

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

Wednesday, 20 November 2013

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.01pm

Closure: 8.36pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 18 December 2013.

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.

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

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TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
	2.1 Attendance.....	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence	1
3.	DISCLOSURE OF INTEREST.....	1
4.	PUBLIC QUESTION TIME	2
	4.1 Response to previous public questions taken on notice	2
	4.2 Public question time	2
	4.2.1 Public Question time – S Vallance	2
5.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	3
	5.1 Submission – Mr Troy Easter	3
6.	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
	7.1 Ordinary meeting of Council – Wednesday, 23 October 2013	4
8.	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION	4
9.	OFFICER’S REPORT	5
	9.1 DEVELOPMENT SERVICES.....	5
	9.1.1 Proposed Boundary Fence and Addition (Patio) – Lot 308 (RN 137) Patersonia Road, Chittering*	5
	9.1.2 Proposed parking of one (1) Prime Mover – Lot 505 Faull Street, Muchea*	10
	9.1.3 Additional Dog Application – 21 Robin Grove, Bindoon.....	16
	9.1.4 Blueberry Bliss Noise Management Plan for the Use of a Gas Gun - November 2013 Review*	20
	9.2 TECHNICAL SERVICES	25
	9.2.1 Regional Bicycle Network Footpath Plan to Include Binda Place*	25
	9.3 CORPORATE SERVICES.....	27
	9.3.1 Rating Policy relating to Change in Predominant Use of Rural Land*	27
	9.3.2 Fees and Charges Amendments	29
	9.4 CHIEF EXECUTIVE OFFICER	32
	9.4.1 CEO Annual Review.....	32
	9.4.2 Setting of 2014 Ordinary Council Meeting dates	34
	9.4.3 Christmas/New Year Office Closure	37
	9.4.4 Nominations to Committees	39
	9.4.5 Affixing of Common Seal – Lotterywest Building Grant Agreement, Bindoon Town Hall*.....	45
	9.4.6 Affixing of Common Seal – Architectural Design and Project Management Contract: Bindoon Town Hall*	47
10.	REPORTS OF COMMITTEES	49
	10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 8 October 2013*	49
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	51

12.	MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING	51
13.	URGENT BUSINESS	51
14.	CONFIDENTIAL ITEMS.....	51
	14.1 Bindoon Catholic Agricultural College Gravel Pit* (CONFIDENTIAL REPORT).....	51
15.	CLOSURE.....	52

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.01pm

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 Alex Douglas	
Cr Doreen Mackie	
Cr Barni Norton	

The following staff were in attendance:

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

There were 4 members of the general public in attendance.

2.2 Apologies

Cr Sandra Clarke	
Cr Don Gibson	
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Brendan Jean	Senior Planner

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Councillor Hawes, Shire President:

"With regard to item 9.1.4 'Blueberry Bliss Noise Management Plan for the Use of a Gas Gun - November 2013 Review' I disclose that I have an association with the EBICG as Chairman of the group which provides advice on environmental issues that may affect planning decisions. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Public Question time – S Vallance

S Vallance, Archibald Street, Muchea

Question: Can it be confirmed that the people using the property on the North West corner of Carl Street and Archibald Street will not be able to claim possession of that land. This property is currently fully fenced and used for parking of trucks. Has anything been done about this?

The Shire President advised that the question is taken on notice and written response will be provided.

Question: When Bendigo Bank took over the licensing services from the Shire, how much did it cost the shire to run this service, I believe it was in the order of \$50,000, and how many staff were laid off? How much have we saved with no longer providing this service, I believe we actually made money from this service and no staff have since been laid off?

The Shire President advised that the question is taken on notice and written response will be provided.

Question: What is the budget for rubbish this year?

The Chief Executive Officer advised that \$650,000 is the approximate cost to the shire for running the landfills. He further advised that the expected operating loss from the landfills is \$350,000.

Question: How much of that budget is allocated to administration.

The Chief Executive Officer advised that very little is allocated to administration, the bulk of the landfill budget is for wages and plant costs.

Question: I pay \$2500 a year in rates which is excessive. There are no major recreation centres, no decent halls, no mail delivery and only one oval in the shire is useful for playing football. The football oval was upgraded by locals and the netball courts were only upgraded because locals submitted the grant application. Rubbish is a core service for the Shire. Will the Shire tender a rubbish collection to all properties?

The Chief Executive Officer advised that this is an issue the Shire is currently looking into. A Strategic Waste Management Review is currently being undertaken. Under legislation (WARR Act), there are three (3) options available to Council:

- 1. In house service*
- 2. Contract out via a tender process*
- 3. Contract out through Department of Environment Regulation (formally Department of Environment Conservation).*

Question: Does the Shire still have a local purchasing policy where a 10% difference can be applied to local prices?

The Chief Executive Officer advised that the Shire does not currently have a local purchasing policy; furthermore such policies only apply to tenders and not general purchasing.

Question: How many complaints has the shire received in regards to the new landfill hours?

The Executive Manager Technical Services advised that approximately 7 complaints have been received.

Question: I believe the hours are unworkable, especially if you have work, church or sporting commitments on weekends. In summer people want to get to the landfill early for weather reasons and also to fit in with their lifestyle. Would the Council consider extending the hours 1-2 days per week, one of those days being on a weekend?

The Shire President advised that the question is taken on notice and a written response will be provided.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

5.1 Submission – Mr Troy Easter

Mr Troy Easter made a submission to the Council in relation to item 9.1.4 'Blueberry Bliss Noise Management Plan for the Use of a Gas Gun - November 2013 Review' as he is the applicant. Council members also directed questions to Mr Easter in relation to this item.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 23 October 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 011113

Moved Cr Rossouw / Seconded Cr Mackie

That the minutes of the Ordinary meeting of Council held on Wednesday, 23 October 2013 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Boundary Fence and Addition (Patio) – Lot 308 (RN 137) Patersonia Road, Chittering*

Applicant	J Kitto
File ref	A10146; P287/13
Prepared by	Mark Johnston, Planning Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Site Plan 3. Aerial Photograph 4. Blue Plains/Hidden Valley Development Plan

Background

Council's consideration is requested for a patio addition and retrospective approval of boundary fence at Lot 308 (RN 137) Patersonia Road, Chittering. The applicant submitted the application proposing the fence to be constructed. However, upon the site visit to the property it was sighted that the fence had already been constructed and the application was in fact for retrospective approval.

The applicants informed the Shire that upon moving to the property approximately half of the property boundary was fenced to a height of 1.25m with the following materials:

- Pine strainer posts;
- Ringlock wire;
- star pickets spaced 4m apart
- 2 barbed wire strands above the Ringlock wire.

The applicants have fenced the remaining boundary (refer to Attachment 2) with the same materials to the same height which is the subject of this application.

The fencing shown in Attachment 2 is within a tree preservation area as depicted on the Development Plan that applies to the property (refer to Attachment 4). Fences that are proposed in tree preservation areas and utilise star pickets require Council approval under *Town Planning Scheme No. 6* and Council's *Local Planning Policy 22 Fences*. The applicants constructed the fence to keep their two dogs and young children within the property.

The proposed patio is 9m wide by 9m long proposed on the Southern side of the dwelling (refer to attachment 2). An addition does not generally require Council approval however it was included with this application.

Consultation

External

The application was referred to two (2) adjoining landowners who share boundaries with the applicant where the boundary fence has been constructed. No submissions were received.

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.*

The following is relevant to the proposed patio addition:

5.8.2 Building Envelopes/Setbacks

Development will only be permitted in the areas identified as building envelopes provided that Council may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

The following of clause 5.8.4 of the Scheme is relevant to this fencing application:

5.8.4 Fencing

No fencing shall be permitted or undertaken within an area designated for vegetation protection as depicted on the Development Plan unless approved in writing by the Council. The Council may determine the type, height, materials and extent of any fencing.

State: Planning and Development Regulations 2009

The Planning and Development Regulations 2009 outline the maximum fees for certain planning services.

