

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

19 March 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm
Closure: 8.47pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 16 April 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 Barni Norton	
Cr Alex Douglas	
Cr Don Gibson	

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
Mrs Karen Parker	Manager Human Resources
Mr Brendan Jeans	Senior Planner
Ms Danica Kay	Executive Assistant (Minute Secretary)

There were seven members of the general public in attendance.

2.2 Apologies

Cr Doreen Mackie	
Mr Azhar Awang	Executive Manager Development Services

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Cr Norton declared an impartiality interest in item 9.3.6 as she is a member of the Chittering Tourist Association.

Cr Douglas declared an impartiality interest in item 9.3.6 as he is the President of the Chittering Tourist Association.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

5.1 Deputation – 9.1.1 Application for retrospective approval for conversion of outbuilding to dwelling – Lot 388 (RN145) Santa Gertrudis Drive, Lower Chittering.

Mr Shane DeVos gave a deputation to Council regarding his application to convert his shed to a dwelling.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 19 February 2014

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 010314

Moved Cr Douglas / Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 19 February 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Application for retrospective approval for conversion of outbuilding to dwelling – Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering*

Applicant	SW Devos
File ref	A10224 P030/14
Prepared by	Mark Johnston, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Floor Plan 4. Elevation Plan 5. Photographs of Initial Works Conducted 6. Photographs of Further Works Conducted

Background

Council's consideration is requested for a retrospective approval for the conversion of a non-habitable outbuilding to a dwelling at Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering.

On the 18 August 2013 the Shire granted Planning Approval for a 128m² (16m long by 8m wide) shed, the subject of this application (ref: P227/13). Approval was also granted for a water tank and dwelling under the same application. The approval was granted subject to the following conditions:

1. *All development shall be within the setback requirements/building envelope.*
2. *The water tank shall be to a minimum total capacity of 120,000 litres, of which 10,000 litres shall be kept at all times for the purposes of fire fighting and fitted with a standard camlock valve.*
3. *Roofing to be tiled or pre-painted material such as the product Colourbond.*
4. *The maximum area to be cleared is 2,000 m².*
5. *The shed is not to be used for Commercial purposes.*
6. *The proposed shed is for storage purposes only and not for residential habitation.*

Compliance undertaken by Shire Officers revealed the landowner has carried out building works to the interior of the shed (64m²) for residential occupation. The applicant was advised to cease all work as the works being conducted were in contravention of the Planning Approval granted through a letter sent on the 6 December 2013. In addition, the applicant has failed to obtain a building permit prior to the construction of the shed and a water tank at the property. The appropriate actions by Shire Officers are being undertaken to resolve this matter. The works which had been completed at this point in time can be seen in Attachment 5.

As a result of the Shire's compliance actions, the landowner submitted an application for retrospective planning approval to convert the existing shed to a granny flat. The proposed floor plan reflects the existing fit out to the shed. The landowner has also provided plans showing additions (improvements) to the existing shed to enhance the visual amenity.

The landowner is seeking approval to convert the shed to a granny flat to live on site whilst obtaining approval and constructing the future main dwelling. The conversion of the shed would be classed as a dwelling rather than a granny flat (ancillary dwelling) due to the fact there is no other residential buildings on the property. In this scenario, provided the dwelling is less than 70 square metres, it can be re-defined as an ancillary dwelling (granny flat) once a main dwelling is approved. The applicant has also proposed a lean-to and patio additions to the shed as a part of this application (refer to Attachment 3).

Shire Officers conducted a site visit in relation to this agenda item to better assess the application for Council's consideration. During this site visit it was noted that the applicant had continued to conduct further works to the shed (refer to Attachment 6).

Consultation

A number of meetings were conducted on site and within the Shire offices with the applicant regarding the proposal.

Statutory Environment

State: Planning and Development Act 2005

Section 218 of the Act outlines that non-compliance with a condition of planning approval imposed under a Local Planning Scheme is an offence:

218. Planning scheme or condition on development, contravening etc.

A person who —

- (a) contravenes the provisions of a planning scheme; or*
- (b) commences, continues or carries out any development in any part of a region the subject of a region planning scheme or any part of an area the subject of a local planning scheme or improvement scheme otherwise than in accordance with the provisions of the planning scheme; or*
- (c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence.*

Local: Town Planning Scheme No. 6

The subject property is zoned Rural Residential and the objectives of the zone are as follows:

- *To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- *To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- *To maintain and enhance the rural character and amenity of the locality.*

Clause 5.8.3 of the Scheme outlines the requirements for Planning Approval in Rural Residential zones and states:

Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council.

Clause 10.3 of the Scheme outlines the Shire may approve an application with conditions:

10.3 DETERMINATION OF APPLICATIONS

In determining an application for Planning Approval the Local Government may:

- (a) grant its approval with or without conditions; or*
- (b) refuse to grant its approval.*

Clause 11.4.1 outlines the requirement to comply with conditions of Planning Approval:

11.4.1 A person must not-

- (a) contravene or fail to comply with the provisions of the Scheme;*
- (b) use any land or commence or continue to carry out any development within the Scheme Area-*
 - i. otherwise in accordance with the Scheme;*
 - ii. unless all approvals required by the Scheme have been granted and issued;*
 - iii. otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - iv. otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the Local Government under the Scheme with respect to that building or that use.*

Policy Implications

Local: Local Planning Policy No 27 Living in Sheds

5. POLICY STATEMENT

5.1 Living in sheds is prohibited;

5.2 Where a building permit for a dwelling is concurrently in force or an application has been lodged, Council may grant permission for occupation of a caravan on the lot for a period not exceeding 12 months;

5.3 The period of caravan occupancy may be extended, provided satisfactory progress is being made on the construction of the dwelling;

5.4 Council approval is not required for short-term (week-end) caravan occupancy;

5.5 A pre-requisite for any long-term caravan occupancy is:

- a) water storage in tanks of not less than 120,000 litres capacity, as specified in Local Planning Policy No. 21 Fire Management Plans;*
- b) connection to an approved effluent disposal system;*

5.6 Caravans used for short or long term occupancy may be stored in a shed or otherwise be provided with weather protection;

5.7 Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities (see also Local Planning Policy No. 7 Outbuildings).

5.8 Applications for caravan occupancy may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.42 of the Local Government Act 1995.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

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

Social implications

It is considered that the support of permanent occupation of sheds would create undesirable development and amenity issues in the Shire. Previously the Shire has received numerous verbal complaints raised by community members concerning the negative impact on visual amenity and the occupation of sheds has on the locality.

Environmental implications

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

Comment

Contravention of Planning Approval

The shed was originally proposed as a non-habitable outbuilding. Therefore, in accordance with *Local Planning Policy No 27 Living in Sheds* and *Town Planning Scheme No. 6*, the shed was approved subject to the following condition:

6. *The proposed shed is for storage purposes only and not for residential habitation.*

Subsequently, the applicant undertook works to the shed to upgrade it to a habitable standard. This contravenes condition 6 of the planning approval granted which is an offence under the *Planning and Development Act 2005* and Council's *Town Planning Scheme No. 6*. The support of this application would condone the offence that has been committed and contradict the previous decision.

The approval of this application would set a precedent whereby landowners could conduct works illegally knowing that they will gain retrospective approval from Council. This would influence a number of illegal works to occur which becomes a major compliance issue for the Shire. Therefore, it is recommended that Council do not support this application.

Town Planning Scheme No 6

The objectives of the Rural Residential zone are as follows:

- To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.
- To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.
- To maintain and enhance the rural character and amenity of the locality.

As stated in the social implications section of this report, the permanent occupation of sheds has been raised by the community as a general amenity concern through verbal comments. It is considered the conversion of a shed into a dwelling would still result in the shed having the appearance of shed which does not meet the rural character of the locality.

As stated by clause 5.8.3 of the Scheme, the residential use of a building is only permitted within a building that is approved for habitation. The subject outbuilding was not approved for habitation. Therefore, the illegal conversion of the shed does not comply with the Scheme.

Local Planning Policy No 27 Living in Sheds

This application proposes the habitation of a shed. This is inconsistent with Policy statement 5.1 of *Local Planning Policy 27 Living in Sheds* which states the following:

5.1 Living in sheds is prohibited.

Furthermore policy statement 5.7 only permits one toilet and hand basin/wash trough, but no other plumbing facilities. The applicant has already proceeded with installing a number of plumbing facilities in addition to a single toilet and hand basin, including connections for a kitchen sink, second basin and shower (refer to Attachment 6).

Given the inconsistency with *Local Planning No Policy 27 Living in Sheds* it is recommended Council does not support the application.

Final Comment

At its previous Ordinary Meeting of Council held on the 19 February 2014, Council refused to grant Planning Approval for a very similar application for the purpose of converting an existing non-habitable outbuilding to a dwelling. This sets a precedent to refuse the application in order to achieve consistent decision making.

Furthermore, the applicant has continued to conduct works to the shed to convert it to a habitable building, despite being advised to cease works. Thereby, the applicant has continued to commit an offence under *Town Planning Scheme No. 6* and the *Planning and Development Act 2005* for every day development continued.

