



COUNCIL MINUTES

Ordinary Meeting of Council

7pm, Wednesday 19 April 2023

Council Chambers, 6177 Great Northern Highway, Bindoon



PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be take on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public make a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

PREFACE

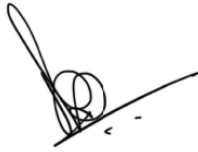
When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

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

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

UNCONFIRMED MINUTES

These minutes were approved for distribution on 2 May 2023.



Leo Pudhota
Acting Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on _____

Signed _____

NOTE: the Presiding Member at the meeting at which these minutes are confirmed is the person who signs above.

Disclaimer

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

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

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

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



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Good evening ladies and gentlemen, we wish to acknowledge the traditional custodians of the land within the Shire of Chittering, the Yued and Whadjuk peoples. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

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

The Presiding Member declared the meeting open at 7.00pm.

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

Attendance

The following members will be in attendance:

| | |
|------------------|------------------|
| Cr Aaron King | President |
| Cr Mary Angus | Deputy President |
| Cr Carmel Ross | |
| Cr John Curtis | |
| Cr David Dewar | |
| Cr Mark Campbell | |
| Cr Kylie Hughes | |

The following staff will be in attendance:

| | |
|------------------|---|
| Melinda Prinsloo | Chief Executive Officer |
| Leo Pudhota | Executive Manager Technical Services |
| Sue Mills | Acting Executive Manager Corporate Services |
| Denaye Kerr | Executive Assistant |

Members of the General Public: 7

Media: 0

Apologies

| | |
|---------------|--|
| Jake Whistler | Executive Manager Development Services |
|---------------|--|

Approved leave of absence

Nil

Announcements

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

Cr Aaron King

15 March 2023 Councillor Information Session
Ordinary Meeting of Council
22 March 2023 Annual Electors Meeting
12 April 2023 Councillor Information Session
Agenda Forum

Cr Mary Angus

15 March 2023 Councillor Information Session
Ordinary Meeting of Council
22 March 2023 Annual Electors Meeting
3 April 2023 Astro Tourism Event – Lower Chittering
4 April 2023 Aboriginal Cultural Awareness Training
12 April 2023 Councillor Information Session
Agenda Forum
14 April 2023 Avon Midland Country Zone Meeting – Bindoon

Cr Kylie Hughes

15 March 2023 Councillor Information Session
Ordinary Meeting of Council
22 March 2023 Annual Electors Meeting
4 April 2023 Aboriginal Cultural Awareness Training
12 April 2023 Councillor Information Session
Agenda Forum

Cr Carmel Ross

15 March 2023 Councillor Information Session
Ordinary Meeting of Council
22 March 2023 Annual Electors Meeting
23 March 2023 Chittering Tourism Advisory Group
3 April 2023 Wannamal Community Committee
4 April 2023 Aboriginal Cultural Awareness Training
12 April 2023 Councillor Information Session
Agenda Forum

Cr John Curtis

15 March 2023 Councillor Information Session
Ordinary Meeting of Council
22 March 2023 Annual Electors Meeting
12 April 2023 Councillor Information Session
Agenda Forum

Cr Mark Campbell

15 March 2023 Councillor Information Session
Ordinary Meeting of Council

3 April 2023 Rural Water Council
 12 April 2023 Councillor Information Session
 Agenda Forum

Cr David Dewar

15 March 2023 Councillor Information Session
 Ordinary Meeting of Council
 3 April 2023 Rural Water Council
 12 April 2023 Councillor Information Session
 Agenda Forum

ITEM 3. DISCLOSURE OF INTEREST

| CEO12 – 04/23 Muchea Recreation Centre Management Plan | | |
|---|-------------------------|--|
| Councillor | Type of Interest | Nature / Extent of Interest |
| Cr Kylie Hughes | Impartiality | Nature: Life Member of the Muchea Netball Club and attend MRCUG Meetings accordingly Extent: Muchea Netball Club are a current user of the Muchea Sporting Facility |
| COM03 – 04/23 Muchea Recreation Centre User Group (MRCUG) Terms of Reference | | |
| Councillor | Type of Interest | Nature / Extent of Interest |
| Cr Kylie Hughes | Impartiality | Nature: Life Member of the Muchea Netball Club and attend MRCUG Meetings accordingly Extent: Muchea Netball Club are a current user of the Muchea Sporting Facility |

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 04/23 Chris Waldie, Bindoon

Question: In relation to the 60th Anniversary of the Bindoon Library at the Brockman Centre, firstly I would like to say congratulations to Annie on her outstanding efforts with organising this event, however, there was a lack of notice and attendance for this event. We seem

to have a problem and I think we need to have a conversation on how to get this information out to the community.

Response: I would like to take majority of your question on notice. We are conscious of the concerns raised about communications but we are using every media available to communicate with the community and it still seems as though it is not working and we are well aware of that.

PQT02 – 04/23 Natalie Valance, Muchea

Question: In light of the fact that 6 Ministerial departments have now been asked to look into this matter, is the Shire of Chittering prepared to at least have a private Environmental Assessment of the Demolition of the Muchea Marri's at the MRC, though preferably a DWER assessment is quicker and preferred?

Response: The President advised that he would take this on notice.

Question: Can we have the costings of the 4 court option v the 5 court option costed out as a comparison of Financial Implications related to the removal of our Muchea Heritage Marri's at the MRC, and so a decision on this 4 court option delayed until such time as the Financial Implications are addressed correctly?

Response: The President advised that there has been no decision made on what will be happening with the 5th court, it is not actually a 5th court, there are 4 courts that will be lit and fenced. The question has been asked and answered previously.

PQT03 – 04/23 John Nagel, Bindoon

Question: Has the Shire received approval from the Department of Water and Environment in support of removing these trees?

Response: The Chief Executive Officer advised that the Shire had received a letter with advice stating it was not likely that we would require a permit to remove the trees.

PQT04 – 04/23 Michelle Davies, Muchea

Question: Given the amount of landcare advocacy and activism within the Shire what concerns to the Council have about reputation and damage and community sentiment towards the Shire of Chittering and the facility relating to the clearing of the marri trees at Muchea?

Response: The President advised that as he cannot speak on behalf of everyone he would have to take that question on notice.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

PET01 – 04/23 Natalie Valance, Muchea Tree Farm

Requesting reconsideration of Councils plans to go ahead with the current MRC Plan to build 5 netball courts at the MRC.

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 010423

Moved Cr Ross, seconded Cr Angus

That the following leave of absence be approved:

- Cr Carmel Ross – 23 April 2023 through to 10 May 2023 (inclusive).

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.20PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 15 March 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020423

Moved Cr Hughes, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 15 March 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.20PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Acknowledge the Bindoon Library 60th Birthday and all the work that went into organising the event.

Mr Don Gibson former Councillor and President turned 80 yesterday, we wish him all the best.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 04/23 Amendment to Local Planning Policy No. 7 - Outbuildings**

| | |
|-------------------------------|--|
| Applicant | Shire of Chittering |
| File ref | 18/06/0007 |
| Author | Planning Officer |
| Authorising Officer | Executive Manager Development Services |
| Disclosure of interest | Nil |
| Voting requirements | Simple Majority |
| Attachments | 1. Local Planning Policy No.7 Outbuildings |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to consider an amendment to the Shire of Chittering Local Planning Policy No. 7 – 'Outbuildings'. The amendment seeks to include a maximum outbuilding size limit for Residential - R5 zoned land within the Shire.

Background

Over the coming months, the 'Stage 4A Subdivision' of Wildflower Ridge is set to be released to the public, with all available lots already being 'purchased off the plan'. The lots contained with Stage 4A are zoned Residential - R5, which means they will have a minimum lot size of 2,000m². There are currently no provisions within LPP7 for Residential – R5 that allow shed sizes larger than the default size set by R-Codes (i.e. 60m² limit).

LPP7 was reviewed and amended in July 2021 to introduce variations for the Residential – R2 zone to allow for sheds of up to 120m² (Predominantly Wildflower Ridge), however this amendment occurred at a time prior to the R5 zoning of Wildflower Ridge being approved and development and therefore shed sizes for the R5 coding were not introduced at this time.

In light of the above, Shire Officers have identified the need to amend LPP7 to provide provisions for the future Residential – R5 zoned lots to accommodate for a larger shed size limit. The recommended amendment has been addressed in the amended LPP7 which is presented to Council for determination.

Consultation Summary

Local

Advertising of the amendment to LPP7 is a requirement of Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). Advertising will entail publishing a copy of the proposed amendment on the Shire's website and also making it available for public inspection at the Shire office.

State

Pursuant to the requirements of the R-Codes, modifying the prescribed limits of the R-Codes in regards to outbuilding sizes requires the approval of the Western Australian Planning Commission (WAPC). If Council resolves to endorse the amendments to LPP7, a request will be sent to the WAPC for their approval.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2, Part 2, Clauses 4 & 5 of the Regulations prescribe the process for a local government to amend a local planning policy. It dictates that advertising of an amendment to a local planning policy must take place, and following this period and taking into consideration any submissions received, the local government shall decide to either:

- Proceed with the policy without modifications;*
- Proceed with the policy with modifications; or*
- Not to proceed with the policy*

It is recommended that a resolution of Council to endorse the proposed changes to LPP7 is coupled with a resolution to 'proceed' with the Policy subject to not receiving any submissions of objections or change, and receiving support from the WAPC. This will avoid the unnecessary requirement to present an unchanged LPP7 back to a Council meeting.

However, if submissions of objection suggested changes are received, this will trigger the consideration of LPP7 back to a Council meeting for a resolution.

Local

Nil

Policy Implications

State

- *State Planning Policy 7.3 – Residential Design Codes*

Part 7.3.2 of the R-Codes states the following:

'Notwithstanding clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes Volume 1 by means of a local planning policy, activity centre plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

- *Is warranted due to a specific need related to that particular locality or region;*
- *Is consistent with the objectives and design principles of the R-Codes Volume;* and
- *Can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.'*

In the context of LPP7, the above provides local government the opportunity to modify the standard 60m² shed size (and wall and ridge heights) to suit the nature of a specific locality. This enables Council to specify its own limitations on sheds in the Wildflower Ridge Estate, and other future Residential zones in the Shire.

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|--|
| Compliance: Application is received for oversized shed | Likely | Insignificant | Low | Oversize Sheds require Development Approval. |
| Opportunity: Shed size can be controlled in the Residential – R5 Zone. | | | | |

All Council decisions are subject to risk assessment according to the Shires Risk Framework.

Officer Comment/Details

The focus of this report is the amendment of LPP7 to include prescribed shed limits for the Residential – R5 zone. Wildflower Ridge Estate is used as the contextual setting as this is the only Residential – R5 zoned land currently within the Shire.

Upon review, the current lot sizes within Wildflower Ridge zoned as Residential – R2 (minimum 5,000m²) are significantly larger than what is proposed within the Residential – R5 zone (minimum 2,000m²) and whilst both zonings share a similar character and amenity within the locality, the significant difference in minimum lot sizes will require a different maximum shed size limit for each R-coding.

