



COUNCIL MINUTES

CONFIRMED: 15 FEBRUARY 2023

Ordinary Meeting of Council

7pm, Wednesday 14 December 2022

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 taken 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 making 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 16 December 2022.



Melinda Prinsloo
Acting Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 15 February 2023.

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 Mark Campbell	
Cr Kylie Hughes	

The following staff will be in attendance:

Melinda Prinsloo	Acting Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Sue Mills	Acting Executive Manager Corporate Services
Jake Whistler	Acting Executive Manager Development Services
Denaye Kerr	Executive Assistant

Members of the General Public: 4

Media: 0

Apologies

Nil

Approved leave of absence

Cr David Dewar

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

14 November 2022 CEO Recruitment Committee Meeting
16 November 2022 Ordinary Council Meeting
18 November 2022 CEO Recruitment Committee Meeting
25 November 2022 CEO Recruitment Committee Meeting
3 December 2022 CEO Recruitment Committee – 1st Round of Interviews – Aveley
7 December 2022 Agenda Forum and Briefings

Cr Mary Angus

14 November 2022 CEO Recruitment Committee Meeting
16 November 2022 Ordinary Council Meeting
18 November 2022 CEO Recruitment Committee Meeting
22 November 2022 JDAP Meeting
25 November 2022 Avon Midland Country Zone Meeting – Calingiri
25 November 2022 CEO Recruitment Committee Meeting
3 December 2022 CEO Recruitment Committee – 1st Round of Interviews – Aveley
7 December 2022 Agenda Forum and Briefings

Cr Kylie Hughes

14 November 2022 CEO Recruitment Committee Meeting
18 November 2022 CEO Recruitment Committee Meeting
25 November 2022 CEO Recruitment Committee Meeting
3 December 2022 CEO Recruitment Committee – 1st Round of Interviews – Aveley
7 December 2022 Agenda Forum and Briefings

Cr Carmel Ross

14 November 2022 CEO Recruitment Committee Meeting
16 November 2022 Ordinary Council Meeting
18 November 2022 CEO Recruitment Committee Meeting
21 November 2022 Wannamal Community Centre
22 November 2022 JDAP (Muchea Project)
25 November 2022 CEO Recruitment Committee Meeting
1 December 2022 Chittering Chamber of Commerce Christmas Event
3 December 2022 CEO Recruitment Committee – 1st Round of Interviews – Aveley
7 December 2022 Agenda Forum and Briefings

Cr John Curtis

14 November 2022 CEO Recruitment Committee Meeting
16 November 2022 Ordinary Council Meeting
18 November 2022 CEO Recruitment Committee Meeting
25 November 2022 CEO Recruitment Committee Meeting
3 December 2022 CEO Recruitment Committee – 1st Round of Interviews – Aveley
7 December 2022 Agenda Forum and Briefings

Cr Mark Campbell

16 November 2022 Ordinary Council Meeting
7 December 2022 Agenda Forum and Briefings
12 December 2022 Bindoon Primary School Year 6 Graduation

Cr David Dewar

16 November 2022 Ordinary Council Meeting
7 December 2022 Agenda Forum and Briefings
12 December 2022 Bindoon Primary School Year 6 Graduation

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 12/22 Clint O’Neil, Chittering

Question 1: Has the Shire engaged independent professional legal advice when formulating the provisions of the local government property and public places draft local law?

Question 2: Does the Shire propose to engage independent professional legal advice to address submissions that may be made in response to the Shire’s public consultation process on this draft local law?

Response: The President advised that the Shire had an experienced consultant come in to help draft the amendments to the local laws. In the terms of legal advice, no we have not sort any legal advice. If we get questions back through the public consultation process where legal advice is required, we would in that junction.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

DEP01 – 12/22 Nathan Blackwell, Midland Brick

Speaking for the Officer Recommendation of Agenda Item DS01 – 12/22

DEP02 – 12/22 Jill and Wayne Charles, Lower Chittering

Speaking for the Officer Recommendation of Agenda Item DS02 – 12/22

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 011222

Moved Cr Campbell, seconded Cr Angus

That the following leave of absence be approved:

- Cr David Dewar – Wednesday 14 December 2022.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.17PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 16 November 2022

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021222

Moved Cr Angus, seconded Cr Campbell

That the minutes of the Ordinary Meeting of Council held on Wednesday 16 November 2022, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.18PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

This is the last official Ordinary Council Meeting for 2022. I would like to wish everyone a very merry, happy and safe Christmas and I look forward to seeing everyone fit and healthy in the New Year. Thank you for all your effort over the year and look forward to working together in the New Year.

ITEM 9. REPORTS**DEVELOPMENT SERVICES****DS01 – 12/22 Application for Development Approval – Extractive Industry (Clay) – Lot 6 Wandena Road, Muchea**

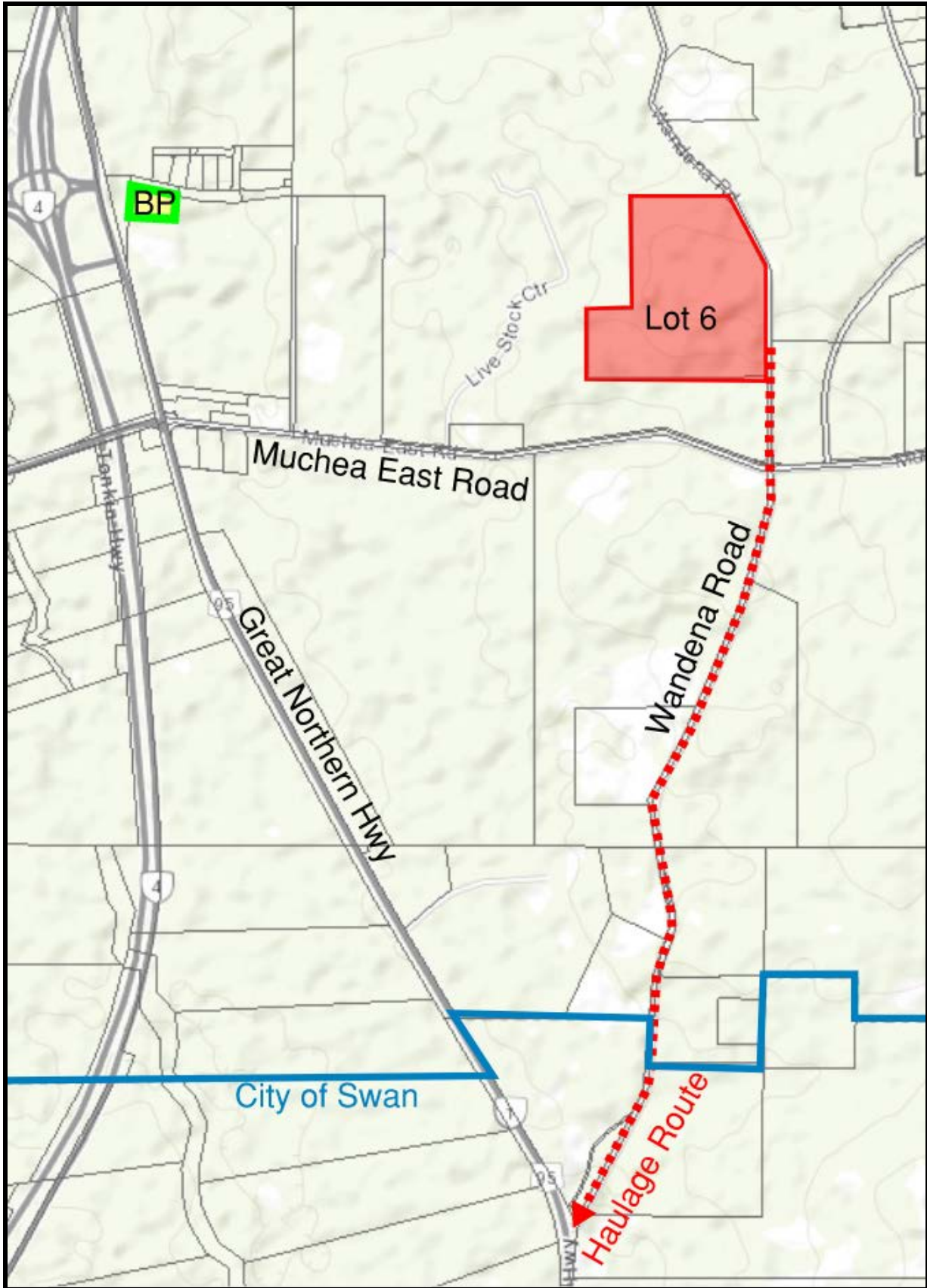
Applicant	BGC (Trading as Midland Brick)
File ref	A11693
Author	Principal Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure or relevant details
Voting requirements	Simple Majority
Attachments	1. Application Report 2. Schedule of Submissions

	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 checked="" 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 application for development approval for further clay extraction to occur on Lot 6 Wandena Road, Lower Chittering. The application received an objection from a nearby landowner with safety concerns on the use of Wandena Road as a haulage route, and therefore requires Council determination.