Therefore, it is recommended that Council does not support the proposal as per the Officer's Recommendation below. In addition, it is recommended the applicant be required to remove all building works necessary for the outbuilding to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Norton

That Council:

1. Refuse the retrospective approval for the conversion of the outbuilding to a dwelling at Lot 388 (RN 145) Santa Gertrudis Drive, Lower Chittering for the following reasons:
 - a) The proposal is inconsistent with *Local Planning Policy No 27 Living in Sheds* in the following ways:
 - i. Does not meet the objective to “ensure an adequate standard of residential accommodation”.
 - ii. Policy Statement 5.1 states “Living in sheds is prohibited.”
 - iii. Policy Statement 5.7 states “Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities.”
 - b) The proposal contravenes Clause 5.8.3 of the Scheme:
“Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council.”
 - c) The proposal does not meet the roof catchment area required for water supply set out in Clause 5.8.5 of the Scheme.
 - d) It is undesirable to condone a contravention of the *Planning Development Act 2005*;
 - e) The proposal sets an undesirable precedent for other landowners to conduct illegal works to existing outbuildings;
2. Direct the landowner to remove all building works necessary for the outbuilding to comply with the approvals granted by the Shire within six (6) months of Council’s decision to the satisfaction of the Chief Executive Officer.

Advice Notes:

1. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council’s decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council’s decision.
2. Should the landowner not comply with Condition 2 of Council’s Resolution, the Shire will take further action.

9.1.1 COUNCILLOR MOTION / COUNCIL RESOLUTION – 020314

Moved Cr Douglas / Seconded Cr Gibson

That item 9.1.1 (*Application for retrospective approval for conversion of outbuilding to dwelling – Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering*) lay on the table until the April Ordinary Meeting of Council to enable staff to investigate the officer recommendation further to determine whether there are any other alternative solutions to resolve this matter.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Proposed Revised Development Plan – Lots 3 & 4 Maddern Road, Lower Chittering*

Applicant	Statewest Planning
File ref	18/07/5
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Proposed Development Plan 2. Existing Development Plan

Background

Council is requested to consider the proposed revised Development Plan for Lots 3 and 4 Maddern Road, Lower Chittering.

Council have previously considered modifications to the Development Plan. The most recent modifications proposed to re-align the roads and lot configuration. Council also previously considered a subdivision referral for the site. The Development Plan was endorsed by Council and endorsed by the Western Australian Planning Commission (WAPC) subject to modifications which resulted in a significant loss in lot yield due to extreme fire hazard and vegetation protection. Subsequently the WAPC refused the subdivision as it was not in accordance with the approved Development Plan.

As a result of the WAPC's decision, the Applicant sought a right of review to the decision of the subdivision refusal, which would also tie in the Development Plan. After a Directions Hearing and Mediation, it was discussed that the Development Plan could be modified to allow one (1) hectare lots within existing cleared areas and minimise lots in the extreme bush fire hazard and naturally vegetated areas. The proposed Development Plan with the modifications discussed at the State Administrative Tribunal is presented to Council for consideration to endorse.

Consultation

The application was not advertised or referred to agencies due to the proposed revised Development Plan not resulting in an increase in the total number of lots.

Statutory Environment

Local: *Shire of Chittering Town Planning Scheme No.6*

The subject property is zoned 'Rural Residential'. The objectives of this zone are:

- *To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- *To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- *To maintain and enhance the rural character and amenity of the locality.*

Clause 5.8.1 of the Scheme applies to the proposal:

5.8.1. Requirement for a Development Plan

Subdivision shall be generally in accordance with an Outline Development Plan prepared in accordance with Council policy or any subsequent variation approved by the Council and the Western Australian Planning Commission.

An application for subdivision of land in these zones is to be accompanied by an Outline Development Plan prepared in accordance with Council policy which indicates and addresses the following but is not limited to:

- (a) Lot sizes, dimensions and identification of building envelopes or building exclusion areas;
- (b) Areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc, as may be considered appropriate;
- (c) Strategic firebreaks;
- (d) Any Catchment Management Plan recommendations;
- (e) Any part of the natural environment which is required to be protected from degradation or required for landscape protection;
- (f) An assessment of the presence and impacts of Dieback in consultation with Council and the appropriate State government environmental agency and the ability of the subdivision design and works to mitigate against the spread and effect of Dieback;
- (g) Any facilities which the purchasers of the lots will be required to provide (eg. Their own potable water supply, liquid or solid waste disposal, etc);
- (h) Areas where conventional septic tanks may not be suitable;
- (i) The description of adjoining land(s) and their uses;
- (j) Remnant vegetation and any land affected by rare and endangered flora and fauna;
- (k) Location of watercourses, drainage lines and areas of inundation and the distance of any infrastructure from these.
- (l) Identify the area/s that need to comply with an approved Environmental Management Plan.

Policy Implications

Local: Shire of Chittering Local Planning Policy No. 32 Development Plans

Section 5.6 of the Policy outlines Council's requirements for an amendment to a Development Plan:

5.6 Amendment

- a) Any amendment to a Development Plan requires endorsement of the Council and WAPC and Council adoption;
- b) Where the amendment does not increase the number of proposed lots an application to vary a Development Plan is to be accompanied by a statement of the reason for the change;
- c) Where the amendment increases the number of proposed lots an application to vary a Development Plan is to be accompanied by a submission that addresses:
 - i) available water supplies and the capacity of other required utility services;
 - ii) any landform or vegetation constraints;
 - iii) the attitude of existing nearby landowners and residents to the proposed increase in density;
 - iv) the additional demand for community amenities arising from the increased population;
 - v) the additional motor traffic generated by the increased population;
- d) In considering an amendment to a Development Plan that increases the number of proposed lots the Council may:
 - i) advertise the amendment in accordance with the requirements of the Scheme;
 - ii) request the applicant to remedy any identified deficiency in relation to road, utility or community infrastructure resulting from the needs of the increased population, prior to approval of the amended Development Plan.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

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

The proposal is to protect the remnant vegetations in the area by reducing the number of lots in the vegetated area and protecting potential Carnaby's Cockatoo nesting trees.

Comment

Shire of Chittering Town Planning Scheme No.6

The previous and currently endorsed Development Plan proposed lots of no less than 2 hectares. As a result of SAT, the WAPC has advised the Applicant of its support for 1 hectare lots in previously cleared and low fire hazard areas in an aim to maintain lot yield. It is considered that the modifications to the Development Plan result in a good outcome and better achieves the objectives of the zone by:

- Providing lots of 1 hectare and greater which helps meet the demand for rural lifestyle living on smaller lots; and
- Reducing development in areas of remnant vegetation which better maintains and enhances the rural character and amenity.

Local Planning Policy No. 32 Development Plans

The revised Development Plan will result in an additional two (2) lots however this is not considered significant enough to require re-advertising.

Modifications

The proposed Development has been revised and modified in the following ways:

- Reducing lot sizes in cleared areas to a minimum 1 hectares;
- Reducing the number of lots and increasing the lot sizes in vegetated areas;
- Modifying the road layout to avoid the largest portion of vegetation; and
- Identifying potential Carnaby's Cockatoo nesting trees.

It is considered the revised Development Plan provides a beneficial outcome for the developer and the Shire. More natural vegetation is retained, the lot yield is maintained and a range of lot sizes provided.

Concluding Comments

It is considered the proposed Development Plan improves on the previously endorsed Plans by further reducing the impact on the remnant vegetation.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 030314

Moved Cr Gibson / Seconded Cr Norton

That Council:

- 1. Endorses the revised Development Plan for Lots 3 and 4 Maddern Road, Lower Chittering;**
- 2. Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Development Plan; and**
- 3. Forwards the endorsed Development Plan to the Western Australian Planning Commission for approval and endorsement.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.3 Proposed Public Event “Bindoon Dirt Drags 2014” – Lot 325 Cook Road, Mooliabeenee*

Applicant	Bindi Bindi Investments
File ref	18/06/0025; A1090; P027/14
Prepared by	Mark Johnston, 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. Locality Plan2. Site Plan3. Fire Safety Plan4. Crisis and Emergency Management Plan5. Risk Management Plan6. Evacuation Plan

Background

Council has received a planning application from Bindi Bindi Investments to conduct a dirt drags event at Lot 325 Cook Road, Mooliabeenee. The event is proposed to be held on Saturday, 19 April 2014 from 8am until 12am (midnight). This is an annual event and has been held at this site for more than ten (10) years.

Consultation

The property has an additional use right under Schedule 3 of the Shire of Chittering *Town Planning Scheme No 6* for ‘short term entertainment events’. It is not considered further consultation is required.

As a courtesy, in the past Council has sent letters to neighbouring properties to advise the date which the event is to be held. This allows the neighbours to be aware of the upcoming event. It is intended that similar letters will be sent again this year advising of the date of the event.

The Shire’s Principal Environmental Health Officer and Community Emergency Services Manager were also consulted on this application.