Section 6.1 of LPP7 prescribes the following shed size limits for 'R2.5 and Below' and 'R10' zones:

| R-Coded Areas | Gross total area (m ²) | Wall Height (m) | Ridge Height (m) |
|----------------|------------------------------------|-----------------|------------------|
| R2.5 and below | 120 | 3.5 | 4.5 |
| R10/30 | 70 | 3 | 4.5 |

The above shed size limits are what have been formally endorsed by Council, and are what guide the Shire's decision making in the Residential and Townsite zone.

As the future Residential – R5 zoned lots are a minimum of 2,000m², Shire Officers consider a maximum outbuilding size limit of 100m² to be appropriate. The maximum wall height (3.5m) and ridge height (4.5m) limits are recommended to remain the same.

In order for this recommended parameter to be introduced into the Residential – R5 zone, the following amendments to LPP7 are required:

- Modify the table in Section 6.1 of Local Planning Policy No. 7 – ‘Outbuildings’ to include a row stating;

| R-Coded Areas | Gross total area (m ²) | Wall Height (m) | Ridge Height (m) |
|---------------|------------------------------------|-----------------|------------------|
| R5 | 100 | 3.5 | 4.5 |

The above modification will allow all lots within the Residential Zone (and Wildflower Ridge Estate) to be captured under LPP7 and provide a clear directive in regards to maximum outbuilding sizes within the Residential zone. A draft version of LPP7 with the above recommended changes incorporated is provided as an appendix to this report.

Officers recommend Council support the amendments to LPP7 and advertise the amended Policy in accordance with the requirements of the Regulations.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030423

Moved Cr Curtis, seconded Cr Ross

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend Local Planning Policy No. 7 – ‘Outbuildings’ as provided in Attachment 1.
2. Pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertise modified Local Planning Policy No. 7 – ‘Outbuildings’ as per resolution 1 above, including requesting approval from the Western Australian Planning Commission.
3. Subject to receiving no submissions of objection and gaining approval from the Western Australian Planning Commission, resolves to proceed with the amended Local Planning Policy No. 7 – ‘Outbuildings’ as advertised and publish notice of the Policy Pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.25PM

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 04/23 List of Accounts Paid for the Period Ending 31 March 2023**

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 12/03/4 |
| Author | Finance Officer - Accounts |
| Authorising Officer | Executive Manager Corporate Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. List of Accounts Paid as at 31 March 2023 |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 March 2023.

Background

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

Consultation/Communication ImplicationsLocal

Acting Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2022/23 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|--------------------------|------------|--------------|---------------|---------------------------------------|
| Compliance | Low | Minor | Low | Quality Assurance prior to publishing |
| Opportunity: None | | | | |

Officer Comment/Details

The attached "List of Accounts Paid as at 31 March 2023" is presented to Council for endorsement.

| |
|---|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040423 Moved Cr Ross, seconded Cr King That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$3,410,720.81, for the period ending 31 March 2023:</p> <ol style="list-style-type: none"> 1. PR6308, PR6315, PR6327 ; 2. EFT24857 – EFT25073 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7.26PM</small></p> |
|---|

CS02 – 04/23 Monthly Financial Report for the Period Ending 31 March 2023

| | |
|-------------------------------|---|
| File ref | 12/03/4 |
| Author | Senior Finance Coordinator |
| Authorised by | Executive Manager Corporate Services |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. Monthly Financial Report for the Period Ending 31 March 2023 |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to consider the financial statement for the period ending 31 March 2023.

Background

In accordance with *Local Government (Financial Management) Regulations 1996*, the Financial Activity Statement has been prepared in compliance with the following:

“Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. For the 2019/20 financial year the statement of financial activity will be presented by nature and type.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2019/20 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation/Communication Implications

This document has been prepared in consultation with Responsible Officers for review and analysis.

Legislative ImplicationsState

This monthly financial report complies with *Section 6.4 of the Act and Regulations 34(5) of the Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy Implications

Local

Finance Policy 2.1 Budget Preparation
 Finance Policy 2.2 Investment of Funds
 Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032
 Focus area: Strong leadership
 Objective: S5.2 Strong partnerships and relationships
 Strategy: S5.2.1 Built effective partnerships with stakeholders

 Objective: S5.3 Accountable governance
 Strategy: S5.3.1 Good governance, which supports efficient and effective service delivery

Site Inspection

Not applicable

Risk Assessment/Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|--------------------------|------------|--------------|---------------|---------------------------------------|
| Compliance | Rare | Minor | Low | Quality Assurance prior to publishing |
| Opportunity: None | | | | |

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|--------------|---------------|--|
| Reputation: Providing transparent, accurate financial records. | Unlikely | Minor | Low | Adequate training for all Finance Officers, to ensure balanced reports each month. |
| Opportunity: None | | | | |

Officer Comment/Details

Council adopted the Annual Budget for the 2022/23 financial year on 29 June 2022 (Resolution 170622). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050423
Moved Cr Campbell, seconded Cr Angus
That Council receives the Monthly Financial Report for period ending 31 March 2023, as per Attachment 1.

CARRIED UNANIMOUSLY 7 / 0
TIME: 7.26PM

CHIEF EXECUTIVE OFFICER**CEO01 – 04/23 Cemeteries Local Law 2023**

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. Draft Local Law – Cemeteries Local Law 2023 2. Submission from Department of Local Government |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

The proposed draft Cemeteries Local Law is submitted for Council's consideration, in relation to the submissions received upon closure of the public submission period on the proposed Cemeteries Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|--|
| <p><i>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222</i> <i>Moved Cr Ross, seconded Cr Hughes</i> <i>That Council with respect to the statutory review of the Local Laws:</i></p> <ol style="list-style-type: none"> 1. <i>Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and</i> 2. <i>Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments:</i> <ol style="list-style-type: none"> a) <i>Shire of Chittering Bush Fires Repeal Local Law 2023</i> b) <i>Shire of Chittering Keeping Control of Cats Local Law 2023</i> c) <i>Shire of Chittering Cemeteries Local Law 2023</i> |
|--|

- d) *Shire of Chittering Dogs Local Law 2023*
- e) *Shire of Chittering Extractive Industries Local Law 2023*
- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
- g) *Shire of Chittering Standing Orders Local Law 2023*

3. *Note that the purposes and effects of these local laws:*

- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*

The purpose of this local law is to:

- *Repeal an obsolete local law.*

The effect of this local law is to provide for:

- *The obsolete local law will be revoked and abrogated.*

- b) *Shire of Chittering Keeping Control of Cats Local Law 2023*

The purpose of this local law is to:

- *Provide for the management of cats throughout the Shire of Chittering.*

The effect of the local law is to:-

- *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*

- c) *Shire of Chittering Cemeteries Local Law 2023*

The purpose of this local law is to:

- *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.*

The effect of this local law is to:

- *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*

- d) *Shire of Chittering Dogs Local Law 2023*

The purpose of this local law is to:

- *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*

The effect of this local law is to provide for:

- *Extend the controls over dogs, which exist under the Dog Act 1976.*

- e) *Shire of Chittering Extractive Industries Local Law 2023*

The purpose of this local law is to:

- *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*

- *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*

- *Provide for the restoration and reinstatement of any excavation site.*

The effect of this local law is to provide for:

- *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*

- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*

The purpose of this local law is to:

- *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.*

The effect of this local law is to provide for:

- *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*

- *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*

g) *Shire of Chittering Standing Orders Local Law 2023*

The purpose of this local law is to:

- Provide for the conduct of meetings of the Council, Committees and electors.*

The effect of this local law is to provide for:

- Better decision-making at meetings;*
- The orderly and efficient conduct of meetings;*
- Greater community participation and understanding of the business of the Council; and*
- More open and accountable local government.*

4. *Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council Meeting.

Following the above resolution, the Shire of Chittering advertised the Cemeteries Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The submission said:

Cemeteries Local Law 2023

The Department had no concerns or comments in relation to this local law.

However, the Shire should ensure that all references and cross references are checked for accuracy prior to the final draft being submitted to council.

As there were no suggested changes, the intent of the local law did not change and hence, nothing of a significant nature was needed that would require re-advertising.

Once formally adopted by Council, the:

- Local law is to be published in the Government Gazette;
- Local public notice given of adoption of the local laws (separate to previous advertising of proposals)
- Signed copies are sent to the Minister for Local Government and other relevant Ministers; and
- Copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- Disallowance of the local law may be made by Parliament, and could take some time depending on

sitting days;

- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment; and
- The local law comes into effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government and other relevant Ministers.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister*

administers the Act under which the local law is proposed to be made, to that other Minister; and

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
- (a) *stating the title of the local law; and*
- (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Outcome: Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|--|------------|---------------|---------------|--|
| <p>Compliance: Some temporary non compliances</p> | Possible | Insignificant | Low | <p>Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.</p> |
| <p>Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.</p> | | | | |

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

As there were no suggested changes, the intent of the local law did not change and nothing of a significant nature was needed that required re-advertising.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060423

Moved Cr Curtis, seconded Cr Hughes

That Council by Absolute Majority, under section 3.12 of the *Local Government Act 1995*:

1. Note that no suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.
2. Determine that there are no proposed changes outlined in the report and included in the Cemeteries Local Law 2023 and that it is not significantly different to that which was originally advertised.
3. Determine to make the Cemeteries Local Law 2023:
 - a) The purpose of this local law is to provide for the orderly management of the Bindoon Cemetery in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds.
 - b) the effect of this local law is to ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.
4. Publish the Cemeteries Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.
5. Give local public notice after gazettal of the local law advising the date on which the local law commences.
6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.
7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Cemeteries Local Law 2023.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.28PM

CEO02 – 04/23 Dogs Local Law 2023

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. Draft Local Law - Dogs Local Law 2023 2. Submission from Department of Local Government |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

The proposed draft Dogs Local Law is submitted for Council's consideration, in relation to the submissions received upon closure of the public submission period on the proposed Dogs Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|---|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222 <i>Moved Cr Ross, seconded Cr Hughes</i> <i>That Council with respect to the statutory review of the Local Laws:</i></p> <ol style="list-style-type: none"> <i>Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and</i> <i>Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments:</i> <ol style="list-style-type: none"> <i>Shire of Chittering Bush Fires Repeal Local Law 2023</i> <i>Shire of Chittering Keeping Control of Cats Local Law 2023</i> <i>Shire of Chittering Cemeteries Local Law 2023</i> <i>Shire of Chittering Dogs Local Law 2023</i> <i>Shire of Chittering Extractive Industries Local Law 2023</i> <i>Shire of Chittering Local Government Property and Public Places Local Law 2023</i> |
|---|

- g) *Shire of Chittering Standing Orders Local Law 2023*
3. *Note that the purposes and effects of these local laws:*
- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*
The purpose of this local law is to:
– *Repeal an obsolete local law.*
The effect of this local law is to provide for:
– *The obsolete local law will be revoked and abrogated.*
- b) *Shire of Chittering Keeping Control of Cats Local Law 2023*
The purpose of this local law is to:
– *Provide for the management of cats throughout the Shire of Chittering.*
The effect of the local law is to:-
– *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*
- c) *Shire of Chittering Cemeteries Local Law 2023*
The purpose of this local law is to:
– *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.*
The effect of this local law is to:
– *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*
- d) *Shire of Chittering Dogs Local Law 2023*
The purpose of this local law is to:
– *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*
The effect of this local law is to provide for:
– *Extend the controls over dogs, which exist under the Dog Act 1976.*
- e) *Shire of Chittering Extractive Industries Local Law 2023*
The purpose of this local law is to:
– *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*
– *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*
– *Provide for the restoration and reinstatement of any excavation site.*
The effect of this local law is to provide for:
– *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*
- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
The purpose of this local law is to:
– *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.*
The effect of this local law is to provide for:
– *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*
– *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*
- g) *Shire of Chittering Standing Orders Local Law 2023*
The purpose of this local law is to:
– *Provide for the conduct of meetings of the Council, Committees and electors.*

The effect of this local law is to provide for:

- *Better decision-making at meetings;*
- *The orderly and efficient conduct of meetings;*
- *Greater community participation and understanding of the business of the Council; and*
- *More open and accountable local government.*

4. *Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council meeting.