Location Plan



Site Plan



Background

An application for Development Approval has been received for a clay extractive industry on Lot 6 Wandena Road, Lower Chittering. This application is a continuation of existing clay extraction operations which, most recently, operated under a 10 year development approval issued in 2012. Both the development approval and the extractive industry licence expired on the 30 June 2022. The previous approval permitted the extraction of clay over the entire property, as opposed to the current application area which has been reduced to preserve the central vegetation stand.

A summary of the application details for Lot 6 is provided in the below table with a full copy of the application document provided in Attachment 1:

EXTRACTION	
Material	Clay
Total area of excavation	18.2 hectares
Mass of total material to be extracted	150,000 tonnes annually
Life of project	10 Years
Depth of excavation	5m-15m across the site
Stockpiling	Stockpiling to occur within previously excavated area

PROCESSING	
Equipment	Excavator, Dozer, Loader and Haul Trucks
TRANSPORT	
Truck Movements	90 truck movements into and out of the site per day (45 laden with clay exiting the site) during the carting campaign. Carting will occur approximately 4 days per month. Total annual laden truck movements is estimated to be 2,160.
Access	The existing access point onto Wandena Road will be used. Trucks will leave the site and head towards Muchea South Road and will return on the same route.
WORKFORCE	
Hours of Operation	7:00am – 6:00pm Monday to Saturday No operation on Sundays or Public Holidays

Lot 6 is approximately 50ha in area and contains a central area of natural vegetation. As seen in the site plan above, the lot has been subjected to historical clay extraction predominantly in the southern, eastern and western portions of the lot and has also been used historically for stock grazing. An earthen bund has been constructed within the property adjacent to Wandena Road to offer a visual screen to users of Wandena Road. Lot 6 is zoned 'Agricultural Resource' under the Shire of Chittering Local Planning Scheme No. 6 (LPS6), is within the Basic Raw Material Special Control Area (SCA), Military Considerations SCA and is within the Muchea Industrial Park Structure Plan area.

An updated assessment of the flora and vegetation values, including re-assessment of black cockatoo usage, was conducted over the site (included in attachment 1). The proposal includes clearing of 89 trees, of which two were reported to be suitable for black cockatoo nesting, however these two trees will be retained in the central vegetated area. The assessment also indicated that all of the native vegetation in the study area is likely to be Black Cockatoo foraging habitat.

The application for development approval was also accompanied with the following management plans:

- Dust Management Plan;
- Noise Management Plan;
- Water and Drainage Management Plan;
- Refuelling Management Plan;
- Visual Amenity Management Plan;
- Waste Management Plan;
- Dieback Management Plan;
- Weed Management Plan; and
- Rehabilitation and Decommissioning Management Plan.

A copy of all the above management plans are provided in the application document (Attachment 1).

The proposal includes rehabilitation of the site (details included in the Rehabilitation and Decommissioning Management Plan) which involves the recontouring of the land, re-planting of vegetation on the slopes and returning the land back to pasture land that can be used for agriculture.

Consultation Summary

Local

LPS6 identifies the use class of 'Industry – Extractive' as an 'A' permissibility within the 'Agricultural Resource' zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising.

The application was advertised to all nearby landowners within 1500m of the extraction area giving 21 days to provide a response, exceeding the 14 day minimum stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

One objection from a nearby landowner was received raising concern with the haulage route along Wandena Road, and the potential safety impact on other road users. Details of the submission are provided in the Schedule of Submissions attached to this report (Attachment 2). The road safety concern is addressed further in this report.

State

A period of advertising to government agencies was undertaken for a minimum of 42 days as prescribed by the Regulations, with the following agencies afforded the opportunity to comment on the proposal:

- Department of Planning, Lands and Heritage (Aboriginal Affairs);
- Chittering Landcare (Ellen Brockman Integrated Catchment Group);
- Department of Mines, Industry Regulation and Safety (Mines and Petroleum);
- Department of Biodiversity, Conservation and Attractions;
- Department of Primary Industries and Regional Development; and
- Department of Water and Environmental Regulation.

Only a response from Chittering Landcare was not received. No objections were raised by any of the State agencies, however the Department of Water and Environmental Regulation did state that a clearing permit would be required for the removal of native vegetation. A copy of the submissions received are contained in the Schedule of Submissions (Attachment 2).

Legislative Implications

State

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

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The primary ‘matters of consideration’ relevant to the application that officers consider require attention are:

- Traffic flow and safety; and
- Environmental impacts.

These matters are addressed in the ‘Officer Comment’ section of this report.

Local

- *Shire of Chittering Extractive Industries Local Law 2014*

The *Shire of Chittering Extractive Industries Local Law 2014* stipulates the requirement for an Extractive Industry Licence to be granted. The approval process for any extractive industry is gaining both development approval, and an Extractive Industry Licence.

While the subject application is for development approval, the Local Law is used as a guiding tool to ensure that the proposed operations will have the ability to be issued a licence, if development approval is granted. A development approval can be conditioned with requirements that need to be met prior to the Shire issuing a Licence. Such conditions typically include public liability insurance and a suitable rehabilitation bond. Officers will be recommending as conditions of approval that both these items are addressed by the applicant, prior to an extractive industry licence being issued.

A requirement of the Local Law is for extraction to be setback a minimum of 50m from any common boundary, unless the extraction is within the Basic Raw Materials Special Control Area and the consent has been provided by the adjoining landowner. As Lot 6 is within this Special Control Area and the adjoining landowner (WAMIA) has provided its consent to a setback of 20m, the 50m setback requirement can be reduced accordingly. The Local Law also requires a 50m setback to any thoroughfare (road). However, a visual bund has been constructed parallel to Wandena Road offering a visual screen to Wandena Road users and as such, officers consider that a reduction of this setback can be applied to enable extraction to occur up to the base of the bund.

Another requirement of the Local Law is the need for excavation to occur no closer than 500m to an adjoining residence. The property immediately to the east of Lot 6 (#398 Wandena Road, Lower Chittering) has a dwelling located approximately 220m from the proposed excavation area. This particular landowner did not object to the proposal during the consultation period, however in order to satisfy the requirement of the Local Law, written consent is required from this landowner(s) if extraction is to occur within 500m of this dwelling. As such, it is recommended that a condition of development is imposed that requires the extraction plan to be suitably adjusted so that the extraction boundaries are no closer than 500m from the dwelling on 398 Wandena Road, unless consent is received from the owner(s) of the subject dwelling.

A further consideration under the Local Law is the potential cost of repairs and maintenance to the local road network used by the haulage trucks associated with the extraction. Part 3.2 (2) 'Transport of Materials' of the Local Law states:

'(2) The Licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport materials from the site.'

Council's adopted 2022/2023 fees and charges offer a 'Road Maintenance Contribution' of \$0.50 per tonne of material extracted from the site to be charged. Any monies collected under this clause should be placed into a Shire reserve account for future expenditure on repair and maintenance of the roads of the extractive industry haulage route. Alternative options for road maintenance security that can be applied for extractive industries include road maintenance legal agreements and cash bonds. These alternate options have been utilised in the past for extractive industries as they were considered appropriate in the context of the individual sites. However, in the context of the subject application and noting the amount of different road users that travel along the nominated haulage route, it is considered that the \$0.50/tonne contribution can be appropriately applied as a condition to this application.

