



COUNCIL MINUTES

CONFIRMED: 15 MARCH 2023

Ordinary Meeting of Council

7pm, Wednesday 15 February 2023

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

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

2. Protocol

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

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

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

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be 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 22 February 2023.



Melinda Prinsloo
Acting Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 15 March 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 David Dewar	
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: 8

Media: 0

Apologies

Nil

Approved leave of absence

Nil

Announcements

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

Cr Aaron King

17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
19 December 2022	CEO Recruitment Committee Meeting
10 January 2023	Special Council Meeting
8 February 2023	Audit and Risk Committee Agenda Forum and Briefings

Cr Mary Angus

16 December 2022	Staff Christmas Function
17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
19 December 2022	CEO Recruitment Committee Meeting
10 January 2023	Special Council Meeting
23 January 2023	MHUG Meeting
26 January 2023	Australia Day Ceremony CEO Contract and KPI's Workshop
28 January 2023	Wannamal Long Table Dinner
4 February 2023	Opening of Muchea Medical Centre
8 February 2023	Audit and Risk Committee Agenda Forum and Briefings

Cr Kylie Hughes

17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
19 December 2022	CEO Recruitment Committee Meeting
10 January 2023	Special Council Meeting
26 January 2023	Australia Day Ceremony CEO Contract and KPI's Workshop
8 February 2023	Audit and Risk Committee Agenda Forum and Briefings

Cr Carmel Ross

15 December 2022	Library Christmas Morning Tea
16 December 2022	Staff Christmas Function
17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
19 December 2022	CEO Recruitment Committee Meeting
10 January 2023	Special Council Meeting
26 January 2023	Australia Day Ceremony CEO Contract and KPI's Workshop
4 February 2023	Opening of Muchea Medical Centre
8 February 2023	Audit and Risk Committee Agenda Forum and Briefings
13 February 2023	Wannamal Community Centre Committee Meeting

Cr John Curtis

17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
19 December 2022	CEO Recruitment Committee Meeting
10 January 2023	Special Council Meeting

26 January 2023	Australia Day Ceremony
	CEO Contract and KPI's Workshop
6 February 2023	Bindoon & District Historical Society Monthly Meeting
8 February 2023	Audit and Risk Committee
	Agenda Forum and Briefings
14 February 2023	Brockman Centre User Group Meeting

Cr Mark Campbell

17 December 2022	CEO Recruitment Committee – 2 nd Round of Interviews
10 January 2023	Special Council Meeting
26 January 2023	Australia Day Ceremony
	CEO Contract and KPI's Workshop
4 February 2023	Opening of Muchea Medical Centre
8 February 2023	Audit and Risk Committee
	Agenda Forum and Briefings

Cr David Dewar

10 January 2023	Special Council Meeting
26 January 2023	CEO Contract and KPI's Workshop
8 February 2023	Agenda Forum and Briefings
13 February 2023	Wannamal Community Centre Committee Meeting

ITEM 3. DISCLOSURE OF INTEREST

CEO07 – 02/23 Muchea Recreation Centre – Removal of Native Vegetation		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Kylie Hughes	Impartiality	<p>Nature: Life Member and volunteer Committee Member of the Muchea Netball Club</p> <p>Extent: Muchea Netball Club are a current user of the Muchea Sporting Facility</p>

CEO07 – 02/23 Muchea Recreation Centre – Removal of Native Vegetation		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Mark Campbell	Impartiality	<p>Nature: Immediate Family Members who are Members of the Immaculate Heart College Netball Club</p> <p>Extent: Immaculate Heart College Netball Clubs home ground is the Muchea Recreation Centre</p>

NB01 – 02/23 Appointment of Chief Executive Officer		
Councillor	Type of Interest	Nature / Extent of Interest
Melinda Prinsloo	Financial	Nature: Applicant for the position Extent: Could affect her employment

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 02/23 Colleen Osborn, Bindoon

It is with dismay that the removal of these trees almost seems cavalier in attitude. You will already be aware of the heritage value of them combined with the unnecessary decision to just simply remove them rather than look at another option.

I recall the first approach to council for a new ablution block, now we have a new and large complex on land that was always going to be a tight fit. Why is this so I wonder?

Two of the current Councillors successfully voted to return \$4.7m to the Federal government, allocated for a community complex, on a large, open field of land, but it appears are happy to spend some millions on another, even if it means the loss of such ancient trees that are a community asset.

Question 1: What is the total cost of the Muchea Recreation Centre Project to the Shire of Chittering, on behalf of its ratepayers and what grants have been received?

Response: *The total cost of the Muchea Recreation Centre project apportioned to the Shire of Chittering is \$5,195,055 (ex. GST) with this including architectural costs. The following grants towards the project received total \$680,630:*

Muchea Hall User Group - \$68,630

Federal Government Stronger Communities Fund - \$32,000

State Government CSRFF Forward Planning Grant - \$300,000

State Government - \$150,000

AFL – (AFFF Grant) - \$100,000

WACA Grant - \$30,000

Question 2: On what basis was the decision made to install 5 courts. A full Council decision based on what demand and information from whom? However, if there is a determination to have 5 courts, is \$110,000 a small price to pay for the retention of three trees?

Response: *The Muchea Recreation Centre project includes the provision of 4 netball courts that will have adequate surface and lighting for competitions. It also includes provision for retention of an existing netball court that does not have adequate lighting for use in competitions. The future purpose of this existing netball court is not yet determined and can be re-purposed. As such, there will be 5 netball courts in total upon completion of the project, however only 4 of which will be able to be used for competitions. The number of netball courts to be provided was determined during the planning process for the Muchea Recreation Centre redevelopment. A Reference Group was established during the design stage of the Muchea Recreation Centre. The Reference Group included representatives from the Muchea sporting groups, local Muchea community members and Shire of Chittering representatives. The reference group worked with the architects to develop a design for the Muchea Recreation Centre that would satisfy the requirements of the Muchea Community. The design was then endorsed by Shire of Chittering Council (which included the provision of 4 netball courts and an option of re-purposing an existing court) and permission was given to Tender for the construction of the project. The plan for the proposed development includes provision of 5 Netball courts. To renovate the existing court's surface would cost approximately the same as building a new court. To provide lights to the renovated existing court would cost approximately \$100,000.00. Therefore, option to relocate the future court 4 to the position of the existing netball court, would approximately cost an extra \$100,000.00 and reduce the total amount of netball courts to 4.*

PQT02 – 02/23 Peter Osborn, Bindoon

The potential conflict at the Muchea site was always going to happen. With such a finite area, attempting to fit the whole wish list in was always going to have a likely impact on the mature trees on the site, but that is unacceptable.

Question 1: As Muchea Netball Club play competition in the metro area, why is there a need for a 5th netball court at the present time?