Following the above resolution, the Shire of Chittering advertised the Dogs Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The submission said:

Dog Local Law 2023

Minor edits

The following minor edits are suggested:

- **Clause 3.6:** Paragraph (a) can be merged with the rest of the text, since the clause doesn't have any other paragraphs.
- All references and cross references should be double checked before the final draft is submitted to council for approval.

As this was only a general typographical and formatting change, the intent of the local law did not change and nothing of a significant nature was needed that would require re-advertising of the draft Local Law.

Once formally adopted by Council, the:

- Local law is to be published in the Government Gazette;
- Local public notice given of adoption of the local laws (separate to previous advertising of proposals)
- Signed copies are sent to the Minister for Local Government and other relevant Ministers; and
- Copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days;

- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment; and
- The local law comes into effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government and other relevant Ministers.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.16 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- *Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
- (a) *stating the title of the local law; and*
- (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.17 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.18 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.19 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local
Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance
 Objective: S5.2 Outcome: Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|---|
| Compliance: Some temporary non compliances | Possible | Insignificant | Low | Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency. |
| Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances. | | | | |

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

As there were no suggested changes, the intent of the local law did not change and nothing of a significant nature was needed that required re-advertising.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070423

Moved Cr Angus, seconded Cr Campbell

That Council by Absolute Majority, under section 3.12 of the *Local Government Act 1995*:

- 1. Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.**
- 2. Determine that there are no proposed changes outlined in the report and included in the Dogs Local Law 2023 and that it is not significantly different to that which was originally advertised.**
- 3. Determine to make the Dogs Local Law 2023;**
 - a) The purpose of this local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.**
 - b) The effect of this local law is to extend the controls over dogs, which exist under the Dog Act 1976.**
- 4. Publish the Dogs Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.**
- 5. Give local public notice after gazettal of the local law advising the date on which the local law commences.**
- 6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.**
- 7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Dogs Local Law 2023.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.29PM

CEO03 – 04/23 Keeping and Control of Cats Local Law 2023

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. Draft Local Law – Keeping and Control of Cats Local Law 2023 2. Submission from Department of Local Government |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

The proposed draft Keeping and Control of Cats Local Law is submitted for Council's consideration, in relation to the submissions received upon closure of the public submission period on the proposed Keeping and Control of Cats Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222 <i>Moved Cr Ross, seconded Cr Hughes</i> <i>That Council with respect to the statutory review of the Local Laws:</i></p> <ol style="list-style-type: none"> <i>Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and</i> <i>Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments:</i> <ol style="list-style-type: none"> <i>Shire of Chittering Bush Fires Repeal Local Law 2023</i> <i>Shire of Chittering Keeping Control of Cats Local Law 2023</i> <i>Shire of Chittering Cemeteries Local Law 2023</i> <i>Shire of Chittering Dogs Local Law 2023</i> <i>Shire of Chittering Extractive Industries Local Law 2023</i> |
|--|

- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
- g) *Shire of Chittering Standing Orders Local Law 2023*
3. *Note that the purposes and effects of these local laws:*
- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*
The purpose of this local law is to:
– *Repeal an obsolete local law.*
The effect of this local law is to provide for:
– *The obsolete local law will be revoked and abrogated.*
- b) *Shire of Chittering Keeping Control of Cats Local Law 2023*
The purpose of this local law is to:
– *Provide for the management of cats throughout the Shire of Chittering.*
The effect of the local law is to:-
– *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*
- c) *Shire of Chittering Cemeteries Local Law 2023*
The purpose of this local law is to:
– *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.*
The effect of this local law is to:
– *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*
- d) *Shire of Chittering Dogs Local Law 2023*
The purpose of this local law is to:
– *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*
The effect of this local law is to provide for:
– *Extend the controls over dogs, which exist under the Dog Act 1976.*
- e) *Shire of Chittering Extractive Industries Local Law 2023*
The purpose of this local law is to:
– *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*
– *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*
– *Provide for the restoration and reinstatement of any excavation site.*
The effect of this local law is to provide for:
– *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*
- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
The purpose of this local law is to:
– *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.*
The effect of this local law is to provide for:
– *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*
– *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*
- g) *Shire of Chittering Standing Orders Local Law 2023*
The purpose of this local law is to:

– Provide for the conduct of meetings of the Council, Committees and electors.

The effect of this local law is to provide for:

- Better decision-making at meetings;
- The orderly and efficient conduct of meetings;
- Greater community participation and understanding of the business of the Council; and
- More open and accountable local government.

4. Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council meeting.

Following the above resolution, the Shire of Chittering advertised the Keeping and Control of Cats Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Minister for Local Government provided comments in respect of the proposed local law. The submission said:

Keeping and Control of Cats Local Law 2023

1. Schedule 3 – Cat prohibited area

Schedule 3 of the draft local law is currently empty. As a result, no cat prohibited areas will result if the local law is made in its current form.

It is presumed that the schedule is only intended to be a placeholder and further areas will be added in future amendments to the local law. If so, the Shire will need to be mindful that all future edits to the Schedule will need to occur via the process in section 3.12 of the Local Government Act 1995.

Alternatively, if the Shire is intending to add a list of areas to the final draft of the local law, this is likely to be problematic. Since these areas would not have been included in the draft that was put out for public comment, adding any cat prohibited area areas at this stage will likely qualify as a “significant difference” for the purposes of section 3.13 of the Act. In that event, we’d advise to restart the law-making process from the beginning.

2. Minor edits

The following minor edits are suggested:

- **Clause 1.4:** In the definition for **effective control**, remove all the excess capital letters.
- **Clause 3.5(f):** Change “from time to time” to “in accordance with section 6.16 to 6.19 of the Local Government Act 1995”
- A number of clauses contain two words missing a space between them (e.g. Clause 3.6 contains “is not”). This issue exists throughout the document, though it is possible it relates to a scanning error that isn’t present in the electronic version.
- The clause numbers after Part 3 are bolded, while the clauses before this point are not. Either format is fine, but the Shire should ensure one is used consistently.
- All references and cross references should be double checked before the final draft is submitted to council for approval.

As stated above, the “minor edits” comments received from the DLGSC covered a number of aspects including general typographical, editorial and formatting issues. These changes, which have not affected the intent of the proposed local law and have been incorporated into the final document and as these changes were not of a significant nature, the local Law would not be required to be re-advertised.

In response to the Schedule 3 comments, it has been recommended that we proceed with the draft Local Law as it currently is; and then at a later date, go through the process – as prescribed section 3.12 of the *Local Government Act 1995* – and amend the schedule then; as adding any cat prohibited area areas at this stage will likely qualify as a “significant difference” and the process would have to restart from the beginning.

Once formally adopted by Council, the:

- Local law is to be published in the Government Gazette;
- Local public notice given of adoption of the local laws (separate to previous advertising of proposals)
- Signed copies are sent to the Minister for Local Government and other relevant Ministers; and
- Copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days;
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment; and
- The local law comes into effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government

and other relevant Ministers.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*

- (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|---|
| Compliance: Some temporary non compliances | Possible | Insignificant | Low | Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency. |
| Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances. | | | | |

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The comments received from the DLGSC covered a number of aspects including general typographical, editorial and formatting issues. These changes, which have not affected the intent of the proposed local law, have been incorporated into the final document. Other comments from the DLGSC that do not affect the intent of the proposed local law are detailed in the attachment to this report.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080423

Moved Cr Angus, seconded Cr Campbell

That Council by Absolute Majority, under section 3.12 of the *Local Government Act 1995*:

1. Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.
2. Determine that there are no proposed changes outlined in the report and included in the Keeping and Control of Cats Local Law 2023 and that it is not significantly different to that which was originally advertised.
3. Determine to make the Keeping and Control of Cats Local Law 2023:
 - a) The purpose of this local law is to provide for the management of cats throughout the Shire of Chittering.
 - b) The effect of the local law is to promote responsible cat ownership and manage the control of cats within the Shire of Chittering.
4. Publish the Keeping and Control of Cats Local Law 2023 in the Government Gazette and provide

copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.

5. Give local public notice after gazettal of the local law advising the date on which the local law commences.
6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.
7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Keeping and Control of Cats Local Law 2023.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.30PM

CEO04 – 04/23 Local Government Property and Public Places Local Law 2023

| | |
|-------------------------------|--|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | <ol style="list-style-type: none"> Draft Local Law – Local Government Property and Public Places Local Law 2023 Submission from Department of Local Government |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

The proposed draft Local Government Property and Public Places Local Law is submitted for Council's consideration, in relation to the submissions received upon closure of the public submission period on the proposed Local Government Property and Public Places Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|---|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222 Moved Cr Ross, seconded Cr Hughes That Council with respect to the statutory review of the Local Laws:</p> <ol style="list-style-type: none"> Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments: <ol style="list-style-type: none"> Shire of Chittering Bush Fires Repeal Local Law 2023 Shire of Chittering Keeping Control of Cats Local Law 2023 Shire of Chittering Cemeteries Local Law 2023 Shire of Chittering Dogs Local Law 2023 |
|---|

- e) *Shire of Chittering Extractive Industries Local Law 2023*
 - f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
 - g) *Shire of Chittering Standing Orders Local Law 2023*
3. *Note that the purposes and effects of these local laws:*
- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*
The purpose of this local law is to:
 - *Repeal an obsolete local law.**The effect of this local law is to provide for:*
 - *The obsolete local law will be revoked and abrogated.*
 - b) *Shire of Chittering Keeping Control of Cats Local Law 2023*
The purpose of this local law is to:
 - *Provide for the management of cats throughout the Shire of Chittering.**The effect of the local law is to:-*
 - *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*
 - c) *Shire of Chittering Cemeteries Local Law 2023*
The purpose of this local law is to:
 - *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.**The effect of this local law is to:*
 - *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*
 - d) *Shire of Chittering Dogs Local Law 2023*
The purpose of this local law is to:
 - *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.**The effect of this local law is to provide for:*
 - *Extend the controls over dogs, which exist under the Dog Act 1976.*
 - e) *Shire of Chittering Extractive Industries Local Law 2023*
The purpose of this local law is to:
 - *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*
 - *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*
 - *Provide for the restoration and reinstatement of any excavation site.**The effect of this local law is to provide for:*
 - *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*
 - f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
The purpose of this local law is to:
 - *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.**The effect of this local law is to provide for:*
 - *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*
 - *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*
 - g) *Shire of Chittering Standing Orders Local Law 2023*

The purpose of this local law is to:

- *Provide for the conduct of meetings of the Council, Committees and electors.*

The effect of this local law is to provide for:

- *Better decision-making at meetings;*
- *The orderly and efficient conduct of meetings;*
- *Greater community participation and understanding of the business of the Council; and*
- *More open and accountable local government.*

4. *Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council meeting.