It would be expected that compliance with this condition would be achieved annually following submission of the required 'annual report' which will dictate the amount of material extracted from the site, from which the contribution amount can be calculated.

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 4.15 'Basic Raw Materials'*

Clause 4.15 of the LPS6 states the following:

- Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations.*
- Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission.*
- Appropriate buffer areas are to be applied to protect both extractive operations as well as the living or agricultural environment in nearby areas.*
- Local government will not support development within those buffer areas, which may be detrimental to*

the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.

The above Scheme provisions facilitate extraction of basic raw materials, due to their importance in many large scale infrastructure projects, in a manner that can have the least possible impact on its surroundings. The proposal for Lot 6 is considered to sufficiently address these requirements.

Policy Implications

State

- State Planning Policy 2.4 – Planning for Basic Raw Materials

State Planning Policy 2.4 – ‘Basic Raw Materials’ (SPP2.4) guides the development of extractive industries with an aim to avoid land use conflict and the sterilisation of basic raw material resources. It also offers Guidelines that highlight matters for a local government to consider when assessing an extractive industry application. These matters include the effects on nearby sensitive land uses, effect on water resources, road access, environment and other similar considerations.

SPP2.4 and the guidelines have been reviewed against the details of the proposal, with the proposal considered to be contextually acceptable. It is however, considered necessary that the operation of the extractive industry should be subject to conditions that ensure the proposal can operate without having detrimental harm or effect on the surrounds. These recommended conditions form part of the officer recommended resolution and are typically guided by SPP2.4, in addition to other elements of the planning framework.

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

- Strategic Community Plan 2017-2027
 - Focus area: Economic Growth
 - Objective: S4.2 Protective environment
 - Strategy: S4.2.1 Ensure the protect on of our local biodiversity

The proposal may increase local employment in the area. There are no known impacts on local biodiversity, and the rehabilitation/revegetation plans ensure the long term use of the site is environmentally sound.

Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken in November 2022 by Shire officers, accompanied by representatives of the applicant. The following photos were taken from this site visit and illustrate some of the vegetation that is proposed to be cleared in order for extraction to take place, along with photos of the current extractive operations on site:



Above photos: Taken 23 November 2022 by Shire Planning Staff

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Natural Environment	Unlikely	Moderate	Low	Clearing Permit to be assessed by DWER. Annual reporting required to assess any potential environmental and/or social impacts
Opportunity: Nil				

Officer Comment/Details

The following planning matters are those which have been raised through the consultation period, or through policy/legislative requirements and require further consideration in the context of the subject proposal.

Traffic/Road Safety

Through the public consultation process, a nearby landowner raised concern about the additional truck movements and the proposed haulage route, with particular focus on the southern section of Wandena Road that connects directly to Great Northern Highway (see location plan in background of this report for haulage route). The original submission and further consultation with the landowner's representatives, indicated that the concerns are centred around a driveway access point onto Wandena Road being harder to exit from safely, and the increase of heavy vehicles on Wandena Road will render Wandena Road unsafe.

As noted earlier in this report, extraction activities have been previously been approved on Lot 6 with the last approval granted by the Shire in 2012. This approval limited trucks movements to 10 per hour (equates 110 per day) and did not specify a specific haulage route. Although no haulage route was nominated, it is understood that the haulage trucks were using the southern section of Wandena Road to access Great Northern Highway. The current application proposes 90 truck movements per day and nominates the same haulage route that leaves the site on Wandena Road in a southerly direction, crosses Muchea East Road, and continues southwards on Wandena Road until it intersects with Great Northern Highway (within the City of Swan). Wandena Road has an unrestricted speed limit of 110km/h.

The Shire's Executive Manager Technical Services (EMTS) conducted a review of the proposed haulage route and the concerns held by the submitter. It is considered that driveway access points onto Wandena Road are acceptable (have suitable sight lines) and will remain acceptable with the additional heavy vehicles on the road. The haulage route along the southern section is also endorsed by the EMTS however, it is recommended that the current 110km/h speed limit along Wandena Road should be reduced to 90km/h for the general safety of all road users. While this reduction in speed limit cannot be achieved or considered through this development application, it can be pursued as a separate matter by the Shire's administration, through a request to Main Roads WA.

Through the EMTS review of Wandena Road and at the suggestion of the submitter, an alternate haulage route westwards along Muchea East Road was also investigated. This alternate would see haulage trucks leave Lot 6 in a southerly direction on Wandena Road and then turn west at its intersection with Muchea East Road. It was through this investigation that it was discovered that a section of Muchea East Road (between Wandena Road and WAMIA) did not have a Restricted Access Vehicle (RAV) rating. The proposed haulage trucks for Lot 6 will be RAV 2, 42-tonne truck and dog combination and could not legally use this section of Muchea East Road. The southern section of Wandena Road is rated RAV 7 and is the only legal route that RAV rated vehicles can use to access Great Northern Highway.

Although this section of Muchea East Road does not have the appropriate RAV rating, the proponent has investigated this option with their traffic consultant to determine the required upgrades to apply for it to have RAV status. Conversations between the applicant and the Shire indicate that the upgrading of Muchea East Road to enable it to have an appropriate relevant RAV status, will be further investigated. These investigations however, will occur independent of this development application.

Environmental Impacts

Historical approvals for extractive industries on Lot 6 indicate that the entirety of Lot 6 was approved for clay extraction. This effectively meant that all the vegetation on the lot could be cleared in order for the clay to be extracted, however these approvals have now expired.

The current proposal indicates that 89 trees (with a diameter greater than 30cm) are proposed to be

cleared to cater for the clay extraction. Of these 89 trees, the Flora, Vegetation and Cockatoo Assessment (submitted with the application) concluded:

- Eight (8) have a diameter greater than 80cm but do not contain any suitable hollows for cockatoo nesting;
- Twelve (12) have small hollows but are not suitable for cockatoo nesting;
- Eight (8) trees have large hollows that are not showing signs of use by cockatoos or were not of sufficient dimensions for cockatoo nesting.

Two trees within Lot 6 were identified as having hollows suitable for cockatoo nesting however, these two trees are located outside the proposed extraction area.

While the Assessment did not identify any potential cockatoo nesting hollows within trees that are identified for clearing, the Assessment recognised that all the vegetation could be used for cockatoo foraging.

Prior to any extractive activities occurring on site, a clearing permit will be required to be obtained from the Department of Water and Environmental Regulation (DWER). The Department will conduct an assessment of the proposed clearing of the 89 trees and will determine whether it considers this vegetation removal acceptable or not. It also has the ability to impose conditions on permits for clearing of native vegetation which includes revegetation off-set plantings or installation of cockatoo nesting boxes, as examples.

Shire officers consider that the clearing permit application process, and ultimate determination by DWER for the clearing of 89 trees, will suitably address this vegetation loss component of this application. It is also acknowledged that the 2012 development approval issued by Council permitted the removal of all trees on the site, with this revised 2022 development application proposing to retain a significant number of trees in the centre of the property.

Recommendation

The application as presented is considered to suitably address the potential offsite impacts that are typically created by an extractive industry, such as noise and dust.

The loss of vegetation on this site will be adequately addressed through DWER's clearing permit application process, noting that a significant portion of vegetation in the centre of the property will be retained.

The number and type of haulage trucks and their intended route has been reviewed by Shire staff and considered acceptable. The current speed limit on the southern section of Wandena Road has been noted as potentially too high for this road, and as a separate resolution of Council will be recommended to be lowered through a request to Main Roads WA.

It is recommended that Council grant development approval for the proposed extractive industry subject to appropriate conditions.

