon-Midland Country Zone meeting held on 24 February 2012 the meeting drew attention to the Local Government National General Assembly calling for motions for this meeting.

Consultation

Avon-Midland Country Zone members

ALGA – suggested that the motion should be general to all national highways, and not specific to one (Great Northern Highway).

Statutory Environment

Nil

Policy Implications

Nil



Financial Implications

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

Strategic Implications

There are no known strategic implications associated with this proposal.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal.

Social implications

With the increased traffic experienced on Great Northern Highway, the road is becoming more dangerous for all road users. With more machinery being constructed in the metropolitan area and delivered to suppliers via road, there are more “wide loads” using Great Northern Highway.

Environment implications

There are no known environmental implications associated with this proposal.

Comment

The Avon-Midland Country Zone suggested that consideration be given to submission of motions:

- (i) Expressing concern at the unsafe condition of the Great Northern Highway and urgent requirement for upgrade of this national highway; and
- (ii) Expressing support for the State Government’s position on reduction of funding allocation from GST collections to Western Australia.

Avon Midland Country Zone resolution:

That the following motion be put forward for the 2012 National General Assembly – “That grave concern be expressed at the unsafe condition of National Highway 95 that links Perth to the Pilbara region and that the Federal Government be requested to urgently give the highway the priority assessment and funding allocation for urgent upgrades to the National Highway standard.”

Motions need to be lodged with the Australian Local Government Association (ALGA) by Friday, 27 April 2012.



10. REPORTS OF COMMITTEES

10.1 Minutes of the Audit Committee meeting held on 21 March 2012*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Danica Kay – Executive Support Officer
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Minutes of the Audit Committee meeting held Wednesday, 21 March 2012

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 100412

Moved Cr Rossouw / Seconded Cr Mackie

That Council receives the unconfirmed minutes of the Audit Committee meeting held on Wednesday, 21 March 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:23PM

Background

A meeting of the Audit Committee was held on Wednesday, 21 March 2012. There were no formal motions moved at the meeting.

Consultation

Not applicable

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

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.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY, 18 APRIL 2012**

Environmental implications

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

Comment

The minutes of the Audit Committee meeting will be presented to the next meeting of the Committee for confirmation.

The unconfirmed minutes of the Committee meeting are now presented to Council to be received.



Declaration of Impartiality Interest

Crs Douglas, Clarke, Mackie, Norton and Rossouw declared impartiality interests in item 10.2 due to membership of community group/s that have applied for funding.

10.2 Minutes of the Community Support Funding Committee meeting held on 2 April 2012*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Danica Kay – Executive Support Officer
Supervised by	Gary Tuffin – Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Minutes of the Community Support Funding Committee meeting held Monday, 2 April 2012

SUBSTANTIVE MOTION/COUNCIL RESOLUTION - 110412

Moved Cr Mackie / Seconded Cr Clarke

That Council:

1. receives the unconfirmed minutes of the Community Support Funding Committee meeting held on Monday, 2 April 2012.
2. notes that the Chittering Tourist Associations application for funding has been withdrawn and approve that the Chittering Community Support Funding Grant Scheme be allocated \$29,536 in the 2012/2013 financial year.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:34PM

COMMITTEE RECOMMENDATION

Moved Cr Mackie / Seconded Cr Clarke

That Council:

1. receives the unconfirmed minutes of the Community Support Funding Committee meeting held on Monday, 2 April 2012.
2. approve that the Chittering Community Support Funding Grant Scheme be allocated \$33,533 in the 2012/2013 financial year.

AMENDMENT

Moved Cr Douglas / Seconded Cr Mackie

That recommendation 2. be amended as follows:

“notes that the Chittering Tourist Associations application for funding has been withdrawn and approve that the Chittering Community Support Funding Grant Scheme be allocated \$29,536 in the 2012/2013 financial year.”

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0

7:34PM



**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY, 18 APRIL 2012**

Background

A meeting of the Community Support Funding Committee was held on Monday, 2 April 2012 to review funding submissions received for the 2012/13 financial year.

The following applications were received:

Community Organisation	Project title	Amount requested	Total project cost	Conditions imposed
Bindoon and District Agricultural Society (Inc)	Printing of show schedule	3,278.85	6,557.70	
Bindoon and Districts Historical Society	Verandah enclosed to museum	5,000.00	15,600.00	
Bindoon Arts and Crafts	Material cutting machine	1,200.00	2,407.70	
Bindoon Little Athletics	Purchase of sporting equipment	634.70	1,269.40	
Bindoon Volunteer Bushfire Brigade	Members t-shirts	750.00	1,500.00	1) Need a quote 2) Application needs to be signed on the back page
Chittering Junior Football Club	Limestone dug-outs	3,225.00	6,450.00	Financials required
Chittering Landcare Group	2013 calendar promotion	1,447.00	2,895.00	Financials required
Chittering Tourist Association Inc	Post office boxes	3,997.32	7,994.64	
Chittering Valley Progress and Sports Association	Facilities upgrade	5,000.00	25,000.00	Budget of project minimum \$10,000 to receive \$5,000; or what the total project costs grant will be for 50%
Ellen Brockman Integrated Catchment Group	Planting trailer	3,500.00	7,000.00	Financials required
Muchea Volunteer Bushfire Brigade	60th community event	1,500.00	3,000.00	
South Midlands Polocrosse Club	Top dress/level fields at Sandown Park	4,000.00	8,000.00	
TOTAL AMOUNT REQUESTED		33,532.87		

An assessment was undertaken by the Chittering Support Funding Advisory Committee to ensure that all applications were compliant with the funding guidelines.