In the week prior to the event a meeting will be held involving all relevant agencies; including St John Ambulance, WA Police and the local Voluntary Bush Fire Brigades.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

Lot 325 Cook Road, Mooliabeenee is an “Agricultural Resource” zone with an additional use attached to the land. Under Schedule 3 of *Town Planning Scheme No 6* the additional uses for Lot 325 Cook Road (A10) is for ‘short term entertainment events’ and the condition for this use is subject to planning approval being granted for each event.

Policy Implications

As of 16 May 2012 Council endorsed the use of the Department of Health Policy *Guidelines for Concerts, Events and Organised Gatherings*. This Policy is more up to date and relevant than the Shire’s Policy relating to Concerts and Events which has been used in the past.

Any health requirements to be met for the event date, such as sufficient potable water supply and adequate toilet facilities, will be addressed by the Shire’s Principal Environmental Health Officer in the weeks leading up to the event.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Site inspections are carried out prior to the event being held.

Triple Bottom Line Assessment

Economic implications

It is perceived that events can have 'flow-on' effects for local business through additional people entering the region and having the opportunity to purchase goods and/or services.

Social implications

There are no known significant social implications associated with this proposal. Neighbouring property owners will be advised of the proposed date of the event.

Environmental implications

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

Comment

No formal complaints have been received by Council from the previous events conducted on-site. Within the week prior to the date of the event, a closed meeting will be held at the Shire offices between the relevant bodies including the WA Police, St John Ambulance, local Voluntary Bush Fire Brigades, Progress Association and the organisers.

Based on the success of previous dirt drag events at this property, and the sound compliance of the organisers with regards to Council approvals, it is recommended that the event be approved subject to conditions.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 040314

Moved Cr Douglas / Seconded Cr Rossouw

That Council approve the Bindoon Dirt Drags 2014 public event at Lot 325 Cook Road, Mooliabeenee subject to the following conditions:

- 1. That this approval shall only apply for Saturday, 19 April 2014.**
- 2. That the following adequate fire prevention measures include:**
 - (a) No fires being lit on site;**
 - (b) All boundaries of the subject property shall be cleared at a minimum 3 metre firebreak; and**
 - (c) The event shall be in accordance with the *Fire Safety Plan*.**
- 3. That all motor racing events shall be supervised by the event organisers and all safety measures shall be the responsibility of the proponent.**
- 4. The Proponent making satisfactory arrangements for the suppression of dust on Cook Road and neighbouring properties.**

5. That satisfactory arrangement being made for:
 - (a) Ingress and egress of emergency vehicles; and
 - (b) Emergency escape routes (in the event of fire) available for attendees.
6. That no additional clearing of land takes place and that the drainage lines are maintained in their current condition.
7. Provide evidence of adequate public liability insurance being presented to the satisfaction of the Chief Executive Officer.
8. That all temporary signage to be placed so as to cause no traffic hazard.
9. That the site clean-up shall be completed within one (1) week of the event and appropriate recycling undertaken.
10. The Proponent shall provide a Risk Management Plan to the satisfaction of the Chief Executive Officer.
11. The provision of a *Traffic Management Plan* to the satisfaction of the Chief Executive Officer. Specific provision to be made for the proponent to supply Cook Road landowners/residents with passes to go through any temporary road closures.
12. The Proponent shall comply with the *Caravan Parks and Camping Grounds Act 1995* and associated Regulations.

Advice Notes

1. The Proponent to be advised that compliance will be expected with the *Environmental Protection (Noise) Regulations 1997*.
2. All structures should be in accordance with the Building Code of Australia or otherwise as determined by Council, and all ablution facilities should be provided in accordance with Health Department Guidelines and constructed in accordance with Council requirements.
3. The Proponent to be advised that compliance will be expected with the Department of Health *Policy Guidelines for Concerts, Events and Organised Gatherings*.
4. Vehicular barriers should be provided around the plastic leach drains to both septic systems prior to the commencement of the event.
5. All potable water outlets should be marked 'drinking water'.
6. All non-potable water supplies i.e. ablution blocks should be marked 'water unfit for drinking'.
7. All portable ablutions should be serviced regularly throughout the weekend.
8. Electrician to provide electrical certification forms.
9. The stage lighting providers to apply on a 'Form 2'.
10. With regards to condition 9, all waste should be delivered to the Bindoon Landfill and Recycling Centre.
11. Advise the Applicant that this approval does not constitute a building licence nor a health approval.
12. Adequate crowd control measures should be undertaken in accordance with and to the satisfaction of the Western Australian Police.
13. Penalties for breach of planning approval are described under Section 233 of the *Planning and Development Act 2005 (as amended)*.

14. The Applicant has the right of review to the State Administrative Tribunal should they be aggrieved by Council's decision. Such a review should be lodged within twenty-eight (28) days of Council's decision.
15. The proponent is advised that the proposal will be forwarded to the Local Government Insurance Services for Risk management assessment and feedback.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.4 Section 70A Notification WAPC 146911 – Lot 1 Crest Hill Road, Bindoon*

Applicant	Ross McLoughlin Consulting Surveyor
File ref	18/03/72
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 2. Draft Deposited Plan 400565

Background

On 27 December 2012 the Western Australian Planning Commission granted a subdivision approval for Lot 1 Crest Hill Road, Bindoon subject to a number of conditions. The subdivision is for the creation of two (2) lots and to separate the two (2) existing dwellings.

Condition 3 of the subdivision approval requires a notification in the form of a Section 70A notification, pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notification is to advise the landowner there is no reticulated sewerage service available to the lots.

There is no delegation in place for the Shire's Administration to authorise the Shire of Chittering to affix the Common Seal and hence the report to Council to formally request the common seal to be affixed.

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 3 of the subdivision 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 subdivision clearance.

9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 050314

Moved Cr Gibson / Seconded Cr Rossouw

That Council 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 no reticulated sewerage service on Deposited Plan 400565.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.5 Proposed Telecommunications Tower – Lot 3 (RN 496) North Road, Wannamal*

Applicant	Daly International
File ref	A6015 P377/13
Prepared by	Mark Johnston, 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. Locality Plan2. Site Plan3. Aerial Photograph4. Site Setout plan5. East Elevation6. Consultation Plan7. Schedule of Submissions

Background

Council's consideration is requested for a proposed Telecommunications Infrastructure Tower at Lot 3 (RN 496) North Road, Wannamal.

Council has received an application for planning consent from Daly International on behalf of the Western Australian Police (WAPOL), to construct and install a seventy (70) metre high guyed mast and associated infrastructure at the subject property which is privately owned. The tower is proposed to accommodate the following infrastructure:

- A 70m high CCA guyed mast;
- WAPOL radio transmission equipment;
- WAPOL prefabricated equipment shelter;
- Main switchboard;
- Security fencing around the proposed compound ; and
- Three anchor points securing the guyed wires to the ground, located approximately 50m from the mast.

In total the compound is to measure approximately 225m² in area (15m x 15m).

The proposed Telecommunications Infrastructure has the purpose of improving and expanding emergency services communication across regional, rural and remote communities for the Western Australian Police.

Consultation

The application was advertised in accordance with 9.4 of the *Shire of Chittering Town Planning Scheme No.6*.

This involved the notice of the proposed development to twelve (12) adjoining landowners advising those persons that they had twenty-one (21) days in which to make comment (if any) about the proposed application.

In addition to these letters an advertisement of the proposal was placed in a local newspaper circulating the district, indicating a twenty one (21) day period in which submissions can be made to the shire and the availability of details of the proposal.

A total of three (3) submissions were received, all with no objection to the application.

Statutory Environment

Local: *Shire of Chittering Town Planning Scheme No.6*

The subject property is zoned 'Agricultural Resource'. The objectives of this zone are:

- *To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;*
- *To protect the landform and landscape values of the district against despoliation and land degradation;*
- *To encourage intensive agriculture and associated tourist facilities, where appropriate;*
- *To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

The application proposes the construction of Telecommunications Tower. The Scheme defines a Telecommunications Tower as a 'Telecommunications Infrastructure'

"Telecommunications Infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network."

'Telecommunications Infrastructure' is listed as an 'A' use in the 'Agricultural Resource' zone, which is defined as:

"that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval after giving special notice in accordance with clause 9.4"

The following of 9.4 of the scheme is relevant to this application in regards to giving special notice:

9.4 Advertising of Applications

9.4.1 *Where an application is made for Planning Approval to commence a use or commence or carry out development, which involves a use, which is-*

- (a) *an "A" use as referred to in clause 4.3.2; or*
- (b) *a use not listed in the Zoning,*

the Local Government is not to grant approval to that application unless notice is first given in accordance with the provisions of sub-clause 9.4.3.