Following the above resolution, the Shire of Chittering advertised the Local Government Property and Public Places Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The submission said:

Local Government Property and Public Places Local Law 2023

1. Reference to Australian Standard

The draft local law contains a reference to an Australian Standard.

While references to these standards are common, the Parliament's Delegated Legislation Committee has expressed concern over the practice. This is because these documents are privately owned and not all of them are available for free public viewing.

The Shire should ensure that:

- The standard is referenced correctly;
- The full citation is used at least once, either in the applicable clause or in an appropriate definition;
- The Shire's website should advise where a free copy of the Standard is available for viewing, whether at the Shire's office or some other location.

The Committee may inquire into the above when scrutinising the final draft of the local law.

2. Clause 8.7 - Reversing onus of proof

Clause 8.7 provides that unless there is proof to the contrary, the person or business marked on a sign will be presumed to be the sign's owner.

The prosecutor of an offence is generally required to prove guilt with sufficient evidence. It is uncertain whether the law-making power in the Act allows for local laws which reverse the onus of proof in this way. While the Act allows for the onus of proof to be reversed in some cases, these situations are all explicitly provided by the Act (eg. Offences involving vehicles). If clause 8.7 is retained, the Shire should prepare for the possibility that it might be subject to legal challenge.

3. Clause 14.2 – Direction to leave public place

Clause 14.2 provides that an authorised person can direct an offender to leave local government property or a public place.

It is common for local laws to have clauses allowing people to be removed from local government property when an offence is suspected. However, it is uncertain whether a local law can grant this power to remove people from public places generally, particularly those areas not under the Shire's ownership or control.

While there is no precedent to suggest this clause is an issue, the Shire should prepare for the possibility that the Parliament's committee may raise concerns with this clause, either on legality or some other ground.

4. Minor edit

The following minor edits are suggested:

- *Clause 13.1 does not clearly indicate if transfer decisions under clause 12.8 or 12.11 are reviewable. The Shire may wish to clarify this.*
- *Ensure all references and cross references are checked prior to the final version being submitted to council.*

Additionally, it was also advised, by Darrell Forrest – of Darrell Forrest Advisory Services – to make the following changes, on the understanding that they presently would not meet the requirements of the Joint Stand Committee (JSC). The changes included:-

Clause 1.5 – Amend definition of Animal to include "Cats"

Clauses 2.6 (1) and (3) replace "local government" with "Council"

Delete Clause 12.3 (c)

Clause 15.6 (1) (b) – the words "demand from the person's name, place of residence and date of birth" should be on a separate line. The words do not need a clause number.

As there were no significant suggested changes, the intent of the local law did not change and nothing of a crucial nature was needed that would require re-advertising of the draft Local Law.

Once formally adopted by Council, the:

- Local law is to be published in the Government Gazette;
- Local public notice given of adoption of the local laws (separate to previous advertising of proposals)
- Signed copies are sent to the Minister for Local Government and other relevant Ministers; and
- Copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days;
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment; and
- The local law comes into effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government and other relevant Ministers.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local*

law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Outcome: Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|--|------------|---------------|---------------|---|
| Compliance: Some temporary non compliances | Possible | Insignificant | Low | Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency. |

Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

As there were no suggested changes, the intent of the local law did not change and nothing of a significant nature was needed that required re-advertising.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090423

Moved Cr Ross, seconded Cr King

That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:

- 1. Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.**
- 2. Determine that there are no proposed changes outlined in the report and included in the Local Government Property and Public Places Local Law 2023 and that it is not significantly different to that which was originally advertised.**
- 3. Determine to make the Local Government Property and Public Places Local Law 2023:**
 - a) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.**
 - b) The effect of this local law is to provide for:**
 - The establishment of the requirements with which any persons using or being on local government and public property within the district must comply; and**
 - Some property to be set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.**
- 4. Publish the Local Government Property and Public Places Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.**
- 5. Give local public notice after gazettal of the local law advising the date on which the local law commences.**
- 6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.**
- 7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Local Government Property and Public Places Local Law 2023.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.32PM

CEO05 – 04/23 Standing Orders Local Law 2023

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | 1. Draft Local Law – Standing Orders Local Law 2023 2. Submission from Department of Local Government |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

The proposed draft Standing Orders Local Law is submitted for Council's consideration, in relation to the submissions received upon closure of the public submission period on the proposed Standing Orders Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222 <i>Moved Cr Ross, seconded Cr Hughes</i> <i>That Council with respect to the statutory review of the Local Laws:</i></p> <ol style="list-style-type: none"> <i>Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and</i> <i>Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments:</i> <ol style="list-style-type: none"> <i>Shire of Chittering Bush Fires Repeal Local Law 2023</i> <i>Shire of Chittering Keeping Control of Cats Local Law 2023</i> <i>Shire of Chittering Cemeteries Local Law 2023</i> <i>Shire of Chittering Dogs Local Law 2023</i> <i>Shire of Chittering Extractive Industries Local Law 2023</i> |
|--|

- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
- g) *Shire of Chittering Standing Orders Local Law 2023*
3. *Note that the purposes and effects of these local laws:*
- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*
The purpose of this local law is to:
– *Repeal an obsolete local law.*
The effect of this local law is to provide for:
– *The obsolete local law will be revoked and abrogated.*
- b) *Shire of Chittering Keeping Control of Cats Local Law 2023*
The purpose of this local law is to:
– *Provide for the management of cats throughout the Shire of Chittering.*
The effect of the local law is to:-
– *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*
- c) *Shire of Chittering Cemeteries Local Law 2023*
The purpose of this local law is to:
– *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.*
The effect of this local law is to:
– *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*
- d) *Shire of Chittering Dogs Local Law 2023*
The purpose of this local law is to:
– *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*
The effect of this local law is to provide for:
– *Extend the controls over dogs, which exist under the Dog Act 1976.*
- e) *Shire of Chittering Extractive Industries Local Law 2023*
The purpose of this local law is to:
– *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*
– *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*
– *Provide for the restoration and reinstatement of any excavation site.*
The effect of this local law is to provide for:
– *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*
- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
The purpose of this local law is to:
– *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.*
The effect of this local law is to provide for:
– *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*
– *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*
- g) *Shire of Chittering Standing Orders Local Law 2023*
The purpose of this local law is to:

– Provide for the conduct of meetings of the Council, Committees and electors.

The effect of this local law is to provide for:

- Better decision-making at meetings;
- The orderly and efficient conduct of meetings;
- Greater community participation and understanding of the business of the Council; and
- More open and accountable local government.

4. Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council meeting.

Following the above resolution, the Shire of Chittering advertised the Standing Orders Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on the same day - Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

The submission said:

Standing Orders Local Law 2023

1. Local law reforms – Council meetings

As the Shire may be aware, the Minister has indicated a desire to reform local laws in relation to council procedures.

The final result of these reforms are yet to be determined. However, there is a high likelihood that Regulations may be made to standardise certain clauses in meeting procedures or potentially replace them entirely with a uniform regulation.

At present there is nothing from preventing the Shire from proceeding with a new standing orders local law in the meantime. However, the Shire should keep in mind that the content of this local law may be impacted by reforms over the mid-to-long term.

2. Minor edits

The following minor edits are suggested:

- **Clause 8.12(d):** Change the bracket reference to refer to 11.1(i).
- **Clause 17.2(2):** Change the second cross reference to "clause 11.1(h)".

- *Ensure all references and cross references are checked prior to the final draft being provided to council for approval.*

As stated above, the “minor edits” comments received from the DLGSC related to cross referencing issues. These changes, which have not affected the intent of the proposed local law and have been incorporated into the final document and as these changes were not of a significant nature, the local Law would not be required to be re-advertised.

Once formally adopted by Council, the:

- Local law is to be published in the Government Gazette;
- Local public notice given of adoption of the local laws (separate to previous advertising of proposals)
- Signed copies are sent to the Minister for Local Government and other relevant Ministers; and
- Copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days;
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment; and
- The local law comes into effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government and other relevant Ministers.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial*

compliance with the procedure.

- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

***making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|---|
| Compliance: Some temporary non compliances | Possible | Insignificant | Low | Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency. |
| Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances. | | | | |

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

At the close of the submission period, one submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

As there were no significant suggested changes, the intent of the local law did not change and nothing of a significant nature was needed that required re-advertising.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100423

Moved Cr Campbell, seconded Cr Ross

That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:

1. Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.
2. Determine that there are no proposed changes outlined in the report and included in the Standing Orders Local Law 2023 and that it is not significantly different to that which was originally advertised.
3. Determine to make the Standing Orders Local Law 2023;
 - a) The purpose of this local law is to provide for the conduct of meetings of the Council, Committees and electors.
 - b) The effect of this local law is to provide for:
 - Better decision-making at meetings;
 - The orderly and efficient conduct of meetings;
 - Greater community participation and understanding of the business of the Council; and
 - More open and accountable local government.
4. Publish the Standing Orders Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.
5. Give local public notice after gazettal of the local law advising the date on which the local law commences.
6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.
7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Standing Orders Local Law 2023.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.33PM

CEO06 – 04/23 Bush Fire Brigades Repeal Local Law 2023

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 19/04/0001 |
| Author | Executive Management Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Absolute Majority |
| Attachments | <ol style="list-style-type: none"> 1. Bush Fire Brigade - Letter to LG CEO Chittering 2. Submission from Department of Local Government 3. Submission from Minister for Emergency Services |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to ‘note’ only)</i> |

Executive Summary

The cessation of the repeal of the Bush Fire Brigade Local Law is submitted for Council’s consideration, in relation to the submissions received upon closure of the public submission period on the proposed Bush Fire Brigades Repeal Local Law 2023.

