

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

25 June 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 16 July 2014.

SIGNED BY

Person presiding at meeting 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.

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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

2.1 Attendance

The following members were in attendance:

Cr Robert Hawes	President (Presiding Member)
Cr Michelle Rossouw	Deputy
Cr Sandra Clarke	
Cr Alex Douglas	
Cr Don Gibson	
Cr Doreen Mackie	
Cr Barni Norton	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Jim Garrett	Executive Manager Technical Services
Mr Azhar Awang	Executive Manager Development Services
Mrs Karen Parker	Manager Human Resources
Ms Danica Kay	Executive Assistant (Minute Secretary)

There were eighteen members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Public Question Time – G Belgrove – Targa West

Graham Belgrove 123 Limousin Way, Lower Chittering submitted the following questions prior to the Council meeting:

As I have previously written to advise councilors there are at least 120 homes in Maryville Downs that according to the Quit Targa West Traffic Management Plan on page 38 are in the unsafe for viewing territory.

LGIS has reported to the Senior Planning Officer that there are 10 High and Significant risks still remaining. I understand this to mean that there are 10 still existing life-threatening exposures to the people of Maryville Downs. That is 10 hazards according to the Risk Management Matrix on the Targa West Risk Management Plan, that rate as having the potential for a catastrophic outcome. Catastrophic; meaning the potential to kill and or maim one or more members of our community.

Question Does council seriously believe that QTW have done enough to make our residents safe during their occupancy of Maryville Downs and what do you believe will be the benefits to the residents of MVD if you allow this event back on our streets?

Bearing in mind the Risk Assessment Document presented by QTW is totally inadequate given that it is generic and does not address risk directly associated with the MVD event

Also bearing in mind that QTW have had 10 years to eliminate, administer or engineer (in accordance with their stated hierarchy of control 5.1 Pg 18) out the stated 10 high and significant hazards of the event. Yet here they are on our doorstep inadequately prepared.

Response LGIS have reviewed the document and satisfied it is compliant with the International Standards. Condition 3 of the approval requires the Traffic and Risk Management Plans are to be assessed and approved by an independent qualified consultant and a copy provided to the Shire.

Benefits have been expressed in the Report as 'general' to the local community and wider community as a whole. Benefit to individual residents of Maryville Downs varies.

4.2.2 Public Question Time – M Penketh – Targa West

Mark Penketh submitted the following questions prior to the Council meeting:

Question The Traffic Management Plan to be submitted by Targa West only covers separating the racing from public entry, it does not control the risks associated with racing or controls required to be imposed on drivers. Due to the nature of the event the only controls that can be placed on drivers are administrative which is considered the lowest level of control under hierarchy of controls. On a closed track, drivers are able to undertake practice laps at close to race conditions but in this type of event they cannot practice under racing conditions and therefore more likely to be subject to driver error which has resulted in 7 fatalities in Targa Rallies in Australia. What controls (other than administrative controls) will be imposed on the organisers and drivers to prevent a serious accident?

Response Agree, the Traffic Management Plan is in relation to the public traffic, not the event traffic.

We have been advised by the event organiser that drivers are provided course instructions which, highlight areas on the course that require “caution” and “extreme caution”. In addition these areas are further highlighted on the course by visual markers to advise the drivers. The course instructions also provide an exact distance between intersections, bends and any other landmarks, deviation or change of road condition.

On the day of the event drivers are further provided a course briefing.

Question Road damage may be of a form of accelerated wear (seal stripping) or stress fractures to the seal (cracks in the pavement) or opening up of existing cracks in the seal which may not be immediately apparent post the race because conditions worsen over time with the effects of rain and weather. An insurance bond for damage may not cover the risks to the Council if the Insurance Company offering the cover claims existing cracks in the pavement are the responsibility of the Council even if immediate damage occurs and then refuse to pay out a claim. Will the Council seek a Bank Guarantee secured against “Real Property” worth at least \$500,000 to protect ratepayers from additional costs for any damage that becomes apparent within a twelve month period post the event?

Response No, Council has not sought a bank guarantee. An inspection of the route of the Targa West race has been done by Technical Services staff including videoing the road surface. Another inspection of the road surface will be taken if the race application is successful and a condition report prepared of areas like cracks in pavements, edge wear, seal condition and sub base failures. An inspection will also be conducted between representatives of Targa West and Technical Services staff of the race route before the race and the inspection results documented. On the first working day after the race another inspection, including videoing the road surface by Technical services staff will be done and a report prepared.

4.2.3 Public Question Time – D Barnard – Targa West

David Barnard, Lower Chittering asked the following questions at the Council meeting

Question In case councilors have not had time to read it, I refer to the email sent to Councillors on 24 June 2014:

“The Risk Management Plan was prepared by Mr Ross Tapper to an unsuitable standard and furthermore fails to meet the required standard. As an example, his Risk Category 19 (Crowd and Traffic Control), Hazard ‘Death or Injury’ is rated incorrectly as initial risk ‘HR’ (High Risk)

- *Having assessed initial risk as: Likelihood=‘A’ (Almost Certain) and Severity=‘5’ (Catastrophic) he must assign this hazard as ‘E’ for Extreme Risk*
- *The final risk, ie: the one to which we are exposed, cannot be lowered to ‘HR’ as in Mr Tappers RMP without providing explicit Management provisions; for example ‘Crowds must be set back at a suitable distance...’ is unacceptable because no measures or locations are specified: so, the risk remains ‘E’ treated as ‘unacceptable risk’*

Having consulted their own adviser, LGIS, the Shire Officers can be left in no doubt the above

- *(to quote LGIS) ‘Each risk/hazard is not explicitly stated for each risk rating’ and ‘there are still ten high and significant risks remaining’.*

Does Council think the rating ‘HR’ is appropriate for this agenda item?

If this rating ‘HR’ is not considered appropriate, what is the maximum risk rating considered right?

Response The Chief Executive Officer advised that this issue is covered by condition 3 of the officer recommendation.

Question Condition 3 requests the Traffic Management Plan and Risk Management Plan to be assessed and approved 14 days prior to the event, is this enough time?

Response The Chief Executive Officer advised that Council is expecting it sooner than 2 weeks prior to the event, this timeframe is used a guide.

4.2.4 Public Question Time – J David– Targa West

John David, Lower Chittering asked the following questions at the Council meeting

Question What is the cost to Council for this application?

Response The Chief Executive Officer advised that the only cost to Council is administrative and that this application is no more involved than any other application.

4.2.5 Public Question Time – G Belgrove – Targa West

Graham Belgrove, Lower Chittering asked the following questions at the Council meeting

Question The LGIS risk report states that the risks cannot be quantified, those risks are passed onto the spectators. Do you accept that as a fact?

Response The Chief Executive Officer queried how the risk of any driving on any roads can be quantified.

4.2.6 Public Question Time – G Ognenis – Targa West

George Ognenis, Lower Chittering made the following statement at the Council meeting

What would you prefer, racing in a controlled environment or driving on the roads with hoons? There is more risk involved in driving down the road.

4.2.7 Public Question Time – D Barnard – Targa West

David Barnard, Lower Chittering asked the following questions at the Council meeting

Question I contest the point made about driving on the road. The risk of driving on the road is 1/100 million kms. There have been 7 fatalities in Targa West events. Where do you get your statistics from?

Response The Chief Executive Officer advised that a lot of the risks can be managed and dealt with, this is covered by condition 3.

4.2.8 Public Question Time – R Pizzino – Waste

Robert Pizzino, Bindoon asked the following questions at the Council meeting

Question Why is the rubbish collection compulsory? What will the cost be? Have Council looked at any other alternatives?

Response The Chief Executive Officer advised that the rubbish collection is compulsory to provide an equitable service to the community. He further advised that recycling hasn't been done like this in our Shire before and will no longer be dumped in our landfill, it will be taken out of the Shire.

The Chief Executive Officer further advised that the cost has not yet been set, there will be a 2 bin service provided at the same cost, if not less than the current 1 bin service provided by the private contractor.

4.2.9 Public Question Time – V Penketh – Targa West

Vanessa Penketh, Lower Chittering asked the following questions at the Council meeting

Question My concern is for the teenagers, we don't want to give them the wrong message about rally driving in the area. Why can't the event be held at Barbagallo Raceway where there would be better control instead of near our properties which we want to enjoy?

Response The Chief Executive Officer advised that where the event is held, is outside Councils control. The applicants approached Council for approval, which they are entitled to do.

4.2.10 Public Question Time – J Curtis – Waste

John Curtis, Lower Chittering asked the following questions at the Council meeting

Question Gingin don't have recycling collection unless they choose to pay for, why is this compulsory for our shire?

Response The Chief Executive Officer advised that he is unsure what Gingin do, however generally most local governments have compulsory rubbish collection.

The Shire President further commented that the service commences on 1 September 2014 and the costs have not yet been set. More information will be provided to residents as soon as possible.

The Chief Executive Officer advised that a letter will be sent to every resident in the next couple of weeks.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

5.1 Deputation – Ross Tapper, Targa West

Mr Ross Tapper made a deputation to Council in favour of the proposed Targa West event.

5.2 Deputation – Mr G Ognenis, Targa West

Mr George Ognenis made a deputation to Council in favour of the proposed Targa West event.

5.3 Deputation – Mr G Tilbury, Targa West

Mr George Tilbury made a deputation to Council against the proposed Targa West event.

5.4 Deputation – Mr G Belgrove, Targa West

Mr Graham Belgrove made a deputation to Council against the proposed Targa West event.

5.5 Deputation – Ms A Barnard, Targa West

Ms Alison Barnard made a deputation to Council against the proposed Targa West event.

5.6 Deputation – Cr K Bailey, Targa West

Mr Kevin Bailey, Councillor from the City of Swan made a deputation to Council in favour of the proposed Targa West event.