Response: *The MRC project includes the provision of 4 netball courts that will have adequate surface and lighting for competitions. It also includes provision for retention of an existing netball court that does not have adequate lighting for use in competitions. The future purpose of this existing netball court is not yet determined and can be re-purposed. As such, there will be 5 netball courts in total upon completion of the project, however only 4 of which will be able to be used for competitions. The number of netball courts to be provided was determined during the planning process for the Muchea Recreation Centre redevelopment. A Reference Group was established during the design stage of the Muchea Recreation Centre. The Reference Group included representatives from the Muchea sporting groups, local Muchea community members and Shire of Chittering representatives. The reference group worked with the architects to develop a design for the Muchea Recreation Centre that would satisfy the requirements of the Muchea Community. The design was then endorsed by Shire of Chittering Council (which included the provision of 4 netball courts and an option of re-purposing an existing court) and permission was given to Tender for the construction of the project.*

Question 2: Under the DWER clearing of native vegetation regulations 5(1) exemption is allowed if the development is a building or structure, the assessment I have received indicates that a netball court does not fit either of these definitions. On that basis will the Shire request an assessment under the Regs? This would require Council to lay this matter on the table.

Response: The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 provide an exemption from a clearing permit for the lawful construction of a building or other structure on a property. The exemptions are a self-assessment, with the onus on the applicant/property owner to determine whether an exemption applies or not. Shire officers have a level of confidence that the removal of the 3 Marri trees falls under the scope of 'other structure' under the Regulations and a clearing permit is not required. There is no specific definition of a 'structure' in the Regulations. However for the purpose of clarifying what is regarded as a 'structure', under the Regulations a 'fence' is defined as "a structure, that is permanently fixed to the ground....". It is considered that if a fence is classified as a structure, then a netball court (which includes fences) should also be classified as a 'structure'. Shire officer have additionally sought clarification from the Department of Water and Environmental Regulation (DWER) on whether an exemption from a clearing permit applies to the three subject trees for the construction of a netball court. An emailed response from DWER has been received that states Regulation 5, Item 1 is likely to exempt the Shire from obtaining a clearing permit. Based on this information, it is not considered necessary to request a formal assessment from DWER through the clearing permit application process.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

DEP01 – 02/23 Natalie Vallance, Muchea

Speaking against officer recommendation CEO07 – 02/23 Muchea Recreation Centre – Removal of Native Vegetation

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 7. CONFIRMATION OF MINUTES

Special Meeting of Council: 10 January 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010223

Moved Cr Campbell, seconded Cr Angus

That the minutes of the Special Meeting of Council held on Tuesday 10 January 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.31PM

Ordinary Meeting of Council: 14 December 2022

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020223

Moved Cr Campbell, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 14 December 2022, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.32PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Thank you to all Staff and Councillors for the support through my medical issues. It has been very humbling.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 02/23 Request for Purchase of Land for Water Treatment Plant and Water Supply Business – Part Lot 100 Muchea East Road, Lower Chittering and Part Lot 597 Muchea East Road, Lower Chittering**

Applicant	Clint O’Neil
File ref	A3395
Author	Acting Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Request from Mr. O’Neil

	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 to consider a request from Mr Clinton O’Neil to purchase a portion of land from the Shire/Crown in order to establish a drinking water treatment facility. The land requested to be purchased consists of a part of Lot 597 Muchea East Road, Lower Chittering and a part of Lot 100 Muchea East Road, Lower Chittering.

Background

A request has been received from a Mr. Clinton O’Neil to purchase a part of Lot 597 Muchea East Road, Lower Chittering and a part of Lot 100 Muchea East Road, Lower Chittering totalling approximately 2,100m². The below diagram illustrates the land requested to be purchased:



The details of each existing lot, the subject of the proposed land purchase are provided below:

Lot 100 Muchea East Road

This parcel is a Crown Reserve (owned by the Crown) with a Vesting Order in favour of the Shire of Chittering for the purpose of Public Recreation. This lot is approximately 7 hectares in area and is identified as local scheme reserve for 'Parks and Recreation' under the Shire's Local Planning Scheme No. 6 (LPS6). Lot 100 is the identified site for the future Lower Chittering Community Centre.

Lot 597 Muchea East Road

This parcel is owned in freehold by the Shire of Chittering. It is approximately 5,900m² in area and is identified as a local scheme reserve for "Public Purpose – Fire Fighting Station" under LPS6.

The request received from Mr. O'Neil details that land is required for the development of a drinking water treatment plant and a water supply business using trucks to cart water to the end user. This would have an association with a water bore located within the locality (Chittering Road reserve) to which Mr. O'Neil has indicated the relevant approvals to abstract water from have been obtained. A copy of the formal request received is provided as an attachment to this report (Attachment 1).

Consultation Summary

Local

Nil

State

Section 3.58 of the *Local Government Act 1995* stipulates the consultation requirements for local government to undertake, should it wish to dispose of land. This will only become relevant should Council make a resolution in the future to sell the subject land. Investigations will need to be made into the advertising requirements for this scenario.

Legislative Implications

State

The purpose of this report is for Council to resolve whether or not to further investigation into the legalities and possibilities of the requested land purchase. As such, there are no legislative implications upon this request.

However, should Council resolve to investigate into the land sale, legislative implications would apply relevant to the *Local Government Act 1995*, *Land Administration Act 1997* and *Planning and Development Act 2005*.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There are no financial implications associated with this decision other than the cost for Shire officer time to further investigate into the potential land purchase, should Council wish to entertain the request from Mr. O'Neil.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area:	Economic Growth
Objective:	S4.2 Local Business Growth
Strategy:	S4.2.1 Encourage and support local businesses and new investments for the future

The proposed land purchase (in conjunction with the water supply business proposal) is considered consistent with the above provision of the Shire's Strategic Community Plan as it will be directly assisting the development of a local business.

Site Inspection

Site inspection undertaken: No.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation	Unlikely	Insignificant	Low	Nil
Opportunity: Council can be better informed about the administrative processes for future land purchase requests.				

Officer Comment/Details

Council does not have any policy guidance for land purchase requests such as the one presented by Mr. O'Neil. In the absence of any formal guidance, Shire officers believe the following are matters for consideration when resolving on potential further investigation into this land purchase:

Community Benefit

The subject land purchase request is for the development of potable water treatment facility and water supply business. It is understood that the water supply business would involve the carting of potable water to residents/businesses in need of potable water. This typically would occur if a resident's rain water tank needed to be filled over a summer period.

The supply of potable water is regarded as an essential service for the functioning of any community. It is noted however that water carting businesses do already exist in the region and are available for use should they be needed. So while the provision of potable water is a necessity of the communities within the Shire, Council will need to question the community's need for this additional water supply business.

Economic Benefit

Though the provisions of the Strategic Community Plan, Council is encouraged to promote the establishment and growth of businesses and more generally, economic activity within the Shire. The subject land purchase would facilitate an additional business being established in the Shire contributing to the Shire's desired economic and business growth.

Locationally appropriate

It is understood that the location of the proposed land purchase was influenced by the location of the associated water abstraction bore within the Chittering Road reserve. The land identified for purchase and development of the water supply business is in close proximity to the Maryville Village Centre as identified in the Shire's Local Planning Strategy. This Centre has been identified as an area where the Shire is to facilitate development of recreation, tourism and retail opportunities. The water supply business will be adjacent to the existing Lower Chittering Volunteer Fire Station and the future Lower Chittering Community Centre (discuss below). Immaculate Heart College (IHC) is also within close proximity to the proposed site.

