

**MINUTES FOR  
ORDINARY MEETING OF COUNCIL**

**WEDNESDAY 15 AUGUST 2018**

**Chinkabee Complex  
6166 Great Northern Highway  
Bindoon**

**Commencement: 7.00PM  
Closure: 7.54PM**



### Preface

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

The "*Confirmed*" Minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

### Unconfirmed Minutes

These minutes were approved for distribution on Friday 24 August 2018.



Rhona Hawkins  
**Acting Chief Executive Officer**  
**Shire of Chittering**

### Confirmed Minutes

These minutes were confirmed at a meeting held on Wednesday 19 September 2018.

Signed .....

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

### Disclaimer

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

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

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

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

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\* indicates separate attachments

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

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

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

### 2.1 Attendance

The following Members were in attendance:

Member:	Cr Gordon Houston	President (Presiding Member)
	Cr Aaron King	
	Cr George Tilbury	
	Cr Carmel Ross	
	Cr Mary Angus	
	Cr Don Gibson	

Quorum – 4 members

The following Shire staff were in attendance:

Staff	Rhona Hawkins	Executive Manager Corporate Services
	Peter Stuart	Executive Manager Development Services
	Jim Garrett	Executive Manager Technical Services
	Jake Whistler	Senior Planning Officer
	Natasha Mossman	Executive Support Officer (Minute Secretary)

Members of the public	10
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Media	0
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### 2.2 Apologies

Cr Peter Osborn	
Alan Sheridan	Chief Executive Officer

### 2.3 Approved leave of absence

Nil

## 2.4 Announcements

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

### Cr Gordon Houston (President)

- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 20 July
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 3 August
- 2018 State and Local Government Forum 'Departmental Dialogues' on 1 August
- 2018 WA Local Government Convention on 1-3 August
- WALGA Annual General meeting on 1 August
- Weekly catchup meeting with the Deputy President and Chief Executive Officer on 10 August

### Cr Peter Osborn (Deputy President)

- Weekly catchup meeting with the President and Chief Executive Officer on 20 July
- Meeting with Hon Christian Porter MP and Chief Executive Officer on 25 July
- Weekly catchup meeting with the President and Chief Executive Officer on 3 August
- Meeting with Carol Redford (Astro Tourism) and Chief Executive Officer on 6 August
- Chittering Chamber Commerce 'Business After Hours' on 9 August
- Weekly catchup meeting with the President and Chief Executive Officer on 10 August

### Cr Mary Angus

- 2018 WA Local Government Convention on 1-3 August

### Cr Don Gibson

- 2018 WA Local Government Convention on 1-3 August (and partner)
- WALGA Annual General meeting on 1 August

### Cr Carmel Ross

- Chittering Chamber Commerce Annual General Meeting on 20 July
- WALGA Training "Planning Practices – The Essentials" on 30 July
- Lower Chittering Sports and Recreation Facility Reference Group meetings on 2 August
- Chittering Residents and Ratepayers Association meeting on 8 August
- Chittering Community Planning Advisory Group meeting on 9 August

### Cr George Tilbury

- Community Assistance Grants and Sponsorship Advisory Group meeting on 19 July
- Lower Chittering Sports and Recreation Facility Reference Group meetings on 19 July
- Lower Chittering Sports and Recreation Facility Reference Group meetings on 2 August

### 3. DISCLOSURE OF INTEREST

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

There were no disclosures of interest declared.

### 4. PUBLIC QUESTION TIME

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

Nil

#### 4.2 Public question time

##### 4.2.1 John Curtis, Bindoon

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

*Answer 1*      *The Presiding Member took the question on notice.*

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

*Answer 2*      *The Presiding Member took the question on notice.*

##### 4.2.2 Debbie Warrener, Mooliabeenee

**Question 1**      **Has the Council any word on the highway, as we have been told that it isn't going ahead?**

*Answer 1*      *The Presiding Member stated that Council understands that it is still going ahead. Currently the project is waiting on State Government to confirm their contribution; the Federal Government have already committed funds. Main Roads WA have only been given a pre-budget to purchase some properties; extra money is required to purchase additional properties. Myself and the Chief Executive Officer will be seeking meetings with the relevant Ministers in the coming weeks.*

**Question 2**      **Our neighbours have been told that their property is no longer required to be purchased, ours has been purchased?**

*Answer 2*      *The Presiding Member stated that until the State Government confirms their monetary contribution, the purchasing of properties has currently stalled.*

**4.2.3 John Nagel, Bindoon (representing the Chittering Residents and Ratepayers Association)**

*(as supplied)*

**Question 1**

Mr President on the 8<sup>th</sup> May when the residents and ratepayers association met with the shire the subject of aged care was discussed and you made the comment that if the residents and ratepayers association were able to facilitate the building of an aged care facility in Bindoon that the shire would gladly make the land available. Could you please give confirmation to this statement prior to our association going further with their plans.

**Answer 1**

*The Presiding Member stated that consultation needs to be undertaken through the Chittering Health Services Advisory Group, by way of a 'needs analysis'. Council is not in a position currently to offer any land until the investigation by the Chittering Health Services Advisory Group has been undertaken.*

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

### **5.1 Petitions**

Nil

### **5.2 Presentations**

Nil

### **5.3 Deputations**

#### **5.3.1 Item 9.1.1 "Proposed Change of Use to "Rural Pursuit": Apiary, and Honey Production and Packaging at Lot 4 (RN 429) Cook Road, Mooliabeenee"**

René van Eeden addressed Council to speak FOR the Officer Recommendation.

#### **5.3.2 Item 9.1.3 "Additional Dog Application: Lot 168 (RN27) Chianina Place, Lower Chittering"**

Cilla and Jeff Fahey-Gilmour addressed Council to speak AGAINST the Officer Recommendation.



## 6. APPLICATIONS FOR LEAVE OF ABSENCE

### 6.1 Cr Don Gibson

#### 6.1 MOTION / COUNCIL RESOLUTION 010818

Moved Cr Gibson / Seconded Cr Ross

That Council grant Cr Gibson 'Approved Leave of Absence' for the period inclusive of Tuesday 28 August 2018 to Monday 17 September 2018.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:29PM

## 7. CONFIRMATION OF MINUTES

### 7.1 Ordinary Meeting of Council: 18 July 2018

#### 7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020818

Moved Cr Tilbury / Seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday, 18 July 2018 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:29PM

## 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Proposed Change of Use to “Rural Pursuit”: Apiary, and Honey Production and Packaging at Lot 4 (RN 429) Cook Road, Mooliabeenee\*

Report date	15 August 2018
Applicant	J.A. Van Eeden
File ref	A1001; P045/18
Prepared by	Planning Officer
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Application 2. Schedule of Submissions

#### Executive Summary

Council’s consideration is requested to determine an application for a change of use to “Rural Pursuit” on Lot 4 (RN 429) Cook Road, Mooliabeenee. The “Rural Pursuit” comprises of a retrospective apiary and associated structures used for processing and packaging of the honey product. The application has been referred to Council due to an objection being received to the proposal during the advertisement period. In addition to this, the land use of “Rural Pursuit” is also currently an ‘X’ use in the “Agricultural Resource Zone”, meaning the use cannot be permitted, under *Local Planning Scheme 6* (LPS6).