5.7 Petition – Targa West

A petition has been received containing 63 signatures in favour of the Proposed Targa West event.

5.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010614

Moved Cr Rossouw / Seconded Cr Mackie

That the petition containing 63 signatures from Maryville residents in favour of the Targa West event be received.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Application for Leave of Absence – R Hawes

Cr Robert Hawes has requested a leave of absence for the period 13 – 24 October inclusive.

6.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020614

Moved Cr Rossouw / Seconded Cr Mackie

That Councillor Robert Hawes be granted a leave of absence for the period 13 – 24 October 2014 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

6.2 Application for Leave of Absence – S Clarke

Cr Sandra Clarke has requested a leave of absence for the period 22 August 2014 to 12 September 2014 inclusive.

6.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 030614

Moved Cr Rossouw / Seconded Cr Mackie

That Councillor Sandra Clarke be granted a leave of absence for the period 22 August 2014 to 12 September 2014 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

6.3 Application for Leave of Absence – B Norton

Cr Barni Norton requested a leave of absence for the 16 July 2014.

6.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040614

Moved Cr Norton / Seconded Cr Douglas

That Councillor Barni Norton be granted a leave of absence for the 16 July 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 21 May 2014

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 050614

Moved Cr Rossouw / Seconded Cr Clarke

That the minutes of the Ordinary meeting of Council held on Wednesday, 21 May 2014 be confirmed as a true and correct record of proceedings with the following amendment:

That the reason the motion was lost for item '9.3.4 In Principle Support For An Indoor Gym Proposal' be amended to:

"That Council is not committing to a use for that room for a period of 12 months to determine the best use for the room."

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

8.1 Announcement by Presiding Member

The Shire President advised of three recent passing's of community members and gave a brief description of each person and their contribution to the community. Following this asked all members of the meeting and gallery to stand for a moment's silence.

Eric C Gray was first elected as a Councillor in 1965 and served until 1975. During his time as a Councillor Mr Gray was elected President and served between 1973 until 1975.

Frederick A Dewar (known as Sid) was first elected as a Councillor in 1965 and served until 1983. During his time as a Councillor Mr Dewar was elected President and served between 1975 until 1977.

Maisy Higgs, Shire of Chittering community member passed at 104 years old.

The Shire President further advised that item '9.1.4 Targa West Rally Event – Maryville Downs, Lower Chittering' will be moved forward to the next item on the agenda for the convenience of those in the public gallery.



9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.4 Targa West Rally Event – Maryville Downs, Lower Chittering*

Applicant	Targa West
File ref	26/01/5 P105/14
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Applicant cover letter with Stage plan2. Traffic Management Plan dated 2 May 20143. Risk Management Plan4. Schedule of Submissions5. Item 9.1.7 OCM 19 March 20146. Consultation Plan

Background

At the 16 December 2009 Ordinary Council Meeting, Council resolved to withdraw their involvement in the Targa West Rally, which was previously consolidated as part of a Heads of Agreement Deed until 2010.

Targa West approached the Shire in January 2014 to seek 'in principle approval from Council', subject to a survey showing strong support for the event in order to submit an application for the rally event and road closures in Maryville Downs.

Council at its 19 March 2014 Ordinary Council Meeting (Attachment 5) resolved as follows:

"That Council writes to Targa West advising that it provides an "In Principle support" for the car rally event in the Maryville Estate to be considered subject to a formal Planning Application to be submitted to Council which will require notification to all affected landowners, and for the following information to be provided as part of the Planning Application:

- 1. A completed Planning Application form and details pertaining to the proposed Targa West Car Rally;*
- 2. A Risk Management Plan;*
- 3. Details of refuelling arrangements; and*
- 4. Toilet facilities at Service and Refuel Parks in accordance with relevant Local Laws."*

Following this, Targa West submitted a Planning Application for the Targa Rally event in the Maryville Downs Estate with a Traffic Management Plan and Risk Management Plan. Targa West has advised no Service or Refuel Parks will be set up for this stage of the rally but has mentioned small refuelling may take place nearby such as Lower Chittering Hall Car Park Area or Western Range Winery if considered acceptable by the Shire (Attachment 1). Targa West have and continue to hold annual Targa Rally events in the City of Perth, City of Kalamunda, City of Swan, Shire of Toodyay and Shire of Mundaring. This event has been held in Toodyay for the last nine consecutive years.

The event, if approved would result in the following roads being used in Lower Chittering and they would be required to be closed from 1:15 to 4:15pm, a total of three (3) hours on the Saturday 16th August 2014;

1. Maine-Anjou Drive
2. Dexter Chase
3. Holstein Loop
4. Portion of Santa Gertrudis Drive
5. Sussex Bend
6. Ayrshire Loop
7. Murray Grey Circle
8. Charolais Trail
9. Limousin Way

The Planning Application has been advertised and now requires Council's determination.

Consultation

The proposed public event was advertised for a period of 28 days in the following ways:

- Advertisement in The Advocate;
- Advertisement on the Shire's website; and
- Referral letters to all affected and nearby landowners (Maryville Downs landowners and other landowners in the near vicinity of Maryville Downs Estate)

A Schedule of Submissions has been attached (Attachment 4). A total of 22 submissions (21 public) were received. The Applicant was provided with the opportunity to respond to the submissions made.

LGIS were also consulted and provided the following advice:

"I can confirm that the plan demonstrates a structured approach has been taken and generally aligns with AS/NZS ISO 31000:2009 Risk Management. The following points highlight key components of the plan in relation to the risk management process prescribed in ISO 31000;

- 1) *Establish the Context (generally aligned to ISO 31000)*
 - *Event context is provided through the event details and principle legal references. Additional information regarding key event stakeholders would be useful but this may be contained in Appendices – distribution list or contact list.*
 - *The risk management context is provided as the risk management matrix documenting the risk assessment and acceptance criteria.*
- 2) *Risk Identification (aligned to ISO 31000)*
 - *Risks / Hazards are identified with risk categories in a risk register.*
- 3) *Risk Analysis (aligned to ISO 31000)*
 - *Risks / Hazards have been analysed in terms of areas of impact, and likelihood and severity to determine a risk rating before and after management of the risks.*
- 4) *Risk Evaluation (partially aligned to ISO 31000)*
 - *No risk / hazard owners are assigned.*
 - *Whilst an evaluation decision for each risk / hazard is not explicitly stated, for each risk the risk rating as documented in the risk management matrix implies the risk evaluation decision.*
- 5) *Risk Treatment (aligned to ISO 31000)*
 - *Risk treatments are documented for each risk / hazard under 'management of the risk'.*
 - *NOTE: Following risk treatment there are still ten high and significant risks remaining. While this may just be the nature of the event, the Shire may wish to seek further*

detailed / supporting information in relation to the prevention, monitoring and response controls in place for those risks.

6) *Monitor & Review (not aligned to ISO 31000)*

- *There is no mention of monitor and review components or requirements for the risk information or risk management plan, however this may be noted in other appendices such as the distribution list.*

In addition I would also encourage the Shire to undertake your own assessment of the event with respect to the following to determine if you are comfortable accepting the risks based on your risk tolerance:

- *Impacts to local community*
- *Impacts to Shire assets / infrastructure / services*
- *Impacts to Shire's reputation*
- *Impacts to public / participants*
- *Impacts to ongoing compliance*
- *Impacts to City resources*

Please note this advice only comments on the risk management plans alignment with relevant risk management standards providing assurance that the event managers have demonstrated a structured approach to anticipating, understanding and managing event risks. It does not provide assurance that all foreseeable risks are identified and/or risk treatments are appropriate and effective."

Confederation of Australian Motor Sports (CAMS) also provided comments advising that CAMS have received a permit application for the event and that CAMS have provided insurance cover for the event.

Executive Manager Technical Services

Statutory Environment

State: Road Traffic Act 1974

Policy Implications

Local: *Register of Policies*

The Shire's Register of Policies covers Concerts, Events and Organised Gatherings whereby the Shire's Principal Environmental Health Officer shall be the responsible officer. Given the nature of the proposed event, it was considered appropriate that the planning department deal with the application.

State: *Guidelines for Concerts, Events and Organised Gatherings 2009*

The *Guidelines for Concerts, Events and Organised Gatherings 2009* was developed by the Department of Health to prescribe requirements in a format that could be used to guide local government in dealing with and applicants in preparing for an event.

Financial Implications

The costs associated with advertising the planning application have been invoiced to the Applicant.

The damage and 'wear and tear' on the roads have also been raised as concerns by the public. However, if the event is approved, these concerns can be addressed by way of imposing a condition that the Applicant be responsible for any repairs caused as a result of the event.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: It is expected, that if the event is approved a further site inspection would be undertaken prior to and post-event by the Shire's Technical Services department and Targa West to assess the roads and any damage should the event be supported.

Triple Bottom Line Assessment

Economic Implications

Whilst the events direct economic impact on the Shire's community businesses may be limited and very difficult to measure initially. The high profile nature of the event would provide great tourism opportunities for return visitors after the event. That is, the event may expose the area to visitors that may not have been aware of Chittering had the event not been held here.

The proposed event may provide some economic stimulus (i.e. people coming in to the area to watch/participate) and would provide exposure of the area through national television and media coverage. As mentioned above the event could result in a greater number of visitors to the area throughout the year and possibly increase the interest in property in the area, particularly given the scenery at this time of the year.