The existing and future land uses of this area will need to be taken into consideration when determining whether a water supply business is compatible with surrounding activities. The proposed business is likely to generate a number of truck movements (as this will be one of its core functions) and it needs to be considered whether or not an industrial-type operation such as this is appropriate in this location. It can be argued that the existence of IHC, the future Lower Chittering Community Centre and the provisions of the Local Planning Strategy for the Maryville Village Centre are not compatible with a water supply business.

It is acknowledged however, that with particular reference to the Maryville Village Centre, while a water supply business (water carting via trucks) may not be compatible with the idea of a village centre, the supply of reticulated water would be compatible. The potential for reticulated water to service the Maryville Village Centre could assist with establishment and growth of this Centre and encourage economic, recreational and retail opportunities to be explored by prospective developers. The proposal that has been presented to Council is not for reticulated water service to the future Maryville Village Centre, but could be a possibility in the future should development of the Village Centre progress through private investment.

Another argument that can be considered is the location of the water abstraction bore to which this proposed business is dependent on, will dictate the location of the associated business. It is understood that for a proposal such as this to be viable, the water supply business would need to be in close proximity to the current location of the bore to avoid lengthy reticulation of the water abstracted. It is possible however, that other sites within the immediate vicinity of the bore could be explored for the business, and would provide greater separation to the existing and future land uses (IHC, Community Centre, Maryville Village Centre) surrounding the proposed land purchase site.

Integration with future Lower Chittering Community Centre

The consultation and draft designing of the Lower Chittering Community Centre is in progress. A Schematic Design Report has been drafted for this development and work is underway for the development of a project plan for a 'Reflections Area and Walk Path'. The draft designs thus far for the Community Centre identify the majority of Lot 100 being utilised for some purpose, whether that be passive or active. It is suggested that there is limited available land within Lot 100 based on the schematic designs done to date. Reduction of the size of lot 100 would further constrain any future development or use of this Reserve that may be necessary for the community in the future, but has not yet been considered or planned for.

The proposed water supply business would need to be reviewed by the designers of the Community Centre project in the context of reducing the available land area within Lot 100. The integration of the water supply business with this community space from an amenity perspective would also need to be considered by the Community Centre project designers, as the two land uses would be abutting one another.

Should Council wish to conduct further investigations into the land purchase request, officers consider that the following (at a minimum) would need to be clarified, and advice sought from the relevant government Departments:

Portion of Crown land to be purchased by Shire

Lot 100 is a Crown Reserve with a vesting order in favour of the Shire. As the Shire does not own this land, a request will need to be made to the Department of Lands (on behalf of the Minister for Lands) for the Shire to purchase a portion of this Lot from the Crown with an intent to sell this portion for the purpose of the water supply business. This process is dictated by the Department of Lands and further enquiries with that Department would be necessary before proceeding any further. It is understood that the Department of Lands previously were guided by a Policy that allowed the Department to sell Crown Land at 5% of the unimproved market value to enable on-sale or leasing. Shire officers are unsure of the status of this Policy that guides the Department and as such, enquiries to the Department of Lands would need to commence to ascertain the viability of this proposal

Land to be rezoned under the LPS6

Lot 100 is identified as a 'Parks and Recreation' local reserve under LPS6. Lot 597 is identified as a local scheme reserve for "Public Purpose – Fire Fighting Station" under LPS6. Neither of these local reserve dedications are appropriate to consider development approval being granted for a water treatment facility/water supply business. The rezoning of the land to a more appropriate zoning under LPS6 would need to be considered in consultation with the Department of Planning, Lands and Heritage.

Subdivision/Amalgamation of current lots 100 and 597

The request received is for the purchase of a freehold lot, which would require the subdivision/amalgamation of Lots 100 and 597 to create a new lot (as illustrated in the background of this report). Subdivisions and amalgamations are determined by the Western Australian Planning Commission and as such, consultation with the WAPC would need to occur to gauge the likelihood of approval being granted.

Sale of land pursuant to Local Government Act 1995

The sale of land owned by a Local Government authority is to occur in accordance with the provisions of the *Local Government Act 1995*, which typically includes valuations being sought and an advertising process. Officers are aware of circumstances where the sale of land does not need to undertake an open advertising process; however, these would need to be further investigated through the Department of Lands.

Economic Regulatory Authority Licence

Officers understand that a water supply business may require the licencing under the Economic Regulation Authority Western Australia (ERAWA). Licensing requirements through ERAWA would not typically be investigated by Shire officers, but would be an important investigatory step for the proponent to ensure the proposed business could legally operate, prior to making a commitment to purchase the site.

Development Approval requirements for water supply business

Following on from any rezoning application that would need to be submitted to adjust the zoning of the land, Development Approval would need to be sought by the proponent. This is not an aspect of the proposal that would require lengthy investigation as the matters that would ordinarily be dealt with through a Development Approval, should have been addressed through a rezoning process.

Easements from abstraction bore to water treatment facility

At present, there are no registered easements that provide a linkage of legal access from the water abstraction bore in the Chittering Road reserve and the proposed land purchase site. It is noted that Council at its meeting held 21st September 2021 consented (to the Department of Lands) to easements being granted over the water abstraction bore and future reticulation pipes for conveyance of the water up to the intersection of Santa Gertrudis Drive and Muchea East Road. The purpose of these easements being sought was for “installing a water main to support water supply servicing to the WAPC identified Maryville Village precinct settlement area (July 2019) and other areas in close proximity” (as quoted in a letter from Department of Lands regarding Mr. O’Neil’s request for the easements). Consultation with the Department of Lands regarding the progress of the easements being registered would need to occur.

Officer Recommendation

There are many elements of this land purchase request that will need to be investigated both by Shire staff, and by Mr. O’Neil. The investigations would require officer time and resources but would be redundant should there not be an appetite from Council to entertain the land purchase request.

In consideration of the location of the proposed land purchase in the context of the existing and future surrounding development, the water carting supply business is not considered to be appropriate. Furthermore, officers are not aware of an apparent need for a further water carting business to service the local community that would warrant the Council to sell its land for such purpose. It is recommended that Council do not support the request for further investigation into the subject land purchase.

Should Council wish to entertain the land purchase from Mr. O’Neil, it would be appropriate for Council to instruct the Chief Executive Officer to commence investigations with the relevant government departments into the feasibility of such land purchase. A further report can then be provided back to Council that outlines the administrative processes to be undertaken and the advice received from the relevant government departments.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030223

Moved Cr Curtis, seconded Cr Campbell

That Council advises Mr. Clinton O'Neil in writing that it does not wish to entertain the selling of portions of Lot 100 and Lot 597 Muchea East Road, Lower Chittering as per Mr. Clinton O'Neil's request provided in Attachment 1.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.38PM

TECHNICAL SERVICES**TS01 – 02/23 Waste and Recycling Data for 2021/2022**

Applicant	Shire of Chittering
File ref	WM.REP.GEN
Author	Principal Environmental Health Officer
Authorising Officer	Executive Manager Technical Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Avon Waste Report 2021/2022 2. DWER Waste and Recycling Census Report 2021/2022

	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

The Shire is required to submit an annual waste and recycling census report for the period 1 July to 30 June to the Department of Water and Environmental Regulation (DWER) as a requirement of the *Waste Avoidance and Resource Recovery Act 2007*.