It is recommended that the \$33,533 be approved in the 2012/13 annual budget.

Consultation

Chittering Support Funding Advisory Committee

Statutory Environment

Not applicable

Policy Implications

Budget Preparation

Financial Assistance Grant Scheme

Financial Implications

The Chittering Community Assistance Committee makes recommendations to Council for the administration of the Financial Assistance Grants.



Strategic Implications

Not applicable

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

The minutes of the Community Support Funding Committee meeting will be presented to the next meeting of the Committee for confirmation.

The unconfirmed minutes of the Committee meeting are now presented to Council to be received.



11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING

Nil

13. URGENT BUSINESS

PROCEDURAL MOTION/COUNCIL RESOLUTION - 120412

Moved Cr Mackie / Seconded Cr Rossouw

That Council approve that the following urgent business be tabled:

- 13.1 GP Surgery, Bindoon
- 13.2 Change of Council Meeting date June 2012
- 13.3 Bindoon Outdoor Gym Proposal.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
7:35PM

13.1 GP Surgery, Bindoon

COUNCIL RESOLUTION – 130412

Moved Cr Douglas / Seconded Cr Norton

That Council:

- 1. authorise the expenditure of \$16,000 for extensions to the GP Surgery waiting area.

- 2. amend the 2011/12 annual budget accordingly:

26012 – Seniors Housing	(\$7,000)
33032 – Cemetery Maintenance	(\$3,500)
34032 – Lower Chittering Hall	(\$5,500)
TOTAL	(\$16,000)
New a/c – Bindoon Medical Centre extension	\$16,000

THE MOTION WAS PUT AND DECLARED CARRIED 5/0
7:37PM

Background

The Bindoon Medical Centre has recently appointed two new doctors within the medical centre. The additional doctors has resulted in the need for a larger waiting area to be constructed to alleviate the current overcrowding problem being experienced.



The Bindoon Medical Centre is being refurbished with the outside verandah being enclosed to create a larger waiting room at the centre.

Financial implications

It is recommended that the annual budget be amended as followings:

- | | |
|---------------------------------|------------------|
| • 26012 – Seniors Housing | (\$7,000) |
| • 33032 – Cemetery Maintenance | (\$3,500) |
| • 34032 – Lower Chittering Hall | <u>(\$5,500)</u> |
| TOTAL | (\$16,000) |
-
- | | |
|--|----------|
| • New a/c – Bindoon Medical Centre extension | \$16,000 |
|--|----------|

Cemetery Maintenance – niche wall won't be done during 2011/12 – needs new costings.

Lower Chittering Hall – painting will not be done during 2011/12 – is planned for 2012/13 as part of the Country Local Government Fund.

Comment

To ensure a reasonable level of access to health services is maintained in Bindoon it is recommended that Council authorise the new expenditure of \$16,000 for the proposed extensions to the GP surgery waiting area.



13.2 Change of council meeting date for June 2012

COUNCIL RESOLUTION - 140412

Moved Cr Mackie / Seconded Cr Norton

That Council endorse the rescheduling of the June Ordinary Council meeting date from Wednesday, 20 June 2012 to Wednesday, 27 June 2012 and that the change be advertised in accordance with the *Local Government Act 1995*.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

7:38PM

Background

With the National General Assembly being held in Canberra from 17 – 20 June 2012 and the attendance of Crs Douglas and Norton and the Chief Executive Officer attending the conference; the date is requested to be moved to Wednesday, 27 June 2012.

The Shire of Chittering will be submitting a motion to be tabled at the assembly (refer to item 9.5.2).

Financial implications

Details of the change of date will be advertised in accordance with the Local Government Act 1995.



Declaration of Impartiality Interest

Cr Norton declared an impartiality interest in item 13.3 as she may have a professional interest as she is a qualified personal trainer.

13.3 Bindoon Outdoor Gym Proposal

COUNCIL RESOLUTION - 150412

Moved Cr Norton / Seconded Cr Douglas

That Council:

1. gives in-principle support to the Bindoon Outdoor Gym proposal, at the site adjacent to Bindoon Oval, subject to further investigations.
2. makes a final decision once the project has the required information, which includes costings, options, etc.

THE MOTION WAS PUT AND DECLARED CARRIED 4/1
7:52PM

Cr Norton provided the following reasons:

There is no formal in-principle support noted from Council for this project to start further investigations to present a further report to Council.

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

Cr Alex Douglas declared the meeting closed at 7:52 PM