Targa West have advised the following media cover and campaign would be undertaken prior to, and during the event;

- **Television:** 1 hour TV documentary on Channel 73 (7Mate) nationally at 2.00pm on Saturday 18th October 2014. This is then repeated on 7Mate and the Fox Speed Channel numerous times and broadcast internationally through Sky New Zealand; Raceworld in the UK; FoxSports in the USA plus at least another 12 countries.
- **Youtube:** Our own YouTube TV Channel attracts over 25,000 views which shows the highlights of the event during the running of the event.
- **Media:** The West Australian newspaper will be running a 4 page feature in The Motoring Liftout on the Wednesday before and again after the event. In addition articles are printed in the motorsport section prior to the event and at least another 14 Community Papers will print articles on the event. If the Maryville Downs Estate stage is approved we will produce a media release purely on this stage.
- **Radio:** Extensive radio advertising and promotion will take place for the 2 weeks leading up to the rally on 96FM and 6PR.
- **Website:** The Quit Targa West website www.targawest.com.au is the place for the latest information for competitors, residents and spectators. Road Closure times for the various stages are on the website now.
- **Facebook:** The Targa West Events Facebook Page www.facebook.com/targawest has over 4,700 Likes and has a Reach of around 40,000 people during the running of the event.

- **Public Displays:** We run a public display of the cars promoting the event in Perth City Murray Street Mall a few weeks prior to the rally.
- **Spectators:** It is estimated that 25,000 to 30,000 spectators will visit the event at either a spectator points, service parks in Kalamunda, Toodyay and Malaga or the Show'N'Shine in Northbridge on the Friday evening of the rally.
- **Ceremonial State:** The rally starts in the centre of the City in Forrest Place on the Thursday Lunch Time and attracts a huge crowd.
- **The Grand Finale** of the event (including the Champagne Finish) is the Sunday City Stage held in the CBD on Riverside Drive, Victoria Ave and the Concert Hall Carpark. Thousands of people gather to experience the carnival atmosphere with Classic Car Displays, other race car sprints and of course the main event with the Rally Cars competing over the 3 km Special Stage.”

Targa West has provided an undertaking to provide a \$10,000 donation for the benefit of the local community in the Lower Chittering area. If the event is approved, the application of these funds would be decided by Council

Social implications

The advertising period resulted in 21 submissions; 14 objecting to the event and 7 in support of the event. While the 21 submissions represent a small proportion of the 463 letters that were sent to residents in the area and general public notified of the proposal, the submissions received indicate concerns of public safety and unnecessary inconvenience. The submissions indicating support included reasons of the opportunity for family and friends gathering and the event promoting the area.

Environmental implications

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

Comment

Council's previous decisions

As mentioned in the 'Background' section of the report, Council resolved in 2009 to not support the Targa Rally in the Shire by terminating the Heads of Agreement Deed. This decision was made based on 'considerable opposition' to the event where 74 of the 84 submissions objected to the event in the Shire

Targa West undertook a survey of Maryville residents in 2014, prior to submitting the application for this event. The report to Council for the 19 March 2014 Ordinary Council Meeting to consider 'in principle support' for a Targa Rally event in Maryville Downs in 2014 included the results of the survey undertaken by Targa West which showed a 40% (180/454) response rate, which is one of our higher response rates for a community survey, with 71% (129/180) supporting the event and 20% (37/180) against, the balance not concerned either way.

Maryville 2014 Survey Results

454 / 100% Total number of surveys delivered
129 / 28% In favour of the event proceeding
14 / 3% Not concerned either way
37 / 8% Against the event proceeding
274 / 60% Did not respond

The total number of surveys received was 180.

Guidelines

The event was assessed with guidance from the *Guidelines for Concerts, Events and Organised Gatherings*. The Guidelines prescribes requirements for various types of events. Guideline 12 relates to motor sports and the recommendation for a motor sports event to be administered by an appropriate authority such as the Confederation of Australian Motor Sports (CAMS). CAMS response indicates this to be the case.

It is considered the documentation provided for the proposed event generally meets the requirements of the Guidelines with the preparation and implementation of a Traffic Management Plan and Risk Management Plan and the support from CAMS.

Submissions

As mentioned in the 'Consultation' section of this report, the proposed event was advertised for a period of 28 days. The process involved the following:

- 463 letters were sent to residents of Maryville Downs and residents in the locality as per the attached plan (Attachment 6) providing the opportunity to make a submission;
- Two advertising signs located at the intersections of Muchea East Road with Santa Gertrudis Drive and Hereford Way;
- An advertisement in The Advocate newspaper; and
- An advertisement on the Shire's website.

Within this period a total of 21 public submissions and 1 agency submission were received. Of the 21 public submissions, 7 were in support of the event and 14 objected to the event. The 1 agency submission did not have any specific comments for the event. It should be noted that the public event was advertised to the Shire population, with specific referral letters to those directly affected in the Maryville Downs Estate area (463 letters). By taking that into consideration the 14 objections received represent a relatively low level of objection to the event given Lower Chittering's total estimated population of over 1,558 people (*ABS 2011-quick stats*).

The Schedule of Submissions (Attachment 4) provides a more detailed account of all the submissions received with a column for the Applicant's response and a column for the Shire's response to each of the points made.

The public submissions objecting to the event being held raised a number of concerns mostly related to:

- Safety to spectators;
- Safety for animals;
- Damage to roads and private property;
- High speed on roads designed for low speed;
- Noise;
- Questioned benefit to the Shire and residents; and
- Reckless driving following the event.

Responses to the individual concerns raised have been addressed in the Schedule of Submissions (Attachment 4). In relation to the above general concerns, it is considered that what can be reasonably addressed has been included in the Traffic Management Plan and Risk Management Plan and the provision of a Rally Safety Plan on the day. The concerns of damage to infrastructure can be addressed through the requirement of a bond and inspections whereby Targa West would be responsible for any costs.

LGIS were also consulted for advice (copy in the 'Consultation' section). Their assessment of the risk management for the event concluded that the Risk Management Plan generally aligned with the relevant International Standard (ISO). The Shire's assessment of the risks of the event has taken into consideration the impact on the local community, the public and Council's assets (i.e. road infrastructure).

As mentioned earlier CAMS were contacted to confirm the requirements of the rally were met and that they confirm their support of the event as mentioned by Targa West.

Conclusion

The second round of public advertising of the public event resulted in a very low response rate 20 in total, as mentioned above. A number of the concerns mentioned in the submissions can be addressed by conditional approval and through the Traffic and Risk Management Plans.

It is believed that the conditions of approval in the Officer's Recommendation address the public concerns by:

1. Requiring the event holder to repair and pay for any damage to Shire roads and infrastructure.
2. Event holder has Public Liability Insurance cover should any damage occur to private property.
3. The approval only be for the period specified in the Traffic Management Plan on the 16 August 2014.
4. The event holder be required to undertake a post-event survey at their cost.
5. The donation of \$10,000 is provided prior to holding the event and its application be determined by Council.

9.1.4 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Mackie

That Council grant approval for the proposed Targa West Rally event in Maryville Downs Estate for 2014 subject to the following conditions:

1. the rally event shall be held on Saturday 16 August 2014 in accordance with the documentation submitted (P105/14);
2. the Maryville Stage course roads being as follows:
 - a. Maine-Anjou Drive
 - b. Dexter Chase
 - c. Holstein Loop
 - d. Portion of Santa Gertrudis Drive
 - e. Sussex Bend
 - f. Ayrshire Loop
 - g. Murray Grey Circle
 - h. Charolais Trail
 - i. Limousin Way

are to be closed for a maximum of 3.0 hours, as requested by the Applicant;

3. the Traffic Management Plan and Risk Management Plan shall be assessed and approved by an independent qualified consultant and a copy provided to the Shire of Chittering a minimum fourteen (14) days prior to the event;

4. the Applicant indemnifying the Shire of all public liability claims and taking out Public Liability Insurance of \$100 Million for the event, and evidence of such insurance to be provided prior to the event;
5. the rally event shall be held in accordance with the approved Traffic Management Plan.
6. refuelling shall only occur at Lower Chittering Hall Car Park to the satisfaction of the Chief Executive Officer;
7. no servicing of cars are permitted on the event course;
8. toilet facilities shall be provided to the satisfaction of the Principal Environmental Health Officer as per the Guidelines for Concerts, Events and Organised Gatherings 2009 (Department of Health) and any other relevant policy, legislation etc;
9. All necessary approvals being obtained by Targa West for the event from the Police and other government departments as necessary, prior to the event being held;
10. site inspections to be held prior to and after the event with the event holder/s and Shire Technical Services department staff;
11. the Applicant shall be responsible for the repair and cost of any damage to the road infrastructure and private property as a result of the event;
12. Targa West provide a letter drop to all effected properties prior to the event no later than one month prior to the event, providing details of the roads to be closed, time and date, and installing electronic advance event warning signs at least 2 weeks before the event at strategic locations as directed by the Shire.
13. temporary signage shall be erected no earlier than fourteen (14) days before the event and removed no later than seven (7) days after the event;
14. submission of an "Application for an order for a road closure" to the Shire of Chittering.
15. Targa West undertaking a survey of residents impacted by the road closure after the event and providing survey results to the Shire.

AMENDMENT

Moved Cr Norton / Seconded Cr Rossouw

That an additional condition be included as follows:

"that Targa underwrite the \$10,000 donation to the Shire of Chittering for the lower chittering community prior to the event."

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION**

AMENDMENT

Moved Cr Norton / Seconded Cr Gibson

That an additional condition be included as follows:

“That Targa provide financial assistance to the people with health issues on the rally route that might need to seek respite or retreat from their homes on that day.”

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

AMENDMENT

Moved Cr Norton/ Seconded Cr Gibson

That condition 15 be amendment as follows:

“15. That Targa West meet the cost of the Shire undertaking a survey of residents impacted by the road closure after the event.”

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/2
AND FORMED PART OF THE SUBSTANTIVE MOTION

AMENDMENT

Moved Cr Norton / Seconded Cr Douglas

That condition 6 be amended as follows:

“6. refuelling shall only occur at a location, other than Lower Chittering Hall, to be agreed upon, to the satisfaction of the Chief Executive Officer;

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION

AMENDMENT

Moved Cr Norton / Gibson

That an additional condition be included as follows:

“That the Shire of Chittering seek a bank guarantee or bond of \$50,000 from Targa West to cover any damage to roads or ratepayer property, to ensure prompt repair.”