OFFICER RECOMMENDATION

Moved Cr Curtis, seconded Cr Campbell

1. That Council approve the application for development approval for an extractive industry on Lot 6 Wandena Road, Muchea subject to the following conditions:
 - a) This approval is for a term of 10 years, commencing from the date of issue of an extractive industry licence for the subject site.
 - b) Prior to the issue of an extractive industry licence, a current public liability insurance policy shall be taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum not less than \$10,000,000 in respect of any one claim relating to any of the extractive industry operations.
 - c) Prior to the issue of an extractive industry licence, a cash bond or bank guarantee shall be submitted to the Shire as security for the restoration and rehabilitation of the extraction site in accordance with the *Shire of Chittering Extractive Industries Local Law 2014*.
 - d) Prior to the issuance of an extractive industry licence, revised extraction plans shall be provided to the Shire for approval, which illustrates extraction area boundaries being setback a minimum of 20m from the Northern, Western and Southern boundaries of Lot 6 and a minimum of 10 metres from the 'drip zone' of any tree outside of the approved extraction area.
 - e) Prior to the issuance of an extractive industry licence, a revised extraction plan shall be provided to the Shire for approval, which illustrates the final extraction boundaries being a minimum of 500 metres from the residence on 398 (Lot 52) Wandena Road, Lower Chittering or other setback distance as approved by the Shire should written consent be provided from the owner of Lot 52.
 - f) Prior to any extraction activities occurring, the extraction boundaries as illustrated on the approved extraction plans shall be suitably demarcated on-site to the satisfaction of the Shire. Demarcation is to ensure that excavation does not encroach any closer than 10 metres to the 'drip zone' of any tree outside of the approved extraction areas.
 - g) All extractive operations shall be in accordance with the approved extraction plans to the satisfaction of the Shire.
 - h) All extractive operations shall at all times and to the satisfaction of the Shire be in accordance with the following management plans provided in the application document dated June 2022:
 - i. Dust Management Plan;
 - ii. Noise Management Plan;
 - iii. Water and Drainage Management Plan;
 - iv. Refuelling Management Plan;
 - v. Visual Amenity Management Plan;
 - vi. Waste Management Plan;
 - vii. Dieback Management Plan;
 - viii. Weed Management Plan;
 - i) Rehabilitation and decommissioning of the extractive industry sites shall be in accordance with Section 14 of the application document dated June 2022 to the satisfaction of the Shire and shall be commenced within 12 months of the cessation of the extractive industry or cancellation of the Extractive Industry Licence, whichever occurs first.
 - j) The hours of operation including vehicle movements within the site shall be limited to:
 - i. Monday to Friday - 0700 to 1800 hours;
 - ii. Saturday - 0700 to 1800 hours; and
 - iii. Sunday and public holidays not permitted.
 - k) Extractive operations shall not occur less than two (2) metres from the highest known water table level at any time to the satisfaction of the Shire.
 - l) No more than 90 truck movements (45 laden trucks leaving the site) shall occur from/to the site on any given day to the satisfaction of the Shire.
 - m) All trucks exiting and entering the Lot 6 shall be via the haulage route as specified by Section

- 2.8 of the application document dated June 2022, or as otherwise approved by the Shire.
- n) The crossover providing vehicular access to and from the site shall be maintained for the life of the proposed extractive industry to the specifications and satisfaction of the Shire.
 - o) A \$0.50/tonne contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route shall be paid to the Shire on an annual basis for the life of the proposed development. The contribution shall be calculated by the amount of material reported to be extracted in the required annual progress report and paid to the Shire within 30 days of the Shire's receipt of the annual progress report
 - p) A progress report shall be submitted to the Shire every 12 months from the date of issue of an Extractive Industry Licence for the life of the Extractive Industry Licence to the satisfaction of the Shire that identifies the following:
 - i. The progress of excavation;
 - ii. The progress of rehabilitation; and
 - iii. Community complaints and responses/actions.

Advice Notes:

- i. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
 - ii. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
 - iii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
 - iv. With regard to Condition c), the 2022/2023 adopted Fees and Charges requires a security sum of \$17,900 per hectare. This rate may change depending on the timing of the extractive industry licence being issued.
 - v. With regard to Condition e), the extraction boundaries may encroach closer than 500 metres to the residence on 398 (Lot 52) Wandena Road, Lower Chittering if the proponent can provide written consent for such from the landowner of 398 (Lot 52) Wandena Road, Lower Chittering.
 - vi. With regard to Condition f), the Shire considers the use of clearly visible posts and string (or other material) sufficient to achieve protection within 10 metres of the 'drip zone' of trees outside the extraction boundaries. The 'drip zone' is the outermost periphery underneath the canopy of a tree.
 - vii. The applicant is advised that the Department of Water and Environmental Regulation will require an application to clear native vegetation prior to any vegetation being cleared from the site.
2. That Council instructs the Chief Executive Officer to lodge a request to Main Roads WA to reduce the speed limit of Wandena Road to 90 km/h.

AMENDMENT

Moved Cr Curtis

That the Officer Recommendation be amended at condition 1a) to read as follows:

- a) This approval is for a term of 5 years, commencing from the date of issue of an extractive industry licence for the subject site.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Curtis

That the Officer Recommendation be amended to include an additional condition 1q) to read as follows:

- q) A 50c tonne contribution go towards Chittering Landcare Group.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Campbell, seconded Cr Hughes

That the Officer Recommendation be amended at condition 1o) and an additional condition 3 be included to read as follows:

- o) A contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route, calculated by reference to the WALGA publication "User Guide; Estimating the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks", shall be paid to the Shire on an annual basis for the life of the proposed development. That contribution amount shall be calculated with reference to the WALGA User Guide (May 2015) and that amount is to be agreed between Midland Brick/BGC and the Shire prior to the commencement of works. Council delegates to the Chief Executive the authority to negotiate and agree a fair and equitable contribution on behalf of Council and with Midland Brick/BGC to meet this condition. The contribution shall be calculated by the amount of material reported to be extracted in the required annual progress report and paid to the Shire within 30 days of the Shire's receipt of the annual progress report.
3. That Council approves that the Road Maintenance Contribution (per tonne) in the 2022-23 Fees and Charges Schedule be changed to read: "Road Maintenance Contribution" as per WALGA User Guide calculations.

CARRIED 5 / 1

TIME: 7.24PM

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

Against: Cr Curtis

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 031222

Moved Cr Curtis, seconded Cr Campbell

1. **That Council approve the application for development approval for an extractive industry on Lot 6 Wandena Road, Muchea subject to the following conditions:**
 - a) **This approval is for a term of 10 years, commencing from the date of issue of an extractive industry licence for the subject site.**
 - b) **Prior to the issue of an extractive industry licence, a current public liability insurance policy shall be taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum not less than \$10,000,000 in respect of any one claim relating to any of the extractive industry operations.**
 - c) **Prior to the issue of an extractive industry licence, a cash bond or bank guarantee shall be submitted to the Shire as security for the restoration and rehabilitation of the extraction site in accordance with the *Shire of Chittering Extractive Industries Local Law 2014*.**
 - d) **Prior to the issuance of an extractive industry licence, revised extraction plans shall be provided to the Shire for approval, which illustrates extraction area boundaries being setback a minimum of 20m from the Northern, Western and Southern boundaries of Lot 6 and a minimum of 10 metres from the 'drip zone' of any tree outside of the approved extraction area.**
 - e) **Prior to the issuance of an extractive industry licence, a revised extraction plan shall be provided to the Shire for approval, which illustrates the final extraction boundaries being a minimum of 500 metres from the residence on 398 (Lot 52) Wandena Road, Lower Chittering or other setback distance as approved by the Shire should written consent be provided from the owner of Lot 52.**
 - f) **Prior to any extraction activities occurring, the extraction boundaries as illustrated on the approved extraction plans shall be suitably demarcated on-site to the satisfaction of the Shire. Demarcation is to ensure that excavation does not encroach any closer than 10 metres to the 'drip zone' of any tree outside of the approved extraction areas.**
 - g) **All extractive operations shall be in accordance with the approved extraction plans to the**