IMAGE 1: LOCALITY PLAN



### Background

The apiary component of the development application requests approval to keep between 100 and 150 hives on the property. These are to be dispersed in the locations indicated in **Attachment 1**. In addition to the hives, the application also requests retrospective approval for a 40-foot sea container. The sea container is to be utilised for processing and packaging of the honey products.

The applicant is currently keeping approximately 220 hives on the property, however has reduced this number to between 100 and 150 to include only the nucleus (starter) colonies. This was in response to an objection to the proposal being received by the Shire. The applicant has advised that further established colonies used for the production of honey are contained on other properties.

The applicant has advised the business does not employ any additional persons. There will also be no retail sale of products from the lot.

The 40ha lot is located approximately 15km north of the Bindoon townsite and is currently used for residential purposes, the keeping of livestock and bees, and the manufacturing and packaging of honey.

The property is semi-cleared of vegetation with a mixture of native and non-native species. It is understood the subject lot was previously cleared of much of the native vegetation and replaced with pine trees. The landowner has since removed a large number of these pine trees and planted native species.

Land uses adjoining Lot 4 includes residential, plant nursery, grazing land and wildlife rehabilitation.

It should be noted the applicant is a registered beekeeper through the Department of Primary Industries and Regional Development (DPIRD).

### Consultation/Communication Implications

#### Local

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Letters were circulated to adjoining land owners. Of the five referrals sent, a total of three submissions were received. One of these submissions objected to the proposal, citing concerns relating to personal health relative to the potential for a significant number (or swarm) of bees that may enter the complainants' home.

#### State

Information was sought from DPIRD in relation to the lot's suitability to carry the number of hives proposed in the application. In relation to the number of hives that could be a suitable number for property, DPIRD responded as follows:

*"As for the number hives it is an impossible question. In the middle of a good marri flowering areas like this one, it could support a large number of hives for the 4 – 6 week flowering, and no one would be the wiser. Outside this or these flowering windows without nutritional support the bees would use their stored honey and pollen reserves and search for whatever limited floral sources are available. Do I think this site could sustain 150 hives all year round, I would probably say no – but don't not have a good knowledge of local vegetation or if artificial flower sources are available (i.e. canola, lucerne ect.) at other times of the year".*

It should be acknowledged the advice from DPIRD is based on the information provided by the Shire officers and outlined within the application. The complete response provided by DPIRD is available in **Attachment 2**.

### Legislative Implications

#### State

- Local Government Act 1995

Section 3.25 combined with item 11 of Schedule 3.1 of the *Local Government Act 1995* gives local government the power to give a notice to an owner of land to removed bees that are likely to endanger the safety of any persons or create serious public nuisance.

- Planning and Development (Local Planning Schemes) Regulations 2015

In considering an application for development approval the local government is to have due regard to clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) – ‘Matters to be Considered’. The relevant matters of consideration relevant to the application have been discussed below:

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

‘Rural Pursuit’ is currently an ‘X’ use, within the Agricultural Resource zone, meaning that it is not permitted. Ordinarily, the Shire would not consider an application listed as an X use, however, *Scheme Amendment No.65* proposes to change the land use to a discretionary use. *Scheme Amendment No.65* has been advertised in accordance with the Regulations. The Scheme Amendment has additionally been considered for final approval by the Western Australian Planning Commission (WAPC), and is now undergoing further advertising due to an alteration of the Amendment not related to the ‘Rural Pursuit’ permissibility change. *Scheme Amendment No.65* and is therefore considered to be ‘seriously entertained’, and henceforth applied in a manner consistent with a gazetted amendment.

- (n) *the amenity of the locality including the following —*

- (i) *environmental impacts of the development;*

Bees are vital for the pollination of plants and are often considered to play an integral role to the floral component of any ecosystem. Therefore, the presence of bees on the property is considered to have a positive effect on the environment.

- (ii) *the character of the locality;*

The property is large in area; therefore, the number of hives does not significantly change the character of the locality.

(iii) *social impacts of the development;*

Correspondence received from the objector suggested an excessive number of bees were causing a nuisance on the property. It is considered the current amount of hives on Lot 4 is causing distress to a nearby landowner and may therefore be having a negative social impact in the immediate locality of where people reside.

Conversely, the availability of local produce from local retail outlets can have a positive impact on the social environment as it encourages a sense of self-sufficiency and identity within a small community.

(r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*

Correspondence received from the objector suggested an excessive number of bees were present in warmer months, which coincided with an increase in the number of bee stings.

(za) *the comments or submissions received from any authority consulted under clause 66;*

The application was referred to DPIRD, although the agency was unable to provide with certainty whether 150 hives is an excessive amount based on a lack of site specific knowledge.

Local

- *Shire of Chittering Health Local Law 2017*

Division 7 – Bee Keeping contains provisions which restricts the number and location of hives on any given property. The relevant sections of the local law are listed below:

**6.19 Limitation on numbers of hives**

- (1) *A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.*
- (2) *Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.*
- (3) *An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.*
- (4) *A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).*

**6.20 Restrictions on keeping of bees in hives**

*A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—*

- (a) *an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;*
- (b) *the hive is kept—*
  - (i) *outside, and at least 10 metres from, any building other than a fence;*
  - (ii) *at least 10 metres from any footpath, street, private street or public place; and*
  - (iii) *at least 5 metres from the boundary of the lot; and*
- (c) *the hive is enclosed on all sides by a fence, wall or other enclosure.*

**6.21 Bees which cause a nuisance not to be kept**

- (1) *A person shall not keep, or permit the keeping of, bees which cause a nuisance.*
- (2) *An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.*



Two hives are permitted to be kept on the property without approval. The local law gives landowners the opportunity to apply to keep greater than this amount which is concurrently being considered through this application. The current locations of the hives on site are considered to be compliant with section 6.20 of the local law.

It is important to note that clause 6.21 gives an Authorised Officer the ability to have the bees removed should they become a nuisance and detrimental to the amenity of the nearby landowners.

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

#### Local

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.2 Local Business Growth

Strategy: S4.2.1 Encourage and support local businesses and new investments for the future

#### State

Nil

### **Site Inspection**

Site inspection undertaken: Yes

A site inspection was undertaken during June 2018. During the inspection, it was noted that a large number of native species had been planted throughout the property, in lieu of the removed pine trees. The Shire's Principle Environmental Health Officer has inspected the sea container and is satisfied food handling equipment and processes are compliant with relevant health regulations.

### **Triple Bottom Line Assessment**

#### Economic implications

Allowing the bees to be kept on Lot 4 will reduce the need for the applicant to source additional land for the hives, which could result in additional leasing costs for the applicant.

The applicant also currently uses a fitted-out sea container on the subject property for processing and packaging of products. An increased distance required to be travelled to transport the product from the hives to the sea container may incur additional costs for the applicant, thereby reducing the business' ability to be competitive. Notwithstanding, it is noted that the Bindoon Bypass will traverse in close proximity to the subject property. Therefore, the long-term cost of travel will likely be reduced.

The operation of a small business within the Shire can provide economic benefits to the community at large.

#### Social implications

Bees can travel a distance of 3km – 5km for a food or water source. Should the applicant not provide a suitable source of food or water, it is likely the bees will travel to neighbouring properties and potentially cause a nuisance to landowners. This is further emphasised by the objection from a referred landowner stating a larger number of bees were travelling to their property.