Background

At the Ordinary Meeting of Council held 14 December 2022, Council resolved to:

| |
|---|
| <p><i>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081222</i> <i>Moved Cr Ross, seconded Cr Hughes</i> <i>That Council with respect to the statutory review of the Local Laws:</i></p> <ol style="list-style-type: none"> 1. <i>Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and</i> 2. <i>Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in the attachments:</i> <ol style="list-style-type: none"> a) <i>Shire of Chittering Bush Fires Repeal Local Law 2023</i> b) <i>Shire of Chittering Keeping Control of Cats Local Law 2023</i> c) <i>Shire of Chittering Cemeteries Local Law 2023</i> d) <i>Shire of Chittering Dogs Local Law 2023</i> |
|---|

- e) *Shire of Chittering Extractive Industries Local Law 2023*
- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*
- g) *Shire of Chittering Standing Orders Local Law 2023*

3. *Note that the purposes and effects of these local laws:*

- a) *Shire of Chittering Bush Fires Repeal Local Law 2023*

The purpose of this local law is to:

- *Repeal an obsolete local law.*

The effect of this local law is to provide for:

- *The obsolete local law will be revoked and abrogated.*

- b) *Shire of Chittering Keeping Control of Cats Local Law 2023*

The purpose of this local law is to:

- *Provide for the management of cats throughout the Shire of Chittering.*

The effect of the local law is to:-

- *Promote responsible cat ownership and manage the control of cats within the Shire of Chittering.*

- c) *Shire of Chittering Cemeteries Local Law 2023*

The purpose of this local law is to:

- *Provide for the orderly management of the Bindoon Cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.*

The effect of this local law is to:

- *Ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.*

- d) *Shire of Chittering Dogs Local Law 2023*

The purpose of this local law is to:

- *Make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*

The effect of this local law is to provide for:

- *Extend the controls over dogs, which exist under the Dog Act 1976.*

- e) *Shire of Chittering Extractive Industries Local Law 2023*

The purpose of this local law is to:

- *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*

- *Regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and*

- *Provide for the restoration and reinstatement of any excavation site.*

The effect of this local law is to provide for:

- *Require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.*

- f) *Shire of Chittering Local Government Property and Public Places Local Law 2023*

The purpose of this local law is to:

- *Provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.*

The effect of this local law is to provide for:

- *The establishment of the requirements with which any persons using or being on local government and public property within the district must comply.*

- *Some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*

- g) *Shire of Chittering Standing Orders Local Law 2023*

The purpose of this local law is to:

- *Provide for the conduct of meetings of the Council, Committees and electors.*

The effect of this local law is to provide for:

- *Better decision-making at meetings;*
- *The orderly and efficient conduct of meetings;*
- *Greater community participation and understanding of the business of the Council; and*
- *More open and accountable local government.*

4. *Provide copies, in accordance with section 3.12(3) of the Local Government Act 1995, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

Pursuant to Section 3.16 of the *Local Government Act 1995* a comprehensive review of the Shire of Chittering's Local Laws was conducted with the assistance of a consultant with over 40 years local government experience. A workshop was held on 16 November 2022 to run through the proposed changes and draft Local Laws in preparation for presentation to Council at the December 14th, Ordinary Council meeting.

Following the above resolution, the Shire of Chittering advertised the Bush Fire Brigades Repeal Local Law 2023 in the Northern Valley News on Thursday 12th January 2023, on the Shire website on Thursday 12th January 2023 and also displayed the Public Notice on the noticeboards at the Shire administration office and the public library on the same day - Thursday 12th January 2023. The closing date for submissions was Friday, 24th February 2023.

The day after advertising was completed, we were forwarded correspondence from the Department of Fire and Emergency Services (copy attached) that explained that "*in circumstances where there are no BFB local laws and BFB's have been set up informally by the LG (for example, by LG policies and procedure), the BFB's will not be in compliance with section 41 of the BF Act and will not be considered BFB's within the BF Act*".

Which meant that a Local Law for our volunteer Bush Fire Brigades to operate under and comply with, is required.

At the close of the submission period, one other submission was received, that being from the Department of Local Government, Sport and Cultural Industries.

This submission said:

Bush Fire Brigades Repeal Local Law 2023

The Department had no concerns or comments in relation to this repeal local law.

However, this local law is partially made under the Bush Fires Act 1954. Accordingly, a copy of the draft and notice will need to be submitted to the Minister for Emergency Services.

The Shire should ensure a copy is forwarded to the Minister, presuming this has not already occurred. If the Minister does not receive a copy of these documents, the repeal's validity may be impacted.

Consequently, as a result of the comments received, and discussions had with Department of Fire and Emergency Services personnel, it is best to cease the repeal of the Bush Fire Brigade Local Law; and we will commence the process – as prescribed section 3.12 of the *Local Government Act 1995* – once an alternate Bush Fire Brigade Local Law, and operating procedures, have been drafted.

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer
- Acting Executive Manager Corporate Services
- Executive Manager Technical Services
- Acting Executive Manager Development Services

State

- Commissioner for Department of Fire and Emergency Services
- Minister for Emergency Services
- Minister for Department of Local Government, Sport and Cultural Industries

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public, Minister for Local Government and other relevant Ministers, being the Minister for Emergency Services.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local*

law that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance
 Objective: S5.2 Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|---|
| Compliance: Some temporary non compliances | Possible | Insignificant | Low | Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency. |
| Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances. | | | | |

Officer Comment/Details

The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

Consequently, as a result of the comments received, and discussions had with Department of Fire and Emergency Services personnel, it is best to cease the repeal of the Bush Fire Brigade Local Law; and we will re-commence the process – as prescribed section 3.12 of the *Local Government Act 1995* – once an alternate Bush Fire Brigade Local Law, and operating procedures, have been drafted.

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110423 Moved Cr Ross, seconded Cr Hughes That Council by Absolute Majority, under section 3.12 of the <i>Local Government Act 1995</i>, cease the repeal of the Bush Fire Brigade Local Law.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7.34PM</small></p> |
|--|

CEO07 – 04/23 Annual General Meeting of Electors – Environmental Consideration

| | |
|------------------------|---|
| Applicant | N/A |
| File ref | GOV.CM.2023 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council has been requested to consider a motion passed at the Annual General Meeting of Electors, requesting environmental consideration be done on all agenda reports relating to environmental matters.

Background

At the Annual General Meeting of Electors held on Wednesday 22 March 2023, the following motion was carried:

| |
|---|
| <p><i>ELECTORS DECISION</i> <i>Moved Colleen Osborn, seconded Wendy Gellard</i> <i>That the Shire of Chittering consider an environmental assessment be done on all agenda reports relating to environmental matters.</i></p> <p style="text-align: right;"><i>CARRIED 19/3</i></p> |
|---|

Consultation SummaryLocal

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 Focus area: Natural Environment
 Objective: S2.1 Protection of Life and Property
 Strategy: S2.2.3 Protection of wildlife and nature from pests, weeds, destruction and contamination

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|--|
| Risk Category: Natural Environment | Rare | Insignificant | Low | The elector’s motion has been considered and by including the environmental consideration on all items going to Council we can be transparent and inform of all environmental matters considered in relation to those items. |
| Opportunity: Nil | | | | |

Officer Comment/Details

Officers are recommending that Council note that the agenda template be amended to include a section for environmental assessments to clearly state what assessments have been conducted on the relative topic.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120423

Moved Cr Hughes, seconded Cr Angus

That Council:

1. Note the decision of the Electors from the Annual General Meeting held 22 March 2023, passed by majority vote of 19 Electors; and
2. Note the amendment to the agenda template to include a section for environmental consideration.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.37PM

CEO08 – 04/23 Annual General Meeting of Electors – Live Streaming

| | |
|------------------------|---|
| Applicant | N/A |
| File ref | GOV.CM.2023 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council has been requested to consider a motion passed at the Annual General Meeting of Electors, requesting the live streaming of all Agenda Forum and Ordinary Meetings.

Background

At the Annual General Meeting of Electors held on Wednesday 22 March 2023, the following motion was carried:

| |
|---|
| <p><i>ELECTORS DECISION</i> <i>Moved John Nagel, seconded Dennis Boyanich</i> <i>That the Shire install live streaming immediately for Forum nights and Council Meetings to show a little transparency of Councillors as it appears that some of the Councillors are talking with forked tongue or in other words untruths.</i></p> <p style="text-align: right;"><i>CARRIED 12/ 10</i></p> |
|---|

Live Streaming was installed in the Shire Council Chambers on Thursday 16 March 2023.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

- Policy 4.6 Council Forums, Workshops and Information Sessions
- Policy 4.10 Transparency & Accountability

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|-------------------------------------|------------|--------------|---------------|--|
| Risk Category: Reputation | Possible | Minor | Moderate | By live streaming the Ordinary Council Meetings, we are keeping Council accountable and being transparent with any deliberations and decisions made at these meetings. |
| Opportunity: Nil | | | | |

Officer Comment/Details

It is not compulsory for Band 3 and 4 Councils to live stream Council Meetings. *Shire Policy 4.6 Council Forums, Workshops and Information Sessions* states "An audio recording will be taken of questions from elected members and answers from members and officers, public presentations and deputations at Agenda Forums; and these audio recordings are to be circulated to Council before the issuance of the Ordinary Council Meeting Agenda to the public." Although it is not required, as an additional measure of transparency it is recommended that live streaming on Ordinary Meetings only, be conducted and made available on the Shire website along with the Council Minutes.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130423

Moved Cr King, seconded Cr Ross

That Council:

- 1. Note the decision of the Electors from the Annual General Meeting of Electors held 22 March 2023, passed by majority vote of 12 Electors; and**
- 2. Approve live streaming of Ordinary Council Meetings (adhering to *Shire Policy 4.10 Transparency & Accountability*) with effect from May 2023, and make the recordings available on the Shire website.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.51PM

AMENDMENT

Moved Cr Angus, seconded Cr Campbell

That the Officer Recommendation be amended to include live streaming of Agenda Forums and amend Shire Policy 4.10 Transparency & Accountability to reflect this change.

LOST 2 / 5

TIME: 7.49PM

For: Cr Angus, Cr Campbell

Against: Cr King, Cr Ross, Cr Hughes, Cr Dewar, Cr Curtis

CEO09 – 04/23 Annual General Meeting of Electors – Muchea Recreation Centre – Removal of Native Vegetation

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | A9073 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council has been requested to consider two motions passed at the Annual General Meeting of Electors, in relation to the Muchea Recreation Centre Project and subsequent removal of three Marri Trees.