Development Plan

The subject property is within the Blue Plains/Hidden Valley Estate and is subject to a Development Plan (see attachment 4) through a notification on the property's Certificate of Title. The following of the Land Management Provisions outlined on the Development Plan are relevant to this application:

3. Tree Preservation Area

Tree Preservation areas shall be defined on the Development Plan.

5. Fencing

No side or rear boundary fences shall be permitted in tree preservation or stocking restriction areas identified on the Development Plan.

Policy Implications

Local Planning Policy 22 Fences

The following provisions of Local Planning Policy 22 are applicable to this application:

5. POLICY STATEMENT

5.4 Rural Residential, Small Rural Holdings and Rural Retreat Zones

In the Rural Residential, Small Rural Holdings and Rural Retreat Zones, subject to the requirements of any Development Plan:

- a) barbed wire and electric boundary fences are prohibited;*
- c) where natural vegetation adjoins a road reserve, no fence shall be constructed between the road reserve and the building clearing area;*
- d) all fences require planning consent, other than sufficient fences;*
 - (i) enclosing a building clearing area or other previously cleared area, which may contain trees and regrowth;*
 - (ii) adjoining a fire break required as part of a fire management plan;*

- e) *a sufficient fence comprises the following:*
- (i) height up to 1.25m;*
 - (ii) ringlock or similar, post and rail or multiple strand single wire construction;*

Note: Construction of fences, including boundary fences, in areas of uncleared natural vegetation require Council approval. Star picket fences are not recommended and require Council approval.

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

Fencing within a 'Tree Preservation Area' will restrict native fauna movements, such as kangaroos. However, the fence will not restrict movements any more than surrounding permitted fencing within cleared areas.

Comment

Blue Plains/Hidden Valley Development Plan

The subject fencing requiring retrospective approval is within a tree preservation area as defined on the applicable Development Plan (refer to Attachments 3 and 4). Blue Plains/Hidden Valley Development Plan defines all existing vegetation as tree preservation areas. Provision 5 'Fencing' of the Development Plan restricts any side and rear boundary fencing within tree preservation areas.

Upon the site visit it was noted that the tree preservation area was low density. The fencing was constructed along required firebreaks under the Shire's Fire Notice given the property is larger than 2.2 hectares. Permitted fencing of previously cleared areas at the property for stocking and along the front boundaries of adjacent properties would likely restrict native fauna movements on or through the property. The construction of the fence within the tree preservation area is not considered to further impact fauna movements in the area and therefore poses little environmental implication.

Policy Implications

Local Planning Policy 22 Fences outlines requirements and restrictions regarding fencing in Rural Residential areas "subject to the requirements of any Development Plan". The use of barbed wire fencing is prohibited by the Policy. Therefore, it is recommended that the applicants be required to remove any barbed wire from all property boundary fencing. Furthermore, it is recommended that the star pickets along all property boundaries be fitted with safety caps to maximise safety as per the Policy, given their use is not recommended in Rural Residential areas. Upon the site visit the applicants were supportive of the requirement to remove the barbed wire and install safety caps.

Excluding the use of star pickets and barbed wire, the fence meets the specifications of a 'sufficient fence' under Local Planning Policy 22. Under the policy fencing is permitted along required firebreaks. The subject property requires 3m wide firebreaks as it is larger than 2.2 hectares. The subject fence is constructed along the required firebreaks at the property within the Tree Preservation Area. However, the requirements of the applicable Development Plan restrict side and rear boundary fencing within this area. As discussed above the establishment of a fence within this area is considered to pose little impact.

Shire of Chittering Town Planning Scheme No. 6

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.*

It is considered the fence does not undermine the objectives of the zone given the proposed fence is widely used throughout rural areas within the State. In order to maintain the amenity of the area it is recommended the proposed patio be constructed of materials matching the existing dwelling.

With regard to clause 5.8.4 of the Scheme, all remnant vegetation is depicted on the Development Plan as tree preservation areas, restricting the fencing unless approved in writing from Council.

The patio addition is proposed within the building envelope approved at the property, in accordance with clause 5.8.2 of the Scheme. The application does not seek to alter the current building envelope. To ensure the addition is developed within the building envelope it is recommended this be a requirement of approval.

Retrospective Planning Fee

It is noted the applicant has not paid the full retrospective fees for the application given they have already commenced the development. Pursuant to the *Planning and Development Regulations 2009*, the fee for determining a development application (other than for an extractive industry) where the development has commenced or been carried out is the standard determination of a development application plus, by way of penalty, twice that fee. Given this application proposes development costing less than \$50,000 the standard determination of the development application fee is \$147. At this point in time the applicants have only paid \$147 with an outstanding amount of \$294 left to pay. Therefore, it is recommended that the applicants be required to pay the remaining fees as required under the Regulations. This retrospective fee is also required under the Shire's budget.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 021113

Moved Cr Mackie / Seconded Cr Norton

That Council:

- 1. Grant Planning Approval for the proposed patio addition at Lot 308 (RN 137) Patersonia Road, Chittering subject to the following conditions:**
 - a. All development shall be within the building envelope;**
 - b. Materials shall match existing;**
- 2. Support the retrospective approval of the boundary fence at Lot 308 (RN 137) Patersonia Road, Chittering subject to payment of the remaining retrospective planning application fee of \$294, as per the *Planning and Development Regulations 2009*;**
- 3. Upon completion of condition 2 above, delegates authority to the Chief Executive Officer to grant retrospective Planning Approval for the boundary fence at Lot 308 (RN 137) Patersonia Road, Chittering subject to the following conditions:**

- a. The fence shall not exceed a maximum height of 1.25m;
- b. The fence shall not be constructed of barbed wire/s and/or electric wire/s.
- c. The fence shall be constructed of pine posts, star pickets, Ringlock wire and single strand wire;
- d. Any barbed wire shall be removed from all property boundary fencing.
- e. Safety caps shall be installed on star pickets used in all boundary fencing at the property.

Advice Notes:

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.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.2 Proposed parking of one (1) Prime Mover – Lot 505 Faull Street, Muchea*

Applicant	A Bonavita
File ref	A10970; P318/13
Prepared by	Mark Johnston, Planning Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Site Plan3. Aerial Plan4. Consultation Plan5. Proposed Commercial Vehicle6. Current Crossover Condition

Background

Council's consideration is requested for the proposed parking of one (1) prime mover at Lot 505 Faull Street, Muchea.

The Applicant proposes to park one (1) prime mover on the property which can be considered by Council for the parking of a 'Commercial Vehicle'. No attachments are proposed to be parked at the property. The proponent has advised the Shire that they wish to modify the prime mover to fit within the shed at the property.

The earliest and latest time the vehicle will egress to and from the property is 8am and 6pm. On average the vehicle will depart or arrive at the property once per day between 8am and 5pm Monday to Saturday and be away from the property for periods of 4-5 days a week. No operation is proposed on Sundays. No maintenance is proposed at the property.

Consultation

The application was referred to seven (7) surrounding and adjoining land owners for comment. Two (2) submissions were received supporting the proposal provided it is in accordance with the details submitted.

Internal Consultation

Executive Manager Technical Services:

The application was referred to the Shire's Executive Manager Technical Services (EMTS) regarding whether the crossover at the subject property is of sufficient capacity to handle the commercial vehicle movements.

The Shire's EMTS advised that the crossover at Lot 505 Faull Street, Muchea may potentially incur degradation over a long period from the prime mover's movements. Therefore, recommendation was made that the crossover be upgraded to an asphalt surface and that the applicant be responsible for the maintenance of the crossover.

Principal Environmental Health Officer:

The application was referred to the Shire's Principal Environmental Health Officer who recommended that the operating hours of the truck be limited to 7am to 7pm Monday to Saturday and no operation on Sundays or Public holidays. Advice was also given that the 'Parking of Commercial Vehicle' is required to comply with the *Environmental Protection (Noise) Regulations 1997*. Compliance with these regulations gives a basis to the recommended operating hours above as these are the times when the most noise is allowed to be made.

Statutory Environment

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

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

- *To provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*
- *To prohibit land uses which may adversely effect the living and visual amenity of the location;*
- *To provide for the protection of the natural environment;*
- *To protect or enhance any local reserves.*

The property is located within a 'Water Prone' Special Control Area. The requirements and considerations of this Special Control Area relate to the management of development on land subject to inundation and the preservation of environmental and ecological values through ensuring no increase in nutrients entering water systems.