- satisfaction of the Shire.
- h) All extractive operations shall at all times and to the satisfaction of the Shire be in accordance with the following management plans provided in the application document dated June 2022:
 - i. Dust Management Plan;
 - ii. Noise Management Plan;
 - iii. Water and Drainage Management Plan;
 - iv. Refuelling Management Plan;
 - v. Visual Amenity Management Plan;
 - vi. Waste Management Plan;
 - vii. Dieback Management Plan;
 - viii. Weed Management Plan;
 - i) Rehabilitation and decommissioning of the extractive industry sites shall be in accordance with Section 14 of the application document dated June 2022 to the satisfaction of the Shire and shall be commenced within 12 months of the cessation of the extractive industry or cancellation of the Extractive Industry Licence, whichever occurs first.
 - j) The hours of operation including vehicle movements within the site shall be limited to:
 - i. Monday to Friday - 0700 to 1800 hours;
 - ii. Saturday - 0700 to 1800 hours; and
 - iii. Sunday and public holidays not permitted.
 - k) Extractive operations shall not occur less than two (2) metres from the highest known water table level at any time to the satisfaction of the Shire.
 - l) No more than 90 truck movements (45 laden trucks leaving the site) shall occur from/to the site on any given day to the satisfaction of the Shire.
 - m) All trucks exiting and entering the Lot 6 shall be via the haulage route as specified by Section 2.8 of the application document dated June 2022, or as otherwise approved by the Shire.
 - n) The crossover providing vehicular access to and from the site shall be maintained for the life of the proposed extractive industry to the specifications and satisfaction of the Shire.
 - o) A contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route, calculated by reference to the WALGA publication "User Guide; Estimating the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks", shall be paid to the Shire on an annual basis for the life of the proposed development. That contribution amount shall be calculated with reference to the WALGA User Guide (May 2015) and that amount is to be agreed between Midland Brick/BGC and the Shire prior to the commencement of works. Council delegates to the Chief Executive the authority to negotiate and agree a fair and equitable contribution on behalf of Council and with Midland Brick/BGC to meet this condition. The contribution shall be calculated by the amount of material reported to be extracted in the required annual progress report and paid to the Shire within 30 days of the Shire's receipt of the annual progress report.
 - p) A progress report shall be submitted to the Shire every 12 months from the date of issue of an Extractive Industry Licence for the life of the Extractive Industry Licence to the satisfaction of the Shire that identifies the following:
 - i. The progress of excavation;
 - ii. The progress of rehabilitation; and
 - iii. Community complaints and responses/actions.

Advice Notes:

- i. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

- ii. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
 - iii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
 - iv. With regard to Condition c), the 2022/2023 adopted Fees and Charges requires a security sum of \$17,900 per hectare. This rate may change depending on the timing of the extractive industry licence being issued.
 - v. With regard to Condition e), the extraction boundaries may encroach closer than 500 metres to the residence on 398 (Lot 52) Wandena Road, Lower Chittering if the proponent can provide written consent for such from the landowner of 398 (Lot 52) Wandena Road, Lower Chittering.
 - vi. With regard to Condition f), the Shire considers the use of clearly visible posts and string (or other material) sufficient to achieve protection within 10 metres of the 'drip zone' of trees outside the extraction boundaries. The 'drip zone' is the outermost periphery underneath the canopy of a tree.
 - vii. The applicant is advised that the Department of Water and Environmental Regulation will require an application to clear native vegetation prior to any vegetation being cleared from the site.
2. That Council instructs the Chief Executive Officer to lodge a request to Main Roads WA to reduce the speed limit of Wandena Road to 90 km/h.
 3. That Council approves that the Road Maintenance Contribution (per tonne) in the 2022-23 Fees and Charges Schedule be changed to read: "Road Maintenance Contribution" as per WALGA User Guide calculations.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.30PM

DS02 – 12/22 Application for Development Approval – Carport (Outside Building Envelope) – 28 (Lot 170) Rosella Way, Lower Chittering

Applicant Shedrite
File ref A11116
Author Planning Officer
Authorising Officer Principal Planning 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. Development Plans
 2. Submission from Neighbour
 3. Officer Photos of 28 Rosella Way

	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 checked="" 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 application for Development Approval for a carport at 28 Rosella Way, Lower Chittering. The proposed carport will be located outside of the approved building envelope for the property. The application received an objection from a nearby landowner with privacy and amenity concerns, and therefore requires Council determination.

Location Plan



Background

An application for Development Approval has been received for a carport on 28 (Lot 170) Rosella Way. The site is located within the Rosa Park Estate, is 2 hectares in area and is zoned Rural Residential under the Shire’s Local Planning Scheme No. 6 (LPS 6).

The proposed carport is 79.2m² in floor area with a ridge height of 3.5m and will be constructed of non-reflective ‘Woodland Grey’ colorbond. It is intended to be setback 7.5m from the side boundary (eastern boundary) and 34.5m from the front boundary (northern boundary). Development plans illustrating the proposed shed and its location are provided in Appendix 1 of this report. It is noted that the development plans provided note a 10m setback to the eastern boundary, however officers have confirmed that a 6m wide carport in the proposed location will actually render the setback to be 7.5m.

A building envelope is applicable to this property and is illustrated in the below diagram:



The carport is proposed to be located outside of the approved Building Envelope for the property and does not comply with the minimum setback distances of the Rural Residential zone under Clause 4.8.2 of LPS, which stipulates a minimum side setback of 15m. The carport is proposed to be setback 7.5m from the property's eastern boundary.

There is an existing shed on the property which is located 13.5m from the side boundary (eastern boundary). This shed is partially located outside of the approved building envelope for the property and does not comply with the minimum setback requirements of the Rural Residential zone under Clause 4.8.2 of LPS6. Shire records indicate that this shed was approved 15m from the boundary, however an error during construction apparently occurred, rendering it closer to the boundary than anticipated. This error was addressed by the landowner, in consultation with the Shire and the adjoining landowner, by planting some vegetation in between the shed and the adjoining neighbour to the east.

This application has been brought to Council for determination as an objection has been received for the proposed carport.

Consultation Summary

Local

The application was advertised to the adjoining landowner (36 Rosella Way) for 21 days in accordance with Clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes Regulations) 2015*.

The owner of 36 Rosella Way has objected to the proposal stating privacy concerns and that the proposed carport will negatively impact on their visual amenity and rural lifestyle. A copy of this submission has been included in Attachment 2 to this report.

While Shire officers attempted to mediate the objection received, an acceptable outcome to the parties involved could not be reached.

State

Nil

Legislative Implications

State

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

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – 'Matters to be Considered'. The primary 'matters of consideration' relevant to the application that officers consider require attention are:

- (m) the compatibility of the development with its setting, including –
 - (i) The compatibility of the development with the desired future character of its setting; and
 - (ii) The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely affect of the height, bulk, scale, orientation and appearance of the development.

- (n) the amenity of the locality including the following –
 - (ii) The character of the locality;
 - (iii) Social impacts of the development.

These matters also align with requirements of LPS6 and are addressed in the 'Officer Comment' section of this report.

Local

- Shire of Chittering Local Planning Scheme No. 6 – Clause 4.8.2 ‘Building Envelope/Setbacks’

Clause 4.8.2 of the LPS6 states the following:

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

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.8 ‘Rural Residential Zone’

Clause 3.2.8 of the LPS6 states the following:

The objectives of the Rural Residential zone are to:

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

The above provisions and objectives of LPS6 are addressed in the ‘Officer Comment’ section of this report.

Policy Implications

State

Nil

Local

Local Planning Policy 18 – Setbacks (LPP18) also refers to the minimum setback distances of the Rural Residential zone. As the LPS6 prescribes the same setback requirements for the Rural Residential zone, the setbacks in LPP18 are redundant and do not need further consideration.

Financial Implications

Nil

Strategic Assessment / Implications

Nil

Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken in November 2022 by Shire Officers. A series of photos were taken by Shire offices during the site inspection to illustrate the existing character and amenity of the property and the existing vegetation in between the subject property from the position of the proposed carport, and the neighbouring property. These photos are contained within Attachment 3 to the report.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Possible	Minor	Moderate	Ensuring development is contained within building envelopes to

				avoid ad-hoc development
Opportunity: To establish a strong position for the community that development on all lots in the Shire should be within an approved building envelope				

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

Implications and comment will only be provided for the following assessed risks:

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Officer Comment/Details

The following planning matters are those which have been raised through the consultation period, or through policy/legislative requirements and require further consideration in the context of the subject proposal.