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

AMENDMENT

Moved Cr Norton / Seconded Cr Gibson

That an additional condition be included as follows:

“That Targa provide temporary safety bollards and/or crash barriers in all the high risk spectator areas.”

THE AMENDMENT WAS PUT AND DECLARED LOST 3/4

Cr Mackie requested the following advice be noted:

Mobile phones may not be able to be used in some areas and should be tested prior to the event.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 060614

Moved Cr Rossouw / Seconded Cr Mackie

That Council grant approval for the proposed Targa West Rally event in Maryville Downs Estate for 2014 subject to the following conditions:

- 1. the rally event shall be held on Saturday 16 August 2014 in accordance with the documentation submitted (P105/14);**
- 2. the Maryville Stage course roads being as follows:**
 - a. Maine-Anjou Drive**
 - b. Dexter Chase**
 - c. Holstein Loop**
 - d. Portion of Santa Gertrudis Drive**
 - e. Sussex Bend**
 - f. Ayrshire Loop**
 - g. Murray Grey Circle**
 - h. Charolais Trail**
 - i. Limousin Way**

are to be closed for a maximum of 3.0 hours, as requested by the Applicant;

- 3. the Traffic Management Plan and Risk Management Plan shall be assessed and approved by an independent qualified consultant and a copy provided to the Shire of Chittering a minimum fourteen (14) days prior to the event;**
- 4. the Applicant indemnifying the Shire of all public liability claims and taking out Public Liability Insurance of \$100 Million for the event, and evidence of such insurance to be provided prior to the event;**
- 5. the rally event shall be held in accordance with the approved Traffic Management Plan.**
- 6. refuelling shall only occur at a location, other than Lower Chittering Hall, to be agreed upon, to the satisfaction of the Chief Executive Officer;**
- 7. no servicing of cars are permitted on the event course;**
- 8. toilet facilities shall be provided to the satisfaction of the Principal Environmental Health Officer as per the Guidelines for Concerts, Events and Organised Gatherings 2009 (Department of Health) and any other relevant policy, legislation etc;**
- 9. All necessary approvals being obtained by Targa West for the event from the Police and other government departments as necessary, prior to the event being held;**
- 10. site inspections to be held prior to and after the event with the event holder/s and Shire Technical Services department staff;**
- 11. the Applicant shall be responsible for the repair and cost of any damage to the road infrastructure and private property as a result of the event;**
- 12. Targa West provide a letter drop to all effected properties prior to the event no later than one**

month prior to the event, providing details of the roads to be closed, time and date, and installing electronic advance event warning signs at least 2 weeks before the event at strategic locations as directed by the Shire.

13. temporary signage shall be erected no earlier than fourteen (14) days before the event and removed no later than seven (7) days after the event;
14. submission of an "Application for an order for a road closure" to the Shire of Chittering.
15. That Targa West meet the cost of the Shire undertaking a survey of residents impacted by the road closure after the event.
16. that Targa underwrite the \$10,000 donation to the Shire of Chittering for the lower chittering community prior to the event.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/3
Cr Clarke and Gibson requested their vote against the motion be recorded

9.1.1 Declared Dog Exercise Areas/Prohibited Areas*

Applicant:	Shire of Chittering
File ref:	19/04/0003
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachment:	1. Map

Background

The Department of Local Government and Communities has recently released a Circular which outlines other amendments to the Dog and Cat Regulations.

One of the changes affecting the Shire's Dog Local Law is the establishment of designated dog exercise areas or the prohibition of dogs from certain areas under the local governments' control. The Dog Amendment Act removed the ability of local government to make local laws in respect of these two areas.

In order to relieve local governments from having to remove these provisions from their local laws by following the local law making process set out in section 3.12 of the *Local Government Act 1995* - the Dog Regulations provide a sunset date (31 July 2014) for the operation of those clauses.

As the Shire has this clause (Designated dog exercise areas or the prohibition of dogs from certain areas) in its Local Law, these clauses will be inoperable from 31 July 2014. If the Shire wishes to maintain these designated areas where dogs are permitted or prohibited, it must via a Council resolution (by Absolute majority) in accordance with amended section 31 of the *Dog Act 1976* rather than through a local law.

The Joint Standing Committee has also requested that to make allowance for assistance dogs, such resolutions should be consistent with the Disability Discrimination Act 1992.

Consultation

There is a requirement to give 28 days notice of the intention to specify dog exercise areas or prohibited areas. Once the resolution has been passed by Council, the public should be informed of the new restrictions via appropriate signage at relevant public places, Council's website and on the public notice board.

Statutory Environment

Dog Act 1976, s31:

31. Control of dogs in certain public places

- (1) *A dog shall not be in a public place unless it is —*
- (a) *held by a person who is capable of controlling the dog; or*
 - (b) *securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.*
- (2A) *Despite subsection (1), a dog shall not be in a public place —*
- (a) *at all if the place is specified under subsection (2B) as a place where dogs are prohibited at all times; or*
 - (b) *at a time when the place is specified under subsection (2B) as a place where dogs are prohibited at that time.*

- (2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or
 - (b) at specified times.
- (2) A dog is exempt from the requirements of subsection (1) if —
- (a) it is in a dog exercise area specified under subsection (3A); or
 - (b) it is in a public place that is in an area of the State outside the metropolitan region or outside a townsite, and that is not a rural leashing area specified under subsection (3B); or
 - (c) it is in or on a vehicle; or
 - (d) it is being exhibited for show purposes; or
 - (e) it is participating in an obedience trial or classes conducted under the auspices of the body known as the Canine Association of Western Australia (Inc.) or a body approved by the local government in whose district the obedience trial or classes are conducted; or
 - (f) it is registered as being bona fide used in the droving or tending of stock and is being so used or is going to or returning from a place where it will be, or has been, so used; or
 - (g) it is a foxhound in a pack bona fide engaged in hunting or hound exercise or in going to or returning from hunting or hound exercise; or
 - (h) it is being used for retrieving, duck hunting or other customary sporting purposes.
- (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.
- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A); or
 - (c) a rural leashing area under subsection (3B),
a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.
- (3) If a dog is at any time in any public place in contravention of subsection (1) or (2A), every person liable for the control of the dog at that time commits an offence unless the person establishes a defence under section 33B.
Penalty: a fine of \$5000.
- (4) This section does not apply to a dangerous dog.
- (5) A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

Shire of Chittering Dogs Local Law 2011:

PART 5 - DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Subject to Section 8 of the Act and Section 66J of the Equal Opportunity Act 1984, dogs are prohibited absolutely from entering or being in any of the following places—
- (a) a public building, unless permitted by a sign;
 - (b) a theatre or picture gardens;

- (c) all businesses or vehicles classified as food businesses or food transport vehicles under the Food Act 2008.
 - (d) a public swimming pool; and Page 13
 - (e) the following reserves and freehold land -
 - (i) Clune Park, Bindoon; and
 - (ii) John Glenn Park, Muchea
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas

- (1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, Pt Lot 1023 Edmonds Place, Bindoon is a dog exercise area.
- (2) Subclause (1) does not apply to—
 - (a) land which has been set apart as a children's playground;
 - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a car park.

Policy Implications

Nil

Financial Implications

Cost of advertising, signage and disposal bags

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

There may be some economic implication associated with the proposal such as purchase of dog disposal bag, signage and advertising.

Social Implications

The designated areas provide the residents alternative sites where dogs are or not allowed in certain areas of public places.

Environmental Implications

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

Comment

Under the current Shire of Chittering *Dogs Local Law 2011*, dogs are prohibited in the following areas:

- (i) Clune Park, Bindoon;
- (ii) John Glenn Park, Muchea;
- (iii) Public Building, unless permitted by a sign;
- (iv) A theatre or picture gardens;

- (v) All businesses or vehicles classified as food businesses or food transport vehicles under the *Food Act 2008*; and
- (vi) A public swimming pool.

It is noted that in both Clune Park and John Glenn Reserves, although the Local Law prohibits dogs in these reserves, there are no signs on both reserves to indicate this requirement. The signs on site make reference to dog being kept on leash and that the dogs waste to be collected with the plastic dog litter bag which is made available attached to the sign post.

This is contradictory to the requirements of the local law, which prohibits dogs in these reserves.

The current Local Law also designates a dog exercise area at Pt Lot 1023 Edmonds Place Bindoon, which is sign posted for such purposes with dog litter bags being made available.

If Council wishes to maintain the current status of the declared dog exercise areas/prohibited areas, Council need to formally resolve to declare the specific site details.

If however, Council wishes not to maintain the current status, it is suggested that Council formally resolves to delete reference to the declared dog areas/prohibited areas from the existing local law.

As Council has adopted the Shire of Chittering Dog Local Law 2011 and if Council wishes to maintain the current status of the local law, there is no requirement for Council to give notice of the intention to specify dog prohibited areas or dog exercise area.

However, if Council wishes to depart from the local law it is required for the Council to give public notice of its intention.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Mackie

That Council provide 28 days local notice in accordance with section 31 (3C) of the *Dog Act 1976* of its intention to declare the following; :

1. That Pt Lot 1023 Edmonds Place, Bindoon as per the attached plan be declared as a dog exercise area;
2. That the following areas be declared as prohibited areas for dogs:
 - (i) Clune Park, Bindoon;
 - (ii) John Glenn Park, Muchea;
 - (iii) Public Building, unless permitted by a sign; and
 - (iv) All businesses or vehicles classified as food businesses or food transport vehicles under the Food Act 2008, unless in an approved alfresco area.
3. These areas will be subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).
4. Upon completion of the advertising period any submissions will be tabled at the next available Council meeting for its consideration.