The application proposes the parking of a prime mover. Under the Scheme a prime mover would be defined as a 'Commercial Vehicle':

Commercial Vehicle means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for the use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to car loads of not more than 1.5 tonnes.

A 'Commercial Vehicle' is a 'Use not Listed' and is dealt with under Clause 4.4.2 of the Scheme:

- 4.4.2 *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may-*
- determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
 - determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
 - determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The following of Clause 10.2 of the Scheme are applicable to this application:

10.2 Matters to be considered by Local Government

The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application-

- The aims and provisions of the Scheme;*
- The preservation of the amenity of the locality;*

- p) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- aa) *Any relevant submissions received on 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

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

Environmental implications

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

Comment

Road Permit

No trailers/attachments are proposed to be parked at the property. Therefore, the prime mover is an 'as of right' vehicle less than 19.5m in length and does not require a RAV permit to use the local roads.

Operating Hours

The applicant proposes to leave or arrive at the property once a day between 8am and 5-6pm. The truck will often be away from the property for periods of up to 4-5 days. Operation is proposed Monday to Saturday. No maintenance is proposed to be conducted on the commercial vehicle.

The Shire's Principal Environmental Health Officer recommended that the operating hours of the commercial vehicle be limited to the following:

- Monday to Saturday 7am – 7pm; and
- No operation on Sundays and Public Holidays.

The above operating times are based on the *Environmental Protection (Noise) Regulations 1997*. These regulations prevail over the conditions of approval determined by Local Government, therefore it is recommended that compliance with the Regulations be a condition of approval. Furthermore, given that other applications within the Shire regarding the presence of trucks on properties with nearby dwelling have been given similar operation restrictions, the above operating times are recommended to ensure such applications are treated with consistency.

Shire of Chittering Town Planning Scheme No.6

Objectives of the Zone:

- *To provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*
- *To prohibit land uses which may adversely effect the living and visual amenity of the location;*
- *To provide for the protection of the natural environment;*
- *To protect or enhance any local reserves.*

The truck is proposed to be parked within the existing shed at the property (refer to Attachment 2). Therefore, the impact on the areas visual amenity will be minimal. The living amenity of the area may be impacted by the noise created by the prime mover arriving and leaving the property. Such noise is considered somewhat incompatible with the surrounding residential uses. However, given the prime mover will be away from the property for periods of up to 4-5 days and no parking of attachments is proposed the impact would also be minimal.

The applicant proposes only one increase in traffic movements on any given day with no operation on Sundays. This, in conjunction with no maintenance at the property, will further minimise any impact on living amenity in the area.

Given there is no remnant vegetation at the property the natural environment will not be impacted. The application does not involve any local reserves.

Use Not Listed:

Council has the ability to determine a use not listed based upon the provisions of the Scheme listed previously in this report.

Water Prone Special Control Area:

As no building is to occur from this application the development requirements of this Special Control Area are not applicable. The parking of the prime mover will not impact any water course or water body.

Matters to be considered by Local Government:

- a) *The aims and provisions of the Scheme;*

The aims and provisions of the Scheme have been addressed above.

- o) *The preservation of the amenity of the locality;*

The preservation of the local amenity has been addressed above. The prime mover is only clearly visible to one adjoining land owner due to the existing buildings in the area and the lay of the land. No submissions have been received objecting to its appearance. Therefore, it is not necessary to require the prime mover to be parked in the shed.

- p) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

The applicant is seeking to modify the prime mover to allow it to fit in the shed at the property. Therefore, it would not be visible to surrounding landowners when it is parked. When arriving and leaving the property the prime mover is only clearly visible to the Southern adjoining landowner. However, if the prime mover was not parked in the shed it would only be clearly visible by one adjoining land owner.

As the truck and trailer are not a permanent structure and would predominantly be parked at night time, the scale and appearance of the prime mover can be seen to not have a likely effect on adjoining properties which was further confirmed by not receiving any objections to the application.

- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

The property possesses a battle-axe access with a large internal area of gravel surface allowing efficient manoeuvring and parking (refer to Attachment 3).

There appears to be no existing damage to the crossover (refer to Attachment 6). However, advice from the Shire's Executive Manager Technical Services still recommends that the crossover be upgraded to an asphalt surface to ensure no degradation occurs to the crossover in the future. It is recommended that the applicant be responsible for the crossover maintenance to ensure the Shire does not incur future maintenance costs created through degradation to the crossover caused by the prime mover.

The application does not entail the loading and unloading of any materials and is only for the parking of a single prime mover.

- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;"*

The application proposes only one extra traffic movements on any given day, excluding Sundays, with the truck being away for periods of up to 4-5 days at a time.

- aa) *Any relevant submissions received on the application;*

All submissions have been considered. No objections were received.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 031113

Moved Cr Norton / Seconded Cr Rossouw

That Council:

- 1. Support the proposed 'Parking of Commercial Vehicle' on Lot 505 Faull Street, Muchea subject to the construction of an asphalt crossover in accordance with the Shire of Chittering specifications, to the satisfaction of the Chief Executive Officer;**
- 2. Upon completion of condition 1 above, delegates authority to the Chief Executive Officer to grant Planning Approval for the proposed 'Parking of Commercial Vehicle' on Lot 505 Faull Street, Muchea subject to the following conditions:**
 - a. Approval shall include the parking of one (1) prime mover the subject of this application, as shown in Attachment 5 'Proposed Commercial Vehicle';**
 - b. The hours of operation shall be restricted to:**
 - i. Monday to Saturday 7am – 7pm;**
 - ii. No operation on Sundays and Public Holidays;**

- c. Commercial Vehicle movements outside of the prescribed hours as detailed in Condition b. above, shall be in accordance with the assigned noise level of the *Environmental Protection (Noise) Regulations 1997*;
- d. Compliance with the *Environmental Protection (Noise) Regulations 1997*;
- e. Minor maintenance shall be limited to the Applicants vehicle on site including:
 - i. The change of oil;
 - ii. The change of tyres; and
 - iii. Shall only be carried out during the times outlined in condition 2 (b) and between 9am – 7pm on Sunday;
- f. The applicant shall be responsible for maintaining the crossover at the property;

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. The hours of operation listed in Condition 2(b) does not apply to the egress to and from the subject property. Any egress to and from the property outside of those hours, Monday to Saturday, is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.3 Additional Dog Application – 21 Robin Grove, Bindoon

Applicant	Ronald Meiers
File ref	A2075
Prepared by	Robert Butler, Acting Senior Ranger
Supervised by	Jamie O’Neill, Community Emergency Services Manager
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

The Applicant currently owns two dogs registered within the Shire of Chittering, which are a sterilised Ridgeback X breed and a Labrador X breed dog.

The Applicant has made a Section 26 application to add a Border Collie breed dog to his household as it is a rescue dog which has become a family pet.

The property is on 1.4 hectares zoned “Rural Residential”.

The fencing is star pickets with ringlock attached to a height of 1.2 metre’s.

The dogs are kept inside the house at night and are on an enclosed verandah when left alone during the day.

The dogs are exercised with walks daily, they can run on the property if they choose when the owners are home.

The dogs came to the Shire Ranger’s attention through a wandering complaint, this is the only history recorded for this property regarding any of these dogs.

Consultation

The Shire Ranger has sent letters to eight (8) adjacent and adjoining land owners giving them the opportunity to comment on the additional dog application.

Three submissions were received, where two objected to the application and one supported the application

	Summary of respondents comments	Officers comment
Respondent 1	Objected - Stated that the dogs in the past had wandered and fences were inadequate to contain the dogs.	2 months later the complainant advises no further wandering issues and the dogs are no problem (current 2 dogs)
Respondent 2	Objected - Raised issues that may occur with a third dog, did not raise any concerns regarding the current two dogs.	Hypothetical scenarios that may never happen, as such not considered relevant at the current time
Respondent 3	Supported the application	n/a

When attending the property the dogs barked a friendly greeting stopping on command from owner.