Background

At the Annual General Meeting of Electors held on Wednesday 22 March 2023, the following motions were carried:

| |
|---|
| <p>ELECTORS DECISION <i>Moved Natalie Valance, seconded Jan Stagbouer</i> <i>That Council reconsider their decision to remove the Muchea Marri's at the Muchea Recreation Centre and endorse the four court plan, in a 1+2+1 configuration, instead of the more expensive five court plan, in a 1+2+2 configuration, for netball courts at the facility. This would retain the existing stand of heritage listed Marri trees and also be a nod for better accountability of existing resources, finances and the natural heritage of the town of Muchea.</i></p> <p style="text-align: right;">CARRIED 18 / 4</p> |
|---|

ELECTORS DECISION

Moved Natalie Valance, seconded Jan Stagbouer

That the modification of the current third stage of development of the Muchea Recreation Centre be costed for the alternative alignment of 1+2+1

CARRIED 16 / 6

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Built Environment

Objective: S3.2 Improving Infrastructure

Strategy: S3.2.3 Provision of community facilities to allow sport and recreation participation

State

Nil

Site Inspection

Site inspection undertaken: Yes

Environmental Consideration

Cockatoo nesting boxes to be installed and replanting programme.

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|--------------|---------------|--|
| Reputation/Natural Environment | Likely | Minor | Low | Cockatoo nesting boxes to be installed and replanting programme. |
| Opportunity: Provide a long-term net benefit to the environment through additional nesting boxes for cockatoos and the replanting programme. | | | | |

Officer Comment/Details

As the decision to remove these trees was a resolution of Council and steps towards implementing this have already commenced, Council is recommended to note the concerns of the Electors and continue to implement Council Resolution 170223.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140423
Moved Cr Hughes, seconded Cr Ross
That Council:

1. Note the decision of the Electors from the Annual General Meeting of Electors held 22 March 2023; passed by majority vote of 18 Electors;
2. Note the decision of the Electors from the Annual General Meeting of Electors held 22 March 2023; passed by majority vote of 16 Electors; and
3. Continue to implement Council Resolution 170323.

CARRIED 5 / 2
TIME: 8.01PM

For: Cr King, Cr Angus, Cr Ross, Cr Campbell, Cr Dewar
Against: Cr Hughes, Cr Curtis

CEO10 – 04/23 Occupational Safety and Health Statistics Report – Period Ending 31 March 2023

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | GOV.REP.OSH |
| Author | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. OSH Statistics Report for the period ending March 2023 |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to receive the Shire of Chittering's Occupational Safety and Health Statistics Report for the period ending 31 March 2023.

Background

At the Ordinary Meeting of Council held 17 November 2021, Council adopted the following resolution:

| |
|---|
| <p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 1. "The Shire of Chittering" adopts the following position statement: "Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council". 2. Council requires the Chief Executive Officer to provide a quarterly report (February (previous quarter), April, July and October of each calendar year) of the following key safety performance indicators (KPI's) for the Shire workforce and contractors; including but not limited to: <ol style="list-style-type: none"> a. Number of safety observations; b. Number of safety audits and inspections; c. Number of working hours (total, workforce and contractors) d. Number of training hours; e. Number of toolbox talks; f. Number of equipment breakdowns; g. Average overtime per person by department. 3. Council requires the Chief Executive Officer to provide a monthly report to be tabled at each |
|---|

Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:

- a. Number of Drug and Alcohol tests performed;
- b. Number of positive Drug test and BAC Exceedances;
- c. Number of worker compensation claims;
- d. Number of "current" worker compensation claims;
- e. Number of Near Misses;
- f. Number of Medically Treated Injuries;
- g. Number of Restricted Work Injuries;
- h. Number of Lost Time Injuries.

CARRIED UNANIMOUSLY 7/0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Work Health and Safety Act 2020*

Local

Nil

Policy Implications

State

Nil

Local

- *Shire of Chittering Policy 3.8 Occupational Safety and Health (OSH)*

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2017-2027

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150423

Moved Cr King, seconded Cr Angus

That Council;

- 1. Receive the Shire of Chittering Occupational Safety and Health Statistics Report for the period ending 31 March 2023; and**
- 2. Note the addition of the near miss details included in the report.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.03PM

CEO11 – 04/23 Disability Access and Inclusion Plan

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 03/01/0008 |
| Author | Human Resources Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. Disability Access and Inclusion Plan 2023-2026 |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | When Council initiates or adopts a policy position, or a local law |
| <input type="checkbox"/> | Quasi-Judicial | When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal |
| <input type="checkbox"/> | Information | Includes items for information purposes only and do not require a decision of Council (to 'note' only) |

Executive Summary

Council is requested to adopt the Disability Access and Inclusion Plan 2023-2026 (**Attachment 1**) in accordance with the *Western Australian Disability Services Act 1993, Part 5 "Disability Access and inclusion Plans by public authorities"*.

Background

Since 1995 it has been a requirement under the *Disability Services Act 1993* (the Act) that all public authorities prepare and implement a Disability Access and Inclusion Plan. The Act requires that all public authorities lodge a Disability Access and Inclusion Plan to the Office of Disability (located within the Department of Communities). Local Governments are required to report on their Disability Access and Inclusion Plan in their Annual Reports. The Shire's current Disability Access and Inclusion Plan 2018-2022 expired on 30 June 2022, however an extension was sought and approved by the Office of Disability.

Consultation SummaryLocal

The Disability Access and Inclusion Survey were made available to the public in alternate formats, and advertised to the public via newspaper promotion, on the Shire of Chittering webpage, via social media, hard copies dropped off three community groups and promotion at the Shire's Administration Office and Library, from Wednesday 31 August 2022 to Tuesday 27 September 2022.

Following this public consultation period a *Draft Disability Access and Inclusion Plan* was presented to Council at the February 2023 Ordinary Council Meeting with the following resolution:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140223

Moved Cr Ross, seconded Cr Angus

That Council:

- 1. Adopt the Draft "Disability Access and Inclusion Plan 2023 – 2026"; and*
- 2. Instruct the Chief Executive Officer to seek public comment/submissions on the draft Disability Access and Inclusion Plan 2023 – 2026 and bring back to Council at the April Ordinary Council Meeting.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.11PM

The Draft Disability Access and Inclusion Plan 2023 -2026 was listed for public comment on the Shire *Have Your Say* page from 24 February until 21 March 2023, outlining that all submissions received would be considered and appropriate amendments made to the plan prior to submission to Council at the April 2023 Ordinary Council Meeting.

During this advertising period only one submission from the public was received.

State

Consultation has been provided with the Office of Disability who have reviewed the Draft Disability Access and Inclusion Plan 2023 -2026 who provided comment and recommendation for some amendments.

Legislative Implications

National

- *Commonwealth Disability Discrimination Act 1992*
- *National Disability Insurance Scheme Act 2013*

State

- *The Western Australian Disability Services Act 1993*
- *The Commonwealth Disability Discrimination Act 1992*
- *The Equal Opportunity Act 1984*

Local

Nil

Policy Implications

State

Nil

Local

- *3.6 Equal Employment Opportunity*

Financial Implications

Internal budget

In the event that funding is required to deliver projects a budget will be proposed and requested through existing budget processes. Partnerships and funding opportunities outside budget will be sought to deliver projects where appropriate.

Total Asset Management

The Shire owned facilities may be upgraded and renovated to comply with universal standards that will also be applied to all future built environment and other infrastructure projects.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Our Community
 Objective: S1.2. A Safe and Healthy Community
 Strategy: S1.2.2 Improved education, health, disability and aged services

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|--------------|---------------|--|
| Project (Time): Project completion of Disability Access and Inclusion Plan has further delays as a result of public comments/submissions and document amendments. Final document must to be sent to the Department of Communities for their records. | Possible | Minor | Moderate | Continue to keep Department of Communities informed of any delays and associated progress in the finalisation of the Disability Access and Inclusion Plan. |
| Opportunity: Nil | | | | |

Officer comments

An Implementation Plan that identifies initiatives to address the seven outcomes has been developed and forms part of the Disability Access and Inclusion Plan, as provided in **Attachment 1**.

Progress against the outcomes in the Plan will be reported to the Office of Disability and to the Shire of Chittering Councillors on an annual basis (End July/August respectively).

Council is therefore requested to adopt the Disability Access and Inclusion Plan 2023-26.

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160423 Moved Cr Ross, seconded Cr Campbell That Council adopts the “Disability Access and Inclusion Plan 2023 – 2026”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 8.06PM</small></p> |
|--|

CEO12 – 04/23 Muchea Recreation Centre Management Plan

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | A9073 |
| Author | Community Development Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. Muchea Recreation Centre Management Plan 17032023(Public) |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to endorse the Muchea Recreation Centre Management Plan 17032023.

Background

In October 2022 Council commenced discussions with Shire Officers on the proposed Governance Model for the Muchea Recreation Centre.

At this Council briefing session Council reflected on lessons learnt with regard to facility management and considered the most appropriate management model for the facility, deciding on an inhouse management model.

As part of this process Council determined the need to develop a management plan for the facility that would set out the aims and objectives of the facility and the KPI's that would inform asset management and risk management processes for facility sustainability.

In December 2022 Council further workshopped the proposed governance model and the management plan for the new Muchea Recreation Centre. Council were asked to consider:

- The aims and objectives of the facility – the WHAT we are aiming to achieve. Considering community/social/ environmental and financial outcomes.
- The strategies used to meet the objectives. The HOW will we achieve it?
- The evaluation methods used to measure performance. How will we KNOW if we are achieving it?

With the transition from the old Muchea Hall to the newly developed Muchea Recreation Centre expected

to occur in July 2023, Council then held another workshop session in February 2023 to develop a draft management plan.

The draft plan was circulated via the below consultation process in March 2023.

Consultation Summary

Local

The Muchea Recreation Centre Management Plan has been developed through the following consultation methods:

- Council workshop on Wednesday, 15 February 2023.
- Consultation with the existing Muchea Hall User Group with feedback sought by Tuesday 14 March 2023.
 - One Club provided feedback that they did not foresee any issues with the intended goals of the plan.
- Internal staff / Council feedback on the “*Draft Muchea Recreation Centre Management Plan*” requested by Tuesday 14 March 2023.
 - One Councillor provided feedback

Outcome of Consultation: The Muchea Recreation Centre Management Plan has been developed as a public version of the above process.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

| | |
|-------------|--|
| Focus area: | Our community |
| Objective: | S1.1 An active and supportive community |
| Strategy: | S1.1.2 Social hubs to bring the community together |
| Focus area: | Built environment |
| Objective: | S3.2 Improving infrastructure |
| Strategy: | S3.2.3 Provision of community facilities to allow sport and recreation participation |

Focus area: Administration and Governance
 Objective: S5.2 Accountable and Transparent Governance
 S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|-------------------------|--------------|------------------|---|
| <p>Reputational: risk if Council doesn't implement a management plan where we could experience diminished community trust in the Shires capacity to adequately manage the new facility</p> | <p>Almost Certainly</p> | <p>Minor</p> | <p>High / 10</p> | <p>1. Implement Management Plan. 2. Establish clarity of roles for Shire officers who work within the facility management space through review of existing and future position descriptions.</p> |
| <p>Opportunity: Endorse the Muchea Recreation Centre Management Plan and schedule an annual review against the performance criteria.</p> | | | | |

Officer Comment/Details

Community facility policy and frameworks are currently very loosely covered under *Policy 1.9 Asset Management – Infrastructure Assets*. This guides staff in maintenance, upgrade and replacement of the physical asset but does not provide adequate guidance in aspects of facility management planning.