9.4.2 *Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the Local Government may require notice to be given in accordance with clause 9.4.3.*

9.4.3 *The Local Government may give notice or require the applicant to give notice or decide to give notice of an application for Planning Approval in one or more of the following ways-*

- (a) *notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Local Government, are likely to be affected by the granting of Planning Approval, stating that submissions may be made to the Local*

Government by a specified date not less than fourteen days from the day the notice is served;

- (b) notice of the proposed use or development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Local Government by a specified day being not less than fourteen days from the day the notice is published;*
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.*

9.4.4 The notice referred to in clause 9.4.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the Local Government.

9.4.5 Any person may inspect the application for Planning Approval referred to in the notice and material accompanying that application at the offices of the Local Government.

9.4.6 After the expiration of the period specified from the serving of notice of the application for Planning Approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the Local Government is to shall consider and determine the application.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

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

Social implications

The general Shire population will benefit from this proposal by receiving a more informed, responsive and coordinated law enforcement and public safety service.

Environmental implications

There would be little environmental implications due to the proposed development taking place with the clearing of three (3) semi-mature White Gums (regrowth) and some small Banksia's (regrowth) at the main tower site and some further vegetation removal will be required for the three anchor points.

Comment

Site details and access

The proposed site is located on the highest hill in the area (elevation approximately 365m), and is sparsely vegetated by native flora. The proposed development will be setback 284m from North Road and will be screened by existing vegetation whilst the clearing of pre-existing vegetation will be limited as the least densely vegetated suitable site was chosen.

Access to the site will be off North Road via an existing gravel track. The track is seen as suitable as the proposed development will generate minimal traffic with once annual maintenance visits once operational.

Health Risks

Electromagnetic Emissions (EME) have been identified as a potential hazard for the proposed development. Within the Development Application the applicant has advised that there are strict regulations in place that guide the permitted EME relating to such a tower. The regulations are regulated by the Australian Communications and Media Authority (ACMA) and all towers are required to perform below the maximum allowable EME. It states within the Development Application that the proposed Telecommunication Tower will operate well within the standard.

Social Benefits

The proposed development will be a part of the Community Safety Network – Regional Radio Network Project. The Community Safety Network component of the project will provide the ability for, Department of Fire and Emergency Services (DFES) and Department of Corrective Services (DCS), to have access to this one common infrastructure network. The use of the network by DFES will allow local fire brigades access to better emergency services communications.

Once the tower is developed there will be the opportunity for other communication authorities to utilise the tower for better communications services, such as mobile phone coverage. The consultation process undertaken in assessing this application outlined the demand for better mobile phone coverage in the area as outlined by the submissions received. Therefore, it is recommended that Council supports the proposal and that the resolution be forwarded to the relevant communication authorities to outline the community demand.

Final Comments

A planning bulletin was released in November 2000, providing guidance in determining development applications for telecommunications infrastructure and dealing with issues associated with such development. The subject application has been assessed and is deemed to conform with this planning bulletin through the officer recommendation below.

9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 060314

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

- 1. Grants Planning Approval for the proposed Telecommunications Tower at Lot 3 (RN 496) North Road, Wannamal subject to the following conditions:**
 - a. Development shall be in accordance with the approved plans (Drawing No. TBA-A3 and TBA-A2);**
 - b. A fire Protection zone consisting of a twenty (20) metre radius shall be implemented around the proposed infrastructure. Within this zone, established and mature trees shall not be removed, however, low lying scrub and dead or diseased trees shall be removed in order to minimise the risks of fire.**

- c. Compliance with the standards set by the Australian Communications and Media Authority, under the *Telecommunications Act 1997* and the *Radio Communications Act 1992*.
- d. No mature trees other than ones identified in the Development Application shall be removed. Prior to the clearing of further vegetation the applicant shall liaise with Council officers.

2. Forwards its resolution to the relevant communication authorities.

Advice Notes:

1. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision; and
2. The applicant is advised to contact the Civil Aviation Safety Authority (CASA) relating to information about obstruction lights.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.6 Proposed Wannamal Townsite Boundary Review*

Applicant:	Shire of Chittering
File ref:	13/01/0001
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	1. Wannamal Townsite Boundary 2. Letter from Department of Local Government 3. Letter from Shire of Gingin

Background

This matter was previously considered by Council at its meeting held on 17 March 2010. Council at that meeting resolved as follows:

That Council:

- 1. endorse the modified boundary of the Wannamal Townsite as per the attached plan (attachment 1) incorporating the seven (7) residential blocks to be included in the Shire of Chittering district boundary.*
- 2. forward the modified boundary of the Wannamal Townsite to the Shire of Gingin for its consideration prior to making a formal request to the Department of Local Government for the boundary change.*

On the 14 March 2013, Council received correspondence from the Department of Local Government stating that it has not received confirmation of support from the Shire of Gingin regarding the amended proposal and is reluctant to progress the matter with the Board until such time as both the Shire of Chittering and Gingin agrees on the detail of the boundary amendment proposal.

The Shire of Gingin at its meeting held on 21 May 2013, resolved as follows:

- 1. Advise the Shire of Chittering and the Department of Local Government that it does NOT AGREE with the changed resolution of 18 July 2012, endorsing the modified boundary of the Wannamal Townsite as per Appendix1, incorporating seven (7) residential blocks (Lots 36,37,38,39,40, 42 and 43) to be included within the Shire of Chittering district boundary, excluding Reserve 39050; and*
- 2. Request the Shire of Chittering to reconsider its resolution of 18 July 2012 to change the original proposal to incorporate the seven (7) residential properties (lots 36, 37,38,39,40, 42 and 43) excluding the Reserve 39050 and to revert back to its original Resolution of 17 March 2010, in which the Reserve 39050 is included in the boundary realignment.*

Council's President and CEO held further discussion with the Shire of Gingin regarding the Wannamal Townsite boundary and reiterated the Shire of Chittering position that Reserve 39050 should not form part of the Boundary alignment and should be held by the Shire of Gingin.

Consultation

Letters were sent to affected land owners seeking their views whether to continue with the Townsite Boundary Review. Closing date for receiving submissions was 28 February 2014. At the closing date of submission, only one submission was received stating to stay with the Gingin Shire.

Statutory Environment

State: *Local Government Act 1995 - Part 2, Division 1 Districts and wards*

2.1 State divided into districts

- (1) *The Governor, on the recommendation of the Minister, may make an order*
 - (a) *declaring an area of the State to be a district;*
 - (b) *changing the boundaries of a district;*
 - (c) *abolishing a district; or*
 - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Local: *Shire of Chittering Town Planning Scheme No 6*

Policy Implications

Nil

Financial Implications

If the request was to proceed, costs will be incurred for formalising the statutory requirements such as rezoning. There would also be the costs of providing road access as well as the construction and maintenance of the access road.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

There are no significant economic implications associated with this proposal.

Social Implications

There are no social implications associated with this proposal.

Environmental Implications

There are no environmental implications associated with this proposal.

Comment

The area of disagreement between the respective Councils is Reserve 39050. In progressing this matter forward the Shire of Chittering has written to all affected land owners for their comments on their interest to continue with the transfer of responsibility to the Shire of Chittering. Only one submission has been received and that the response was to stay with the Gingin Shire.

Given the difference of opinions in the Wannamal Townsite boundary alignment, it is recommended that Council does not continue with the Wannamal Townsite boundary realignment, and no further action be taken.

9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070314

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

- 1. writes to the Shire of Gingin advising that it does not wish to continue with the Wannamal Townsite boundary realignment due to the differing of opinions; and**
- 2. writes to the Department of Local Government advising of Council's decision in 1 above.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.1.7 Proposed Targa West Rally

Applicant:	Targa West
File ref:	26/01/0001
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Simple majority
Documents table:	Nil
Attachments:	1. Letter of application from Targa West 2. Map of Proposed 3. Survey questionnaires

Background

This matter was previously considered by Council at its meeting held on 16 December 2009 due to the expiry of the Heads of Agreement deed between the Shire of Chittering and Targa West on 1 January 2010. Council at that meeting resolved as follows:

That in view of the considerable opposition to the Targa West Rally council does not support the officer's recommendation and therefore withdraws their involvement in the Targa West Rally effective from 31 December 2009.

On 22 January 2014, as part of its 10 year Anniversary of the Quit Targa West car rally, Targa West would like to include the origins of the event which included the Shire of Chittering. Targa West proposed to include Maryville Downs Estate and/or Muchea areas given their support with the residents in the area. The proposal was to undertake a survey of the residents in the area to determine if there is strong support for the return for the rally.

Council agreed to the survey being undertaken to gauge the public views of the rally return in the respective estates. The survey questionnaires which were prepared by the applicant were endorsed by Council.

On 6 March 2014, the applicant wrote to Council expressing that the majority of the surveys responses were in favour of the rally. A summary of the survey result is summarized below:

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. Of the surveys received, 71% were in favour of the event proceeding.

The applicant has requested to Council to run a trial stage through Maryville Downs Estate on 16 August 2014 from mid-afternoon for approximately 3.5 hours. It is also proposed to conduct a similar post event survey immediately after the event to gauge the response from the residents to assess future events.