The dog owner when asked about barking said that they would not tolerate barking and would do whatever was necessary to resolve it if barking became an issue. The dog owner runs a dog wash business and is experienced dealing with dog issues.

Statutory Environment

Dog Act 1976, Part V – KEEPING OF DOGS – Limitation as to numbers, Section 26

- 1) *The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- 2) *Subject to subsection (1), a Local Government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situated in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*
- 3) *Where by local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in the respect of those premises but any such exemption –*
 - a. *May be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
 - b. *Shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
 - c. *May be revoked or varied at any time.*
- 4) *Subject to the provisions of subsection (3), a person who keeps any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

Penalty: \$1,000 and a daily penalty of \$100

- 5) *Any person who is aggrieved-*
 - (a) *By the conditions imposed in relation to any exemption from the provision of a local law placing a limitation on the number of dogs that may be kept on any premises; or*
 - (b) *By the refusal of the local government to grant such an exemption, or by the revocation of an exemption.**may appeal in writing to the Minister who may, after such inquiry as he thinks fit, give directions to the local government concerned and effect shall be given to any such direction.*
- 6) *An appeal under subsection (5) shall be lodged with the Minister not after that 28 days after the day on which a notice of the decision that it appealable is served on the person affected by that decision.*

Shire of Chittering Dogs Local Law 2011

3.2 Limitation on the number of dogs

- (1) *This clause does not apply to premises which have been—*
 - (a) *licensed under Part 4 as an approved kennel establishment; or*
 - (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*

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

Policy Implications

Shire of Chittering Multiple Dog Policy

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

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

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

Financial Implications

The registration of the additional dog will increase the income to Council.

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 increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation.

Environmental implications

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

Comment

The applicants have forwarded an application for the additional dog and a fee of \$165 (including GST) to the Council, including the breed of the dog/s and fencing or confinement details.

In determining the application the following processes were undertaken:

- 1) All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
- 2) The Shire Ranger attended the property and undertook a complete dog welfare and fencing check.
- 3) The Shire Ranger contacted the landowners who had made an objection.

The Applicant has shown to be a responsible dog owner and has complied with all requests made. There is adequate fencing and means to control the dogs, the dogs are kept inside at night and are contained during the day. Ranger Services request that consideration be given to approve this application.

The Chief Executive Officer has delegation (DA60) to deal with applications where no objection has been received. However, in this case one (1) objection has been received and therefore Council is now requested to consider the application.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 041113

Moved Cr Rossouw / Seconded Cr Mackie

That Council approve the Application by Ronald Meiers for the Additional Dog at 21 Robin Close, Bindoon subject to the following conditions;

- 1. Shire staff may at any reasonable time inspect the property;**
- 2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property:**

Breed	Name
Ridgeback X	Zeus
Labrador X	Tank
Border Collie	Matilda

- 3. Should one of the current registered dogs under this application become deceased, the Applicant(s) cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering for a third dog;**
- 4. The Applicant(s) must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above;**
- 5. The three (3) dogs must be registered at all times; and**
- 6. If at any time these requirements have been breached, Ranger Services may terminate the application, and the dog (Border Collie, Matilda) is to be removed from the premises within seven (7) days.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.1.4 Blueberry Bliss Noise Management Plan for the Use of a Gas Gun - November 2013 Review*

Applicant	Shire of Chittering
File ref	A10277
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Email report from Troy Easter x 2 2. Email from Peter Popoff-Asitoff 3. Photos

Background

A report was presented to the Ordinary Council meeting held on 21 August 2013 concerning complaints from residents about the use of a gas gun at Blueberry Bliss Orchard, Lot 505 Great Northern Highway, Bindoon. The report included a petition signed by 43 residents.

The owners of the orchard, Troy and Tracie Easter submitted a Noise Management Plan (NMP) in accordance with the requirements of the "Best Practice Guidelines for Bird Scaring in Orchards" (the guidelines). As a result of the report the following recommendations were endorsed by Council:

That:

- 1. The Blueberry Bliss Noise Management Plan for the use of gas gun submitted by Mr Troy Easter for Lot 505 Great Northern Highway Bindoon be accepted;*
- 2. Mr Easter to apply for planning approval to install netting or construct grow tunnels and that, subject to all the necessary approvals, the netting or grow tunnels be completed within 3 years;*
- 3. Future conditions of Planning Approval relating to orchards are to require compliance with the Best Practice Guidelines for Bird Scaring in Orchards if they are to use gas guns as a bird deterrent;*
- 4. The operation shall be in accordance with the approved Noise Management Plan in condition 1 above; and*
- 5. The application will be reviewed in November 2013 for Council's further consideration.*

In accordance with recommendation 5, this report reviews the effectiveness of the Blueberry Bliss Noise Management Plan (NMP) between August and November 2013.

Consultation

The Principal Environmental Health Officer (PEHO) has consulted with complainants as well as representatives of the Department of Environment Regulation (Noise Section) and the WA Police (Gingin office) regarding this ongoing noise issue.

Statutory Environment

Noise is covered under the *Environmental Protection Act 1986* (the Act) and the *Environmental Protection (Noise) Regulations 1997* (the regulations).

The Department of Environment Regulation has advocated not using legislative controls to resolve noise complaints associated with the use of gas guns in orchards in favour of a consultative approach whereby the noise is managed by strategies within the guidelines to mitigate the nuisance.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

The PEHO has attended on site on several occasions to monitor the use of the gas gun with or without the presence of the owner.

Triple Bottom Line Assessment

Economic implications

Orchardists will incur costs implementing noise control measures. This has to be balanced with the economic costs of operating and making a profit as a business.

A neighbour claims that the use of the gas gun interferes with the operation of a horse-training business that has been conducted for many years on the property.

Social implications

A neighbour claims that the noise from the gas gun psychologically upsets them due to pre-existing trauma from an explosion several years ago.

Environmental implications

An email comment was received from Chittering Landcare as follows:

"The Chittering and Needonga Lakes are Important Wetlands of Australia (not Conservation Category) and as such one of the listings is for the breeding of water birds. This is generally considered to occur in Lake Chittering but not a lot is understood of the extent of the breeding. The tortoise (long necked) is unlikely to be affected."

"This situation generally is a neighbourhood dispute and to use (sic) the impact of a gas scaring gun on animals and birds in the Needonga Lake would require extensive research and at least one breeding season. There is no documented evidence that I have been able to find which discusses negative impacts on non-target species by bird scaring devices. Indeed, the experience of people such as (deleted) is that the effectiveness of the devices decreases over time."

Comment

The following concerns have been raised by a neighbour in response to the use of the gas gun between August and November 2013 (PEHO comments are in brackets/italics):

- A petition against the use of the gas gun indicates that most people in the surrounding community are against the use of the gas gun. *(Since the previous report to Council, when the original petition was tabled, there have been very few complaints directly from residents to the Shire about the gas gun. In fact most of the complaints came from neighbours of only one adjacent property to the orchard. There have been several enquiries from government agencies about the Shire's management of the gas gun obviously in response to complaints. These agencies include the Department of Environment Regulation and Gingin Police. Officers spoken to are satisfied that the Shire is managing the issue in the appropriate manner.)*

- The claim of bird species returning to the area is unsubstantiated. *(Agreed. A study of the birds of the area would have to be undertaken over several years to substantiate the claim.)*
- The gas gun is aimed directly at a neighbour's property and is not buffered by hay bales. *(The gas gun has been located near the dam to the west of the orchard. The dam offers some protection to residents to the north. Hay bales have been installed to reduce noise to the west – photos attached. One neighbouring property's house, stables and horse arena are several hundred metres away and shielded by a hill. The positioning of the gas gun is designed to protect the majority of residents.)*
- Other methods of crop protection have not been used. *(Other methods have been used however Mr Easter has not trialled electronic devices as suggested as he believes they are of little use.)*
- The Blueberry Bliss community consultation/ complaint strategy is not working. *(Mr Easter has tried to resolve issues with the adjacent neighbours but without success.)*
- A neighbour is a licensed professional horse trainer. The gas gun prevents them from conducting this business on their property as it causes a safety hazard by spooking their horses. It also scares their dogs. *(Observation by the PEHO of horses and sheep in the adjacent paddock indicated they are not disturbed when the gas gun fires.)*
- A neighbour was involved in a serious accident 9 years ago when a fuel tank exploded. The gas gun noise makes them re-live the horror of the accident.
- Mr Easter did not contact a neighbour prior to the commencement of using the gas gun. *(Refuted by Mr Easter.)*
- Mr Easter does not have a sign on the front gate. *(A photo of the sign is attached – it has been there since August 2013.)*
- Mr Easter does not live on the property therefore is not adversely affected by the gas gun. *(Agreed)*
- The gas gun has been used outside of the agreed hours of the NMP. *(Mr Easter has had problems setting the start/stop times due to inaccuracies in the mechanism. This is possibly the reason for complaints about usage outside of the agreed timeframes and is an issue that needs to be resolved)*
- It has been suggested that the only resolution to the problem is the installation of netting. *(Agreed)*

Although the Blueberry Bliss owners have endeavoured to comply with the guidelines via their NMP, it is considered that improvements can be made. The manager of the Department of Environment Regulation has made some suggestions in the attached email as to how Mr Easter could improve compliance with the guidelines.