The information in this report is obtained from the Shire's Technical Services department through the operational data recorded for the Muchea and Bindoon Landfill and Recycling Centres and from the Shire's contractor for kerbside waste and recycling, Avon Waste.

The report will inform key aspects of the Shire's performance concerning waste and recycling operations for the 2021/2022 reporting year. It will also recommend that Council consider advancements in waste management practices in accordance with the State Government's *Waste Strategy 2030*.

Background

The Waste and Recycling Census Report is an annual report required of local governments by the DWER under the provisions of the *Waste Avoidance and Resource Recovery Act 2007* (WAAR Act). The report includes:

- Tonnages for kerbside collection of waste and recyclables;
- Tonnages for waste and recyclables taken to the landfill centres by households and the Shire;
- The types of recyclables collected;
- Recovery rates for kerbside recycling, drop-off recycling, bulk wastes and other materials that are

recyclable; and

- Details of Council operations (e.g. waste from parks and gardens and road maintenance), public events and littering.

Consultation Summary

Local

Avon Waste

State

Department of Water and Environmental Regulation

Legislative Implications

State

- *Waste Avoidance and Resource Recovery Act 2007* (WARR Act)

The primary objectives of this Act under Section 5 (1) are to:

“contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste free society by—

- a) promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
- b) reducing environmental harm, including pollution through waste; and*
- c) the consideration of resource management options against the following hierarchy—*
 - i. avoidance of unnecessary resource consumption;*
 - ii. resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - iii. disposal.”*

Local

- *Shire of Chittering Waste Local Law 2018*

The purpose of the Shire of Chittering Waste Local Law 2018 is to make provisions about the regulation of storage, collection and disposal of waste and recyclable materials in the Shire of Chittering.

The effect of the local law is to control storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.

Policy Implications

State

- *Waste Avoidance and Resource Recovery Strategy 2030*

The ‘*Waste Avoidance and Resource Recovery Strategy 2030*’ (the Strategy) sets the objectives, targets and strategies with a vision for Western Australia to become a sustainable low-waste, circular economy, in which human health and the environment are protected from the impacts of waste. The Strategy has set targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly. It is the task of government, the community and industry to meet the necessary targets through improved technology, procedures and practices. The key strategy elements are shown below:

Key strategy elements

VISION	Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.			Supporting documents Other documents which align with or support this strategy Waste Avoidance and Resource Recovery Strategy 2030 include the: <ol style="list-style-type: none">1. Waste Avoidance and Resource Recovery Strategy 2030 Action Plan2. Waste Authority position and guidance statements3. State Waste Infrastructure Plan4. Annual Business Plan5. Waste Data Strategy
OBJECTIVES	Avoid Western Australians generate less waste.	Recover Western Australians recover more value and resources from waste.	Protect Western Australians protect the environment by managing waste responsibly.	
TARGETS	<ul style="list-style-type: none">2025 – 10% reduction in waste generation per capita2030 – 20% reduction in waste generation per capita	<ul style="list-style-type: none">2025 – Increase material recovery to 70%2030 – Increase material recovery to 75%From 2020 – Recover energy only from residual waste	<ul style="list-style-type: none">2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled.2030 – All waste is managed and/or disposed to better practice facilities	
HEADLINE STRATEGIES	<ol style="list-style-type: none">1. Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.2. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.3. Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.4. Implement local government waste plans, which align local government waste planning processes with the Waste Avoidance and Resource Recovery Strategy 2030.5. Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.6. Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.7. Review the scope and application of the waste levy to ensure it meets the objectives of Waste Avoidance and Resource Recovery Strategy 2030 and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.8. Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials.			

6 Waste Avoidance and Resource Recovery Strategy 2030 Western Australia's Waste Strategy

Local

• Strategic Waste Management Plan

The WARR Act requires that Local Governments have a Waste Plan that supports the objectives of their 'Waste Avoidance and Resource Recovery Strategy 2030'. Currently, the Shire of Chittering has the Strategic Waste Management Plan, February 2014 produced by Talis Consultants. As this document was produced under the requirements of the government's previous strategy (2012) it is now outdated and is currently being updated by ASK Waste Management. As part of updating the strategic plan, Cooee a waste facility data program, has been implemented at both landfills to ensure waste drop offs are recorded in accordance DWER waste data reporting requirements.

Financial Implications

The updating of the Strategic Waste Management Plan is currently underway by ASK Waste Management for \$30,250.00 including GST.

The tablets used at both landfills for data collection cost \$ 870.00 with the Cooee program installed on a 3 month free trial basis. To continue using the program the amount of \$9600.00 excluding GST will need to be allocated in the budget every financial year.

Strategic Assessment / Implications

Local

• Strategic Community Plan 2022-2032

Focus area: Natural Environment

Objective: S2.1 Sustainable lifestyle

Strategy: S2.1.2 Improved waste management and recycling practices

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

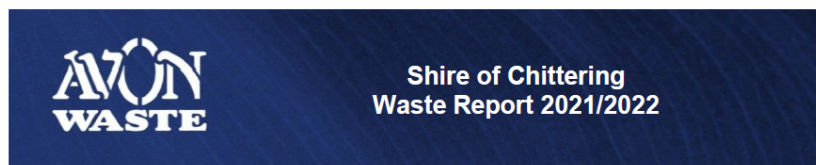
Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Unlikely	Minor	Low	Ensuring compliance with landfill licence conditions, and the WAAR Act
Opportunity: Promoting waste reduction through community education using website and social media.				

Officer Comment/Details

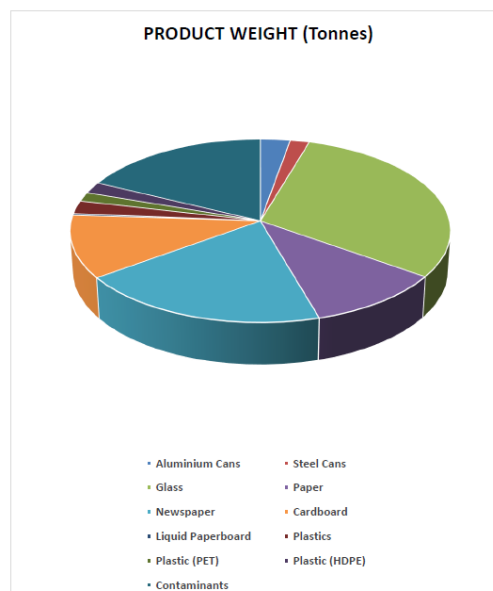
In 2021/2022, the Shire's contractor (Avon Waste) collected 1600.01 tonnes of general waste and 346.94 tonnes of recyclable materials via the kerbside collection service. The kerbside waste materials collected are deposited at the Muchea landfill site. The kerbside recycling materials are taken to the contractor's depot at Gingin for further sorting and the materials are then taken to the Southern Metropolitan Regional Council (SMRC) in Canning Vale for packaging and marketing.