Development Outside the Approved Building Envelope

The proposed carport is located outside of the approved Building Envelope and does not comply with the minimum side setback distances under Clause 4.8.2 of LPS6.

The application proposes the carport to have a side setback of 7.5m from the eastern boundary. This will place the proposed carport outside of the approved Building Envelope for the property as demonstrated in the building envelope plan provided in the background of this report.

Variations to a building envelope can be considered by the Shire through the development approval process. Variations should only be considered however, if there are circumstances of the lot that warrant such a change (i.e. topographical constraints, area limitations, vegetation constraints etc.), and the impact on the amenity and character of the area and surrounding properties will not be adversely impacted. Building envelopes serve a purpose of consolidating development (dwellings, water tanks, sheds etc.) in one location on the property to avoid a sprawling built form. It assists in maintaining a rural character to the Rural Residential zones.

Shire officers do not consider that 28 Rosella Way presents any significant circumstances that warrant a building envelope variation as proposed. The topography is relatively flat and it is considered that there is still available space within the current building envelope to accommodate the proposed carport. Alternatively, the building envelope could be adjusted further south to suit the needs of the owners of 28 Rosella Way, with such amendment maintaining the standard boundary setbacks of the LPS6.

Amenity & Character of the Area

Clause 3.2.8 of LPS6 establishes the objectives of the Rural Residential zone, to which all development should be compatible.

The adjoining landowners have objected to the proposal on the basis that the proposed carport will negatively affect the visual amenity from their property, and that the proposed location of the carport will negatively affect the character of the area.

Shire officers consider that the proposal is not consistent with one of the key objectives of the Rural Residential zone, which is to:

‘designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area’.

The approved Building Envelope for each property within the Rosa Park estate was carefully designed to ensure that all the development could safely occur without impacting the environment or the rural character of the area. By constructing an outbuilding outside of the building envelope, Shire Officers believe that it would negatively affect the rural character of the area as it encourages sprawling built form across a lot. Furthermore, it could set an undesirable precedent for future applications that development can occur outside of an approved building envelope, further compromising the rural character of the area.

The approved Building Envelope for the property is predominantly cleared of vegetation and Shire Officers believe that there are multiple alternative locations for the proposed carport, which would be consistent with the objectives of the Rural Residential zone and would present as a viable option to locate the proposed carport. Alternatively, an amendment to the building envelope could be considered by the Shire that was compliant with the LPS6 setback requirements, and would create further space for a carport to be constructed on the property.

Based on the above information, Shire Officers do not support approval of this application.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041222

Moved Cr Hughes, seconded Cr Angus

That Council refuse to grant approval to the application for Development Approval for a carport on 28 (Lot 170) Rosella Way, Lower Chittering for the following reasons:

- 1. The proposal is inconsistent with Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6 as it would result in the carport being located outside the approved Building Envelope;**
- 2. The proposal would not meet the 15 metre side setback requirement of Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6;**
- 3. The proposal is inconsistent with Clause 3.2.8 – ‘Objectives of the Rural Residential zone’ of the Shire of Chittering Local Planning Scheme No. 6, as it will detract from the amenity and rural character of the area.**

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.33PM

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 12/22 List of Accounts Paid for the Period Ending 30 November 2022**

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 30 November 2022

	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 30 November 2022.

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 30 November 2022" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051222 Moved Cr Campbell, seconded Cr Ross That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,055,364.50, for the period ending 30 November 2022:</p> <ol style="list-style-type: none"> 1. PR6245, PR6251 ; 2. EFT24336 – EFT24447 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 6 / 0 <small>TIME: 7.36PM</small></p>
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CS02 – 12/22 Monthly Financial Report for the Period Ending 30 November 2022

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 30 November 2022

	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 30 November 2022.

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 061222
Moved Cr King, seconded Cr Ross
That Council receives the Monthly Financial Report for period ending 30 November 2022, as per Attachment 1.

CARRIED UNANIMOUSLY 6 / 0
TIME: 7.37PM

CHIEF EXECUTIVE OFFICER**CEO01 – 12/22 Occupational Safety and Health Statistics Report – November 2022**

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 November 2022

	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 November 2022.

Background

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

<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;
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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

Nil

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071222

Moved Cr Campbell, seconded Cr Hughes

That Council receive the Shire of Chittering Occupational Safety and Health Statistics Report for November 2022.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.39PM

CEO02 – 12/22 2022 Review of Shire of Chittering Local Laws

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	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Draft Local Law – Bush Fires Repeal Local Law 2023 2. Draft Local Law – Keeping and Control of Cats Local Law 2023 3. Draft Local Law – Cemeteries Local Law 2023 4. Draft Local Law – Dogs Local Law 2023 5. Draft Local Law – Extractive Industries Local Law 2023 6. Draft Local Law – Local Government Property and Public Places Local Law 2023 7. Draft Local Law – Standing Orders Local Law 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 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 new local laws are submitted for Council's consideration and approval for local public advertising for a minimum of 42 days seeking public submissions as per the attachments.

Background

Section 3.16 of the the *Local Government Act 1995* requires that all of the local laws of local governments must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be repealed or amended. The Shire's current local laws were gazetted between 2001 and 2016; and are therefore well overdue for review.

The Shire engaged Darrell Forrest Advisory Services to assist with a comprehensive review of new local laws for the Shire of Chittering.

In line with the statutory requirements in the *Local Government Act 1995*, the Shire's current local laws have undergone a vigorous review. The review examined each local law for:

- currency and operational requirements of the Shire

- compliance and consistency with legislative requirements
- current local government standards
- continued need for a specific local law
- appropriateness of modified penalties

Proposed new local laws were drafted based on the above criteria, with one (1) current local law identified for repeal as it no longer fit the Shire's needs.

Changes to legislation over the past few years have revealed issues that needed to be addressed. Some matters have come about due to changes in legislation, but also in how legislation is being interpreted, especially by the Joint Standing Committee on Delegated Legislation, and advised to other local governments. These comments have indicated matters that had previously been accepted by them but are now being required to be amended via an undertaking with the relevant local government, revealing potential weakness.

The Shire has been assisted in the review of the local laws by a consultant with over 40 years local government experience.

Council may make amendments to the proposed local laws now, or when it comes to Council for final adoption after the public consultation period. If made at the later time, and the amendment is considered significant, the public consultation period must recommence.

Consultation Summary

Local

Chief Executive Officer

Executive Manager Corporate Services

Executive Manager Technical Services

Executive Manager Development Services

The statutory process requires that the proposed local laws are advertised for a minimum of 42 days seeking public submissions. The proposed local laws are to be referred to all relevant State Ministers for comment.

State

Nil

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

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

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.

<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"> 1. Notes the completion of a periodic review of local laws in accordance with the Local Government Act 1995 section 3.16; and 2. 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"> a) Shire of Chittering Bush Fires Repeal Local Law 2023 b) Shire of Chittering Keeping Control of Cats Local Law 2023 c) Shire of Chittering Cemeteries Local Law 2023 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: <ol style="list-style-type: none"> a) Shire of Chittering Bush Fires Repeal Local Law 2023 The purpose of this local law is to: <ul style="list-style-type: none"> - Repeal an obsolete local law. The effect of this local law is to provide for: <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - Provide for the management of cats throughout the Shire of Chittering. The effect of the local law is to:- <ul style="list-style-type: none"> - 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

CEO03 – 12/22 Proposed WALGA Governance Model

Applicant	Shire of Chittering
File ref	14/01/0004
Author	Acting 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. WALGA Consultation Paper

	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

The Shire of Chittering is a member local government of WALGA. The Association is seeking feedback on proposed new governance models, which will help determine how it best provide its service to member local governments. Council has been requested to provide feedback and a preference on the proposed governance models.

Background

WALGA was formed on 6 December 2001 to provide a representative and united voice for Local Government in WA. In 2021, WALGA's State Council determined to undertake a Best Practice Governance Review (BPGR), and established a Steering Committee, to oversee the project.