Should Council approve the application, the applicant agreed to underwrite a fund raising program to the value of \$10,000 to be spent on local community project(s) in the Lower Chittering Area. The applicant also suggested a Charity Rally Car Ride over the approved course where community members are able to pay a small donation to ride in a rally car over the course. Money raised will go to the cause.

Consultation

Presentation by Targa West to Council.

Public Surveys to Maryville Downs Estate and Muchea residents.

Statutory Environment

State: *Road Traffic Act 1974*. Roads to be closed in accordance with this act for the event.

Local: *Shire of Chittering Town Planning Scheme No 6*. A Planning Application will be required for this proposal, which will be considered at a later stage.

Policy Implications

Nil

Financial Implications

There is cost associated with the wear and tear on the local road in relation to the rally event.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: This will be undertaken once the approval has been granted by Council Technical Services to determine the "before" and "after" conditions of the road for the event.

Triple Bottom Line Assessment

Economic Implications

There may be some benefit in attracting visitors into area which may have a spin off effect to businesses in the Shire.

Social Implications

This event may get the community together to support the car rally. There may be some issues in term of adjoining owners affected by the closure of the road which may hinder their daily activities. This can be overcome by making the affected land owners aware in advance of the scheduled event so that the owners can plan their activity and movement during the day.

Environmental Implications

There may be some environmental impact due to noise and possible oil spillage. A management Plan will be required to be provided by the event coordinator prior to the event.

Comment

Through the public survey conducted in Maryville and Muchea estates, the applicant decided to have the Targa West rally in Maryville Estate.

It is noted from the survey result that 60% of the surveys delivered did not respond. Out of the 40% that responded 28% was in favour of the event and 8% were against the event proceeding.

A formal Planning Application will be required and the process will include notification to all affected land owners which will provide Council an overview of the concerns from the affected landowners.

9.1.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 080314

Moved Cr Rossouw / Seconded Cr Douglas

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 land owners, 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 refueling arrangements; and**
- 4. Toilet facilities at Service and Refuel Parks in accordance with relevant Local Laws.**

**THE MOTION WAS PUT AND DECLARED CARRIED 3/3
WITH THE CASTING VOTE OF THE SHIRE PRESIDENT**

9.2 TECHNICAL SERVICES

9.2.1 Amalgamation of Muchea Water Licence(s)*

Applicant:	Shire of Chittering
File ref:	A9073, A9151, 04/17/0002 & 14/02/0001
Prepared by:	Tresa White, Technical Services Support Officer
Supervised by:	Jim Garrett, Executive Manager Technical Services
Voting requirements:	Simple majority
Documents table:	Nil
Attachments:	Aerial photograph

Background

The Shire of Chittering currently has licences to take groundwater from two (2) locations in Muchea Town site(s) as listed below;

Licence 61539	Lot 151 Archibald Street Muchea,	current water allocation 7,500kl.
Licence 152697	Lot 121 Dear Street Muchea,	current water allocation 5,250kl.

Each individual licence has a level of water allocation that can be taken per annum. The Department of Water (DOW) have contacted the Shire to inform us that we have exceeded our water allocation at the Archibald Street bore this financial year. The high water usage was due to water being drawn from this bore to fill emergency fire tanks situated throughout the southern end of the Shire.

The officer at the Department of Water has suggested as Archibald Street and Dear Street Muchea sites are linked via the same aquifer, the licence and water allocation for these sites should be amalgamated to alleviate the problem in the future.

Consultation

Gary Tuffin, Chief Executive Officer
Jim Garrett, Executive Manager Technical Services
Bala Bala, Department of Water

Statutory Environment

State: *Rights in Water and Irrigation Act 1914 – Section 5C*

Policy Implications

Nil

Financial Implications

The Department of Water has advised that there will be no costs associated with the amalgamation.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic Implications

There are no known significant economic implications with this proposal.

Social Implications

There are no known significant social implications with this proposal.

Environmental Implications

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

Comment

The recommendation for the amalgamation of the licence to take groundwater from Lot 151 Archibald Street, Muchea and Lot 121 Dear Street Muchea has come from the Department of Water.

The amalgamation of the licence would be of assistance to the Shire if one site is unable to be accessed for any reason as we are still able to take the full water allocation from both sites but using the one water licence.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 090314

Moved Cr Gibson / Seconded Cr Douglas

That Council:

- 1. endorse the amalgamation of Licence 61539, Lot 151 Archibald Street Muchea and Licence 152697, Lot 121 Dear Street Muchea into an individual water licence; and**
- 2. authorise the Shire President and Chief Executive Officer to sign and affix the common seal to Department of Water Form 3G Application.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 28 February 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 28 February 2014
Attachments	1. Statement of Financial Activity for period ending 28 February 2014 2. Bank reconciliation for period ending 28 February 2014 3. List of accounts paid for February 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 28 February 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 28 February 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 – 100314

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. endorse the list of payments:

- PR3257
- PR3263
- EFT 9120 - EFT 9260
- Municipal Fund Cheques 13541 - 13560
- Direct Debits and Transfers as listed
- BPV37 to BPV37

Totalling \$805,655.34 for the period ending 28 February 2014.

2. receive the bank reconciliation for the period ending 28 February 2014.

3. receive the financial statements for the period ending 28 February 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.2 2013-2014 Budget Review to 31 January 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	Absolute majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity and Variance Report 2. Programme Schedules

Background

The *Local Government (Financial Management) Regulations 1996, Regulation 33A* requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year. Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the Council. The Council is to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendation made in the review. Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government.

A Statement of Financial Activity incorporating year to date budget variations and 30 June 2014 forecasts for the period ending 31 January 2014 is presented with this report.

Consultation

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

The budget review document was presented to Council at a workshop held on Wednesday 5 March 2014. Questions and clarifications were sought by members.

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

The original budget review was undertaken by senior staff and Council were consulted with regarding the budget amendments at the Council workshop held on Wednesday 5 March 2014.

Major Operating Revenue variances highlighted in the review are:

- Grant Commission increased to reflect final allocation - \$72,702
- ESL reimbursement for 12/13 overspend - \$13,984
- Inclusion of Grant for Bindoon Medical Centre extensions - \$132,293
- Decrease in landfill fees dues to less disposal and recycling - \$44,500
- Increase in Town Planning revenue due to payment of fines and additional developer contributions - \$139,609
- Decrease in grant from Lotterywest for Bindoon Hall Upgrade - \$110,331
- Removal of CLGF funding for Binda Place Upgrade - \$466,115
- Decrease in Economic Development grants due to being unsuccessful in T-Qual grant - \$24,533

Major Operating Expense variances highlighted in the review are:

- Reallocation of Loan 79 interest payments to reflect correct program
- Additional expenses for the finalisation of the townsite sewerage proposal - \$3,205
- Increase in Muchea Landfill expenses to cover costs of traxcavator repairs - \$55,225
- Decrease in town planning consultant fees and reallocation of wages - \$62,907

Major Capital Expense variances highlighted in the review are:

- Addition of Bindoon Medical Centre extensions - \$132,293
- Removal of Contribution to Community Housing - \$46,000
- Reduction in Bindoon Hall expenses (to match funding) - \$77,123
- Increase for Bowling Greens to reflect actual expenditure - \$28,459
- Removal of Binda Place expenses due to no CLGF funding - \$466,115
- Cancellation of Parkside Garden project - \$169,248
- Addition of Health Centre Road project - \$106,204
- Removal of McGlew Road contribution - \$80,000
- Increased reserve transfers due to additional developer contributions - \$40,000
- Additional expenses for Multi-Purpose Health Centre – \$214,498

In the budget review document presented, Council will achieve a balanced budget.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 110314

Moved Cr Gibson / Seconded Cr Douglas

That Council adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2013 to 31 January 2014 and amend the budget accordingly.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.3.3 Update Delegation Register – Western Australian Treasury Corporation Borrowings*

Applicant	Shire of Chittering
File ref	12/02/1
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	DA64

Background

At the Ordinary Meeting of Council held on 18 December 2013, Council resolved the following:

“That Council:

- 1. Enters into a Master Lending Agreement with Western Australia Treasury Corporation as per the document tabled at the meeting*
- 2. Authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the Master Lending Agreement”*

In the original correspondence received from the Western Australian Treasury Corporation (WATC), a sample council resolution was provided:

“The Shire of Chittering hereby RESOLVES:

- i) That the Shire of Chittering enters into a Master Lending Agreement with Western Australian Treasury Corporation as per the document tabled at the meeting*
- ii) To approve the affixation of the Common Seal of the Shire of Chittering to the said Master Lending Agreement in the presence of the Mayor or President and the Chief Executive Officer or an Agent or a Senior Employee of the Shire of Chittering authorised by the Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto; and*
- iii) That the Chief Executive Officer, Agent or any one of the Senior Employees of the Shire of Chittering authorised by the Chief Executive Officer from time to time is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Chittering”*

After consultation between the Chief Executive Officer and Executive Manager Corporate Services it was decided that Point iii would not be included in the Officer Recommendation to Council as it was felt that it was more appropriate for Council to sign for each loan as it was drawn down.