As noted previously however, the availability of local produce from local retail outlets can have a positive impact on the social environment as it encourages a sense of self-sufficiency and identity within a small community.

#### Environmental implications

There are no known significant detrimental environmental implications associated with this proposal. The positive environmental impacts an apiary can have are noted previously in this report.

#### **Officer Comment/Details**

The application first proposed to locate 220 hives, in six different locations throughout the lot area. This number has been voluntarily reduced by the applicant to between 100–150 hives at any one time, to aid in addressing the concern received by a nearby landowner. The application also includes a sea container, which has been converted to be used for processing and packaging of honey.

As stated earlier in the report, the "Rural Pursuit" land use is currently not permitted in the "Agricultural Resource Zone". However, *Scheme Amendment No.65* proposes to amend LSP6 so as to make Rural Pursuit a discretionary use within the "Agricultural Resource Zone". In accordance with the Regulations, the local government must have due regard to any report of the review of the Local Planning Scheme, when assessing an application. Consequently, the land use has the potential to be approved on the subject lot.

Typically, bee keeping is undertaken both in rural and urban areas, therefore it is considered that beekeeping is an activity that is appropriate for the subject property. This is further reinforced by the fact that the applicant is a registered bee keeper through DPIRD, meaning the land-use can be qualified as a professional operation, rather than a hobby as many "Rural Pursuits" are. The question remains whether the number of hives proposed on the premises is an acceptable number that will not cause nuisance to the surrounding landowners. Advice received from DPIRD suggested 150 hives may be excessive. However, confirmation of this would not be possible without having a greater understanding of the local vegetation or nearby flower sources.

All adjoining properties referred were within 3–5km's of the subject property which is understood to be the distance bees can travel for a source of food or water. Of these referred landowners, one objection was received by the Shire. The objection raised concern for the recent influx of bees attracted to the property, especially in the warmer months of the year. Further correspondence with the complainant suggested the number of bees travelling to the property were having a detrimental impact on amenity and causing a significant nuisance.

Conversely, consideration must also be given to the number of 'naturally occurring' feral bees present at certain times of the year and locations where food sources are readily available. While a correlation could be derived on the basis of the siting of bee hives in relatively close proximity to the neighbouring property, it would be difficult to categorically determine that the presence of bees on a neighbouring property comes from a commercial apiary, and is not simply 'naturally occurring'.

In a planning context, it is standard practice to ensure significant impacts of a development do not permeate to adjoining landholdings. An application to keep bees is unique as it is inheriting in the nature of the bee that it cannot be contained within property boundaries. Despite the inability to physically contain bees to a particular property, it is considered that measures can be implemented to reduce their presence and subsequent impacts on neighbouring land.

Shire officers acknowledge the environmental and economic benefits the application presents whilst being aware of the potential impacts on neighbouring properties. In light of this, it is recommended that approval be granted to the application subject to the following measures:

- The number of hives on the property being reduced to no more than 100 and be located in only the northern half of the lot where there is significantly more vegetation (as opposed to the southern half). This will assist in discouraging bees travelling to surrounding properties for foraging purposes;
- The development approval be limited to a period of no greater than 12 months in the first instance. Should the applicant choose to reapply for development approval, a more learned assessment can be made as to whether the reduction and relocation of the hives has had the effect of reducing the impact to adjoining landowners. In addition, this approach is consistent with the scheme amendment process, where in the instance that the Minister does not agree with the Shire's intent to change the land-use permissibility, Council are not approving a use that is set to become non-conforming; and
- An Apiary Management Plan ("The Plan") being prepared and approved by the Shire to ensure the number of hives on the property at any one time is commensurate with the available food and water sources on the property at that time. The Plan should also address the measures to be implemented if bees were to escape or swarm outside of the hives, in particular the event where bees swarm outside of the subject property.



**9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030818**

Moved Cr Gibson / Seconded Cr King

That Council:

1. Grant Development Approval for the proposed Apiary, and Honey Production and Packaging at Lot 4 (RN 429) Cook Road, Mooliabeenee subject to the following Conditions:

**Conditions**

- a. This approval is for a term of 12 months only, commencing from the date of approval.
- b. Apiary, and Honey Production and Packaging shall occur in accordance with the cover letter lodged with the application, dated 24 April 2018.
- c. The number of active hives permitted on the property at any one time shall be no more than 100.
- d. All hives shall be located in the northern half of the subject property at all times.
- e. An Apiary Management Plan shall be submitted and approved by the Shire within two months of this approval and thereafter implemented. The Management Plan shall address, but not limited to, the following:
  - i. An updated site plan showing the location of hives on the property reflecting the requirement of Condition "d";
  - ii. Measures to be implemented if bees are to escape or swarm outside of the hives and subject property; and
  - iii. Additional measures to reduce the potential impacts of the apiculture activities on neighbouring landowners.

**Advice Notes:**

1. *With regard to Condition "a", the applicant may reapply for development approval for the proposed Apiary, and Honey Production and Packaging following the expiry of the current approval. This advice note is provided on the basis that Scheme Amendment No.65 is gazetted consistent with Council's endorsed modifications.*
  2. *With regard to Condition "c", an active hive is regarded as a hive that has a colony of bees residing within it, whether they be for breeding purposes or honey manufacturing purposes.*
  3. *All beekeeping related activities shall comply with the Shire of Chittering Health Local Law 2017 at all times. Pursuant to the Shire of Chittering Health Local Law 2017 and the Local Government Act 1995, the Shire can direct the applicant to remove the bees from the property if the bees are found to be causing a nuisance to nearby landowners.*
2. Authorises the Chief Executive Officer to issue a further Development Approval for an Apiary, and Honey Production and Packaging at Lot 4 (RN 429) Cook Road, Mooliabeenee subject to appropriate Conditions following the expiry of the 12-month approval period, if there have been no objections received following a period of advertising.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:30PM

**9.1.2 Proposal to apply for changes to Western Australia Building Regulations 2012 for domestic swimming pool fencing, barriers and gates\***

<b>Report date</b>	15 August 2018
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	07/03/0002
<b>Prepared by</b>	Building Surveyor
<b>Supervised by</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Swimming Pool Barrier Advice Note

**Executive Summary**

Council is requested to determine whether to continue to pursue changes to the Western Australia *Building Regulations 2012* relating to domestic swimming pool fencing, barriers and gates. Since initiation by Council in August 2017, the matter has been advertised to all ratepayers outside of the townsites. A significant number of responses were received, with a slight majority of responses being against the application of compulsory pool fencing. While there is potential for liability placed upon the Shire should an accident occur, a combination of the feedback and experiences with other Local Governments has led to the conclusion that the Building Commission is better capable of leading this legislative action.

**Background**

On 10 August 2017 Council endorsed an initial request to allow the Shire's Principal Building Surveyor to pursue changes to the Western Australia *Building Regulations 2012 (Regulations)*. This would require the installation of compliant swimming pool barriers and gates to be installed around all swimming pools within the Shire of Chittering. Council agreed to initiate the amendment, subject to a consultation process being carried out. Affected landowners were identified, contacted and asked if they support or object to the proposal.

Since Council instructed that community consultation be carried out throughout the Shire of Chittering, significant information has come to attention that may affect the decision of Council:

- The Building Commission have been instructed to investigate the implementation of the 25 recommendations of the Ombudsman's investigation into ways to prevent or reduce deaths of children by drowning Nov 2017.