The recyclables dropped off at the Shire's landfill sites are sorted by staff as far as practicable and then periodically taken to the SMRC by Avon Waste for further processing, packaging and sale. A copy of the annual report summarising waste materials and recyclables collected by Avon Waste for 2021/2022 is included as an **Attachment 1**.

The following chart indicates the proportions of various recycled materials collected by Avon Waste in 2021/2022:

**Shire of Chittering - Recycling Product Breakdown**

PRODUCT	PRODUCT WEIGHT (Tonnes)
Aluminium Cans	9.71
Steel Cans	6.25
Glass	104.78
Paper	37.12
Newspaper	67.65
Cardboard	38.16
Liquid Paperboard	1.04
Plastics	7.98
Plastic (PET)	5.55
Plastic (HDPE)	6.94
Contaminants	61.76
TOTAL	346.94

**Please Note:**

Recycling loads are not delivered individually to SMRC. Loads are co-mingled with other Shires to minimise collection and travel expenses. The Recycling Product Breakdown has been provided by WALGA as the result of recycling product audits, and is to be used as an estimate for the volume of each product.

The table below indicates the recyclable materials collected by Avon Waste from the kerbside service (top section of table). It also indicates the recyclable materials taken by residents to the Shire's two landfill sites for separation and sale in the recycling market:

Kerbside recyclables collected by Avon waste

	2021/2022 (tonnage)	2020/2021 (tonnage)
Paper and cardboard	144	155
Glass	105	113
Plastics	20	22
Aluminium (cans)	10	10
Steel (cans)	6	7
Contaminants	62	67
Total (tonnage)	347	374

Additional recyclables dropped off at landfills (tonnage)

	2021/2022 (tonnage)	2020/2021 (tonnage)
Green waste	457	462
Hard waste/ bulk rubbish drop off	84	51
Dry recyclables Pape/cardboard, packaging containers	143	150
Bulky wastes	7	258
Waste oil	17	15
Other	7	258
batteries	0	10
E-waste	7	11
Metals – ferrous steel	0	371
Metals – non ferrous steel	0	0.16
Plastics	0	0.61
Total (tonnage)	722	1586.77

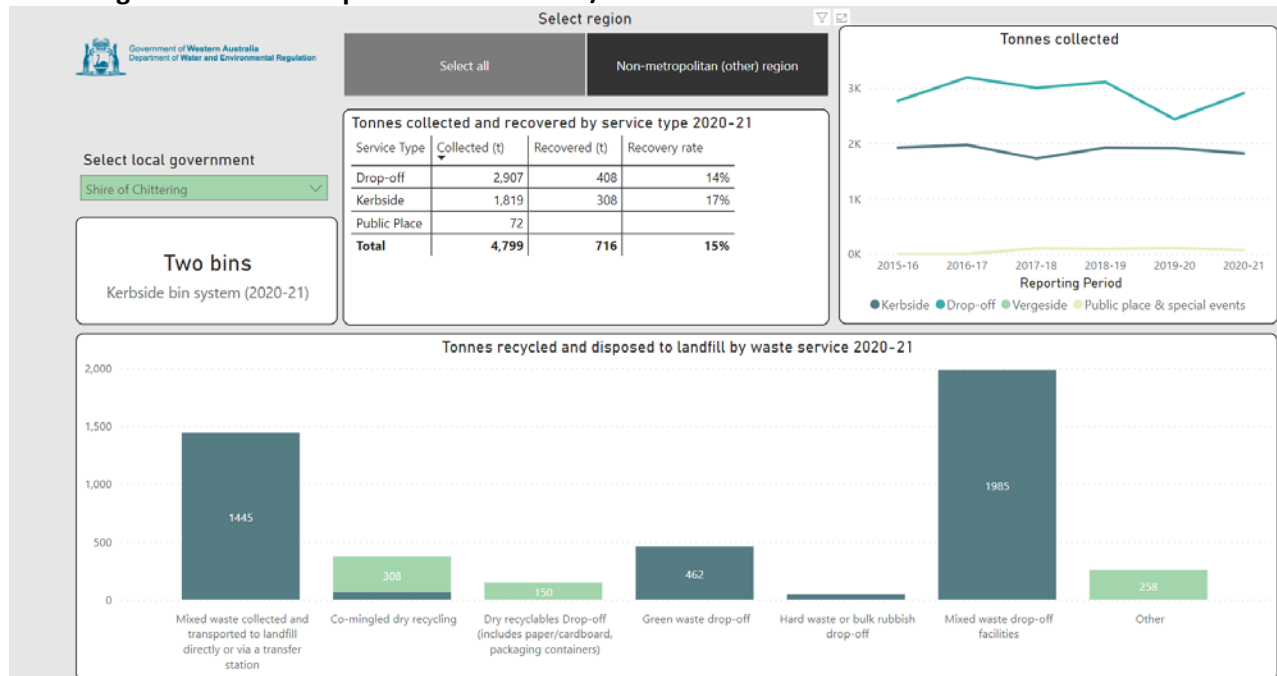
All recyclables taken to landfills are collected by recycling contractors when stockpiles achieve a minimum collection level. Some products achieve a positive return while others cost the Shire to have them removed. This largely depends on the value of the materials on the open market. The waste dropped off directly to landfill by residents cannot be sorted at the tip face due to safety factors so every effort is made to encourage people to separate materials for recycling beforehand.

In the 2021/2022 recyclers had not yet picked up batteries metals and plastics therefore unable to determine the tonnage of the products and was not recorded for that financial year.

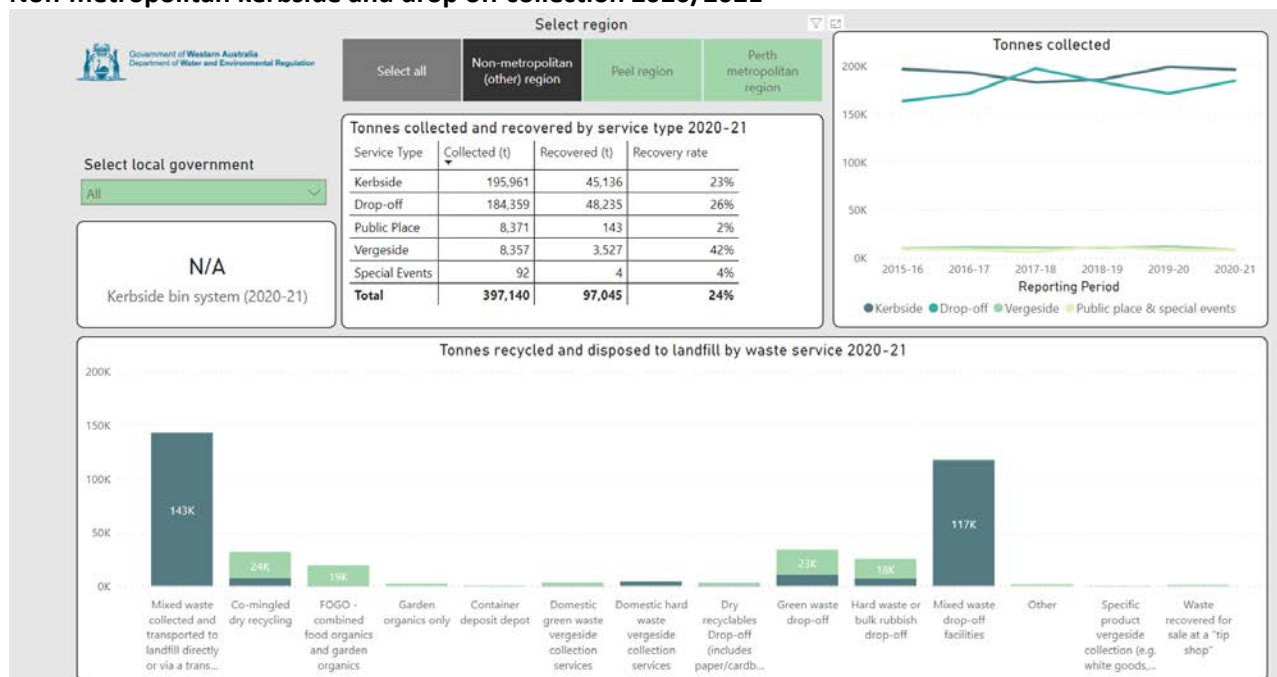
Note:

The charts below, extracted from the Shire of Chittering's DWER Waste and Recycling Census Report 2020/2021, summarises critical statistics such as Kerbside Recovery and Drop off Recovery. The results are for the previous year as the **2021/2022 data has not yet been published**. The 2021/2022 Waste Annual Return report that was submitted to DWER is included as **Attachment 2**.

Chittering kerbside and drop off collection 2020/2021



Non-metropolitan kerbside and drop off collection 2020/2021



Non-metropolitan domestic waste landfilled and recovered



From the DWER report and the tables above the following analysis is available:

- The total of all waste collected or taken to landfills (domestic, commercial and Shire waste) was 4,799 tonnes for the year, of which 716 tonnes were recovered.
- From the above, the Shire's overall recovery rate (the total amount of materials diverted from landfill) was 15%.
- The Shire's kerbside recovery rate was 17%, which is less than the average 24% for local governments in the non-metropolitan area.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040223

Moved Cr Curtis, seconded Cr Campbell

That Council note the Shire of Chittering's performance from the annual Waste and Recycling Census Report 2021-2022 submitted to the Department of Water and Environmental Regulation.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.41PM

TS02 – 02/23 Containers for Change Program – Expression of Interest

Applicant	Shire of Chittering
File ref	FIN.EXOI.CONTAINERS FOR CHANGE
Author	Leo Pudhota, Executive Manager Technical Services
Authorising Officer	Melinda Prinsloo, 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. Bindoon Land Fill Plan – Container for Change Report 2. Muchea Land Fill Plan – Container for Change Report

	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

Shire has been providing Container for Change Services at Muchea Landfill for the last 2 years starting from end of October 2020, this report is for Council to consider an "Expression of Interest" for community groups, individuals and businesses in managing and operating Containers for Change within Shire of Chittering.

Background

In 2017, the State Government announced the introduction of the container deposit scheme. As well as diverting waste from landfill, the schemes intent was to boost employment with as many as 500 jobs created at new container sorting and processing facilities, and refund points across metropolitan and regional Western Australia. The Western Australia Return Recycle Renew (WARRRL) which is a not-for-profit organisation was created to run the Containers for Change scheme in Western Australia.

Following this, an expression of interest process was undertaken, inviting submissions from organisations interested in hosting and managing container receipt points. The Containers for Change program commenced operation in October 2020 and has since recycled over 214 million containers across 214 depots state-wide.

Consultation SummaryLocal

Executive Manager Technical Services

Consultation with Landfill Staff and Stakeholders

State

Nil

Legislative Implications

State

- *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*
The primary objectives of this Act under Section 5 (1) are to: *“contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste free society by—*
 - d) promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
 - e) reducing environmental harm, including pollution through waste; and*
 - f) the consideration of resource management options against the following hierarchy—*
 - iv. avoidance of unnecessary resource consumption;*
 - v. resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - vi. disposal.”*

Local

- *Shire of Chittering Waste Local Law 2018*
Purpose of the local law: To make provisions about the regulation of storage, collection and disposal of waste and recyclable materials in the Shire of Chittering.
Effect of the local law: To control storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.
- *Under Section 3.14 the Local Government Act 1995, leases for commercial purposes on Council land are considered disposal of property and a legislated process would need to be followed. Exemptions may apply depending on the consideration value and whether a not-for-profit entity is the lessee, amongst other things. In terms of land tenure, the Council owns the Shire Depot/landfill property in freehold with no limitations on the ability to lease.*

Policy Implications

State

- *Waste Avoidance and Resource Recovery Strategy 2030*
The ‘Waste Avoidance and Resource Recovery Strategy 2030’ (the Strategy) sets the objectives, targets and strategies with a vision for Western Australia to become a sustainable low-waste, circular economy, in which human health and the environment are protected from the impacts of waste. The Strategy has set targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly. It is the task of government, the community and industry to meet the necessary targets through improved technology, procedures and practices. The key strategy elements are shown below:

Key strategy elements

VISION	Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.			Supporting documents Other documents which align with or support this strategy <i>Waste Avoidance and Resource Recovery Strategy 2030</i> include the: <ol style="list-style-type: none">1. <i>Waste Avoidance and Resource Recovery Strategy 2030 Action Plan</i>2. Waste Authority position and guidance statements3. State Waste Infrastructure Plan4. Annual Business Plan5. Waste Data Strategy
OBJECTIVES	Avoid <i>Western Australians generate less waste.</i>	Recover <i>Western Australians recover more value and resources from waste.</i>	Protect <i>Western Australians protect the environment by managing waste responsibly.</i>	
TARGETS	<ul style="list-style-type: none">2025 – 10% reduction in waste generation per capita2030 – 20% reduction in waste generation per capita	<ul style="list-style-type: none">2025 – Increase material recovery to 70%2030 – Increase material recovery to 75%From 2020 – Recover energy only from residual waste	<ul style="list-style-type: none">2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled.2030 – All waste is managed and/or disposed to better practice facilities	
HEADLINE STRATEGIES	<ol style="list-style-type: none">1. Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.2. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.3. Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.4. Implement local government waste plans, which align local government waste planning processes with the <i>Waste Avoidance and Resource Recovery Strategy 2030</i>.5. Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.6. Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.7. Review the scope and application of the waste levy to ensure it meets the objectives of <i>Waste Avoidance and Resource Recovery Strategy 2030</i> and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.8. Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials.			

6

Waste Avoidance and Resource Recovery Strategy 2030 Western Australia's Waste Strategy

Local

Nil

Financial Implications

To provide a Shed, fencing and toilet facilities, Shire needs to budget \$200,000 per site.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 Focus area: Natural Environment
 Objective: S2.1 Sustainable lifestyle
 Strategy: S2.1.2 Improved waste management and recycling practices

Shire's Containers for Change was established and has been operating as a receival point for the last two years. Muchea Landfill was identified by WARRRL as a suitable location to host a receival point based on population and likely catchment.