The Western Australia Treasury Corporation have since been in contact with the Executive Manager Corporate Services and advised that without the inclusion of Point iii, Council is unable to undertake any borrowings.

This report is seeking a delegation to the Chief Executive Officer to address Point iii that was omitted from the Council Resolution that was passed on 18 December 2013.

Consultation

Western Australian Treasury Corporation
Chief Executive Officer

Statutory Environment

State: *Local Government Act 1995, Section 9.49A(4)*

A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Policy Implications

Nil

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

WATC have advised that without the inclusion of Point iii in the Council Resolution, Council will not be able to undertake any borrowings, as there is no authority in place for the Chief Executive Officer to sign schedule documents and or give instructions for borrowings.

The inclusion of Point iii does not mean that the Chief Executive Officer can borrow money without Council's knowledge, as the process for taking out new borrowings still apply, for example, inclusion in the current year's budget and/or advertising the proposed new loan.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 120314

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

1. Delegates authority to the Chief Executive Officer to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Chittering; and
2. Adopts DA64 and updates the Delegation Authority Register accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.4 Community Sporting and Recreation Facilities Fund*

Applicant	Shire of Chittering
File ref	15-01-15
Prepared by	Arlene Carter, Club & Community Development/Grants Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Application on behalf Chittering Junior Football Club

Background

Funding for Community Sporting and Recreation Facilities Fund (CSRFF) 2014-2015, through the Department of Sport and Recreation (DSR) is currently open for sporting clubs to apply for grants. Part of that procedure is for the applications to be assessed by the Local Government Authority (LGA) and ranked in order of priority for all applications. The applications are then forwarded to DSR for their consideration. The deadline for these applications to be received by DSR is Friday 28 March 2014.

The Shire of Chittering on behalf of the Chittering Junior Football Club, will be lodging an application for the installation of a new verandah on the oval side of the Muchea Hall clubrooms.

The Department of Sport and Recreation representative Jannah Stratford indicated to the club that shade areas are a low priority when determining grants and that grant funding approval would depend on how many applications they received and funds available.

Chittering Junior Football Club

The installation of a new verandah has been approved in the 2013/14 budget subject to grant funding and a cost shared basis of \$15,000 each between the Chittering Junior Football Club (CJFC), Department of Sport and Recreation (DSR) and the Shire of Chittering.

There have been two quotes received for this work (all pricing is GST excluded):

- All-Ways Wrought Iron & Patios \$17,959
- Zinclad \$44,000

It should be noted that the reason for the different quotes is because of the building materials each supplier quoted on and the gable of the roof was different. Zinclad were asked to requote for the same gable of roof as All-Ways however declined to do so due to workload.

Due to the pitch of the roof and the surface area of the verandah being so large, the Community Development Officer requested that the CJFC supply a quote for an adequate stormwater system and exterior lighting under the verandah. Other work required is the removal and re-installation of the existing pavers. This will be carried out by the CJFC and has been included in the application as "in kind contribution".

The quotes to install lighting under the verandah area and stormwater are:

- Ace Electrical \$1,881
- Stormwater \$2,000

Consultation

Chittering Junior Football Club
Muchea Users Group
Executive Manager Corporate Services
Jannah Stratford – Department of Sport and Recreation

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is \$15,000 allocated for this project in the 2013/14 Budget, subject to grant funding. If the grant is successful the Shire contribution will be \$8,216.

The breakdown of the expenses on the CSRFF application are:

Supply and install lighting under patio	\$ 1,881.00
Supply and install flat roof patio	\$17,959.00
Provide stormwater system to new patio	\$ 2,000.00
Building permit and planning fees	\$ 597.00
Independent certifier	\$ 500.00
Removal of pavers – digging to locate stormwater	\$ 400.00
Fill to go back under pavers	\$ 400.00
Cost escalation	\$ 909.10

Total project cost:	\$24,646.10

The following is the breakdown of the funding sources (GST excluded):

CSRFF Grant	8,216.00
Shire of Chittering	8,216.00
CJFC	7,814.00
CJFC in kind	400.00

Total Project cost:	\$24,646.00

Strategic Implications

Nil

Site Inspection

A site inspection on the proposed verandah was undertaken on the 11 February 2014 with Alan Nairn (CJFC representative), Jannah Stratford (DSR) and the Club and Community Development Officer.

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this report.

Social implications

While the CJFC are the drivers of this application, the verandah will be a benefit to all sporting clubs and the wider community.

Environmental implications

There are no significant economic implications associated with this report.

Comment

DSR have two rounds of funding per year. This round's applications have to be submitted by Friday 28 March 2014. There is one application this round however there is still a requirement for the Council to prioritise and rank. All LGA rankings and ratings must be endorsed by Council and a copy of the Council minutes confirming financial contributions must be included with the application form.

While the CJFC members are going to be a beneficiary of the proposed verandah, every sporting and community group will benefit from having the verandah for shade and wet weather. Having the veranda facing the oval would increase participation of parents and supporters of sporting events. This also enables outdoor BBQ's to be under protection to assist with feeding youth, visitors and fundraising. Other sporting clubs which use this facility are the Muchea Judo Association, Muchea Netball Association, Zumba and Muchea Senior Cricket Club.

Each year the Chittering Junior Football Club host the six week Auskick Special Needs program on Saturdays over May and June, for boys and girls aged 5-12 years old. The children have various disabilities and the additional verandah area will benefit the participants and supporters, while watching the activities and during lunch breaks. The Shire will be putting in disability access from the proposed veranda area onto the oval, prior to the end of the financial year.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 130314

Moved Cr Gibson / Seconded Cr Norton

That Council endorses a Priority 1 ranking for the Chittering Junior Football Club – new verandah at Muchea clubrooms and confirms that \$8,216.00 (excluding GST) is available for this project subject to grant approval from the Community Sporting and Recreation Facilities Funding Round 2013-2014, by the Department of Sport and Recreation and subject to building and planning approval.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.5 Sundry Debtor Write Offs

Applicant	Shire of Chittering
File ref	12/05/0001
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 is requested to consider the write off of five (5) Sundry Debtor Accounts totalling \$1,525.33.

During the monthly review of Sundry Debtors it was noted that the five (5) debtors have been outstanding for an excessive period of time and the expense of recovering the money through a Debt Collection Agency would not be economical.

Consultation

- Executive Manager Corporate Services
- Executive Manager Technical Services
- Library Officer

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

This proposal would result in a loss of revenue of \$1,525.33, however would reflect a more accurate position of Council's receivables.

Council has a provision for doubtful debts of \$3,685.00 in the 2013/2014 Annual Financial Statements.

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 following table is a list of the outstanding Sundry Debtors and the action taken to recover each debt.

Debtor No	Invoice No	Date	Amount \$	Details	Reason for Write Off
539	9419	26.03.12	396.00	This invoice relates to unpaid landfill charges – rubble from demolition concrete fence in the back yard Respite Centre. 01.06.12 – Overdue Notice 15.06.12 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
611	9749	07.12.12	88.00	This invoice relates to unpaid landfill charges. 17.01.13 – Overdue Notice 06.02.13 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
596	9645	20.09.12	220.00	This invoice relates to unpaid landfill charges. 26.10.12 – Overdue Notice 19.11.12 – Final Notice	Recovery of the money through a Debt Collection Service is unlikely to result in payment of this debt and uneconomical in comparison to the amount owing.
554	9508	22.06.12	59.73	Library books not returned by borrower The debtor has since left the district and staff have been unsuccessful in tracing the debtor for recovery of the outstanding funds.	The borrower has left address provided and is unable to be located.
370	8629	20.10.09	761.60	Private Works - Mulch - Muchea Livestock Centre	Debtor in voluntary liquidation so recovery of the money is unlikely.
TOTAL BALANCE FOR WRITE OFF			\$1525.33		

9.3.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 140314

Moved Cr Rossouw / Seconded Cr Douglas

That Council write off the following Sundry Debtor invoices totalling \$1,525.33:

Debtor Number	Invoice Number	Amount
539	9419	396.00
611	9749	88.00
596	9645	220.00
554	9508	59.73
370	8629	761.60

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

Cr Norton declared an impartiality interest in item 9.3.6 as she is a member of the Chittering Tourist Association.

Cr Douglas declared an impartiality interest in item 9.3.6 as he is the President of the Chittering Tourist Association and left the Chambers at 7.58pm prior to discussion on the item.

9.3.6 September Colour Project*

Applicant	Chittering Tourist Association (CTA)
File ref	08/02/0003
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Proposal to Shire of Chittering, from CTA

Background

Colleen Osborn (Tourism Promotion Officer) representing the CTA, in conjunction with Vivienne du Plessis and Nina Foulkes-Taylor of Plantation Wildflowers, is proposing to undertake a project which will bring colour to the Bindoon townsite throughout September. Apart from being the month in which the Chittering Wildflower Festival takes place, September is a busy tourist month due to the wildflowers in the area and further north of Chittering.