The Muchea Recreation Centre Management Plan will guide staff and Council with the facility management process specific to the Muchea Recreation Centre.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170423
Moved Cr King, seconded Cr Ross
That Council endorse the Muchea Recreation Centre Management Plan 17032023.

CARRIED UNANIMOUSLY 7 / 0
TIME: 8.10PM

CEO13 – 04/23 Donations, Contributions and Sponsorship Policy

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 04/03/1 |
| Author | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority (Absolute Majority if a policy is adopted that has a financial implication) |
| Attachments | 1. Donations, Contributions and Sponsorships Policy |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to adopt the Donations Policy as per **Attachment 1** of this Agenda Item.

Background

A request was made by Cr King for the preparation and adoption of a Donations Policy by Council in order to make a determination on which donations are to be received by the Shire or via a third party to the Shire.

Council are currently poised to receive the following donations:

| Organisation | Industry | Purpose | Via Third Party |
|--------------------------------|-----------------|----------------------------|------------------------|
| Tronox | Mining | Muchea Recreation Centre | Yes |
| Muchea Sporting Clubs | Community | Muchea Recreation Centre | No |
| Tronox | Mining | Bindoon Mountain Bike Park | No |
| Bendigo Bank | Financial | Bindoon Mountain Bike Park | No |
| Chittering Tourist Association | Community | Bindoon Mountain Bike Park | No |
| Caspin Resources | Mining | Bindoon Mountain Bike Park | No |
| Chalice Mining | Mining | Bindoon Mountain Bike Park | Yes |
| Chalice Mining | Mining | Taste of Chittering | No |

Tronox, a mining company, have made many contributions to the community both directly to the Shire and to community groups. They have funded many Shire events and projects including Taste of Chittering and the Fire Support Vehicle.

The Shire has recently received donations from Hancock Prospecting Pty Ltd, a mining company, for equipment and infrastructure to support the Shire's Bush Fire Brigades and firefighting efforts.

In the past, the Shire received support from the Coffin Cheaters Motorcycle Club for the construction of infrastructure in the Bindoon townsite.

At the July 2022 Ordinary Meeting of Council the following resolution was adopted:

| |
|--|
| <p><i>SUBSTANTIVE MOTION / COUNCIL RESOLUTION 150722</i> <i>Moved Cr Ross, seconded Cr King</i> <i>That Council</i></p> <ol style="list-style-type: none"><i>1. Instructs the CEO to seek legal advice on the ability of Council to accept/reject donations, contributions and sponsorships;</i><i>2. Following the receipt of the legal advice, that Council workshops with the CEO to develop a policy on donations, contributions and sponsorships.</i> <p style="text-align: right;"><i>CARRIED UNANIMOUSLY 6 / 0</i> <i>TIME: 9:52PM</i></p> |
|--|

Following this resolution, the Chief Executive Officer sought legal advice from McLeods. The advice received was distributed to Council and used as the basis for further discussion in refining the Policy.

This was workshopped with Council as per Council Resolution 150722 and is now being brought back to Council for consideration.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

Nil

Policy Implications

State

Nil

Local

The adoption of this policy will create a new Council Policy.

Financial Implications

The proposed policy will not have any financial implications. If the adopted policy does prevent any of the donations being made, then it will have a financial implication.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
Focus area: Our community
Objective: S1.1 An active and supportive community

Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|---------------|---------------|--|
| Reputational: There is a risk that some sections of the community will think that Council's Decision Making has been influenced | Rare | Insignificant | Low | The creation of the policy and proper engagement with the community will help them to understand Council's position on donations and the limited decision making responsibility of Council in relations to large projects. |
| Opportunity: By having a policy and being upfront with the community, the community can attain benefits of partnering with external organisations. | | | | |

Officer Comment/Details

The reasoning for the policy being required is due to the potential future conflict with Council's decision-making role, however often Council has limited decision making, for example:

- Mining Proposals are controlled by the Mining Act and determined by the State Government. In rare situations, some land is Mineral to Owner and controlled by Planning, however this is only land within our shire;
- Use of roads is determined by the RAV Network which is controlled by Main Roads. Vehicles up to semi-trailers are considered as of right and cannot be refused;
- The expansion of processing facilities could be determined Council. This would need to be an expansion under \$8 million, otherwise it will be determined by a Joint Development Assessment Panel. Under this amount, planning decisions must be made in line with the Planning Scheme which is determined by the Minister for Planning.

Council does still have a role to play in trying to influence outcomes, however often it is easier to influence outcomes when Council is already involved in the matter.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180423

Moved Cr King, seconded Cr Ross

That Council adopt the Donations, Contributions and Sponsorship Policy, as attached to this report.

CARRIED 6 / 1

TIME: 8.15PM

For: Cr King, Cr Ross, Cr Angus, Cr Hughes, Cr Dewar, Cr Campbell

Against: Cr Curtis

CEO14 – 04/23 Community Assisted Transport Service (CATS)

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | 03/01/16 |
| Author | Community Development Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to note the expiration of the Community Assisted Transport Service (CATS) trial period and; to approve the continuation of the program.

Background

At the April 2022 Ordinary Council Meeting, Council committed to a three month trial of the Community Assisted Transport Service with the adoption of the Community Assisted Transport Service Policy and related fees and charges.

The Community Assisted Transport Service Policy was further amended at the July 2022 Ordinary Council meeting.

Throughout July – December 2022 the Community Development Coordinator, developed the appropriate procedures to underpin the policy. Work Health and Safety implications were also determined for volunteer drivers which delayed the appointment of volunteer drivers until December 2022.

As at March 2023 four volunteer drivers have completed their inductions.

Promotions of the service commenced at the end of January 2023. To date we have assisted three passengers across 5 trips to the Perth metropolitan area for eye related procedures. On average these trips have taken approximately 5hrs per trip.

The passengers have expressed their deepest appreciation of the service.

The Shire pool car, registration number CH602, has been utilised for each of the service trips.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Work Health and Safety Act 2020*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Under the trial, the service was allocated to pool vehicle expenses. With the full implementation of the service, Council may wish to consider whether this is the appropriate area to allocate expenses.

Additionally, staffing resources and the associated cost for running the program needs to be considered against the current programs and projects for the Community Development Team. The administrative hours undertaken for the 5 trips that have been provided to date is equivalent to 2hrs per trip including initial enquiry, coordination of resources and volunteer staffing, confirmation of booking and payment with reception staff, the appointed volunteer and the passenger, as well as after-hours check in with drivers who have returned after office hours.

A budget proposal for 2023/2024 of \$2,500 has been submitted for volunteer training, reimbursement, and recognition activities. This proposal does not consider the staffing implications.

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2022-2032*
 - Focus area: Our community
 - Objective: S1.2 A safe and healthy community
 - Strategy: S1.2.1 Improved education, health, disability and aged services

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|--------------|--------------|---------------|--|
| Financial Impact – council does not adequately resource the fiscal aspects of the service | Possible - 3 | Minor- 2 | Moderate | Allocation of appropriate budget to cover staffing resources, vehicle costs and end of life replacement. Insurance implications to be fully considered and balanced with appropriate reserves to address unexpected expenses as a result of volunteer drivers utilising Shire vehicles. |
| Interruption to service - insufficient recruitment of volunteer drivers / or unavailability of volunteer drivers | Likely - 4 | Moderate – 3 | High - 12 | Regular recruitment process undertaken to ensure adequate volunteers are maintained for the program. |
| Opportunity: The Regional Manager Wheatbelt, St Johns WA are currently gathering data on their Patient Transport program and would be keen to hear about our experiences going forward there may be enough evidence to support a St Johns CAT program for our community. | | | | |

Officer Comment

Nil

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190423 Moved Cr King, seconded Cr Dewar That Council: 1. Note the expiration of the Community Assisted Transport Service (CATS) trial period; and 2. Approve the continuation of the program.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 8.19PM</p> |
|--|

CEO15 – 04/23 State Electoral Boundaries in Western Australia

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. Letter from Western Australian Electoral Distribution Commission |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council requests the Chief Executive Officer to make a suggestion to the Western Australian Electoral Distribution Commission that supports the retention of the current 16 regional seats.

Background

The Shire received a letter from the Western Australian Electoral Distribution Commission on Tuesday 4 April 2023, calling for suggestions about future State electoral boundaries.

"The Western Australian Electoral Distribution Commission is now seeking suggestions from local governments, local government councillors or senior staff on future electoral boundaries for the State.

Recently the Commissioners released enrolment statistics as at 13 March 2023. These figures will help guide the Commissioners by establishing the average variation from district enrolment. They identify ten current districts outside permissible legislative limits with several more approaching those limits. At a minimum those ten districts will need their boundaries amended but of course those changes may then affect surrounding districts. The statistics and accompanying maps are available at the publications and resources page of the Boundaries WA website.

There is now an opportunity for you personally or your local government to make suggestions about what future boundaries should look like. If you or elected councillors wish to understand what is involved in an electoral distribution and how to make a submission please refer to the Making a Submission page and 2023 Review of State Electoral Boundaries Distribution Procedure on the website.

You can make a suggestion about where a boundary should go or even the name of a current or future seat.”

Suggestions need to be made by 5.00pm, Monday 1 May 2023. Once suggestions have been collated and published on the Distribution website there will be a 15 day opportunity to read other people’s suggestions and make comment on them.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

| | |
|-------------|---|
| Focus area: | Administration and Governance |
| Objective: | S5.2 Accountable and Transparent Governance |
| Strategy: | S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability |

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200423

Moved Cr Hughes, seconded Cr Ross

That Council request the Chief Executive Officer to submit the Shire of Chittering's preference to retain the current 16 regional seats to the Western Australian Electoral Distribution Commission.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.21PM

ITEM 10. REPORTS OF COMMITTEES**COM01 – 04/23 Chittering Tourism Advisory Group (CTAG) Minutes**

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | ECDEV.TOUR.CTAG |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. CTAG March 2023 Minutes |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to receive the Chittering Tourism Advisory Group Minutes from 23 March 2023.

Background

CTAG officially became an advisory group to Council at the September 2020 Ordinary Council Meeting. To ensure that Council remain abreast of CTAG activities, future minutes of the CTAG will be reported to Council under Reports of Committees, requesting that Council receive the Minutes and any specific Council resolutions will be outlined within the report.

The minutes of CTAG will be available to the public via the OCM minutes. Shire officers will also ensure that CTAG minutes are uploaded to the Shire website. Any confidential information will be redacted prior to public circulation.