Some key operating facts of the Muchea Landfill facility are:

- The facility operates 3 days a week – Tuesday, Thursday and Sunday 10am – 3pm.
- The facility's container processing has increased from initial 10,000 containers to currently (2022/23) 30,000 containers per week (Approximate Average).
- The facility employs 2-3 Shire staff.
- The Shire altered existing Shed for keeping plant to house this Service at Muchea Landfill.

Some of the challenges identified by the Shire are as follows:

- Attracting and retaining staff is difficult. Works staff are often required to relieve at a higher hourly rate.
- There are a significant number of Occupational Health and Safety issues to consider including
- Heavy lifting, noise levels, traffic management and container handling, cash handling, refund management, data processing and refund lodgement are other tasks involved.
- It has been a service where Shire staff are spending lot of time and resources, which could be better serviced by community groups, individuals or businesses, within Shire of Chittering.
- Container for Change service has not been efficient as it is restricted by hour of Container for Change operating hrs 3 days a week 10-3pm thereby unable to meet State Government strategic targets.
- Unable to provide mobile refund collection point facility due to lack of resources and staffing.
- Confusion and complaints from ratepayers as they turn up at Landfill to be sent back, as landfill operations are closed for Mulch, rubbish and recycle dropoff/pickup during Container for Change days and vice versa.
- Landfill core operations of receiving general and recycle waste, loading mulch, processing of waste, covering of waste, management and maintenance of landfill operations (hygiene and contamination) are halted during container for change operating hours.

WA Return Recycle Renew Ltd (WARRRL) have advised that same service can be provided by any community groups, individuals or business organisations, as being done in other Metro and Non Metro Councils and WARRRL will assist in setting up and organising Container for Change service.

As part of this Expression for interest, the following options are available to the Council, which would also ensure profits generated are retained locally and provide an additional business/employment opportunity.

Option 1. Business or Individual

based on the submission received Council could nominate a business or individual to run a container for change deposit scheme and not be involved at all.

This option effectively de-risks the Shire, while it also provides local business opportunity. It minimises Council involvement and eliminates the management problems as discussed above.

Financial implications for the Shire: Nil

Option 2. Community groups

based on the submissions received Council could nominate and hand over to a Community groups to run a container for change deposit scheme at their own centres/locations.

This option effectively de-risks the Shire, while it also provides community group opportunity. It minimises Council involvement and eliminates the management problems as discussed above.

Financial implications for the Shire: Nil

or Council can lease a separate portion of Landfill sites.

If Waste Landfill sites are considered:

This Service could be Setup by a fencing off portions of Muchea and Bindoon Landfill (sketch attached), however there are no sheds on site and would therefore require investment by either Council or a proponent.

The shed of approximately 200m² may be required and has access to Road. The shed should be powered, have area for storage of equipment, containers and have toilet facilities.

Parking area is required in front of the shed for public, staff and truck movements which would need to be considered as part of any development.

Financial implication for the Shire: \$200,000 per location

State

States strategic plan of reducing waste to landfill.

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Unlikely	Minor	Low	Ensuring compliance with landfill licence conditions, and the WAAR Act
Opportunity: Promoting waste reduction through community education using website and social media				

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050223

Moved Cr Hughes, seconded Cr Ross

That Council instruct the Chief Executive Officer to advertise an “Expression of Interest” to receive submission to manage and operate Container for Change services within the Shire of Chittering with the following conditions:

1. The facility would be managed and operated by any community groups, individuals or business organisation.
2. A report is brought back to Council with a recommended community group or individual or business organisation for the Council to make a final decision.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.45PM

CORPORATE SERVICES**CS01 – 02/23 List of Accounts Paid for the Period Ending 31 December 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 31 December 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 31 December 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 31 December 2022" is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060223

Moved Cr Curtis, seconded Cr King

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$2,067,852.74, for the period ending 31 December 2022:

1. PR6267, PR6276 ;
2. EFT24448 – EFT24660 ; and
3. Direct Debits, Cheques as listed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.49PM

CS02 – 02/23 Monthly Financial Report for the Period Ending 31 December 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 31 December 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 31 December 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 ImplicationsLocal

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 070223**Moved Cr Angus, seconded Cr Campbell****That Council receives the Monthly Financial Report for period ending 31 December 2022, as per Attachment 1.****CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.50PM

CS03 – 02/23 List of Accounts Paid for the Period Ending 31 January 2023

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

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

Executive Summary

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

Background

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

Consultation/Communication ImplicationsLocal

Acting Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy ImplicationsState

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 ImplicationsState

Nil

Local

Nil

Site Inspection

Not applicable

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

Officer Comment/Details

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080223

Moved Cr King, seconded Cr Campbell

That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$733,765.38, for the period ending 31 January 2023:

1. PR6279, PR6287 ;
2. EFT24661 – EFT24740 ; and
3. Direct Debits, Cheques as listed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.51PM

CS04 – 02/23 Monthly Financial Report for the Period Ending 31 January 2023

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

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

Executive Summary

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

Background

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

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

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

Consultation/Communication Implications

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

Legislative Implications**State**

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 ImplicationsLocal

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 090223**Moved Cr Angus, seconded Cr Ross****That Council receives the Monthly Financial Report for period ending 31 January 2023, as per Attachment 1.****CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.52PM

CS05 – 02/23 2022 – 2023 Budget Review

Applicant	Acting Executive Manager Corporate Services
File ref	13/02/37
Author	Acting Executive Manager Corporate Services
Authorising Officer	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	Absolute Majority (per local government act)
Attachments	1. Budget Review 2022-2023

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

Executive Summary

Council is requested to adopt the review of the 2022 – 2023 Budget.

Background

Section 33A of the *Local Government (Financial Management) Regulations 1996* requires that a local government carries out a review of its budget each year between January 1 and March 31. Council is required to consider the review and determine whether or not it should adopt the review and any recommendations made as part of the review.

Consultation Summary

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

Legislative ImplicationsState

Section 33A *Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy Implications

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

The adoption of the budget review will have an effect on the approved Council Budget.

Strategic Assessment / Implications

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

Site inspection undertaken: Not applicable

Risk Assessment / Implications

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

Officer Comment/Details

The financial year to date has seen considerable increase in services and materials due to the large CPI increase, however, still within the overall budget allocated for the financial year.

Details of changes to each schedule and notes to the revised budget are included in Attachment 1. 2022-2023 Budget Review.

The nett-effect of this budget review, is a \$0 change on the current Rate Setting Statement bottom-line.

The overall position of the budget has remained balanced due to the predicted surplus being allocated to areas of need.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100223

Moved Cr Ross, seconded Cr Hughes

That Council BY AN ABSOLUTE MAJORITY adopts the 2022 – 2023 Budget Review as presented in Attachment 1 and amend the 2022 – 2023 Budget accordingly.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 7.55PM

CHIEF EXECUTIVE OFFICER**CEO01 – 02/23 Occupational Safety and Health Statistics Report**

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 period ending 31 December 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 The period ending 31 December 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;
--

- 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 RESOLUTON 110223

Moved Cr Angus, seconded Cr Campbell

That Council receive the Shire of Chittering Occupational Safety and Health Statistics Report for the period ending 31 December 2022.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.59PM

CEO02 – 02/23 2021-22 Annual Report and Setting of Annual Electors Meeting

Applicant	Shire of Chittering
File ref	GOV.CM.2023
Author	Executive Assistant
Authorising Officer	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority (per local government act)
Attachments	1. 2021-2022 Annual Report

	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 accept the 2021-2022 Annual Report and recommend the date for the Annual Meeting of Electors.