In view of the DER report and observations by the PEHO it is recommended that the following strategies be implemented to improve the noise impact upon the community:

- More diligence is required to accurately set up the gas gun within the agreed timeframes/frequencies so that residents have consistency and can plan their activities accordingly. However, care must be taken to discourage birds from getting used to an established pattern.
- Investigation as to whether the noise level of the gas gun can be reduced by changing nozzles or settings (e.g. gas volume) or whether a quieter gas gun could be purchased or hired.
- Investigate alternative methods e.g. electronic devices which detect birds (e.g. by radar) and then activate scare devices. *(Mr Easter believes that these methods are ineffective but has not actually tried them on his property).*
- A professional noise consultant should be engaged by the orchard owners to investigate the noise levels in the surrounding community with a view to decreasing the noise as far as practicable.
- Consider whether the time period for non-use in the middle of the day could be lengthened. *(Note that Mr Easter has put forward a proposal discussed below where the midday off period is increased from 2 hours to 3 hours).*
- Construct netting at the earliest opportunity ideally before the 2014 fruit picking season.

Request for extension of gas gun usage period

Mr Easter has submitted a proposal to Council to vary the NMP agreed periods/times by continuing the use of the gas gun until the end of January 2014 (see attached email). This request is made due to the continued high volume of fruit on the blueberry bushes and the new flowering that is occurring. Mr Easter advised that when he originally nominated the months for the picking season he was not aware that the crop would still be fruiting heavily in December and January as he had not previously harvested a crop.

In addition, he has requested a variation to the NMP agreed times as follows during this period (December to January). This is a variation on the times agreed in the NMP as follows:

NMP agreed times	Requested Times	Comment
On 30 mins after sunrise to 11.30 a m	On 7 am to 11 am	This would reduce the on time
Off 11.30 am to 1.30 pm	Off 11 am to 2 pm	This would increase the off time in the middle of the day from 2 hours to 3 hours.
On 1.30 pm to 30 minutes before sunset	On 2 pm to 6 pm	This would eliminate the gas gun noise after 6 pm.

These times comply with the requirements of the guidelines. The sunrise and sunset times for the period 1 December 2013 to 31 January 2014 are as follows:

Sunrise 1 December 2013	Sunrise 31 January 2014
5.03 am	5.41 am
Sunset 1 December 2013	Sunset 31 January 2014
7.08 pm	7.18 pm

Agreement to Mr Easter's request will create an additional 2 months use of the gas gun. This would not be in the interest of the general community who would have already tolerated 4 months of gas gun noise. On the other hand, without the use of the gas gun, Mr Easter might incur additional fruit loss.

Nevertheless, the PEHO believes that Mr Easter should employ alternative measures during this period.

9.1.4 OFFICER RECOMMENDATION

Moved Cr Douglas / Seconded Cr Rossouw

That Council:

1. Refuse the request by Mr Troy Easter to continue the use of the gas gun at the Blueberry Bliss orchard, Lot 505 Great Northern Highway, Bindoon, during the period December 2013 to January 2014 and advise Mr Easter to employ alternative measures for bird control during this period.
2. Request that Mr Easter install netting at the earliest opportunity, preferably before the 2014 fruit picking season.
 - a. If this is not possible, Mr Easter is to engage a professional noise consultant to undertake a study to determine noise levels associated with the use of the gas gun with recommendations as to how gas gun noise can be reduced in the surrounding community.
 - b. The consultant's report, including a revised Noise Management Plan, is to be presented to the Ordinary Meeting of Council held in May 2014.

THE MOTION WAS PUT AND DECLARED LOST 0/5

Cr Douglas foreshadowed the following motion:

COUNCIL MOTION / COUNCIL RESOLUTION - 051113

Moved Cr Douglas / Seconded Cr Norton

That council:

1. Approve the application from Mr Troy Easter to continue the use of the gas gun at the Blueberry Bliss orchard, Lot 505 Great Northern Highway, Bindoon during the period December 2013 to January 2014 for the same times as currently used.
2. Request that Mr Easter install netting at the earliest opportunity, before the 2014 fruit picking season.
 - a. If this is not possible, Mr Easter is to engage a professional noise consultant to undertake a study to determine noise levels associated with the use of the gas gun with recommendations as to how gas gun noise can be reduced in the surrounding community.
 - b. The consultant's report, including a revised Noise Management Plan, is to be presented to the Ordinary Meeting of Council held in May 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

Reason: Council would like to support developing business's in the Shire which will in turn benefit the Community.

9.2 TECHNICAL SERVICES

9.2.1 Regional Bicycle Network Footpath Plan to Include Binda Place*

Applicant	Shire of Chittering
File ref	28/03/0002
Prepared by	Tresa White, Technical Services Support Officer
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Bindoon Town Centre Existing and Future Path Network – Plan 6

Background

A community survey was conducted in 2008 in which residents responded with the need for the development of footpaths to provide a safe link between homes and town infrastructure.

In response to the survey results Council developed a Local Dual Use Bike Path Plan to be implemented over 10 years.

The Local Dual Use Bike Path Plan provides a safer passage to pedestrians and cyclists along with a much needed strategic link to new and existing infrastructure.

The Local Dual Use Bike Path Plan was endorsed by the Department of Transport – Bikewest in late 2010 and then endorsed by Council at the Council Meeting held on 20 April 2011.

In the planning stages for the Binda Place upgrade it was found that there were no footpaths for pedestrians or cyclists and their only way to walk along Binda Place is on the road. A review of the Local Dual Use Bike Path Plan showed no allowance for a footpath on Binda Place.

A continuance off the footpath network from Gray Road through Binda Place and then connect onto the footpath on the western side of Great Northern Hwy near the Bite restaurant will improve pedestrian safety as can be seen on Attachment 1.

Consultation

Binda Place business owners and Shire of Chittering residents.

Statutory Environment

There are no known Statutory Environment implications associated with this proposal.

Policy Implications

There are no known policy implications associated with this proposal.

Financial Implications

The Local Dual Use Bike Path Plan is partly funded by Department of Transport - Regional Bicycle Path Network and the Shire of Chittering on a dollar for dollar basis.

Strategic Implications

Strategic Community Plan 2012-2022.

Access- Key Priorities-Continue with the development of footpaths and cycle ways.

Site Inspection

Yes

Triple Bottom Line Assessment

Economic implications

The Local Dual Use Bike Path Plan projects be included as part of future Shire of Chittering Capital Works Program with funding sought through the Department of Transport – Regional Bicycle Network Grant Funding.

Social implications

A footpath along Binda Place will allow pedestrians a safer passage through the Bindoon Central Business District.

Environmental implications

There are no known environmental implications associated with this proposal.

Comment

Regional Bicycle Network Funding is granted on an annual basis and is spread across three sectors.

These sectors are development, construction and upgrade for dual use paths.

Having Binda Place included in our Local Dual Use Bike Path Plan will help secure future funding through the Department of Transport, Regional Bicycle Grant.