Consultation/Communication ImplicationsLocal

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032
 - Objective: S4.3 Increased Visitors
 - Strategy: S4.3.1 Support and promote accommodation options
S4.3.3 Facilitate, promote and support ecotourism

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|------------------------------------|------------|--------------|---------------|---|
| Reputation: Transparency | Unlikely | Minor | Low | Making the Minutes a public document to align with transparency within the Shire. |
| Opportunity: Nil | | | | |

Officer Comment/Details

While there are no statutory requirements for Council Advisory Groups to report to Council, the regular reporting of CTAG minutes to Council will ensure that Council is kept up to date on CTAG activities and proposed actions including recommendations to Council for consideration.

The provision of these minutes as part of the Ordinary Council Meeting Minutes will also ensure that CTAG minutes are recorded as a public document.

| |
|---|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 210423 Moved Cr Ross, seconded Cr King That Council receive the Minutes of the Chittering Tourism Advisory Group Meeting held 23 March 2023 and note the recommendations therein.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 8.24PM</p> |
|---|

COM02 – 04/23 Bindoon Mountain Bike Park Project Reference Group

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | ECDEV – PROJECT – MOUNTAIN BIKE |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to consider:

1. Appointing two community members to the Bindoon Mountain Bike Park Project Reference Group.
2. Approving the inclusion of one representative from the Chittering Tourism Association and one representative from the Chittering Chamber of Commerce to be added to the Bindoon Mountain Bike Park Project Reference Group.

Background

At the March Ordinary Meeting, Council resolved the following:

| |
|--|
| <p>SUBSTANTIVE MOTION / COUNCIL RESOLUTION 160323 Moved Cr King, seconded Cr Ross That Council:</p> <ol style="list-style-type: none"> 1. Approve the Bindoon Mountain Bike Park Project Reference Group as an Advisory Group of Council. 2. Appoint Cr Campbell as Council Delegate and Cr Curtis as Deputy to the Bindoon Mountain Bike Park Project Reference Group, with the Council Delegate responsible to chair the User Group Meetings. 3. Approve the Terms of Reference, confirming the content, but separating the Roles and Responsibilities to improve clarity. 4. Instructs the CEO to seek public nominations of two community members to serve on the Mountain Bike User Group. 5. Delegate the authority to the CEO to appoint the two community members according to the selection criteria in the event that more than two applications are received. |
|--|

CARRIED UNANIMOUSLY 7 / 0
TIME: 8.00PM

As per condition four of this resolution an expression of interest was advertised on 17 March 2023, seeking two community members to join the Bindoon Mountain Bike Park Project Reference Group.

“The Shire of Chittering is seeking expressions of interest for two community members to join the Bindoon Mountain Bike Park Project Reference Group.

The Bindoon Mountain Bike Park Project Stage 1 is underway with trails currently being constructed. For more details on the project visit <https://bit.ly/421i6pp>

The reference group is to contribute to the task of overseeing the Bindoon Mountain Bike Park Project and to where required, make recommendations to the project manager. The term of membership for these members shall commence upon appointment for the duration of the Bindoon Mountain Bike Park Project until dissolved.

If you would like to be involved then please send through your expression of interest to chatter@chittering.wa.gov.au with attention to CEO by March 31st addressing the below selection criteria:

- Live locally in the Shire of Chittering, preferably Bindoon as this community may be more likely to use the park over others in other localities*
- Must not be a part of the already represented groups in the reference group i.e. Chittering Mountain Bike Club and WestCycle*
- Diversity in demographics”*

Upon the closing date of the EOI, the Shire received six expression of interests.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Community
 Objective: S1.1 An active and supportive community
 Strategy: S1.1.1 Events and groups to bring the community together and assist connections
 S.1.1.3 Increase volunteer participation across the Shire

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|--|------------|---------------|---------------|---|
| Risk Category: Reputation | Unlikely | Insignificant | Low | Each EOI has been assessed according to the selection criteria and 2 applicants have been selected. |
| Opportunity: Nil | | | | |

Officer Comment/Details

Out of the six submissions received, officers have carefully reviewed them against the selection criteria and it is recommended that Ashlee Young and Paul Groves be appointed as community members on the Bindoon Mountain Bike Park Project Reference Group.

Subsequent to the Council resolution to establish the Bindoon Mountain Bike Park Project Reference Group, the Chittering Tourism Advisory Group Meeting held on 23 March 2023 resolved that a request be put to Council to add one representative of the Chittering Tourism Association and one representative of the Chittering Chamber of Commerce. These representatives can contribute towards the tourism, marketing and branding related aspects of the Mountain Bike Park Project.

| |
|--|
| <p>OFFICER RECOMMENDATION</p> <p>Moved Cr Campbell, seconded Cr Ross</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Note that Ashlee Young and Paul Groves have been appointed to the Bindoon Mountain Bike Park Project Reference Group; and 2. Approve the inclusion of one representative from the Chittering Tourism Association and one representative from the Chittering Chamber of Commerce to be added to the Bindoon Mountain Bike Park Project Reference Group. |
|--|

MOTION / COUNCIL RESOLUTION 220423

Moved Cr King, seconded Cr Ross
That Council suspend Standing Orders.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.31PM

MOTION / COUNCIL RESOLUTION 230423

Moved Cr King, seconded Cr Angus
That Council resume Standing Orders.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.37PM

AMENDMENT

Moved Cr King, seconded Cr Ross
That the Officer Recommendation be amended to include:

3. Instruct the Chief Executive Officer to invite each group to nominate one delegate and a substitute to serve on the Reference Group.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.39PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 240423

Moved Cr Campbell, seconded Cr Ross
That Council:

1. Note that Ashlee Young and Paul Groves have been appointed to the Bindoon Mountain Bike Park Project Reference Group; and
2. Approve the inclusion of one representative from the Chittering Tourism Association and one representative from the Chittering Chamber of Commerce to be added to the Bindoon Mountain Bike Park Project Reference Group.
3. Instruct the Chief Executive Officer to invite each group to nominate one delegate and a substitute to serve on the Reference Group.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.39PM

COM03 – 04/23 Muchea Recreation Centre User Group (MRCUG) Terms of Reference

| | |
|-------------------------------|---|
| Applicant | Shire of Chittering |
| File ref | A9073, 02/08/4 |
| Author | Community Development Officer |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | 1. Muchea Recreation Centre User Group Terms of Reference |

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

Executive Summary

Council is requested to adopt the Muchea Recreation Centre User Group Terms of Reference.

Background

The construction of the Muchea Recreation Centre is expected to be completed in August 2023. As a result of this the current hall users of the existing Muchea Hall will transfer across to the new facility and will require new terms of reference for the user group.

It is an expectation of the Service Level Agreements for annual users of Shire Facilities to participate in regular user group forums as part of the facility management process.

It would also be an expectation of the Facility Management Plan for the Muchea Recreation Centre, that the regular users of the facility participate in User Group forums.

Consultation SummaryLocal

Muchea Hall User Group representatives have been requested to provide comment on the Terms of Reference.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

- *1.9 Asset Management – Infrastructure Assets*
- *Annual License arrangements and Service Agreements*
- *Draft Muchea Recreation Centre Facility Management Plan* - This item is another agenda item for the April 2023 OCM and is subject to endorsement by Council

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2022-2032*

Focus area: Our community

Objective: S1.1 An active and supportive community

Strategy: S1.1.2 Social hubs to bring the community together

Focus Area: Built Environment

Objective: S3.2 Improving Infrastructure

Strategy: S3.2.3 Provision of community facilities to allow sport and recreation participation

Focus area: Administration and Governance

Objective: S5.1 An engaged Shire

Strategy: S5.1.1 Continue to engage responsively with the community, using a variety of methods of inviting input

Objective: S5.2 Accountable and Transparent Governance

Strategy: S5.2.2 Become a leader in the areas of transparency, disclosure and public accountability.

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

| Risk | Likelihood | Consequences | Risk Analysis | Mitigation |
|---|------------|--------------|---------------|--|
| Implementation of the Facility Management plan hindered by lack of consultation with end user | 4 | 3 | High | Implement User Group forum with clear terms of reference for all participants. |
| Opportunity: Implement Terms of Reference for the Muchea Recreation Centre User Group | | | | |

Officer Comment/Details

As highlighted in the Shire of Chittering Community Engagement Plan, there are a number of benefits from utilising a community based reference group as part of the facility management practices.

The Muchea Recreation Centre User Group forum will provide a conduit for regular hirers and the general community to express their experiencing and recommendations for improvement to the facility management process of the facility.

This forum will enable the Shire to gather information from the end user to assist in prioritisation of services and resources to address facility management issues.

It will also provide an avenue for the Shire and Council to work alongside the user group to achieve balanced decisions through offering opportunities for the community to contribute to, and influence outcomes, that directly affect their use of the facility.

| |
|--|
| <p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 250423 Moved Cr King, seconded Cr Ross Council is requested to adopt the Muchea Recreation Centre User Group Terms of Reference.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 8.44PM</small></p> |
|--|

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 260423

Moved Cr Ross, Seconded Cr Angus

That Council moves into a confidential session to discuss the following items:

- CON01 – 04/23 Appointment of Executive Manager Development Services; and
- CON02 – 04/23 Appointment of Deputy Chief Executive Officer.

Under the terms of the *Local Government Act 1995, Section 5.23(2)(b)*:

- “(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:***
- (a) a matter affecting an employee or employees; and***
 - (b) The personal affairs of any person.***

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.45PM

CON01 – 04/23 Appointment of Executive Manager Development Services

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 22/10/133 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

Reason for confidentiality

In accordance with the Local Government Act 1995, s5.23:

(2) *If a meeting is being held by a Council or a committee, the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with the following:*

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person;*

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>When Council initiates or adopts a policy position, or a local law</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |
| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 270423

Moved Cr Angus, seconded Cr Curtis

That Council accepts the Chief Executive Officer's proposal to employ Jake Whistler as the Executive Manager Development Services for the Shire of Chittering.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.47PM

CON02 – 04/23 Appointment of Deputy Chief Executive Officer

| | |
|-------------------------------|---|
| Applicant | N/A |
| File ref | 22/10/133 |
| Author | Executive Assistant |
| Authorising Officer | Chief Executive Officer |
| Disclosure of interest | Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure |
| Voting requirements | Simple Majority |
| Attachments | Nil |

Reason for confidentiality

In accordance with the Local Government Act 1995, s5.23:

(2) *If a meeting is being held by a Council or a committee, the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with the following:*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person;*

| | Authority / Discretion | Definition |
|-------------------------------------|-------------------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
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| <input checked="" type="checkbox"/> | Information | <i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i> |

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 280423

Moved Cr Campbell, seconded Cr Curtis

That Council accepts the Chief Executive Officer's proposal to employ Scott Clayton as the Deputy Chief Executive Officer for the Shire of Chittering.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.51PM

PROCEDURAL MOTION / COUNCIL RESOLUTION 290423

Moved Cr King, seconded Cr Angus

That Council come out from behind closed doors.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.51PM

Public reading of resolution that may be made public

There were no public present when coming out from behind closed doors so the resolutions were not read aloud.

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 8.52pm.