Recommendation 25 is to extend to the whole of Western Australia the requirements of Regulation 50(1) of the *Building Regulations 2012*, which requires each owner and occupier of all premises on which there is a swimming pool containing water that is more than 300mm deep to have a compliant barrier that restricts access by young children.

This indicates that the changes to the Regulations Council are considering to implement, may be better made by the Minister for Mines, Industry Regulation and Safety (DMIRS) in any event. This may have benefits to existing swimming pool owners without barriers as it may be better carried out by DMIRS due to the greater resources available and standardisation as compared to the Shire of Chittering.

- Investigation has been made into using existing regulations to increase the installation of compliant barriers around swimming pools within the Shire of Chittering by staff.

#### NEW SWIMMING POOLS

It has been found that it is possible to require a compliant barrier for all new swimming pools and spas within the Shire of Chittering using Regulation 31C and Part 8 division 2 of the *Building Regulations 2012*.

#### EXISTING SWIMMING POOLS

Maintenance of existing swimming pool barriers can be enforced using *Building Act 2011 division 5 112 (2) (v)*.

Upon the sale of a property an inspection of the Pool fencing can be required and faults corrected. Any swimming pools built without a Building Approval can be identified and be required to comply with the Regulations applicable to the present time, which will include the installation of a compliant barrier.

That would leave only those Pools that have a building permit and have been built legally without a swimming pool barrier unprotected. An advice note has been prepared (**Attachment 2**) that identifies the Regulations that apply to each situation when a house is transferred from one owner to another and is attached to this report.

### **Consultation/Communication Implications**

Following Council's resolution, feedback was sought from all landowners within the Shire, outside of either existing gazetted townsites (Bindoon and Muchea). The response to the request for comment from the residents was substantial:

- Support 109
- Object 136
- Total respondents 245

#### Support

Of those 109 that supported the change to the Regulations:

- Thirty-four strongly supported the changes to the regulations stating among other things that they were surprised the Shire of Chittering had not implemented it earlier and many would not consider having a swimming pool without a compliant barrier.
- Three supported, as long as it didn't apply to dams and ponds.
- Two supported the fencing of dams and water holes as well.
- Two supported the swimming pool fencing but were concerned about the fees of a Building Permit and inspections.
- Sixty-eight did not give a reason.

#### Objection

Of those 136 that objected to the change in Regulations:

- Forty-seven considered it unnecessary to have a barrier installed around swimming pools on rural properties due to the close proximity of unprotected dams and creeks. It was also considered unlikely people would enter their properties uninvited.
- Thirty-four gave various reasons such as supervision of children is a better solution, invasion of a person's rights and it is a lifestyle choice to live in a rural (less regulated) environment.
- Thirty-one stated cost and hardship in retrospectively fitting a barrier to an existing swimming pool as the reason to object.
- Twenty-four did not give a reason.

Staff experienced difficulty in categorising the responses as many gave multiples of the above reasons.

#### **Legislative Implications**

##### State

As described above, should DMIRS lead the changes, the Shire will not be required to request modifications to existing legislation.

##### Local

None

#### **Policy Implications**

##### State

Nil

##### Local

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

There are no strategic implications associated with this request.

#### **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 Building Commission have been asked by the Ombudsman to provide advice on the implementation of recommendation 25 of the *Ombudsman's investigation into ways to prevent or reduce deaths of children by drowning Nov 2017*. The implementation of this recommendation will provide the same outcome as was proposed at the Ordinary Council Meeting of 10 August 2017. Due to the superior experience and resources of the Building Commission, it seems prudent to wait to see what the Building Commission recommend.

However, in the meantime using the existing applicable Regulations it is possible to ensure:

- No new swimming pools are constructed without compliant barriers.
- When a property is sold, owners of those swimming pools that do not have a Building Approval can be made to construct a compliant barrier.
- Existing swimming pool barriers can be required to be compliant prior to sale of a property.
- Action would be taken when illegal swimming pools come to our attention.
- Media available to the Shire could also be used to educate the residents of the swimming pool barrier regulations that apply to the Shire of Chittering and highlight the need of care and supervision around swimming pools.

Using these means the number of swimming pools within the Shire without a compliant barrier will gradually reduce in number.

Accordingly, it is recommended that Council do not pursue the modifications to the Building Regulations pertaining to swimming pool barriers until such time at least until DMIRS have implemented their recommendations and conclusions.

#### 9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040818

Moved Cr Tilbury / Seconded Cr King

That Council:

1. Does not pursue modification to the *Western Australian Building Regulations 2012, Part 8, Division 2* at this time.
2. Waits for implementation by the Minister for Mines, Industry Regulation and Safety of Recommendation 25 of the *Ombudsman's investigation into ways to prevent or reduce deaths of children by drowning Nov 2017*.
3. Directs staff to use all existing means available to encourage the construction and maintenance of Swimming Pool Barriers including:
  - a. Education;
  - b. Existing Regulations. As detailed in the "Swimming Pools Barrier Advice Note" (Attachment 1) to implement compliant Swimming Pool barriers; and
  - c. Investigation into the installation of a swimming pool at the time of sale of a property and ensuring the compliance of a swimming pool barrier if required.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:31PM

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

Report date	15 August 2018
Applicant	J. Rakic
File ref	A4082
Prepared by	Ranger
Supervised by	Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

#### Executive Summary

Council is requested to consider an application for a third dog at Lot 168 (RN27) Chianina Place, Lower Chittering. The application is for an additional, third dog. Approval is required for the keeping of a third dog, in accordance with the Shire's Local Law relating to the keeping of dogs. Overall the application is considered to be satisfactory. This application is being referred to Council as an objection was received during the public comment period.

#### Background

The applicant owns the property and has lived in the Shire since 2005, owning several dogs in this time.

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

The Shire's Ranger Services sent out consultation letters, in addition to specifically speaking to the applicant, regarding the concerns raised by the neighbouring properties regarding wandering and barking issues that were present at the time of application.

The property is on 2 hectares zoned "Rural Residential" as is located on the southern side of the Chianina Place cul-de-sac. The boundary fencing consists of standard rural fencing for the area and is heavily vegetated.

#### Consultation/Communication Implications

##### Local

The Shire Ranger has sent letters to nine adjacent and adjoining land owners giving them the opportunity to comment on the additional dog application. Public consultation was undertaken by way of advertising between 11 April 2018 to 3 May 2018. Following the close of consultation, the Shire receive five submissions, the table below is a summary of their responses and Officer comment:

TABLE 1: Submissions received

Submitter	Summary of Submission	Officer's Comment
1	Objection: Concerns of the dogs wandering, previously bailed up daughter on the way to/from school	An official report has been can be addressed though the Dog Act.  The comment regarding "bailed up" is regarded as an attack, and if had been reported would have been treated as such.