The general objective of the project is to;

- Tidy / replant current gardens;
 - Bindoon Pharmacy
 - Bite Restaurant
 - Post Office / Visitor Centre
- Locate filled planter boxes at premises without gardens;
 - IGA
 - Bindoon Hardware
- Locate two flower-filled rustic utes on the Binda Place vacant blocks (pending the approval of the landowners); and
- Participate in the establishment of the Town Hall and (current) Medical Centre gardens

The intended outcome of the project is to make the townsite more appealing to those travellers who might normally pass straight through.

Consultation

Consultation has been undertaken with the Binda Place business operators / owners, including but not limited to the Bindoon Bakehaus, IGA, Bindoon Hardware and the Chitterbug Gallery, along with the Chittering Community Planning Advisory Group and Bindoon Progress Association.

Letters of support have been received by the CTA from Chittering Chamber of Commerce and the Bindoon Bakehaus.

Statutory Environment

Nil

Policy Implications

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

Financial Implications

The cash cost of the project is estimated in the vicinity of \$1,800 (not including any private garden works that may be undertaken by landowners). The costs likely to be incurred are for the materials to create the planter boxes (to be produced by the Men's Shed) along with the plants, soil and pots. The CTA have applied for a Department of Local Government and Communities Community Gardens grant but will be seeking alternative financial support in case this application is not successful. Therefore it would not be expected that there would be any significant financial implication to Council.

However, assistance will be requested from Shire staff to [assist to];

- Plant the 'pots of colour';
- Transport / install the four planter boxes;
- Transport / install the two rustic vehicles; and
- Transport / install the 'pots of colour'.

Whilst no estimate of hours has been supplied by the CTA it could be reasonably expected that the aforementioned duties would be in the vicinity of;

- Plant the 'pots of colour' – 2 staff x 4 hours each;
- Transport / install the four planter boxes – 2 staff x 2 hours each;
- Transport / install the two rustic vehicles – 2 staff x 6 hours each; and
- Transport / install the 'pots of colour' – 2 staff x 2 hours each.

With a total of 28 hours an allowance of \$3,080 (including staff labour and plant costs) would need to be made during the 2014/15 Annual Budget considerations.

No mention is made of the removal of the above items, however again it could be reasonably expected that a similar number of hours would be required to clean up after the project, bringing the total to 56 hours and \$6,160.

Strategic Implications

With reference to the Strategic Community Plan 2012-2022:

Key Area: Social: Building a Sense of Community
Outcome: Strengthened social connections
Key Priority: Create and support festivals
(Chittering Wildflower Festival)

Key Area: Natural Environment: Preserving and Enhancing Our Natural Environment
Strategy: Promote our local environment with places to visit
Links: Trails Network Master Plan
(Bindoon Tale Trail)

Key Area: Economic: Prosperity for the Future
Outcome: Chittering: A Place to Visit
Strategy: Promote and improve Chittering's profile as a tourism destination

Site Inspection

Inspections of all potential sites have been undertaken by Colleen Osborn on behalf of the CTA.

Triple Bottom Line Assessment

Economic Implications

The Strategic Community Plan 2012-2022 states that economically the community aspires to “*continue to brand Chittering as a day / weekend tourist destination*”.

Social implications

Community driven projects add value to the community through inclusion and involvement.

Environmental implications

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

Comment

It is admirable to see this passionate trio putting so much effort into a project that won't only enhance the townsite for prospective visitors but also for local residents. It is the opinion of the Officer that Council should be seen to support these kinds of initiatives.

With regards to insurance issues, it must be made clear to the proponents that Shire insurance will not cover the public with regard to any injuries that might be incurred (on the planters / vehicles), therefore this is an area that the group will need to investigate.

Consideration will also need to be given, by the proponent, to the maintenance (ie weeding, watering) of the planters and vehicles whilst in situ.

Referencing the assistance of Shire staff with the project the following could be considered reasonable;

- Transport / install the four planter boxes – 2 staff x 2 hours each;
- Transport / install the two rustic vehicles – 2 staff x 6 hours each;
- Remove / transport the four planter boxes – 2 staff x 2 hours each; and
- Remove / transport the two rustic vehicles – 2 staff x 6 hours each.

\$3,520(32 man hours) presents a more reasonable input than \$6,160 (56 man hours) when the planting is a task which can be undertaken by volunteers without specialist equipment.

9.3.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 150314

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

1. support the proposed “September Colour” project subject to final details being approved by the Chief Executive Officer prior to installation;
2. consider the allocation of \$3,520 (32 man hours) in their 2014/15 Annual Budget for the “September Colour” project; and
3. consider the advice of the proponents with regards to future garden plantings in the townsite.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

Cr Douglas returned to the meeting at 8.03pm prior to item 9.4.1.

During discussion on item 9.4.1 the Shire President requested a meeting adjournment, to obtain additional information, at 8.08pm. All present were in agreement.

Gary Tuffin, Jean Sutherland and Karen Parker left the meeting at 8.08pm and returned to the meeting at 8.13pm, with additional information for item 9.4.1.

The meeting resumed at 8.13pm.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Memorandum of Understanding for the provision of a Community Emergency Services Manager*

Applicant	Shire of Chittering
File ref	04/18/27
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Memorandum of Understanding

Background

Council's consideration is requested to authorise the Chief Executive Officer to sign the Memorandum of Understanding (MOU) for the provision of a Community Emergency Services Manager for a further three year period ending 30th June 2017.

At the Ordinary Meeting of Council held on 16 March 2011, Council resolved as follows:

"That Council agrees in principle to the appointment of a Community Emergency Services Manager funded by the Fire and Emergency Services Authority and the Shires of Chittering and Victoria Plains, subject to the Memorandum of Understanding, Business Plan and Position Description for the position being amended to suit the requirements of the Shires to the satisfaction of the Chief Executive Officer and Chief Bushfire Control Officers."

Following this the Shire of Victoria Plains advised that they will not be proceeding with a shared agreement and at the Ordinary Meeting of Council held on 20 April 2011, resulting from a recommendation from the Chittering Bush Fire Advisory Committee Council resolved as follows:

"That Council appoints a Community Emergency Services Manager for the Shire of Chittering in 2011 for a three year period with FESA meeting 60% of the employment costs."

Consultation

Department of Fire and Emergency Services
Chief Executive Officer
Community Emergency Services Manager

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The shire is responsible for 40% for all costs associated with the Community Emergency Services Manager position.

Council's contribution for:

2014/15	\$70,949.27 (Includes vehicle replacement)
2015/16	\$52,447.71
2016/17	\$54,979.01

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: 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

Jamie O'Neill has been in the role for the past three years and has proven to be very successful in re-engaging with the bush fire brigades and improving communication between the Shire and Brigades.

Some of the program achievements over this period include:

- Implemented approved training within the brigades and the ability to training Volunteers to an advanced level locally.
- Processes now in place to ensure accurate recording of training records and member information both at Shire and DFES levels
- Volunteers are now supplied improved PPC
- Increased accredited trainers within the Brigades
- Improved communication and relationships between Brigades, Shire and DFES
- Development of Brigade Stations to Incident Control Centres
- Increased budget for volunteers
- Increased support for Volunteers at incidents both within Shire and Regionally
- Development of the LEMC and LRC
- Development of LEMA and Recovery Plan
- Establishment of Local Welfare Centres

- Increased community engagement within the Shire including the development of a Bush Fire Ready group and two facilitators
- Improved community awareness of Bush Fire planning with improved fire break notice and enforcement
- Improved commitment towards mitigation including maintenance on it Strategic fire breaks, reserves and currently undergoing fuel load assessment and risk assessment on Shire reserves

A draft MOU has been provided for Councils further consideration. Note any amendments that have been made since the original MOU have been highlighted yellow.

Significant provisions added to the MOU are:

- 6.4 *The Shire agrees that during periods of annual leave undertaken by the CESM, DFES may provide a relief officer to perform the role of CESM, with funding to be met proportionately by each party.*
- 8.7 *The CESM will be required to perform operational emergency management duties as required and must be appointed as the Chief Bush Fire Control Officer by the Shire.*
- 8.8 *The CESM will be available to fulfil designated roles on the DFES Key Personnel Roster (KPR). This may require the CESM to be On-Call after hours 1.5 weeks during the southern bush fire season (usually Dec1- March 31). The KPR provides operational support to incidents across the metropolitan area and takes precedence over local response.*

Council is now requested to give consideration to continuing this partnership with Department of Fire and Emergency Services and authorising the Chief Executive Officer to sign the new MOU.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 160314

Moved Cr Rossouw / Seconded Cr Norton

That Council:

- 1. authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager as attached for a three year period; and**
- 2. advise the Department of Fire and Emergency Services of 1 above and provide a copy of the signed Memorandum of Understanding.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.2 Shire of Chittering Local Government (Council Meetings) Local Law 2014*

Applicant	Shire of Chittering
File ref	19/04/0001
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Local Government (Council Meetings) Local Law 20142. Submissions from the Department of Local Government

Background

At the Ordinary Council meeting held on 18 December 2013 Council resolved to:

“That Council

- 1. adopt the proposed Shire of Chittering Local Government (Council Meetings) Local Law 2013, as contained in the attachment for advertising purposes;*
- 2. pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Chittering Local Government (Council Meetings) Local Law 2013, as contained in the Attachment:*
 - a. the purpose of which is to provide for the orderly conduct of the proceedings and business of the Council; and*
 - b. the effect of these local laws is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by these local laws unless otherwise provided in the Act, regulations or other written law.”*

The Shire gave statewide public notice by advertising in the Weekend West Australian (15 January 2014); and local public notice by advertising in The Advocate (22 January 2014).