It is recommended that Council endorse the inclusion of the Binda Place Footpath in the Local Dual use Bike Path Plan so future applications can be made to Department of Transport – Regional Bicycle Network Grant Funding.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 061113

Moved Cr Norton / Seconded Cr Mackie

That Council endorse the inclusion of the proposed Binda Place footpath into the Shire of Chittering Local Dual Use Bike Path Plan.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.3 CORPORATE SERVICES

9.3.1 Rating Policy relating to Change in Predominant Use of Rural Land*

Applicant	Shire of Chittering
File ref	12/06/0001
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Draft Rating Policy

Background

Council appointed Dominic Carbone and Associates and Darren Long Consulting to prepare a report on changing the current rating system for the Shire of Chittering.

At the Ordinary meeting of Council held 20 February 2013, Council were presented with the Information paper and Council resolved the following:

“That Council endorse the Information Paper (Change in Basis of Valuation for Rating) Undertake community consultation in the southern (Lower Chittering) and northern (Bindoon) areas for the development of a Rating Strategy, during the month of March 2013”

Workshops were conducted in Lower Chittering on 15 May 2013 and Bindoon on 21 May 2013.

A draft report on their findings has been received from the consultants.

Consultation

Chief Executive Officer
Dominic Carbone & Associates and Darren Long Consulting

Statutory Environment

Section 6.26 to 6.82 of the *Local Government Act 1995*

Policy Implications

Nil

Financial Implications

There is potential for increased rate revenue but this will be dependent on the valuation provided by the Valuer Generals Office.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal

Social implications

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

Environmental implications

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

Comment

The final report on the rating strategy has yet to be received but the draft report recommends that Council adopt a rating policy for all new subdivisions. This will ensure that should the predominant use of the land change or a piece of land rated as Unimproved Value (UV) is subdivided into smaller lots it will automatically be rated as GRV (Gross Rental Value). The subdivision of lots is a clear indication that the land is predominantly used for non-rural purposes and therefore requires the GRV methodology to be applied.

By Council implementing this policy now it will ensure that there will be no increase in the amount of lots that need to be investigated and assessed during the process of the rating review.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 071113

Moved Cr Norton / Seconded Cr Rossouw

That Council:

- 1. Adopts the Rating Policy relating to Change in Predominant Use of Rural Land as attached; and**
- 2. Updates the Shire of Chittering Policy Manual accordingly.**

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

9.3.2 Fees and Charges Amendments

Applicant	Shire of Chittering
File ref	19/02/1; 19/04/0003
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

The Department of Local Government and Communities has recently completed a review of the registration fees prescribed under the *Dog Act 1976* and developed the registration fees to be prescribed under the *Cat Act 2011*.

These fees were gazetted on 23 August 2013, with an effective date of 1 November 2013.

Council amended the registration fees at the Ordinary Meeting of Council held 23 October 2013, this report is to include the Lifetime registration of Dogs and Cat Impounding Fees.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995, section 6.16 and 6.19

Dog Act 1976

Cat Act 2011, section 31:

31. Cat owner liable to pay costs to cat management facility

- (1) *The owner of a cat kept at a cat management facility is liable to pay to the operator of the facility the reasonable costs associated with any of the following that have been incurred in relation to the cat —*
 - (a) *removing and impounding the cat;*
 - (b) *keeping and caring for the cat;*
 - (c) *the implantation of a microchip in the cat under section 33;*
 - (d) *the sterilisation of the cat under section 33;*
 - (e) *the destruction and the disposal of the cat under section 34.*
- (2) *The operator of a cat management facility may recover the amount of the costs referred to in subsection (1) from the owner of the cat in a court of competent jurisdiction.*

Policy Implications

Nil

Financial Implications

Revenue from registrations of dogs and cats has been included in the 2013-2014 budget.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known economic implications associated with this proposal

Social implications

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

Environmental implications

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

Comment

As of 1 November 2013, the Dog Regulations 2013 include the following fees:

Table 1 - Dog Registration Fees		
Item 1	Description of Fee	Fee
1.	Registration of unsterilised dog for its lifetime:	
	i) For dog owned by pensioner	\$125.00
	ii) otherwise	\$250.00
2.	Registration for sterilised dog for its lifetime:	
	i) for dog owned by pensioner	\$50.00
	ii) otherwise	\$100.00

Pensioner means an eligible pensioner as defined in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1)

In light of the introduction of the Cat Act 2011, it is recommended that Council adopt the following new fees, effective 23 November 2013:

Table 2 - Dog Registration Fees		
Item 1	Description of Fee	Fee
1.	Implementation of a dog microchip	\$at cost, plus administrative costs

Table 3 - Cat Registration Fees		
Item 1	Description of Fee	Fee
1.	Seizure and impounding of a cat	\$120.00
2.	Maintenance of cat in Pound (pay per day or part thereof) – sustenance	\$30.00
3.	Return of a cat impounded outside normal hours	\$60.00
4.	Seizure and return of cat without impounding	\$60.00
5.	Implementation of a cat microchip	\$at cost, plus administrative costs
6.	Sterilisation of a cat	\$at cost, plus administrative costs

9.3.2 OFFICER RECOMMENDATION /COUNCIL RESOLUTION - 081113

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

- 1. Amends its 2013/14 Schedule of Fees and Charges, effective from 1 November 2013 to include the lifetime registration of dogs as listed in table 1 above.**
- 2. Amends its 2013/14 schedule of Fees and Charges, effective 23 November 2013 to include the fees as listed above in table 2 & 3.**
- 3. Advertise the new fees and charges in accordance with section 6.19 of the Local Government Act 1995.**

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

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 CEO Annual Review

Applicant	Shire of Chittering
File ref	22/10/59
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

To consider the annual performance review and remuneration package of the Chief Executive Officer.

Contract commencement date: 31st October 2011. Anniversary date: 31st October 2013.

Consultation

Shire President

Statutory Environment

Section 5.38 of the *Local Government Act 1995* 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

There are no financial implications in considering this item.

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

The *Local Government Act 1995* section 5.38 and the Chief Executive Officer's contract require that an annual review be undertaken in accordance with clause 4.

The CEO's contract provides further details on how the process should be conducted.

Section 4.3 states;

4.3 Selection of Reviewer

- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2-*
 - (a) *who the Reviewer is to be; and*
 - (b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
 - (a) *the Shire President; and*
 - (b) *a person who has been delegated or authorised by the Council to conduct the performance review.*

The last performance review was conducted by way of circulating a survey based on the CEO's Key Result Areas to all councillors, with the results of the survey being assessed by the CEO Performance Assessment Group (PAG). The process was coordinated by the Shire President

Based on the assessment of the results the CEO PAG provided a recommendation for Council's consideration.

The review of the Key Result Areas (KRAs) will be conducted in February and presented to Council in March to align with the staff Performance Reviews.

It is recommended that the CEO Performance Assessment Group consist of three (3) members, being the Shire President, Deputy President and one other councillor.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 091113

Moved Cr Mackie / Seconded Cr Norton

- 1. That Council endorse the proposed performance review method as outlined in report (9.4.1) above.**
- 2. That the following members of Council be appointed to the CEO Performance Assessment Group, Cr Hawes, Cr Rossouw & Cr Douglas.**
- 3. That a further report be presented to Council at the completion of the assessment process.**

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.4.2 Setting of 2014 Ordinary Council Meeting dates

Applicant	Shire of Chittering
File ref	13/02/29
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

The *Local Government (Administration) Regulations 1996* require that a local government is to give local public notice at least once a year of the proposed dates on which meetings are to be held, and the times and venues at which they are to be held.

The purpose of this report is to set the Ordinary Council Meeting dates for the period February to December 2014 so that these can be advertised in accordance with the regulations.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 allows for the giving of public notice of the date and time for Council or Committee meetings under section 5.25(1)(g).

Local Government Act 1995 allows for Local Public Notice under section 1.7.

Local Government (Administration) Regulations 1996 allows for the public notice of meetings under Regulation 12.