Submitter	Summary of Submission	Officer's Comment
2	Objection: The dogs have created a disturbance by barking, chasing wildlife, trespassing	We have requested if the dogs are seen wandering again to notify the shire. Bark diaries were issued to verify Barking complaints.
3	Objection: Concerns of the dogs wandering and barking may increase with added numbers. If an issue was to arise with further disturbances, can the exemption be renounced	We have requested if the dogs are seen wandering again to notify the shire. If there was a serious issue that could not be rectified the exemption can be revoked with an order to remove one of the dogs.
4	Very strong issue with barking and wandering.	We have requested if the dogs are seen wandering again to notify the shire. Bark diaries were issued to verify Barking complaints.
5.	No Objection	Noted

State

Nil

**Legislative Implications**

State

• Dog Act 1976

*Part V — The keeping of dogs*

*Limitation as to numbers*

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



- (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*
  - and*
  - (c) *may be revoked or varied at any time.*
- (4) *A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment—*
  - (a) *in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under—*
    - (i) *a local law mentioned in subsection (1); or*
    - (ii) *an exemption granted under subsection (3);*
  - or*
  - (b) *more than—*
    - (i) *2 dangerous dogs (declared); or*
    - (ii) *2 dangerous dogs (restricted breed); or*
    - (iii) *one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
  - (c) *any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*
- Penalty:*
  - (a) *for an offence relating to a dangerous dog—*
    - (i) *a fine of \$10,000, but the minimum penalty is a fine of \$500;*
    - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
  - (b) *for an offence relating to a dog other than a dangerous dog—*
    - (i) *a fine of \$5,000;*
    - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved—*
  - (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
  - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,**may apply to the State Administrative Tribunal for a review of the decision.*
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

#### Local

- Shire of Chittering Dogs Local Law 2011

#### 3.2 Limitation on the number of dogs

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



*Nuisance dogs*

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

*Division 4 — Control of nuisance***38. Nuisance dogs**

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

- a) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any place; or*
  - b) is shown to be allowed to behave consistently in a manner contrary to the general interest of the community; or*
  - c) makes a noise, by barking or otherwise, that exceeds —*
    - (i) a prescribed noise level measured by a prescribed method over a prescribed period of time; or*
    - (ii) a prescribed number of times of occurrence during or over a prescribed period of time.*
- (1) A person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.*
  - (2) If an authorised person is satisfied that a dog is a nuisance as alleged in a complaint, the authorised person may issue an order to a person liable for the control of the dog requiring that person to prevent the behavior that is alleged to constitute the nuisance by a time specified in the order.*
  - (3) An order has effect for 6 months after the day on which it is issued.*
  - (4) A person to whom an order is issued must comply with the order during the period in which it has effect.*
- Penalty:*
- 1. for an offence relating to a dangerous dog —*
    - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;*
    - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
  - 2. for an offence relating to a dog other than a dangerous dog, a fine of \$5,000.*
- (5) This section does not apply to a dog while that dog is kept at an establishment licensed as an approved kennel establishment under section 27.*

**Policy Implications**State

Nil

Local

- Shire of Chittering Multiple Dog Policy

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

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

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

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Yes

A site inspection was undertaken and a few suggestions were made regarding fencing and containment:

- The front gate needs repair work done and gaps either side filled to help prevent wandering.
- A small containment area to the rear of the house has been seen, suggested to enlarge area to accommodate the three dogs.

#### **Triple Bottom Line Assessment**

##### Economic implications

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

##### Social implications

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

##### Environmental implications

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

#### **Officer Comment/Details**

The applicants have forwarded an application for the additional dog along with the appropriate fee to the Shire, including the breed of the dogs and fencing and/or confinement details.

In assessing the application, the following processes were undertaken:

- 1) All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
- 2) The Shire Ranger attended the property and undertook dog welfare and fencing check and spoke to the applicant regarding any concerns raised.
- 3) The Shire Ranger provided the objecting residents with barking diaries, to be completed for a period of two weeks, due to the complaints received regarding the barking.
- 4) The applicant was issued a notice "Order to Prevent a Dog from Being a Nuisance" due to the Barking.
- 5) The Shire Ranger has followed up with the notice to see how the applicant has responded to problem.

A Shire Ranger has attended the property to assess the dogs and the concerns of the objections. All the time of inspection, the dogs seemed to be in reasonable health.

After receiving complaints of continuous barking and consulting with several of the residents, barking diaries were issued to these residents to determine if the barking was an issue required to be acted upon. As a result, this application was put on hold to evaluate the results during this time. After receiving the diaries, it was determined that one of the dogs - "Missy" - has a barking issue. "Missy" is one of the two new dogs to the property.

An Order "To Prevent a Dog from Being a Nuisance" was subsequently issued to the applicant. This applies for six months and is to be followed up as a separate job from this application. Since the notice had been issued, a follow up has been done several weeks after to check on the progress. The applicant has engaged the help of a professional trainer ('Bark Busters') who has provided direct advice on the barking along with other training techniques to try. Should this application be approved, the Shire Rangers will undertake periodic checks with neighbours and the applicant, and continue to encourage any other training if required.

With the concerns of the dogs getting out by the respondents, the applicant will be issued a fencing order to rectify the issues cited. In addition, the applicant has been provided an explanation of the wandering laws and the penalties therein. Furthermore, the applicant has been spoken to regarding the special conditions the Permit will likely have in place, and the importance to abide by them; and the relevant Acts to be able to retain the permission.

Accordingly, the application is considered to be satisfactory, and sufficient for approval. Council is accordingly recommended to approve the application subject to appropriate conditions.

#### OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Angus

That Council approve the Application for a Third Dog at Lot 168 (RN 27) Chianina Place, Lower Chittering subject to the following Conditions:

##### Conditions

1. An Authorised Officer may at any reasonable time inspect the property.
2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property unless a new application has been approved:

Breed	Name	Microchip Number
Australian Cattle Dog	Ozzie	953 010 001 798 645
Staffordshire Bull Terrier Cross	Missy	953 010 000 872 574
Staffordshire Bull Terrier	Sharon	953 010 001 765 543
3. Should one of the current registered dogs under this application become deceased, the Applicant(s) cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering.
4. The applicant(s) must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above.

5. The dogs must be registered at all times, and be compliant to the *Dog Act 1976* and *Shire of Chittering Dog Local Law 2011* and any nuisance behaviour must be addressed immediately:
  - a. If at any time these requirements have been breached, Ranger Services may terminate the application; and may
  - b. Direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days.
6. Fencing must be kept in excellent condition and be able to prevent the dogs from going under, over or through it.

**MOTION / COUNCIL RESOLUTION 050818**

Moved Cr King / Seconded Cr Ross

That Council suspended *Local Government (Council Meetings) Local Law 2014, Part 8 – Conduct of Members* to allow free and open debate.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:32PM

**MOTION / COUNCIL RESOLUTION 060818**

Moved Cr King / Seconded Cr Tilbury

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

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:36PM

**MOTION / COUNCIL RESOLUTION 070818**

Moved Cr Angus / Seconded Cr King

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

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

7:40PM

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

### 9.3.1 List of Accounts Paid for the Period Ending 31 July 2018\*

Report Date	15 August 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 31 July 2018

#### Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 July 2018.

#### Background

Pursuant to *Local Government Act 1995*, Section 6.8 (2)(b), where expenditure has been incurred by a local government, it is to be reported to the next ordinary meeting of Council.

#### Consultation/Communication Implications

##### Local

Executive Manager Corporate Services

##### State

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

#### Policy Implications

Nil

### Financial Implications

All expenditure has been approved via adoption of the 2017/18 Annual Budget, or resulting from a Council resolution for a budget amendment.