Copies of the draft Shire of Chittering Local Government (Council Meetings) Local Law 2014 were sent to the Honourable A J Simpson MLA, Minister for Local Government.

Copies of the draft local law were made available on the Shire’s website, administration centre and Bindoon Library.

Consultation

Executive Management Team
Councillors

Statutory Environment

Section 3.12 of *Local Government Act 1995* states;

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to—*
 - (a) give Statewide public notice stating that—*

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice—*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section—*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Policy Implications

Nil

Financial Implications

There will be costs incurred for the advertising of the local law in the local papers (Northern Valleys News and Advocate) plus in the state-wide paper (The West Australian); and also in the Government Gazette.

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 shire only received one submission on the proposed local law being from the Department of Local Government and Communities. A copy of this submission is attached and the Local Law amended.

Following the final adoption of the local law the Shire must publish it in the Government Gazette, and give a copy to the Minister for Local Government.

The final adoption of the local law will be duly signed by the Chief Executive Officer and the Shire President and sealed as a matter of course. In addition, the Joint Standing Committee on Delegated Legislation requires copies to be signed by the Chief Executive Officer and Shire President.

After the local law has been published in the Gazette the Shire is to give local public notice–

- (a) Stating the title of the local law
- (b) Summarising the purpose and effect of the local law
- (c) Specifying the day on which it comes into operation
- (d) Advising that copies of the local law may be inspected or obtained from the Shire's administration office.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 170314

Moved Cr Rossouw / Seconded Cr Douglas

- 1. That Council adopts the proposed *Shire of Chittering Local Government (Council Meetings) Local Law 2014* incorporating the changes as recommended by the Department of Local Government and Communities.**
- 2. That the *Shire of Chittering Local Government (Council Meetings) Local Law 2014* be published in the Government Gazette.**
- 3. That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the *Shire of Chittering Local Government (Council Meetings) Local Law 2014*.**
- 4. pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice of the *Shire of Chittering Local Government (Council Meetings) Local Law 2013*:**
 - (a) stating the title of the local law;**
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and**
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4.3 Annual Performance Review

Applicant	Shire of Chittering
File ref	personnel
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

Council at its meeting held on 20th November 2013 resolved as follows:

- (a) *That the following members of council be appointed to the CEO Performance Assessment Group, Cr Hawes , Cr Rossouw & Cr Douglas*

- (b) *That a further report be presented to Council at the completion of the assessment process.*

In early February 2014 all councillors were sent a CEO Performance Review Survey form by email from the Shire President for their response.

Consultation

Cr Robert Hawes (President)
Cr Michelle Rossouw (D/President)
Cr Alex Douglas
Cr Don Gibson
Cr Doreen Mackie
Cr Sandra Clarke
Cr Barni Norton

Statutory Environment

Section 5.38 of the Act states;

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Policy Implications

There are no policy implications in considering this item.

Financial Implications

The CEO Performance Assessment Group recommended a 5% increase in the CEO's salary.

Strategic Implications

There are no strategic implications in considering this item.

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 review of the 6 survey responses received from Councillors was undertaken by the CEO Performance Assessment Group on the 5th March 2014, and the CEO was provided with feedback accordingly.

The general consensus was that the CEO had achieved a satisfactory performance over the 12 month period.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 180314

Moved Cr Rossouw/ Seconded Cr Norton

That the Chief Executive Officer Performance Assessment Group recommend to Council that:

- 1. the performance of the Chief Executive Officer for the 12 month period was considered satisfactory in meeting the Key Result Areas as set by council; and**
- 2. the Chief Executive Officer's salary be increased by 5% from his anniversary date.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10. REPORTS OF COMMITTEES

10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 11 February 2014*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Danica Kay, Executive Support Officer
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 11 February 2014

Background

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 11 February 2014. There was one formal recommendations moved at the meeting as follows:

1. *That the Shire trial calling harvest and movement of vehicle and hot works bans for weekends and / or holiday periods where the index is predicated to be 'extreme' or higher over that period;*
2. *The trial period will be for the rest of the summer as a trial; and*
3. *The trial will be reviewed by BFAC at the June 2014 meeting.*

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

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

Given that the fire season has not yet finished and temperature predictions are still high, it is suggested that the trial period be extended to the end of the fire season instead of the current summer period.

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 190314

Moved Cr Rossouw / Seconded Cr Clarke

1. That Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 11 February 2014; and
2. That Council trial calling harvest and movement of vehicle and hot works bans for weekends and / or holiday periods where the index is predicated to be 'extreme' or higher over that period:
 - a) The trial period will be for the rest of the fire season as a trial; and
 - b) The trial will be reviewed by Chittering Bush Fire Advisory Committee at the June 2014 meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10.2 Minutes of the Audit Committee meeting held on 13 March 2013*

Applicant	Shire of Chittering
File ref	12/01/1
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" minutes of the Audit Committee meeting held on the 5 March 2014

Background

A meeting of the Audit Committee was held on 5 March 2014, where there was one formal recommendation to Council as follows:

That the Audit Committee recommends Council adopts the Local Government Compliance Audit Return for the period 1 January 2013 to 31 December 2013 as presented.

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

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

10.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 200314

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

- 1. Receives the unconfirmed Minutes of the Audit Committee meeting held on Wednesday, 5 March 2014; and**
- 2. Adopts the Local Government Compliance Audit Return for the period 1 January 2013 to 31 December 2013.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

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

11.1 Elected members motion – Councillor Gibson – Traffic speed through Bindoon

Councillor Gibson has provided the following recommendation:

COUNCILLOR RECOMMENDATION / COUNCIL RESOLUTION - 210314

Moved Cr Gibson / Seconded Cr Norton

That Council request the Chief Executive Officer to write to Main Roads WA requesting the following actions:

- 1. Reduction of the posted speed limit on Great Northern Highway through Bindoon townsite to 50kmh;**
- 2. Installation of speed sensing lights on Great Northern Highway in Bindoon townsite with the capability of stopping any vehicles exceeding the posted speed limit, as deployed overseas; and**
- 3. Provision of a pedestrian crosswalk over Great Northern highway in conjunction with the requested speed sensing lights near the locality of the Bindoon Post Office.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Councillor Comment:

In recognition that the proposed Bindoon bypass project is still many years away from construction, the serious road safety problem in Bindoon needs urgent attention, after many near misses involving heavy vehicles in the townsite.

Failure to act at this time could result in fatalities, which are very distressing to small communities, especially after the high risk has been pointed out to Main Roads repeatedly.

Officers Comment:

Council at its Ordinary meeting held on 20 March 2013, resolved as follows:

That Council REQUEST Main Roads WA to change the speed limit on Great Northern Highway within Bindoon Townsite to 50kph, to help mitigate the serious safety issues with heavy transport vehicles in town.

Council staff have made requests to MRWA regarding this and have had no success to date.

Council has been approached by MRWA to provide student road crossing numbers for Great Northern Highway.

A survey was conducted back in September 2013 with the Bindoon School. 35 responses were received, including 53 students cross the road.

Further to this MRWA requested a physical count to be undertaken. This resulted in much lower numbers than the school survey (3).

It is understood that for a crosswalk attendant to be provided, a minimum of 20 children must cross the road daily.

Based on the current numbers it is unlikely that MRWA would support the provision of a crosswalk attendant.

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

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Rossouw

That Council moves into a confidential session to discuss items 14.1 under the terms of the *Local Government Act 1995, Section 5.23(2) (e) (iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*, as the officer recommendation is to retender the project it is not appropriate to reveal the tender information received, and the tender contains commercial information on the tenderer.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.45pm all members of the gallery left the chambers and the meeting was closed to the public.

14.1 CONFIDENTIAL - Bindoon Town Hall Tender*

Applicant:	Shire of Chittering
File ref:	A9508; 05/01/0001
Prepared by:	Danica Kay, Executive Assistant
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	ASIC Documents, Tender Submission

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 220314

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

- 1. Not accept any tender for SC14-03 Bindoon Town Hall (Conservation and Upgrade Works); and**
- 2. Readvertise the Bindoon Town Hall (Conservation and Upgrade Works) tender for a minimum of 14 days.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Clarke

That Council come from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.47pm the meeting was reopened to the public and no members of the gallery returned to the meeting.

15. CLOSURE

The Presiding Member declared the meeting closed at 8.47pm.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8:30am - 4:30pm