AMENDMENT

Moved Cr Douglas / Seconded Cr Clarke

That recommendations 2 i), 2ii) and 2iv) be deleted.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION**

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070614

Moved Cr Rossouw / Seconded Cr Mackie

That Council provide 28 days local notice in accordance with section 31 (3C) of the *Dog Act 1976* of its intention to declare the following; :

- 1. That Pt Lot 1023 Edmonds Place, Bindoon as per the attached plan be declared as a dog exercise area;**
- 2. That the following areas be declared as prohibited areas for dogs:
(i) Public Building, unless permitted by a sign.**
- 3. These areas will be subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).**
- 4. Upon completion of the advertising period any submissions will be tabled at the next available Council meeting for its consideration.**

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1
BY AN ABSOLUTE MAJORITY VOTE**

9.1.2 Review of Local Law – Signs, Hoardings and Bill Posting 2014*

Applicant:	Shire of Chittering
File ref:	19/04/0004
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	1. Local Law Relating to Signs, Hoardings and Bill posting

Background

The Shire of Chittering *By-Law Relating to Signs, Hoardings and Bill Posting* has been in operation since its gazettal on 20 August 1993. The purpose of this report is to review the current By-Laws consistent with the Model Local Law and provides for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme provisions.

The purpose and effect of the “*Shire of Chittering Local Law -Signs, Hoardings and Bill Posting*” is:

Purpose: is to provide for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme provisions.

Effect: is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.

Consultation

The review of the Local Law will be advertised for public comment in accordance with section 3.16(2) of the *Local Government Act 2005* for a period of forty two (42) days.

Statutory Environment

Local Government Act 2005

- Section 3.16 – Periodic review of local laws

Shire of Chittering Town Planning Scheme No 6:

Clause 5.11 – Advertisements – Power to Control

5.11.1 *For the purpose of this Scheme, the erection, placement or display of any sign and the use of land or any building for the display of any sign involving non site specific advertising is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.*

Policy Implications

Nil

Financial Implications

There will be advertising costs associated with the review of the local law.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

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

Social Implications

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

Environmental Implications

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

Comment

In accordance with Section 3.16 of the Local Government Act 2005, within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires. A local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

The Shire of Chittering Town Planning Scheme No 6 makes reference to the local law when dealing with applications to any sign. In this regard to maintain consistency with current practices and changes in legislation the local law is reviewed.

The local law will be advertised for a period of forty two (42) days in the local paper as well as statewide public notice.

Submissions received will be table to Council at the conclusion of the advertising period for Council's further consideration.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080614

Moved Cr Douglas / Seconded Cr Rossouw

That Council:

- 1. resolve to undertake a review of the Shire's *Signs, Hoarding, and Bill Posting Local Law 1993* in accordance with s3.16 of the Local Government Act 1995 and give Statewide notice of the proposal to review this local law.**
- 2. Upon the completion of the advertising period all submissions will be tabled at the next available Council meeting for its consideration.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY VOTE**

9.1.3 Section 70A Notification – Lot 418 Ellendale Drive, Lower Chittering*

Applicant	J Gorringer and K Parks
File ref	A11418 P064/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Section 70A Notification documents

Background

The Shire recently granted Planning Approval for a dwelling, water tank, granny flat (ancillary dwelling) and shed at Lot 418 Ellendale Drive, Lower Chittering.

Condition 1 of the Planning Approval required the landowner to place a caveat on the land restricting the size of the granny flat (ancillary dwelling) to no more than 70 square metres. This condition was put in place due to the granny flat being constructed on a second floor entirely enclosed within the shed structure.

The landowners sought a right of review of Condition 1 of the Planning Approval. As a result of mediation at the State Administrative Tribunal (SAT), it was agreed to amend Condition 1 by replacing 'caveat' with 'a Section 70A Notification'. As a result of the condition being amended the landowner has prepared a Section 70A Notification for this purpose notifying any future owner that the granny flat shall be limited to 70 square metres.

Delegation cannot be placed on the Shire to authorise such documents, hence the report to Council to authorise and affix a common seal.

Consultation

N/A

Statutory Environment

State: Transfer of Land Act 1893 (as amended)

Policy Implications

Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

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

Social implications

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

Environmental implications

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

Comment

In order to satisfy condition 1 of the Planning Approval, the applicant is to provide a Section 70A Notification of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

As this is a formality, it is recommended that Council supports the authorisation of the Chief Executive Officer and the Shire President to affix the Common Seal as a requirement of the Planning Approval.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090614

Moved Cr Clarke / Seconded Cr Gibson

That Council, in regards to the ancillary dwelling at Lot 418 Ellendale Drive, Lower Chittering:

- 1. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to the granny flat being restricted to 70 square metres as per the Planning Approval on Deposited Plan 71413.**
- 2. Amend Condition 1 of the Planning Approval granted under delegated authority by deleting the word "caveat" and replacing with the words "S70A Notification".**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

9.2.1 Agreement with Shire of Gingin to Asphalt Cullalla Road

Applicant:	Shire of Chittering
File ref:	28/05/5
Prepared by:	Jim Garrett, Executive Manager Technical Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Simple Majority
Documents table:	Nil
Attachments:	Nil

Background

At the Council meeting on the 19 June 2013, Council endorsed in principle support to a one off contribution by the Shire of Gingin to upgrade the intersection of Mooliabeenee and Cullalla roads with the following works;

- Shoulder repair works at the intersection of Mooliabeenee and Cullalla Roads, as agreed by the Shire of Chittering's, Executive Manager Technical Services and the Executive Manager of Operations from the Shire of Gingin;
- Installation of truck entering signs to the east and west of Mooliabeenee and Cullalla Roads intersection on Mooliabeenee Road (ongoing maintenance to be the responsibility of the Shire of Chittering).
- Installation of 40mm asphalt (intersection mix) to MRWA standard on Mooliabeenee and Cullalla Roads intersection as agreed (and marked) by the Shire of Chittering's Executive Manager Technical Services and the Executive Manager Operations from the Shire of Gingin.

The Shire of Chittering is responsible for the first 200m of Cullalla Road. The Cullalla feedlot has grain and stock trucks that use Cullalla Road as a link from Gingin to the feedlot. The traffic utilizing the road is generally from a Westerly direction on Mooliabeenee Road then onto Cullalla Road.

As per Main Roads WA regulations Mooliabeenee Road is a heavy vehicle RAV approved route. Heavy vehicles using Cullalla Road require permission from the Shire of Chittering to travel on the road. The Shire of Gingin has been approached by the landowner of the feedlot to upgrade Cullalla Road to cater for heavy vehicles carrying livestock and feed to the feedlot.

A letter has been received from the Shire of Gingin requesting that in lieu of a formal maintenance agreement that the Shire of Chittering approve the contribution by the Shire of Gingin as a one off contribution for the asphaltting of the intersection of Cullalla Road and Mooliabeenee road with a 40mm compacted intersection mix to the extent as agreed between the Shire of Chittering, Executive Manager Technical services and the Shire of Gingin, Executive Manager of Operations.

Consultation

Allister Butcher (Shire of Gingin, Executive Manager of Operations)

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

Works within the Shire of Chittering will be undertaken by the Shire of Gingin at their cost.

Ongoing level of maintenance of the intersection will be subject the increased traffic volumes that may result from the upgrade.

Strategic Implications

Nil

Site Inspection

Yes inspection undertaken

Triple Bottom Line Assessment

Economic Implications

There are no known significant implications associated with this proposal.

Social Implications

There are no known significant implications associated with this proposal.

Environmental Implications

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

Comment

There is 150m of Cullalla Road in the Shire of Chittering that does not require sealing works at this time as this section of road is in good condition, but this section of road may require works overtime with heavy vehicles utilizing the road.

An agreement between the Shire of Chittering and the Shire of Gingin as to who will repair any damage and cover the costs of the section of Cullalla Road in the Shire of Chittering, in the event that damage may occur to the road infrastructure due to the heavy vehicles from the feedlot utilizing this section of road will need to be formalized. As this section of road is in the Shire of Chittering, the maintenance will be the Shire of Chittering's responsibility and they recoup the costs for the maintenance activities from the Shire of Gingin.

The Shire of Gingin should also be informed that the upgrade of the intersection of Cullalla Road and Mooliabeenee Road if they occur is only to allow identified heavy vehicles to access the feedlot, no additional unrelated heavy vehicle movements.

A email has been sent to the Shire of Gingin enquiring as to whether Cullalla Road will be used for any other industry other than the feedlot. No reply was received by the time of writing the agenda.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100614

Moved Cr Douglas / Seconded Cr Mackie

That Council:

- 1. approve the contribution by the Shire of Gingin for asphaltting of the intersection of Cullalla Road and Mooliabeenee Road as agreed by the Shire of Chittering, Executive Manager Technical Services and the Shire of Gingin, Executive Manager of Operations.**

2. authorise the Chief Executive officer to formalize an agreement with the Shire of Gingin to cover the ongoing road maintenance costs of Cullalla Road in the Shire of Chittering that may occur from heavy vehicles from the feedlot utilizing the road.
3. authorise the Shire President and Chief Executive Officer to sign and affix the Shire's Common Seal to the Maintenance Agreement for Cullalla Road.
4. authorise the Chief Executive Officer to inform the Shire of Gingin that the upgrade of the intersection of Cullalla Road and Mooliabeenee Road is only to allow identified heavy vehicles to access the feedlot, no additional unrelated heavy vehicle movements.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 May 2014*

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	Financial Statements for period ending 31 May 2014
Attachments	1. Statement of Financial Activity for period ending 31 May 2014 2. Bank reconciliation for period ending 31 May 2014 3. List of accounts paid for May 2014

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 (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 31 May 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 31 May 2014 are hereby presented for Council's information.