### Strategic Implications

Nil

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### Officer Comment/Details

The attached "List of Accounts Paid as at 31 July 2018" is presented to Council for endorsement.

#### **9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080818**

**Moved Cr King / Seconded Cr Tilbury**

**That Council endorse the Accounts Paid:**

- a. PR 4449 and PR 4464**
- b. EFT 16344 to EFT 16489**
- c. Municipal Fund Cheques 12345 and 12387**
- d. Direct Debits and Transfers as listed**
- e. Trust Fund payments as listed**

**totalling \$1,012,825.67 for the period ending 31 July 2018.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0**

7:41PM

### 9.3.2 Monthly Financial Reports for the Period Ending 30 June 2018\*

Report Date	15 August 2018
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Executive Support Officer
Supervised by	Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for period ending 30 June 2018

#### Executive Summary

Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the periods ending 30 June 2018.

#### Background

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

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

#### Consultation/Communication Implications

Nil

#### Legislative Implications

##### State

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

##### Local

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

Council is requested to receive the Monthly Financial Reports for the period ending 30 June 2018 as presented.

**9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090818**

**Moved Cr Tilbury / Seconded Cr Angus**

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

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0**

7:42PM



## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Disposal of Property: Lot 121 (RN 6169) Great Northern Highway, Bindoon\*

Report date	15 August 2018
Applicant	Shire of Chittering
File ref	A9543
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"><li>1. Council Resolution 060518</li><li>2. Northern Valleys News, July 2018 (page 17)</li><li>3. The Advocate, 18 July 2018 (page 18)</li></ol>

#### Executive Summary

Council is requested to consider an offer for the sale of Lot 121 (RN 6169) Great Northern Highway, Bindoon.

IMAGE 1: Locality Plan



#### Background

The building located at Lot 121 (RN 6169) Great Northern Highway, Bindoon (zoned "Residential") was previously leased to Western Health Services (between 2002 and 2016). On completion of the Chittering Health Centre, WA Country Health vacated the building and moved into the new Centre. On vacating the property, the decision was made to return the building to a 'residential' building; which was subsequently leased to private tenants from 2016-2018.

The lease has now expired and the building is again vacant.

At the Ordinary Council Meeting held on 16 May 2018 a report (**Attachment 1**) was presented to Council authorised the Chief Executive Officer to commence the process of the disposal of Lot 121 (RN 6169) Great Northern Highway, Bindoon in accordance with the requirements of s3.58 of the *Local Government Act 1995*:

**9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060518**

*Moved Cr Osborn / Seconded Cr Angus*

*That Council authorises the Chief Executive Officer to do all things necessary to undertake the disposal of Lot 121 (RN 6169) Great Northern Highway, Bindoon in accordance with s3.58 of the Local Government Act 1995.*

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

8:05PM

The Shire engaged the services of Opteon Property Group Pty Ltd to provide a valuation for the property. Details regarding the Valuation and will be provided at the meeting.

### Consultation/Communication Implications

#### Local

The Shire engaged the services of local real estate agent 'Country Values Real Estate' to sell the property. Country Values Real Estate advertised the property in the local newspaper, Northern Valleys News, (**Attachment 2**).

The Shire published their local public notice in The Advocate on 18 July 2018 (**Attachment 3**) advising that the Shire is proposing to sell Lot 121 (RN 6169) Great Northern Highway, Bindoon to Heather and Albert Smith on Friday 17 August 2018 for \$275,000. Members of the public were invited to make submissions in relating to the sale and had until 4pm on Friday 3 August 2018.

At the close of the submission period the Shire received no submissions.

#### State

Nil

### Legislative Implications

#### State

- Local Government Act 1995

- 3.58 *Disposing of property*

- (1) *In this section —*

- dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

- property includes the whole or any part of the interest of a local government in property, but does not include money.*

- (2) *Except as stated in this section, a local government can only dispose of property to —*

- (a) *the highest bidder at public auction; or*

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

- (a) *it gives local public notice of the proposed disposition —*

- (i) *describing the property concerned; and*

- (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Local

Nil

**Policy Implications**

Nil

**Financial Implications**

In the 2017/18 budget Council approved the purchase of Lot 215 Great Northern Highway to facilitate the expansion of recreation facilities adjacent to the existing oval and the purchase of Lot 168 Binda Place to enable continued vehicle access and car parking at the Norther end of Binda Place. The sale of the subject property is intended to retire some of the debt associated with the procurement of those properties. Council has been previously briefed regarding these matters.

**Strategic Implications**

Local

- Strategic Community Plan 2017-2027
  - Focus area: Our Build Environment
  - Objective: S3.1 Development of Local Hubs

State

Nil

**Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic implications

The disposal of surplus property will enable Council to retire debt associated with the recent purchase of more strategically significant parcels of land in Bindoon (as highlighted in this report).

#### 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 disposal of this property has been undertaken in accordance with s3.58 of the *Local Government Act 1995*. It is recommended that Council accept the offer as presented.

#### **9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100818**

**Moved Cr King / Seconded Cr Gibson**

**That Council accept the offer from Heather and Albert Smith of \$275,000 (plus GST) for Lot 121 (RN 6169) Great Northern Highway, Bindoon.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0**

7:42PM

## 10. REPORTS OF COMMITTEES

### 10.1 CHITTERING BUSHFIRE ADVISORY COMMITTEE: 10 JULY 2018

#### 10.1.1 Receiving of 'unconfirmed' minutes\*

Report date	15 August 2018
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Executive Support Officer
Supervised by	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" CBFAC minutes

#### Executive Summary

Council's consideration is requested to receive the unconfirmed minutes from the Chittering Bushfire Advisory Committee meeting held on Tuesday 10 July 2018.

#### Background

Following the Chittering Bushfire Advisory Committee meeting held on 10 July 2018 the Committee recommended the following to Council:

##### 7.1 OFFICER/COMMITTEE RECOMMENDATION

*Moved Arthur Blewitt / Seconded Phill Humphry*

*That the Chittering Volunteer Bushfire Brigade recommends to Council the following appointments:*

1. *Fire Control Officer:*
  - a. *Arthur Blewitt and Shelly Pannell representing Muchea Volunteer Bushfire Brigade.*
  - b. *Jeff Reeves, Max Brown and Graham Furlong representing Lower Chittering Volunteer Bushfire Brigade.*
  - c. *Gordon Carter and Aaron Cover representing Upper Chittering Volunteer Bushfire Brigade.*
  - d. *Dennis Badcock and Scott Ormsby representing Bindoon Volunteer Bushfire Brigade.*
  - e. *Greg Cocking and Kim Haeusler representing Wannamal Volunteer Bushfire Brigade.*
  - f. *Matthew Johns and Mark Smith representing the Shire of Chittering.*
2. *Deputy Chief Bushfire Control Officer:*
  - a. *David Wilson representing the South region.*
  - b. *Phill Humphry representing the Central region.*
  - c. *Kim Haeusler representing the North Region.*
3. *David Carroll as the Chief Bushfire Control Officer.*

*CARRIED UNANIMOUSLY*

**11.1 OFFICER RECOMMENDATION**

*Moved Jeff Reeves / Seconded Arthur Blewitt*

*That the Chittering Bushfire Advisory Committee recommends to Council that membership effective 10 July 2018 is as follows:*