On 22 August 2022, at a Special Council meeting held by the State Council, the BPGR guiding principles were endorsed. Council has been requested to provide feedback on proposed governance models presented in the consultation paper and to make submissions on the preferred governance model.

Consultation/Communication ImplicationsLocal

The Acting CEO, Melinda Prinsloo, participated in a workshop with CEOs from other local governments along with WALGA regarding the process and expectations.

The Shire's Deputy President engaged in discussions at the Avon Branch Zone meeting on which options would be preferable to the Local Governments within the Zone.

Legislative Implications

There are no direct legal implications related to this report.

Policy Implications

There are no direct policy implications to this report, however it should be noted that WALGA is not a government department or agency.

The Shire of Chittering, is a member local government that utilises the following member services:

- advice on employee relations;
- governance, procurement;
- human resources;
- training and development programs;
- a preferred supplier program; and
- Local Government Insurance Scheme (LGIS) indemnity services.

Financial Implications

Nil

Strategic Implications

Local

- Strategic Community Plan 2017-2027
 Focus area: Strong leadership
 Objective: S5.1 An engaged community
 Strategy: S5.1.1 Encouraged and promote community engagement
 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
<p>Reputation: Risk: There is a risk that no engagement will result in a missed opportunity</p>	Possible	Moderate	Medium	Acknowledge: _ That <u>consultation</u> is limited to providing membership feedback on the proposed governance models and there is no “mandatory” obligation to engage. _ What has been proposed is the sharing of information to assist the State Council’s decision making
<p>Opportunity: To provide feedback from a rural “country” local government and select an appropriate governance model that meets “our” community’s needs.</p>				

Officer Comment/Details

Governance Reviews allow organisations to re-examine their membership structure, constitution, board role, board composition, governance approach and policies.

The BPGR provides an opportunity for members of the association to review and reshape the governance model to ensure that the association:

- Delivers strong, clear, focuses and consistent policy positions on strategic matter of importance to Local Government in WA.
- Drives advocacy outcomes and impact on behalf of Local Government in WA and the communities they serve.
- Embeds agility and responsiveness, to ensure members concerns are heard, respected in a timely, efficient, and effective manner.

Over several years, from a range of sources, WALGA's current governance model has received negative feedback on the current governance model. Criticism has been levelled by both metropolitan and regional members.

The feedback, is summarised as follows:

- Structure – WALGA's governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back.
- Responsiveness – there is a perception among members and stakeholders that WALGA's governance model is slow and bureaucratic in an environment that requires agility.
- Prioritisation and focus – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests.
- Transparency and accountability – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes.
- Zones – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA's membership believes that Zones are not as representative, strategic nor effective as they potentially could be.

Therefore, member local governments have been asked to consider the attached paper and the proposed governance models presented. WALGA has requested that Council rank and endorse the proposed governance models accordingly.

Submissions to WALGA are sought by 23 December 2022.

Principles:

The proposed governance models are guided by the principles of: Representation, Responsive and Results Orientated. The principles were endorsed at the WALGA's Annual General Meeting held on 3 October 2022.

Governance model options:

Five options, including the Current Model are presented for ranking:

- Option 1 – Two tier model, existing Zones.
- Option 2 – Board, Regional Bodies.
- Option 3 – Board, Amalgamated Zones.
- Option 4 – Member elected Board, Regional Groups.
- Option 5 – Current Model.

Snapshot of proposed models and alignment to the principles, follow:

Option	Governance Body Structure	
<p>Option 1 – Two tier model, existing Zones</p>	<p>Board: 11 members 8 representative members elected from and by the Policy Council. _4 Metro, _4 Country).</p> <p>The Board then elect the President from the representative members.</p> <p>The Board will appoint up to 3 independent, skills or constituency directors.</p>	<p>Policy Council: 24 members plus President Members elected by and from the Zones _12 from 5 Metro Zones, _12 from 12 Country Zones)</p> <p>Zone: _5 Metro, _12 Country</p>
<p>Option 2 – Board, Regional Bodies</p>	<p>Board: 11 members 8 representative members elected from and by the Regional Bodies. _4 Metro, _4 Country)</p> <p>The Board then elect the President from the representative members.</p> <p>The Board will appoint up to 3 independent, skills or constituency directors.</p>	<p>Regional Bodies: _Metro: North, South, East and Central _Country: Mining Pastoral, Agricultural, Peel/ South West /Great Southern, Regional Capitals <i>Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.</i></p> <p>Policy Teams/ Forum / Committees: Membership drawn from the Board and Regional Bodies with some independent members.</p>
<p>Option 3 – Board, Amalgamated Zones</p>	<p>Board: 15 members, 12 elected from the Zones _6 from Metro/Peel, _6 from Country)</p> <p>President to be elected by the Board.</p> <p>The Board will appoint up to 2 independent, skills or constituency directors.</p>	<p>Zones: Metro/Peel: • Central Metropolitan • East Metropolitan • North Metropolitan • South Metropolitan • South East Metropolitan • Peel Country*: • Wheatbelt South • Wheatbelt North • Mid West / Murchison / Gascoyne • Pilbara / Kimberley • South West / Great Southern • Goldfields / Esperance <i>*indicative, re-drawing required.</i></p> <p>Policy Teams/ Forum / Committees: Membership drawn from Board with some independent members.</p>
<p>Option 4 – Member Elected Board, Regional Groups</p>	<p>Board: 11 members _8 representative members elected via direct election, with each member Local Government to vote _4 elected by and from Metropolitan Local Governments, _4 elected by and from Country Local Governments)</p> <p>_President elected by the Board from among the representative members.</p> <p>_The Board will appoint up to 3 independent, skills or constituency* directors</p>	<p>Policy Teams/ Forum / Committees: Membership drawn from Board with some independent members.</p> <p>Regional Groups: Determined by members to suit needs e.g., Regional Capitals, GAPP, VROCs, CEO Group, existing Zones.</p>
<p>Option 5 – Current Model</p>	<p>State Council: 24 members plus the President. Members elected by and from the Zones. _12 from 5 Metropolitan Zones, _12 from 12 Country Zones)</p>	<p>Policy Teams/ Forum / Committees: Membership drawn from State Council with some independent members.</p>
<p>Key:</p> <ul style="list-style-type: none"> • Highlighted text indicates reference to regional / country / regional capitals. • <i>Constituency director, noting this term has not been defined in the consultation paper, it is the understanding of the</i> 		

report author that, the term means:

A representative board member (i.e. director) acts in a dual capacity with duties to both the association (i.e. WALGA / corporation) and their sponsors (i.e. designated members).

- *The constituency director:*
 - *Is expected to act as an intermediary between the governance body as the appointed and recognised sponsor of the designated membership group.*
 - *Is a representative of the sponsorship membership group.*
 - *May act freely on behalf of the sponsor unless the action directly injures the association or is clearly unfair to a minority of the sponsors.*

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091222

Moved Cr Hughes, seconded Cr Ross

That Council:

- 1. Rank the proposed governance models in order of highest preference as:**
 - a. Option 1 – Two Tier Model, existing Zones**
 - b. Option 4 – Member Elected Board, Regional Groups**
 - c. Option 3 – Board, Amalgamated Zones**
 - d. Option 2 – Board, Regional Bodies**
 - e. Option 5 – Current Model**
- 2. Advise in the feedback to WALGA, that the preference in all options would be to include fair representation of all bands of local governments, meaning equal numbers represented at all levels of all four bands to ensure the voices of small Local Governments are heard.**
- 3. Recommend a Two Tier Model, existing Zones:**
 - a. Board of 11 members. 8 representative members elected from and by the Policy Council to represent each Band equally (2 Band 1, 2 band 2, 2 Band 3 and 2 Band 4) with three independent, skills or constituency directors.**
 - b. Policy Council 24 members plus President. 24 members nominated in even numbers from each of the local government bands. 6 members from Band 1, 6 members from Band 2, 6 members from Band 3 and 6 members from Band 4 local governments.**
 - c. Zones 5 metro and 12 country.**

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.44PM

ITEM 10. REPORTS OF COMMITTEES**COM01 – 12/22 CEO Recruitment Committee Minutes**

Applicant	Shire of Chittering
File ref	22/02/83
Author	Executive Assistant
Authorising Officer	Executive Manager Technical 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. CEO Recruitment Committee Minutes 141122

	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 CEO Recruitment Committee Minutes of Monday 14 November 2022.