Consultation

- Chief Executive Officer
- Executive Manager Development Services
- Executive Manager Technical Services
- Manager Human Resources
- Community Emergency Services Manager
- Building Co-ordinator

Statutory Environment

State: *Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

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.

Environmental implications

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

Comment

Council is requested to accept the monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110614

Moved Cr Mackie / Seconded Cr Clarke

That Council:

- 1. endorse the list of payments:**
 - PR3295
 - PR3306
 - PR3308
 - EFT 9510 - EFT 9640
 - Municipal Fund Cheques 13601 - 13619
 - Direct Debits and Transfers as listed
 - BPV40 to BPV40
 - Trust Fund Cheques 407 - 410

Totalling \$703,096.96 for the period ending 31 May 2014.
- 2. receive the bank reconciliation for the period ending 31 May 2014.**
- 3. receive the financial statements for the period ending 31 May 2014.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Unbudgeted Expenditure

Applicant	Shire of Chittering
File ref	12/07/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council is requested to consider the authorisation of unbudgeted expenditure and a transfer from the Leave Entitlements Reserve to pay for Long Service Leave Entitlements for two previous employees.

Council is in receipt of two invoices from the Town of Port Hedland for previous employees (Gavin Pollock \$10,958.01 & Melissa Pollock 6,900.42) totalling \$17,858.43. On their resignation from the Town of Port Hedland earlier this year, the two past employees chose to be paid out pro-rata for their long service leave entitlements as they had achieved seven years' service in Local Government.

In order to pay these invoices in the 2013-2014 financial year, this proposal is presented to Council for their consideration.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995

Local Government Financial Management Regulations 1996

Policy Implications

Nil

Financial Implications

No allowance had been made for this expenditure in the 2013-2014 budget, as the long service leave was not expected to be taken until the completion of ten years' service in 2017.

This proposal will have no effect on the bottom line of the budget as the expenditure will be offset by a transfer from the Leave Entitlements Reserve.

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 Long Service Leave Liability for both Gavin & Melissa Pollock has been accounted for in the Shire of Chittering financial statement Long Service Leave Accruals.

These amounts were not included in the current budget due to the leave not being due until 2017, however as they chose to be paid out pro rata when they resigned from Port Hedland we are now in receipt of the request for Council's liability.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120614

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

- 1. Authorise the unbudgeted expenditure of \$17,858.43 from GL 05022 to pay the Town of Port Hedland for pro rata Long Service Leave Entitlements for Gavin & Melissa Pollock.**
- 2. Authorise the transfer of \$17,858.43 from the Leave Entitlements Reserve**

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

The Executive Manager Development Services left meeting at 8.58pm during discussion on item 9.3.3 and returned at 9.00pm

9.3.3 Schedule of Fees and Charges 2014-2015*

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	Absolute majority
Documents tabled	Nil
Attachments	1. Schedule of Fees and Charges 2014-2015

Background

Council is requested to review the proposed Shire of Chittering Fees and Charges Schedule for the 2014-2015 financial year.

Each year a local government authority is required to impose a Schedule of Fees and Charges as part of the annual budget process. Reviewing the schedule prior to budget adoption allows Council the time to consider the proposed fees and charges separate to assessing the budget, allowing more time for review. Also as the 2014-2015 budget will not be adopted prior to 30 June 2014, adoption of the 2014-2015 Schedule of Fees and Charges in June will allow them to take effect from 1 July 2014.

Consultation

- Executive Manager Technical Services
- Executive Manager Development Services
- Manager Human Resources
- Principal Environmental Health Officer
- Principal Building Surveyor
- Community Development Officer
- Councillors

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

The schedule of fees and charges, when adopted, sets the level of revenue items contained within the budget.

Strategic Implications

Nil

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 significant social implications associated with this proposal.

Environmental implications

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

Comment

An updated Schedule of Fees and Charges is submitted to Council for adoption and inclusion in the budget for the 2014-2015 financial year.

The majority of the fees and charges have remained the same as previous years, however proposed amendments and exclusions have been made to some and these are listed below:

General Purpose Funding

- Settlement Enquiry – Property & Rates has been increased to reflect the costs associated with completion of the enquiry by all Officers.

Administration

- Removal of concession for photocopying for Vacation Swimming as these swimming classes no longer exist in Chittering.

Law, Order, Public Safety

- Inclusion of the statement “Registration of a working dog is 25% of prescribed fee”.
- Inclusion of the wording :”Maximum hire of two weeks” for the bond for vermin traps. This is due to residents keeping the traps for long periods of time when they are in heavy demand by others.
- Vermin Trap Replacement fee has increased to cover the increased cost of replacement.

Building Services

- New fee for inspection and re-inspection of swimming pools outside of the legislative program.

Environmental Health

- Clarification of fees for Caravan Parks and Camping Grounds.
- New fee for an amendment to approval of an apparatus.
- Fee for provision of services to Vic Plains for Health has been removed as this service is no longer being offered.

Recreation and Culture

- Inclusion of the lease fee for the Bindoon Mens Shed.
- Deletion of the lease fees for the Muchea and Lower Chittering Hall as these are now managed by Council.
- Fees for both Muchea & Lower Chittering Halls/Ovals amended to include a fee for private groups for the hire of the halls/ovals on a per use or per annum basis. This fee was not previously listed. There is an increase of groups such as Personal training groups enquiring about this type of usage.
- Inclusion of fees associated with the Bindoon Oval.

- Inclusion of new fees and bonds for the hire of the Public Address System and the Outdoor Cinema.

Engineering

- Fees relating to the new Waste Collection Service have been included.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130614

Moved Cr Douglas / Seconded Cr Rossouw

That Council adopt the Schedule of Fees and Charges as presented for the financial year 2014-2015, with all Fees and Charges to come into effect as of 1 July 2014.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY VOTE**

9.3.4 Legal Charges Write-Off

Applicant	Mr Joe Ripepi on behalf of Mrs Anna Tatti
File ref	A2167
Prepared by	Veronica Robinson, Customer Service Officer Rates/Debtors
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

Council's consideration is requested from Mr Ripepi to write off the balance of legal charges incurred in the recovery of outstanding 2013/2014 Rates and Charges.

The balance provided in the financial implications is as invoiced as at 10 June 2014 and currently accrues daily simple interest at a rate of 11% per annum.

Whilst Council has a responsibility under the Local Government Act 1995 to ensure rates are levied, it is the responsibility of the ratepayer to ensure that rates and charges are paid. This includes ensuring payment dates are followed and payments, including post and BPay, are cleared by the due dates.

Council has an obligation to the ratepayers of this community to maintain cash flow and will employ normal commercial practices for debt collection of outstanding monies.

Under the provisions of the Local Government Act 1995, if a rate or service remains unpaid after it becomes due and payable, the local government may recover it, as well as the cost of proceedings for that recovery.

Consultation

Shire President
Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

If the Applicants request is supported, this will result in a loss of revenue of \$338.02 as at 10 June 2014.

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

Whilst the 2013/14 Rate Notice and Final Notice were forwarded to the address shown in the rate record, as at 28 August 2013, Assessment 2167 rates and charges became overdue and payable.

In the course of normal rate collections for 2013/2014, Assessment 2167 was forwarded in October 2013 to Dun & Bradstreet for legal recovery of the overdue and payable rates and charges. Following the issue of a Notice of Intention to Claim, the Applicant contacted the Shire Office and on the 31 October 2013, part payment of \$830.00 was receipted via BPay therefore entering into payment by instalments - Option 2.

Recovery of Assessment 2167 overdue and payable rates and charges by legal action was placed on hold.

In December 2013, a 2013/14 Instalment Reminder Notice was forwarded and in January 2014, a subsequent Final Notice, to the address shown on the rate record.

In February 2014, legal recovery for the collection of Assessment 2167 overdue and payable rates was resumed with the Claim served on the landowner in late February 2014. The Claim includes the Court appointed legal costs.

By April 2014, the balance of the outstanding Rates and Charges was paid, leaving legal costs and incurred penalty interest still owing.

In May 2014, a courtesy 7 Day Demand was forwarded for the balance of legal costs (in the normal course of debt recovery the matter would proceed straight to Default Judgment).

The Applicant has requested Council relieve the landowner of the obligation to pay the legal costs.

In his application to Council, the Applicant has indicated the Final Notice received in January 2014 reflected a different balance to what the Applicant had thought was due, though no contact was made with Shire Officers at the time regarding this.

The Applicant has also indicated a cheque part payment was posted mid January 2014, though has not been received by the Shire of Chittering.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140614

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

- 1. does not approve the application to write off the legal costs and penalty interest of \$338.02, plus accruing penalty interest, in regard to rate recovery of Assessment 2167; and**
- 2. Advise the Applicant of Point 1 above.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Registration of Voting Delegates to the 2014 Annual General Meeting for WALGA

Applicant	Shire of Chittering
File ref	14/01/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

The 2014 Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held during the Local Government Convention on Wednesday 6 August 2014 at the Perth Convention and Exhibition Centre in Perth.

Details

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Thursday, 10 July 2014.

In 2013, Cr Alex Douglas and Cr Robert Hawes were nominated as Council's voting delegates at the WALGA Annual General Meeting, with Cr Barni Norton and Cr Sandra Clarke as proxy voting delegates.

Consultation

Councillors

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.

Environmental implications

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

Comment

It is recommended that Council appoints voting delegates and proxy voting delegates for the 2014 Annual General Meeting of WALGA.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 150614

Moved Cr Douglas / Seconded Cr Rossouw

That Council appoints the following as voting delegates at the 2014 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 6 August 2014:

- 1. Cr Robert Hawes and Cr Doreen Mackie as voting delegates; and**
- 2. Cr Barni Norton and Cr Don Gibson as proxy voting delegates.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.2 Delegated Authority Register*

Applicant	Shire of Chittering
File ref	13/05/0001
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The 2013 review was presented to Council on 19 June 2013.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register and the 2014 Register is now presented for Council to review.