Policy Implications

Nil

Financial Implications

There will be costs incurred in advertising the 2014 meeting dates in *The Advocate* and the *Northern Valleys News*. If there are any Special Council Meetings called throughout the 2014 calendar year these will also incur advertising charges.

The advertising of Committee meeting dates will incur a charge as and when they are advertised.

All advertising has been allowed for in the 2013/14 Annual Budget.

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

In determining the meeting dates for the 2014 calendar year consideration needs to be given to school and public holidays; their impact on agenda distribution, meeting clashes, Councillor and the general public ability to attend scheduled meetings.

The following timetable shows the relationship between school and public holidays and the usual meeting cycle:

Meeting date	School Holidays	Public Holidays
19 February	Term 1 starts 3 February	
19 March		Labour Day -3 March
16 April	12 April – 27 April	Good Friday – 18 April Easter Monday – 21 April ANZAC Day – 25 April
21 May		
18 June		WA Day – 2 June
16 July	5 July – 20 July	
20 August		
17 September	27 September – 12 October	Queen’s Birthday – 29 September
15 October		
19 November		
17 December	Term 4 ends 18 December	Christmas Day – 25 December Boxing Day – 26 December

The two Council Committees (Chittering Bush Fire Advisory Committee and Audit Committee) will present reports to Council to approve their meeting dates for 2014. Following Council’s decision the dates will be advertised accordingly.



9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 101113

Moved Cr Rossouw / Seconded Cr Douglas

That Council:

1. Endorse the following dates for the 2014 Ordinary Council Meetings:

19 February

19 March

16 April

21 May

18 June

16 July

20 August

17 September

15 October

19 November

17 December

2. Advertises the 2014 Ordinary Council Meeting dates in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

AMENDMENT

Moved Cr Norton

That a January 2014 Council meeting date be set and the December 2014 Council meeting date removed.

THE MOTION LAPSED FOR WANT OF A SECONDER

9.4.3 Christmas/New Year Office Closure

Applicant	Shire of Chittering
File ref	13/02/29
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council has a policy for the authorisation of the Council Administration offices (inc Technical Services, Bindoon Library and Depots) to close over the Christmas and New Year period.

The policy states:

The Administration centre will be closed for business from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day.

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Bindoon and Muchea landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.

In 2014 New Year's Day falls on a Wednesday which would mean that staff would be required to work on Thursday 2 January and Friday 3 January 2014 respectively.

It is proposed that the Council Administration offices (inc Technical Services, Bindoon Library and Depots) close at 3pm on Tuesday, 24 December 2013 and re-open at 8.30am on Monday, 6 January 2014.

This will be a total of eight days, made up of three public holidays (Christmas Day, Boxing Day and New Year's Day) and five annual leave days.

This proposal is for an additional two days office closure.

Consultation

Chief Executive Officer
Manager Human Resources

Statutory Environment

Not applicable

Policy Implications

Christmas / New Year Closure of Council Facilities

Financial Implications

There will be a reduction in the Annual Leave liability for Shire staff.

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 will be minimal social implications as the office closure would be advertised to the community in the month leading up to the Christmas period.

Environmental implications

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

Comment

As per Council policy, with the timing of Christmas in 2013 staff will be required to attend their workplace on Monday, 23 December and Tuesday, 24 December. The office will close at 3pm on Tuesday, 24 December.

It is not expected that the additional days (two) of closure will cause any concern to the community as the Shire does not undertake vehicle licensing and other Council operations are very slow at this time of the year.

The proposed closure of the administration centres will be advertised on the office doors, the Shire's website and Facebook and in the local newspapers (Northern Valleys News and The Advocate).

It is requested that Council support the Officer's Recommendation.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 111113

Moved Cr Rossouw / Seconded Cr Mackie

That Council authorise the closure of the Shire's Administration Centre (inc Technical Services, Bindoon Library and Depot Sites) from 3pm on Tuesday, 24 December 2013 and re-open at 8.30am on Monday, 6 January 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.4.4 Nominations to Committees

Applicant	Shire of Chittering
File ref	13/02/29
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

The *Local Government Act 1995* states that a local government may establish committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Portfolios are established for matters that are of particular interest to Council. An Elected Member may be delegated by Council the function of monitoring and providing Elected Members reports to Council on items of interest to Council.

On occasions Council is requested to nominate a Council member to represent the Council on committees of external organisations. Sometimes the constitution of the external organisation requires Council to nominate a representative.

Consultation

A Councillor Workshop was held on Wednesday 13 November 2013.

Statutory Environment

Local Government Act 1995, Part 5 Administration, Division 2 – Council meetings, committees and their meetings and electors meetings, subdivision 2 – committees and their meetings

Policy Implications

Code of Conduct – Elected Members

Elected Members' Fees, Allowances, Reimbursements and Benefits

Certificate of Recognition

Financial Implications

Costs associated with Council authorised committees or representation to those groups is at the cost of Council and varies from time to time dependent on claims for costs received.

Strategic Implications

Representation to external organisations or authorised committees provides Council additional information and input into community issues.

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's Executive Support Officer contacted all the external organisations to discuss Council representatives.

The following amendments have been made:

1. Mucea Employment Node Steering Committee has been deleted. The Shire has created the Mucea Employment Node Industry Reference Group, which has representatives from external industries that include local and Department of Planning. The Shire's Executive Manager Development Services coordinates these meetings.
2. Sandown Park ("South Midlands Polocrosse Club") has been deleted as the club has representation on the Shire's Chittering Community Planning Advisory Group and have advised that they no longer require Council representation at any meetings.
3. North East Reference Group has been deleted as the reference group has been disbanded.
4. Central Midlands Voluntary Region Organisation of Councils has been deleted as we are now associated with the Avon Regional Organisation of Councils.

9.4.5 OFFICER RECOMMENDATION

Moved Cr Douglas / Seconded Cr Rossouw

1. That Council appoint the following Elected Members as nominated representatives on Council committees:

Committee	Delegate	Deputy
Chittering Bush Fire Advisory Committee	Cr Mackie	Cr Norton
Audit Committee	All councillors	Nil

2. That Council appoint the following Elected Members as nominated representatives on other committees:

Committee	Delegate	Deputy
Local Emergency Management Committee	Cr Rossouw	Cr Hawes
Local Recovery Coordination Committee	Cr Hawes	Cr Rossouw

3. That Council appoint the following Elected Members as nominated representatives on Council Advisory Groups:

Committee	Delegate	Deputy
Chittering Australia Day Advisory Group	Cr Gibson	Cr Rossouw
Chittering Community Planning Advisory Group	Cr Douglas	Cr Clarke
Chittering Community Support Funding Group	Cr Hawes	Cr Rossouw

Chittering Education Scholarship Group	Cr Clarke	Cr Rossouw
Chittering Health Advisory Group	Cr Mackie	Cr Douglas
Chittering Mining Advisory Group	Cr Hawes	Cr Norton

4. That Council nominate the following Elected Members as representatives on the following external organisations:

Name	Delegate	Deputy
Avon Midland Zone (WALGA)	Cr Hawes	Cr Rossouw
Avon Regional Organisation of Councils (AROC)	Cr Hawes	Cr Rossouw
Bindoon & Districts Agricultural Society Inc	Cr Douglas	Cr Clarke
Bindoon Community Progress Association Inc	Cr Mackie	Cr Clarke
Bindoon & Districts Historical Society	Cr Gibson	Cr Douglas
Bindoon Sport and Recreation Association	Cr Clarke	Cr Norton
Chittering Tourist Association	Cr Douglas	Cr Clarke
Chittering Valley Land Conservation District Committee	Cr Hawes	Cr Norton
Chittering Valley Progress and Sporting Association	Cr Rossouw	Cr Norton
District Health Advisory Council (WA Country Health Service Wheatbelt)	Cr Mackie	Cr Douglas
Ellen Brockman Integrated Catchment Committee	Cr Mackie	Cr Norton
The Livestock Centre Muchea Consultative Group	Cr Rossouw	Cr Norton
Tronox Community Consultative Committee	Cr Clarke	Cr Douglas
Wannamal Community Centre Inc	Cr Hawes	Cr Norton
Wheatbelt Development Assessment Panel	Cr Hawes and Norton	Cr Rossouw and Mackie
Wheatbelt North Regional Road Group	Cr Gibson	Cr Douglas
Tenant Housing Group	Cr Clarke	Cr Douglas