Background

The CEO Recruitment Committee was formed in August 2022 to commence the recruitment process for the Shire. Committee Agendas and Minutes are to be made public unless an item or attachment is marked as confidential. Bringing these minutes before Council ensures they are kept on record and made a public document.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

Nil

Local

Nil

Policy Implications

State

Nil

Local

- Policy 3.26 Standards for Recruitment of CEO's

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

Risk Assessment / Implications

Nil

Officer Comment/Details

It is recommended to receive the Minutes of the CEO Recruitment Committee Meetings held Monday 14 November 2022 as attached.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101222

Moved Cr Angus, seconded Cr Ross

That Council receive the Minutes of the CEO Recruitment Committee Meeting held Monday 14 November 2022 as attached.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.46PM

COM02 – 12/22 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 18 October 2022, Amendment to Membership & Scheduling of 2023 Meeting Dates

File ref	ES.MEET.CBFAC.2022
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade.
Voting requirements	Simple Majority
Attachments	1. “Unconfirmed” minutes from Chittering Bush Fire Advisory Committee meeting held on 18 October 2022.

	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 receive the unconfirmed minutes from the meeting held 18 October 2022 endorse the Chittering Bushfire Advisory Committee meeting dates for the 2023 calendar year.

Background

The Chittering Bushfire Advisory Committee (CBFAC) met on 18 October 2022 and during the meeting the 2023 meeting dates and format for the Committee were carried:

9.1 OFFICER RECOMMENDATION

Moved Peter Watterston / Seconded Kim Haeusler

That:

1. The Chittering Bush Fire Advisory Committee meeting dates for 2023 are as follows:

a. Tuesday 14 March

b. Tuesday 13 June

c. Tuesday 10 October

2. The Chittering Bush Fire Advisory Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.

CARRIED UNANIMOUSLY

Additionally, the Muchea Volunteer Bush Fire Brigade requested an amendment to the membership to accommodate their representative changes:

Muchea Volunteer Bushfire Brigade has recently had some changes in their membership and subsequently have requested to amend their Committee membership to align with the changes.

8.1 OFFICER RECOMMENDATION

Moved David Carroll / Seconded Jeremy Tennant

That the membership for the Chittering Bushfire Advisory Committee reflects the following to represent the Muchea Volunteer Bushfire Brigade:

- 1. Shelly Pannell as the Member*
- 2. James Marotta as the Deputy*

CARRIED UNANIMOUSLY

Consultation Summary

Local

Chittering Bushfire Advisory Committee

State

Nil

Legislative Implications

State

- Local Government Act 1995 – Sections 5.8 and 5.11
- Bush Fires Act 1954 – Section 67

Local

- Shire of Chittering Brigades Local Law 2012

In accordance with cl3.12 the Committee is to make recommendations to the local government on all motions received by the Committee from the bushfire brigades.

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be a charge for advertising the 2023 Chittering Bushfire Advisory Committee meeting dates in the local newspaper. These charges have been included in the 2022/23 Annual Budget.

Strategic Assessment / Implications

- Strategic Community Plan 2022-2032
Focus area: Our natural environment
Objective: S2.3 Protection of life and property
Strategy: S2.3.1 Improve Bush Fire preparedness and recovery

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: Making sure the natural environment of the Shire is protected as much as possible	Possible	Minor	Moderate	Ensuring requirements are met through holding the scheduled meetings
Opportunity: Nil				

Officer Comment/Details

The meeting dates for the Chittering Bushfire Advisory Committee for the 2023 calendar year are presented to Council for endorsement. As per the *Bush Fires Act 1954* and Council Committee Booklet, the number of meetings are at the Committee's discretion. Neither the Act nor the Council Committee Booklet stipulate a minimum number of meetings to be held. The dates will be advertised in the local newspapers following Council's resolution.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111222

Moved Cr Ross, seconded Cr Campbell

That Council:

1. Endorses the Chittering Bush Fire Advisory Committee meeting dates for 2023 as follows:
 - a. Tuesday 14 March
 - b. Tuesday 13 June
 - c. Tuesday 10 October
2. Endorses that meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.
3. Endorses the Committee membership for Muchea Volunteer Bush Fire Brigade as follows:
 - a. Shelly Pannell as the Member
 - b. James Marotta as the Deputy
4. Receives the "unconfirmed" Chittering Bushfire Advisory Committee Minutes from the meeting held on 18 October 2022.

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.47PM

COM03 – 12/22 Local Emergency Management Committee – Unconfirmed Minutes from Wednesday 24 August 2022, 23 November 2022 & Scheduling of 2023 Meeting Dates

File ref	ES.MEET.LEMC.2022
Author	Development Services Support 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	<ol style="list-style-type: none"> 1. “Unconfirmed” minutes from Local Emergency Management Committee meeting held on 24 August 2022. 2. “Unconfirmed” minutes from Local Emergency Management Committee meeting held on 23 November 2022.

	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 endorse the meeting dates for 2023 and receive the minutes from the Chittering Local Emergency Management Committee meetings held on Wednesday 25 August 2022.

Background

The Chittering Local Emergency Management Committee meeting met on Friday 26 November 2022 where the following formal recommendation was made but was not voted on by the Committee:

<p>6.1 OFFICER RECOMMENDATION <i>Moved Daryl Coleman / Seconded Dave Harnett</i> <i>That:</i> <ol style="list-style-type: none"> 1. The Local Emergency Management Committee meeting dates for 2023 are as follows: <ol style="list-style-type: none"> a. Wednesday 22 February b. Wednesday 24 May c. Wednesday 23 August d. Wednesday 22 November 2. The Local Emergency Management Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10am. </p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>

Consultation Summary

Local

Local Emergency Management Committee

State

Nil

Legislative Implications

State

- Local Government Act 1995, s5.12 and s5.13
- Emergency Management Act 2005

38. Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government's district.

(2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.

(3) A local emergency management committee consists of—

(a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and

(b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established—

(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and

(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

(c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be charge for advertising the 2023 Local Emergency Management Committee meeting dates in the local newspapers. These charges have been included for in the 2022/23 Annual Budget.

Strategic Assessment / Implications

- Strategic Community Plan 2017-2027

Focus area: Our natural environment

Objective: S2.3 Protection of life and property

Strategy: S2.3.1 Improve bushfire preparedness and recovery

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: Making sure the natural environment of the Shire is protected as much as possible	Possible	Minor	Moderate	Ensuring requirements are met through holding the scheduled meetings
Opportunity: Nil				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: The Shire's reputation in the community being impacted because we are not prioritising emergency management efforts	Possible	Minor	Moderate	More regular LEMC meetings with meaningful membership and valuable information shared at meetings.
Opportunity: Committee members building rapport with each other and understanding each other's specific needs should an emergency occur				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Unable to meet obligations relating to Emergency Management	Possible	Minor	Moderate	Ensuring requirements are met through holding the scheduled meetings
Opportunity: Valuable information being shared amongst the membership on a more regular basis				

Officer Comment/Details

Following the meeting of the Local Emergency Management Committee, Council is requested to endorse the 2023 committee meeting dates. The dates will be advertised in the local newspapers following Council's resolution.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121222 Moved Cr Ross, seconded Cr King That Council:</p> <ol style="list-style-type: none"> 1. Endorse the 2023 Local Emergency Management Committee meeting dates for: <ol style="list-style-type: none"> a. Wednesday 22 February b. Wednesday 24 May c. Wednesday 23 August d. Wednesday 22 November 2. Endorse that the Local Emergency Management Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10am. 3. Receives the unconfirmed minutes from the Local Emergency Management Committee meetings held on Wednesday 24 August and Wednesday 23 November 2022. <p style="text-align: right;">CARRIED UNANIMOUSLY 6 / 0 TIME: 7.49PM</p>
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ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 7.50pm.