<i>Delegate</i>	<i>Deputy</i>
<i>Cr Peter Osborn</i>	<i>Cr Carmel Ross</i>
<i>Alan Sheridan, Chief Executive Officer</i>	<i>Nil</i>
<i>Dave Carroll, Community Emergency Services Manager/Chief Bushfire Control Officer</i>	<i>Nil</i>
<i>David Wilson, Deputy Chief Bushfire Control Officer Southern Region</i>	
<i>Phil Humphry, Deputy Chief Bushfire Control Officer Central Region</i>	
<i>Kim Haeusler Deputy Chief Bushfire Control Officer Northern Region</i>	
<i>Peter Watterston, Bindoon Volunteer Bushfire Brigade</i>	<i>Scott Ormsby, Bindoon Volunteer Bushfire Brigade</i>
<i>Jeff Reeves, Captain Lower Chittering Volunteer Bushfire Brigade</i>	<i>Graham Furlong, Training Officer Lower Chittering Volunteer Bushfire Brigade</i>
<i>Arthur Blewitt, Hazard Reduction Officer Muchea Volunteer Bushfire Brigade</i>	<i>Shelly Pannell, Captain Muchea Volunteer Bushfire Brigade</i>
<i>Gordon Carter, Upper Chittering Volunteer Bushfire Brigade</i>	<i>Aaron Cover, Upper Chittering Volunteer Bushfire Brigade</i>
<i>Greg Cocking, Wannamal Volunteer Bushfire Brigade</i>	<i>Richard Rose, Wannamal Volunteer Bushfire Brigade</i>
<i>Paul Groves, Captain Incident Support Brigade</i>	<i>Sam Murray-Whelan, Lieutenant Incident Support Brigade</i>

**CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY**

Accordingly, both Recommendations were tabled at the June Ordinary Council Meeting:

**10.1.1 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 130718**

*Moved Cr Tilbury / Seconded Cr Osborn*

*That Council authorises the following appointments:*

- 1. Fire Control Officer:*
  - a. Arthur Blewitt and Shelly Pannell representing Muchea Volunteer Bushfire Brigade.*
  - b. Max Brown and Graham Furlong representing Lower Chittering Volunteer Bushfire Brigade.*
  - c. Gordon Carter and Aaron Cover representing Upper Chittering Volunteer Bushfire Brigade.*
  - d. Dennis Badcock and Scott Ormsby representing Bindoon Volunteer Bushfire Brigade.*
  - e. Greg Cocking and Kim Haeusler representing Wannamal Volunteer Bushfire Brigade.*
  - f. Matthew Johns and Mark Smith representing the Shire of Chittering.*



2. Deputy Chief Bushfire Control Officer:
  - a. David Wilson representing the South region.
  - b. Phil Humphry representing the Central region.
  - c. Kim Haeusler representing the North Region.

3. David Carroll as the Chief Bushfire Control Officer.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

8.36pm

#### 10.1.2 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 140718

Moved Cr Ross / Seconded Cr Osborn

That the Chittering Bushfire Advisory Committee recommends to Council that membership effective 10 July 2018 is as follows:

Delegate	Deputy
Cr Peter Osborn	Cr Carmel Ross
Alan Sheridan, Chief Executive Officer	Nil
Dave Carroll, Community Emergency Services Manager/Chief Bushfire Control Officer	Nil
David Wilson, Deputy Chief Bushfire Control Officer Southern Region	
Phil Humphry, Deputy Chief Bushfire Control Officer Central Region	
Kim Haeusler Deputy Chief Bushfire Control Officer Northern Region	
Peter Watterston, Bindoon Volunteer Bushfire Brigade	Scott Ormsby, Bindoon Volunteer Bushfire Brigade
Jeff Reeves, Captain Lower Chittering Volunteer Bushfire Brigade	Graham Furlong, Training Officer Lower Chittering Volunteer Bushfire Brigade
Arthur Blewitt, Hazard Reduction Officer Muchea Volunteer Bushfire Brigade	Shelly Pannell, Captain Muchea Volunteer Bushfire Brigade
Gordon Carter, Upper Chittering Volunteer Bushfire Brigade	Aaron Cover, Upper Chittering Volunteer Bushfire Brigade
Greg Cocking, Wannamal Volunteer Bushfire Brigade	Richard Rose, Wannamal Volunteer Bushfire Brigade
Paul Groves, Captain Incident Support Brigade	Sam Murray-Whelan, Lieutenant Incident Support Brigade

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

BY AN ABSOLUTE MAJORITY

8.37pm

### Consultation/Communication Implications

#### Local

Chittering Bushfire Advisory Committee

#### State

Nil

### Legislative Implications

#### State

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

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

Nil

### Strategic Implications

#### Local

- *Strategic Community Plan 2017-2027*
  - Focus area: Our community
  - Objective: S1.2 Strong sense of community
  - Strategy: S1.2.1 Actively support community, volunteer groups and networks
  - Objective: S1.3 A safe and healthy community
  - Strategy: S1.3.1 Improve the safety of our community
  - Focus area: Our natural environment
  - Objective: S2.3 Protection of life and property
  - Strategy: S2.3.1 Improve bushfire preparedness and recovery

#### State

Nil

### Site Inspection

Not applicable



### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Officer Comment/Details**

Council is requested to receive the unconfirmed minutes from the Chittering Bushfire Advisory Committee meeting that was held on 11 July 2018.

#### **10.1.1 OFFICER / COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 110818**

**Moved Cr Gibson / Seconded Cr Ross**

**That Council receives the unconfirmed minutes of the Chittering Bushfire Advisory Committee meeting held on Tuesday 11 July 2018.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0**

**7:43PM**

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

### 11.1 Annual Meeting of Electors (Cr Carmel Ross)

#### NEW MOTION / COUNCIL RESOLUTION 120818

Moved Cr Ross / Seconded Cr Tilbury

That Council adopt the practice of holding the annual electors meeting, on a rotating basis, in the larger population centres of Muchea, Lower Chittering and Bindoon; with the 2018 meeting held in Muchea, 2019 in Lower Chittering and 2020 in Bindoon.

THE MOTION WAS PUT AND DECLARED CARRIED 4/3  
ON CASTING VOTE OF PRESIDING MEMBER

7:50PM

*Cr Ross provided the following information*

The Shire of Chittering, according to the 2016 census, has four centres where the population exceeds or is close to 1000 residents:

Location	SSC code	Population 2016 census	Percentage of Shire population**
Wannamal	51509	114	2.03%
Bindoon	50126	1183	21.04%
Mooliabeenee	50973	157	2.79%
Chittering	50290	921	16.38%
Lower Chittering	50854	2127	37.83%
Muchea	51030	968	17.22%
Other locations		153	2.72%
<b>TOTAL</b>		<b>** 5623</b>	

**\*\*** The SSC code totals do not add up to the total shire population in the census, with a difference of 153 residents. The percentage figures are calculated using the shire total population figures.

**SSC** is a Census-specific area where Statistical Areas Level 1 (SA1s) are aggregated to approximate suburbs. It is available for the whole of Australia, but in rural areas SSC poorly represent the gazetted localities. ABS does not appear to have any other area classification system that aligns with local government localities.