Consultation

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

Statutory Environment

Local Government Act 1995 s5.46 – Register of, and records relevant to, delegations to CEO and employees:

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

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.

Comment

A copy of the Delegated Authority register is attached the changes marked in red. A list of amendments made to the Delegated Authority Register is listed below:

Delegation Number	Delegation Title	Suggested changes
DA2	Code of Conduct enforcement	Remove 'The duty to ensure that the Code is reviewed by the Council within 12 months after each ordinary election', as this is no longer applicable (Section 5.103(2))
DA5	Engrossment of Documents	Change title to 'Signing of Documents' Remove 'and seal' from first line. Remove formal record Add section 9.49(a)4 Add the word document behind contract
DA11	Entering into Contracts	Amendments under 'Heads of Power'
DA33	Issue of Section 401 Notices	REVOKED as no longer relevant – under an old act
DA38	Demolition Permits	Remove reference to Kelly Ford – will be updated with new Principal Building Surveyor
DA39	Building Permits	Remove reference to Kelly Ford – will be updated with new Principal Building Surveyor
DA40	Building Orders	Remove reference to Kelly Ford – will be updated with new Principal Building Surveyor
DA41	Extension of Period of Duration of an occupancy permit to building approval certificate	Remove reference to Kelly Ford – will be updated with new Principal Building Surveyor
DA50	Record on Title	REVOKED – requires common seal and Council approval
DA52	Ordering Thresholds	Remove Senior Ranger
DA53	Occupancy Permits or building approval certificates	Remove reference to Kelly Ford – will be updated with new Principal Building Surveyor
All	All	Include Reviewed and Amended dates in table on all delegations.

The Council, as delegator, is required to review its delegations annually. It is recommended that the Council endorses the revised Delegated Authority Register.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 160614

Moved Cr Gibson / Seconded Cr Clarke

That Council endorse the Delegated Authority Register as attached with the following amendments:

- 1. That all references to Kelly Ford as Principal Building Surveyor remain until 27 July 2014;**
- 2. That from 27 July 2014 all references to Kelly Ford be replaced with Sam Neale as Principal Building Surveyor.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4.3 Register of Policies*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Updated Register of Policies

Background

In accordance with Section 2.7(2) of the *Local Government Act 1995*, Council is to determine the Shire's policies.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Register of Policies and the 2014 Register is now presented for Council to review.

Consultation

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

Statutory Environment

Local Government Act 1995, Section 2.7(2)

2.7. Role of council

- (2) Without limiting subsection (1), the council is to—
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Policy Implications

Register of Policies

Financial Implications

Nil

Strategic Implications

Nil

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.

Environmental implications

There are no known Environmental implications associated with this proposal.

Comment

The draft policies were workshopped with Councillor's on 4 June 2014, following this workshop one additional policy has been included '1.16 Risk Management Policy.'

The Council, as delegator, is required to review its policies annually. It is recommended that the Council endorses the revised Register of Policies.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 170614

Moved Cr Mackie / Seconded Cr Douglas

That Council endorse the Register of Policies as attached.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4.4 Regional Price Preference Policy*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Regional Price Preference Policy

Background

Council is requested to consider making a Regional Price Preference Policy.

The Local Government (Functions and General) Regulations 1996 provides opportunity for local governments to establish Regional Price Preference.

Regional Preference can include any area, but must include the entire district of the local government and cannot include a part of the Metropolitan Area.

Preference may be given to a regional tenderer by assessing the tender from that regional as if the price bids were reduced by:

- a) Up to 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000;
- b) Up to 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- c) Up to 10% - where the contact is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

A regional tender must be for (or include) the entire district of the local government, and cannot included a part of the metropolitan area.

Consultation

As required by section 24E the Local Government (Functions and General) Regulations 1996, a Regional Price Preference policy is to be advertised statewide with submissions being open for a period of not less than 4 weeks.

The advertisement will be placed once Council has resolved its intent to give a regional price preference.

Statutory Environment

Section 24E the *Local Government (Functions and General) Regulations 1996* states the processes involved in making a Regional Price Preference Policy and the guidelines for which.

Policy Implications

New Policy

Financial Implications

Minor fees for advertising.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

In undertaking the development of this policy, the Shire is attempting to maximise the commercial viability of businesses with its community and to provide maximum opportunity for the creation of locally or regionally based employment.

Social Implications

There are no known social implications associated with this proposal

Environmental Implications

There are no known environmental implications associated with this proposal

Comment

The *Local Government (Functions and General) Regulations* states that a local government is to give notice of the intention to have a regional price preference policy and include in that notice:

1. The region to which the policy is to relate
2. Details of where a complete copy of the proposed policy may be obtained; and
3. A statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions.

A copy of the proposed policy will be made available for public inspection.

At the conclusion of the advertising period a further report will be presented to Council for further consideration.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 180614

Moved Cr Gibson / Seconded Cr Mackie

That Council:

1. **adopt the proposed *Regional Price Preference Policy* as contained in the attachment for advertising purposes;**
2. **pursuant to section 24E of the Local Government (functions and general) Regulations 1996, give Statewide public notice that it intends to make the *Regional Price Preference Policy*, as contained in the Attachment.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.5 RFT SC14-006 Assessment – Chittering Multi-purpose Health Centre

Applicant:	Shire of Chittering
File ref:	04/19/19
Prepared by:	Gary Tuffin, Chief Executive Officer
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Simple Majority
Documents table:	Tender submissions
Attachments:	Nil

Background

The Request for Tenders (RFT) for the construction of the Chittering Multi-purpose Health Centre was advertised in the West Australian newspaper on the Saturday 5 April 2014 and 12 April 2014, and submissions closed 16 May 2014 at 4:00pm.

The following tenders were received by the closing date and time;

CPD Group	\$2,426,083
Badge Construction	\$2,445,771
Palace Homes and Construction	\$2,452,661
McCokell Constructions	\$2,498,850
Robinson Build Tech	\$2,641,180
Bistel Pty Ltd	\$2,751,421

The quantity surveyors cost estimate indicated a project amount of \$2,305,000 (which excludes professional fees, construction contingency and GST).

Consultation

An evaluation panel assessed each shortlisted tender submission.

Brian LaFontain	Peter Hunt Architects
Gary Tuffin	Chief Executive Officer
Jean Sutherland	Executive Manager Corporate Services
Cr Robert Hawes	Shire President
Cr Doreen Mackie	Councillor

Statutory Environment

Local Government Act 1995 – section 3.57 Tenders for the provision of goods and services.

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless subregulation (2) states otherwise.*

Policy Implications

Purchasing Policy

Financial Implications

Significant funding for the project from State and Federal Governments has been secured for the project.

Royalties for Regions (Country Local Government Fund – Regional)	\$792,411
Royalties for Regions (Country Local Government Fund – Local)	\$ 50,000
Royalties for Regions (Southern Heath Inland Initiative- SIHI)	\$600,000
Regional Development Australia Fund	\$450,000
Total funding received	\$1,892,411

Council has made provision of \$2.4 million in its 2013-2014 Budget.

However, it is recommended that the provision be increased in the 2014/15 Budget.

Strategic Implications

This proposed centre will guarantee the retention of existing medical services and provide for the expansion of new services.

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

There are no known economic implications associated with this proposal.

Social Implications

There are no known economic implications associated with this proposal.

Environmental Implications

There are no known economic implications associated with this proposal.

Comment

The qualitative criteria assessment was carried out by the Evaluation Panel on 27 May 2014, with the Evaluation Panel reviewing the scoring of the tenders according to the evaluation matrix.

Reference checks were conducted and provided to the Evaluation Panel along with supporting information.

All tenders were assessed against the qualitative selection criteria. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel. Relative weightings were published within the tender.

Criteria assessment scoring table

Score	Rating	Guide
5	Excellent	Demonstration excellence, sustainability exceeds minimum requirements, a number of superior features
4	Good	Exceeds requirements in some respects
3	Fair	Meets requirements with no material concerns or deficiencies
2	Marginal	Some areas of concern in relation to ability to meet minimum requirements or some deficiencies
1	Poor	Fails to meet minimum requirements in several

		respects, contained insufficient or unclear information
0	Fail	Fails to meeting minimum requirements in all respects or did not respond

Shortlisted Assessment Table

QUALITATIVE CRITERIA											
Business Name	Relevant Experience (page 25)		Capacity to undertake Works Skills and Experience (page 25)		Tenderers Resources (Page 25-26)		Demonstrated Understanding (Page 26)		TOTAL	Price (\$)	
	35%		30%		25%		10%				100%
	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score			
Bistel Pty Ltd	1	7	2	12	3	15	4	8	42	\$2,751,421	
Mc Corkell Constructions	2	14	3	18	3	15	3	6	53	\$2,498,850	
Robinson Build Tech	3	21	2	5	1	5	2	4	35	\$2,641,180	
Badge	4	28	4	24	4	20	4	8	80	\$2,445,771	
Palace Homes & Construction Pty Ltd	2	14	2	12	3	15	1	2	43	\$2,452,661	
CPD Group	2	14	3	18	2	10	3	6	48	\$2,426,083	

Note: All prices quoted above are GST exclusive.

Badge Construction is the Evaluation Panel's recommended Tenderer for the following reasons;

- Scored the highest against the qualitative criteria – Total score 80
- Represent reasonable value for money
- Provided an overall good submission indicating relevant experience on similar projects.
- Put forward an experienced project team.
- Positive feedback from referees.