5. That Council appoint the following Elected Members with the following portfolios:

Area	Delegate
Education	Cr Clarke

Environment	Cr Hawes
Health	Cr Mackie
Heritage	Cr Gibson
Tourism and Culture	Cr Douglas
Light Industry and Waste Management	Cr Rossouw
Sport and Recreation	Cr Norton
Water	Cr Douglas
Works	Cr Gibson
Aged Care	Cr Douglas
Small Business and Economic Development	Cr Norton

6. That the Committee Booklet be amended accordingly.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Douglas

That the following items be included in recommendation 4:

Small Business Central Coastal	Cr Norton	NA
Chittering Chamber of Commerce	Cr Rossouw	Cr Douglas

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 121113

Moved Cr Douglas / Seconded Cr Rossouw

1. That Council appoint the following Elected Members as nominated representatives on Council committees:

Committee	Delegate	Deputy
Chittering Bush Fire Advisory Committee	Cr Mackie	Cr Norton
Audit Committee	All councillors	Nil

2. That Council appoint the following Elected Members as nominated representatives on other committees:

Committee	Delegate	Deputy
Local Emergency Management Committee	Cr Rossouw	Cr Hawes
Local Recovery Coordination Committee	Cr Hawes	Cr Rossouw

3. That Council appoint the following Elected Members as nominated representatives on Council Advisory Groups:

Committee	Delegate	Deputy

Chittering Australia Day Advisory Group	Cr Gibson	Cr Rossouw
Chittering Community Planning Advisory Group	Cr Douglas	Cr Clarke
Chittering Community Support Funding Group	Cr Hawes	Cr Rossouw
Chittering Education Scholarship Group	Cr Clarke	Cr Rossouw
Chittering Health Advisory Group	Cr Mackie	Cr Douglas
Chittering Mining Advisory Group	Cr Hawes	Cr Norton

4. That Council nominate the following Elected Members as representatives on the following external organisations:

Name	Delegate	Deputy
Avon Midland Zone (WALGA)	Cr Hawes	Cr Rossouw
Avon Regional Organisation of Councils (AROC)	Cr Hawes	Cr Rossouw
Bindoon & Districts Agricultural Society Inc	Cr Douglas	Cr Clarke
Bindoon Community Progress Association Inc	Cr Mackie	Cr Clarke
Bindoon & Districts Historical Society	Cr Gibson	Cr Douglas
Bindoon Sport and Recreation Association	Cr Clarke	Cr Norton
Chittering Tourist Association	Cr Douglas	Cr Clarke
Chittering Valley Land Conservation District Committee	Cr Hawes	Cr Norton
Chittering Valley Progress and Sporting Association	Cr Rossouw	Cr Norton
District Health Advisory Council (WA Country Health Service Wheatbelt)	Cr Mackie	Cr Douglas
Ellen Brockman Integrated Catchment Committee	Cr Mackie	Cr Norton
The Livestock Centre Muechea Consultative Group	Cr Rossouw	Cr Norton
Tronox Community Consultative Committee	Cr Clarke	Cr Douglas
Wannamal Community Centre Inc	Cr Hawes	Cr Norton
Wheatbelt Development Assessment Panel	Cr Hawes and Norton	Cr Rossouw and Mackie
Wheatbelt North Regional Road Group	Cr Gibson	Cr Douglas

Tenant Housing Group	Cr Clarke	Cr Douglas
Small Business Central Coastal	Cr Norton	NA
Chittering Chamber of Commerce	Cr Rossouw	Cr Douglas

5. That Council appoint the following Elected Members with the following portfolios:

Area	Delegate
Education	Cr Clarke
Environment	Cr Hawes
Health	Cr Mackie
Heritage	Cr Gibson
Tourism and Culture	Cr Douglas
Light Industry and Waste Management	Cr Rossouw
Sport and Recreation	Cr Norton
Water	Cr Douglas
Works	Cr Gibson
Aged Care	Cr Douglas
Small Business and Economic Development	Cr Norton

6. That the Committee Booklet be amended accordingly.

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

9.4.5 Affixing of Common Seal – Lotterywest Building Grant Agreement, Bindoon Town Hall*

Applicant	Shire of Chittering
File ref	15/01/15
Prepared by	Danica Kay, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Lotterywest Building Grant Agreement

Background

An application for funding was lodged for a Building Grant with Lotterywest to be put towards the renovations to the Bindoon Town Hall.

Council has been advised that its application was successful for an amount of \$438,581 for the renovations to the Bindoon Town Hall.

Attached is a copy of the funding agreement relating to the provision of this funding which is required to be signed and affixed with the Shires Common Seal.

Consultation

Shire President
Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995

Policy Implications

Execution of documents

Financial Implications

Additional funding of \$438,581

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

The financial agreement was received on Friday, 15 November 2013. In order to process the agreement, it is required to be signed with the Common Seal applied and returned to Lotterywest.

Council is now requested to authorise this action.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 131113

Moved Cr Douglas / Seconded Cr Mackie

That Council authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Lotterywest Building Grant Agreement between the Lotteries Commission and the Shire of Chittering in relation to the Bindoon Town Hall.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

9.4.6 Affixing of Common Seal – Architectural Design and Project Management Contract: Bindoon Town Hall*

Applicant	Shire of Chittering
File ref	05/01/0001
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Architectural Design and Project Management Contract: Bindoon Town Hall

Background

An application for funding was lodged for a Building Grant with Lotterywest to be put towards the renovations to the Bindoon Town Hall.

Council has been advised that its application was successful for an amount of \$438,581

Due to the age of the original drawings (December 2009) it was necessary to engage an Architect to update the plans, and given the value of the proposed work (\$654,405) provide contract administration to ensure the works are undertaken in accordance with the specifications and drawings.

Consultation

Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995
Delegation A9 – Engaging Consultants

Policy Implications

Execution of documents
Purchasing Policy

Financial Implications

Funding has been allocated in the Shire's 2013/14 Annual Budget.

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

In accordance with the Shire's *Purchasing Policy* the Shire received two written fee proposals. The two architects were Griffiths Architects (\$36,390) and Gavan Reilly Architects (\$38,730).

Griffiths Architects have been engaged by the Chief Executive Officer in accordance with *Delegation 9A – Engaging Consultants*.

Council is hereby requested to authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to the contract.

9.4.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 141113

Moved Cr Rossouw / Seconded Cr Norton

That Council authorise the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Architectural Design and Project Management Contract between Griffiths Architects and the Shire of Chittering in relation to the Bindoon Town Hall.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

10. REPORTS OF COMMITTEES

10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 8 October 2013*

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	1. "Unconfirmed" minutes of the Chittering Bush Fire Advisory Committee meeting held on 8 October 2013

Background

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 8 October 2013. There were no formal recommendations moved at the 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.

10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 151113

Moved Cr Mackie / Seconded Cr Norton

That Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 8 October 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

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

Nil

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

Nil

13. URGENT BUSINESS

Nil

14. CONFIDENTIAL ITEMS

PROCEDURAL MOTION

Moved Cr Rossouw / Seconded Cr Douglas

That Council moves into a confidential session to discuss this item under the terms of the *Local Government Act 1995, Section 5.23(2)(d)*:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

At 8.27pm the meeting went behind closed doors.

14.1 Bindoon Catholic Agricultural College Gravel Pit* (CONFIDENTIAL REPORT)

Applicant	Shire of Chittering
File ref	A1545
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Agreement for extraction of material from land

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 161113

Moved Cr Norton / Seconded Cr Douglas

That Council:

1. endorse the action of Chief Executive Officer in having the draft Deed (*Agreement for extraction of material from land*) prepared by McLeods; and
2. authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Deed (*Agreement for extraction of material from land*).

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Rossouw

That the meeting come out from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 5/0

At 8.35pm the meeting was re-opened to the public and no members of the gallery returned to the meeting.

15. CLOSURE

The Presiding Member declared the meeting closed at 8.36pm



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8.30am - 4.30pm