Source of data: [www.abs.gov.au](http://www.abs.gov.au)

The Shire is spread out across a large land mass leading to the need for residents to travel up to 30 minutes to Bindoon (at present) if they wish to attend an annual electors meeting. There is value in spreading the need to travel to the meeting across the Shire, so the same residents are not always required to travel. The recently formed Chittering Ratepayers and Residents Association has acknowledged this population profile within the Shire and has adopted the strategy of rotating meetings from the outset, already holding meetings in Bindoon, Muchea and Lower Chittering.

In earlier years, Bindoon had a larger population than the other locations, and because of this the Shire office is located there. However, Bindoon, Muchea and Lower Chittering all have community halls that could accommodate the annual electors' meetings and there is no reason or requirement that the annual electors meeting be held in the same location as the Shire offices.

The rotation of venues for the annual electors meeting is likely, over time, to encourage greater attendance at these important meetings by residents in Muchea and Lower Chittering, both of which are undergoing rapid population growth and are contributing a large percentage of rates revenue to the Shire. In tandem with this, holding annual electors' meetings in other locations may enhance the sense of belonging to the Shire of residents in these places by hosting a meeting of their elected members and having the opportunity to voice matters of interest and concern to them.

## **12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

### **12.1 Previous questions from Members without notice asked at the Ordinary Council Meeting held on 18 July 2018**

#### **12.1.1 Rosa Park Development – Cr Aaron King**

*Why did the Shire of Chittering approve the Rosa Park development knowing that some properties would fall within the 500m buffer exclusion zone from the disused extractive industry pits located in the City of Swan (Lot 12 (RN 1201) Chittering Road, Bullsbrook (DA-66/2016))?*

##### Response from the Senior Planning Officer

The Rosa Park development was identified and zoned for Rural Residential purposes in 2004 under the previous Shire of Chittering Local Planning Scheme No5. Subsequently, a Structure Plan (Development Plan) for the Rosa Park development was approved by Council in November 2006 however, it was noted at the time, that no extractive operations were currently taking place on the adjacent land to south and that no valid extractive industry licences existed at the time.

Notwithstanding the above, to address the impacts a future extractive industry may have on the Rosa Park development, Council imposed a subdivisional requirement that all properties within the recommended EPA buffer distance from the extractive industry site be provided with a Section 70A Notification on their Title. This was upheld by the Western Australian Planning Commission.

The Section 70A Notifications advises future owners of these properties that they are 'in close vicinity to future clay extraction industrial use and may be subject to some affect with regard to dust and noise and the like that this land use may cause'.

It is noted the properties, that are subject to this notification, were identified and selected by the WAPC at the subdivision approval stage.

**12.1.2 Future re-use of the industry pits or possible change of land use – Cr Aaron King**

*What assurances, if any, did the Shire of Chittering give to either the developer or property purchasers regarding the future re-use of the extractive industry pits or possible change of land use that could impact on residents?*

*Response from the Senior Planning Officer*

The Section 70A notifications that were provided on the relevant Titles of properties advises of the potential impacts created by a future clay extraction industrial use.

Any proposed future re-use of the subject extraction industry would need to undergo the planning process which should include assessment of impacts of the development on nearby property owners. As the extractive industry is located within the City of Swan, all applications associated with the site will be processed and determined by the City of Swan.

**12.2 Questions from Members without notice asked at the Ordinary Council Meeting held on 15 August 2018**

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

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

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

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

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

**MOTION / COUNCIL RESOLUTION 130818**

**Moved Cr Tilbury / Seconded Cr Ross**

**That Council, in accordance with c5.4(2) of the *Local Government (Council Meetings) Local Law 2014* deal with item 13.1 Appointments of Fire Control Officers, as the matter is unable to be dealt with administratively by the local government and must be considered by Council before the next meeting.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**

7:53PM

### 13.1 Appointments of Fire Control Officers

Report date	15 August 2018
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Executive Support Officer
Supervised by	Community Emergency Services Manager
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

#### Executive Summary

Council's consideration is requested to appoint two additional Fire Control Officers for the coming 2018/2019 financial year.

#### Background

At the Ordinary Council Meeting held on 18 July 2018 Council resolved the following:

##### 10.1.1 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 130718

*Moved Cr Tilbury / Seconded Cr Osborn*

*That Council authorises the following appointments:*

1. *Fire Control Officer:*
  - a. *Arthur Blewitt and Shelly Pannell representing Muchea Volunteer Bushfire Brigade.*
  - b. *Jeff Reeves, Max Brown and Graham Furlong representing Lower Chittering Volunteer Bushfire Brigade.*
  - c. *Gordon Carter and Aaron Cover representing Upper Chittering Volunteer Bushfire Brigade.*
  - d. *Dennis Badcock and Scott Ormsby representing Bindoon Volunteer Bushfire Brigade.*
  - e. *Greg Cocking and Kim Haeusler representing Wannamal Volunteer Bushfire Brigade.*
  - f. *Matthew Johns and Mark Smith representing the Shire of Chittering.*
2. *Deputy Chief Bushfire Control Officer:*
  - a. *David Wilson representing the South region.*
  - b. *Phil Humphry representing the Central region.*
  - c. *Kim Haeusler representing the North Region.*
3. *David Carroll as the Chief Bushfire Control Officer.*

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0**  
8.36pm

Following the meeting, the Chief Bush Fire Control Officer noted that two Brigade Captains were not included in the Committee Recommendation to Council, being Peter Watterston from Bindoon Volunteer Bush Fire Brigade, and Richard Rose from Wannamal Volunteer Bush Fire Brigade.

## Consultation/Communication Implications

### Local

Chittering Bushfire Advisory Committee

### State

Nil

## Legislative Implications

### State

- Bushfire Brigades Local Law 2013

#### **3.10 Advisory Committee to nominate bush fire control officers**

*As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.*

#### **3.11 Local government to have regard to nominees**

*When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.*

### Local

Nil

## Policy Implications

### State

Nil

### Local

Nil

## Financial Implications

There will be costs incurred for the advertising of the appointed Fire Control Officers, which has been allowed for in the Shire's draft 2018/19 Annual Budget (due to be adopted at the Ordinary Council Meeting on 18 July 2018).

## Strategic Implications

### Local

- Strategic Community Plan 2017-2027

Focus area: Our community

Objective: S1.2 Strong sense of community

Strategy: S1.2.1 Actively support community, volunteer groups and networks

Objective: S1.3 A safe and healthy community

Strategy: S1.3.1 Improve the safety of our community

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

State

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment/Details**

The Chittering Bushfire Advisory Committee considered the nominations that have been presented from each Brigades Annual General Meeting for the position of Fire Control Officer. The position of Chief Bushfire Control Officer is filled by the Shire's Community Emergency Services Manager. Following the meeting, the Chief Bush Fire Control Officer noted that two Brigade Captains were not included in the Committee Recommendation to Council, being Peter Watterston from Bindoon Volunteer Bush Fire Brigade, and Richard Rose from Wannamal Volunteer Bush Fire Brigade.

**13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140818**

**Moved Cr Tilbury / Seconded Cr Ross**

**That Council authorise the following appointments:**

- 1. Fire Control Officers:**
  - a. Peter Watterston representing Bindoon Volunteer Bush Fire Brigade.**
  - b. Richard Rose representing Wannamal Volunteer Bush Fire Brigade.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0**

7:54PM

**14. MEETING CLOSED TO THE PUBLIC**

Nil

## 15. CLOSURE

The Presiding Member declared the meeting closed at 7:54PM.



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