Prior to awarding the contract for the construction of the Multi-purpose Health Centre, Council is required to execute a Financial Assistance Agreement (FAA) for the SIHI Funding (\$600,000). The agreement is in the process of being drafted by the Department of Regional Development, however, was not available at the time of preparing this report. So that the project can proceed as soon as the FAA is received it is

recommended that Council, subject to executing the FAA award the contract to Badge Construction for the total of \$2,445,771 (excluding GST).

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 190614

Moved Cr Mackie / Seconded Cr Clarke

- 1. That Council authorise the Shire President and Chief Executive Officer to sign and affix the shire's Common Seal to the Financial Assistance Agreement (FAA) from the Department of Regional Development for Chittering Multi Purpose Health Centre.**
- 2. That Council, subject to executing the Financial Assistance Agreement (FAA) in (1) above**
 - a. accept the tender for the amount of \$2,445,771 (excluding GST) from Badge Construction for the construction of the Chittering Multi-purpose Health Centre (SC14-006).**
 - b. authorise the Shire President and Chief Executive Officer to sign and affix the shire's Common Seal to the contract for the construction of the Chittering Multi-purpose Health Centre (SC14-006).**
 - c. Advise all tenderers of (a) above.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 3 June 2014*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	"Unconfirmed" minutes of the Chittering Bush Fire Advisory Committee meeting held on 3 June 2014

Background

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 3 June 2014. There were three formal recommendations moved at the meeting as follows:

"That the Chittering Bushfire Advisory Committee recommends to Council to appoint:

(1) the following as Bushfire Control Officers:

- (a) Dennis Badcock and Fred Hoogland representing Bindoon VBFB;*
- (b) Ian Hollick and Martin Lee representing Lower Chittering VBFB;*
- (c) Phillip Martin representing Muchea VBFB;*
- (d) Phillip Humphrey representing Upper Chittering VBFB; and*
- (e) Greg Cocking and Kim Haeusler representing Wannamal VBFB.*

(2) The following as Deputy Chief Bush Fire Control Officers:

*Ian Hollick, South Deputy Bush Fire Control Officer; and
Greg Cocking, North Deputy Bush Fire Control Officer."*

"That Council endorses the 2014 / 2015 Firebreak Notice with the recommended changes."

"That the Chittering Bushfire Advisory Committee (CBFAC) recommends to Council that the CBFAC membership be updated as follows, effective from 1 July 2014:

Members	Deputies
Cr Doreen Mackie	Cr Barni Norton
Chief Executive Officer	NA
Community Emergency Services Manager / Chief Bush Fire Control Officer	Manager Human Resources
Deputy Chief Bush Fire Control Officer Southern Region: Ian Hollick	NA
Deputy Chief Bush Fire Control Officer Northern Region: Greg Cocking	NA
Muchea Brigade: Peter Hall	Nil
Lower Chittering Brigade: Steve Browne	Martin Lee

Upper Chittering Brigade: Phillip Humphrey	Bob Wainwright
Bindoon Brigade: Fred Hoogland	Dennis Badcock
Wannamal Brigade: Kim Haeusler	Nil
Incident Support Brigade: Bob Smillie	Rose Coci

Consultation

Nil

Statutory Environment

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.

Comment

Following the CBFAC meeting, it has come to our attention that there is a misunderstanding with regards to the Muchea Fire Control Officers. In reviewing past nominations, it appears that Paul Martin should be nominated for Fire Control Officer this year instead of Dennis Harvey, therefore the officer recommendation has been amended to reflect this. Below is a table of past Fire Control Officer nominations for Muchea:

Year	Name	Term of office
2011	Dennis Harvey	2011-2013
2012	Paul Martin	2012-2014
2013	Peter Hall and Dennis Harvey	2013-2015

The minutes of the CBFAC meeting are now presented to Council to be received and for Council to make various appointments as detailed in the Officer Recommendation.



10.1 COMMITTEE RECOMMENDATION

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. Receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 3 June 2014;
2. Appoints the following as Bushfire Control Officers:
 - a. Dennis Badcock and Fred Hoogland representing Bindoon VBFB;
 - b. Ian Hollick and Martin Lee representing Lower Chittering VBFB;
 - c. Paul Martin representing Muchea VBFB;
 - d. Phillip Humphrey representing Upper Chittering VBFB; and
 - e. Greg Cocking and Kim Haeusler representing Wannamal VBFB.
3. Appoints the following as Deputy Chief Bush Fire Control Officers:
 - a. Ian Hollick, South Deputy Bush Fire Control Officer; and
 - b. Greg Cocking, North Deputy Bush Fire Control Officer.
4. Endorses the 2014 / 2015 Firebreak Notice with the recommended changes:
 - a. Change high and height where the 4 metre width and height referred, be consistent throughout the document.
 - b. Move the requirement to notify FCO and neighbours when burning garden refuse to point 1 and highlight.
 - c. Burning of garden refuse: change dimensions to 1m x 1m x 1m high (cubic metre) for clarity.
 - d. Change general grammar errors.
5. Appoint the following CBFAC membership, effective from 1 July 2014:

Members	Deputies
Cr Doreen Mackie	Cr Barni Norton
Chief Executive Officer	NA
Community Emergency Services Manager / Chief Bush Fire Control Officer	Manager Human Resources
Deputy Chief Bush Fire Control Officer Southern Region: Ian Hollick	NA
Deputy Chief Bush Fire Control Officer Northern Region: Greg Cocking	NA
Muchea Brigade: Peter Hall	Nil
Lower Chittering Brigade: Steve Browne	Martin Lee
Upper Chittering Brigade: Phil Humphrey	Bob Wainwright
Bindoon Brigade: Fred Hoogland	Dennis Badcock
Wannamal Brigade: Kim Haeusler	Nil
Incident Support Brigade: Bob Smillie	Rose Coci

AMENDMENT

Moved Cr Mackie / Seconded Cr Rossouw

That an additional recommendation 6 be included as follows:

"6. Due to inappropriate behavior by Dennis Harvey, he be disciplined by:

- a. *Discontinuing his current tenure as Fire Control Officer for the Muchea Brigade effective immediately;*
- b. *Being prohibited from attending any Chittering Bush Fire Advisory Committee meetings as a nominee or proxy for the Muchea Brigade effective immediately until 1 July 2015.*

Advice Note: Dennis Harvey be advised by the CEO of the points above as soon as possible following this meeting."

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1
AND FORMED PART OF THE SUBSTANTIVE MOTION

10.1 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 200614

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. Receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 3 June 2014;
2. Appoints the following as Bushfire Control Officers:
 - a. Dennis Badcock and Fred Hoogland representing Bindoon VBFB;
 - b. Ian Hollick and Martin Lee representing Lower Chittering VBFB;
 - c. Paul Martin representing Muchea VBFB;
 - d. Phillip Humphrey representing Upper Chittering VBFB; and
 - e. Greg Cocking and Kim Haeusler representing Wannamal VBFB.
3. Appoints the following as Deputy Chief Bush Fire Control Officers:
 - a. Ian Hollick, South Deputy Bush Fire Control Officer; and
 - b. Greg Cocking, North Deputy Bush Fire Control Officer.
4. Endorses the 2014 / 2015 Firebreak Notice with the recommended changes:
 - a. Change high and height where the 4 metre width and height referred, be consistent throughout the document.
 - b. Move the requirement to notify FCO and neighbours when burning garden refuse to point 1 and highlight.
 - c. Burning of garden refuse: change dimensions to 1m x 1m x 1m high (cubic metre) for clarity.
 - d. Change general grammar errors.
5. Appoint the following CBFAC membership, effective from 1 July 2014:

Members	Deputies
Cr Doreen Mackie	Cr Barni Norton
Chief Executive Officer	NA
Community Emergency Services Manager / Chief Bush Fire Control Officer	Manager Human Resources
Deputy Chief Bush Fire Control Officer Southern Region: Ian Hollick	NA
Deputy Chief Bush Fire Control Officer Northern Region: Greg Cocking	NA
Muchea Brigade: Peter Hall	Nil
Lower Chittering Brigade: Steve Browne	Martin Lee

Upper Chittering Brigade: Phil Humphrey	Bob Wainwright
Bindoon Brigade: Fred Hoogland	Dennis Badcock
Wannamal Brigade: Kim Haeusler	Nil
Incident Support Brigade: Bob Smillie	Rose Coci

6. **Due to inappropriate behavior by Dennis Harvey, he be disciplined by:**
- a. **Discontinuing his current tenure as Fire Control Officer for the Muchea Brigade effective immediately;**
 - b. **Being prohibited from attending any Chittering Bush Fire Advisory Committee meetings as a nominee or proxy for the Muchea Brigade effective immediately until 1 July 2015.**

Advice Note: Dennis Harvey be advised by the CEO of the points above as soon as possible following this meeting.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

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

11.1 Elected Members Motion – Cr Gibson – Refuse and Recycling Collection

Councillor Gibson submitted the following motions prior to the Council meeting

Reason for the motion:

There is general concern in the fixed income community about meeting increasing demands on their funds, and we have the opportunity to lessen the burden by applying the fee in stages, and using the general rate to make up the difference. After all, roads and rubbish are our core business, and should be funded ahead of other activities

11.1 COUNCILLOR MOTION

Moved Cr Gibson

1. That Council alter the recycling bin collection to once a month, thereby reducing the cost to ratepayers. Many residents would not fill a recycling bin in 3 months, let alone fortnightly, because they do not consume packaged goods or buy newspapers. The contractor would be travelling past most residences fortnightly without any bins to pick up and no benefit to the community.
2. That Council spread the proposed compulsory rubbish charge in equal amounts over 4 years, to lessen the burden on single and aged households, and adjust the budget to cover the carried over cost.

THE MOTION LAPSED FOR WANT OF A SECONDER

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

Nil

13. URGENT BUSINESS

Nil

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 9.32pm



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