Background

The *Local Government Act 1995* requires a local government to prepare an Annual Report each financial year and to hold an Annual Electors Meeting.

The Annual Electors Meeting is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The annual audit was undertaken by the Office of the Auditor General and signed off by the Director, Renuka Venkatraman on 20 December 2022.

Council, at their Ordinary Council Meeting held on 15 August 2018, resolved to:

...adopt the practice of holding the annual electors meeting, on a rotating basis, in the larger population centres of Muchea, Lower Chittering and Bindoon; with the 2018 meeting held in Muchea, 2019 in Lower Chittering and 2020 in Bindoon.

Following on from this resolution the 2021 meeting will be held in Muchea, 2022 in Lower Chittering and 2023 in Bindoon.

Therefore, the 2022 Annual Electors Meeting will be held in Lower Chittering.

The Audit and Risk Committee received the Annual Report 2022 at their meeting held 8 February 2023 as follows:

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Moved Cr Angus, seconded Cr Campbell

That the Audit and Risk Committee recommends to Council that it:

- 1. Receives the Audit Report of 20 December 2022 (as incorporated within the Annual Report);*
- 2. Pursuant to Section 5.54 and 5.55 of the Local Government Act 1995, accepts the 2021-2022 Annual Report; and*
- 3. Convenes the Annual Electors Meeting on Wednesday 22 March 2023 at the Lower Chittering Hall, 23 Chittering Valley Road, Lower Chittering commencing at 7.00pm.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 4.41PM

Consultation Summary

Local

- Acting Chief Executive Officer
- Acting Executive Manager Corporate Services

State

Nil

Legislative Implications

State

- Local Government Act 1995, Section 5.54(2)
 - (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.'*
- Local Government Act 1995, Section 5.27

Electors' general meetings

 - (1) *A general meeting of the electors of a district is to be held once every financial year.*
 - (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
 - (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*
- Local Government Act 1995 Section 5.29

Convening electors' meetings

 - (1) *The CEO is to convene an electors' meeting by giving—*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

State

Nil

Local

- Strategic Community Plan 2017-2027
Focus area: Strong leadership
Objective: S5.1 An engaged community
Strategy: S5.1.1 Encourage and promote community engagement

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Likely	Moderate	High	By bringing this through the Audit and Risk Committee and ultimately Council this risk is being mitigated and compliance will be met.
Opportunity: Nil				

Officer Comment/Details

Annual Financial Report:

The Shire of Chittering received an unqualified audit for the 2021/22 financial year. The audit opinion received (attached), stated that the Shire's financial report "is based on proper accounts and records and fairly represents, in all material respects, the results of the operations of the Shire for the year ended 30 June 2022, and its financial position at the end of that period in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards."

The audit highlighted areas for improvement in internal control for fair value frequency of valuations, which was due to a timing issue whereby the fair value valuations received were not complete and could not be included in the 2021/22 year reporting. Also excessive annual leave accrued, which has been addressed and management is working with officers to reduce annual leave accruals.

Annual Electors Meeting:

To meet the legislative requirements, the Annual Electors Meeting must be held by 12 April 2023.

It is recommended that Council receive the Audit Report as incorporated within the Annual Report, accepts the Annual Report and sets the date for the Annual General Meeting of Electors for Wednesday 22 March 2023, to be held at the Lower Chittering Hall, 23 Chittering Valley Road, Lower Chittering commencing at 7.00pm.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120223

Moved Cr Hughes, seconded Cr Ross

That Council BY ABSOLUTE MAJORITY:

1. Receive the Audit Report of 20 December 2022 (as incorporated within the Annual Report);
2. Pursuant to Section 5.54 and 5.55 of the Local Government Act 1995, accepts the 2021-2022 Annual Report; and
3. Convenes the Annual Electors Meeting on Wednesday 22 March 2023 at the Lower Chittering Hall, 23 Chittering Valley Road, Lower Chittering commencing at 7.00pm.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 8.03PM

CEO03 – 02/23 Corporate Business Plan 2022/23 – 2026/27

File ref	04/04/1
Author	Executive Assistant
Authorising Officer	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	Absolute Majority (per local government act)
Attachments	1. Corporate Business Plan 2022/23 – 2026/27

	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 Shire of Chittering Corporate Business Plan 22/23-26/27. The Plan has been prepared on the basis of what is considered both practical and affordable. That is, the Plan is consistent with the current Long Term Financial Plan.

Background

Under the *Local Government Act 1995*, Councils have the general power to provide for the good governance of the people in their district. They generally do this through the provision of a range of services along with investment in new and existing community infrastructure (roads, parks, sporting and community facilities). Local Governments are also required to assess and regulate planning and development and to provide for Emergency Services management and preparedness.

An essential part of the governance process is for Councils to determine exactly what services and infrastructure is required by residents and ratepayers through the process of preparing and enacting a Strategic Community Plan. Council's Strategic Community Plan 2022-2032 was reviewed and adopted by Council on 15 June 2022.

Council is required to update and review its planning documents on a regular basis and this review of the 'Corporate Business Plan' is part of that process.

The Corporate Business Plan activates The Strategic Community Plan priorities. It prioritises Councils Informing Strategies including the Long Term Financial Plan, Workforce Plan, Asset Management Plan, Sport and Recreation Plan (incorporating the Trails Strategy) and Economic Development Plan (incorporating the Tourism Strategy). The output of the Corporate Business Plan is the Annual Budget,

being the financial Representation of “Year 1” of the Corporate Business Plan and a reprioritised/roll forward Corporate Business Plan outlining all of the local government’s operations (including services, assets, Council priorities and projects), with detailed financial estimates, administrative responsibility and linkage to the Strategic Community Plan.

The Corporate Business Plan guides the formation of the annual budget and is reflective of community aspirations with regard to the provision and maintenance of services and facilities within the Shire. However, the Corporate Business Plan does not commit the Council to funding or proceeding with a particular project; that can only be done through the annual budget process. Nonetheless, it is a very important tool for planning and shaping future investment priorities.

Considerable time and effort has gone into preparing an affordable and realistic Plan with real project activities that reflect the aspirations and priorities of the community.

Consultation Summary

Local

Community Engagement was undertaken through In-Person Community Forums, Feedback Sessions and Physical and Online Surveys.

Community Forums were run using an Appreciative Enquiry type format. Numbers attending varied and those who attended participated well. The forums invited community members to suggest ideas and aspirations they had for their community and the Shire overall. As well, information was presented on the Shire at the moment and identification of changes likely to occur in the future. Ideas about the vision for the Shire were discussed as well as how to achieve the vision.

Three Focus Sessions were run with students at Bindoon Primary School and Immaculate Heart College as well as the Chittering Youth Krew. These sessions were run with these groups as they would otherwise be underrepresented in the feedback from the community. Questions were asked to elicit feedback of a similar nature to the community forums, though the sessions were of a more age appropriate nature.

Two surveys were conducted with the surveys being available both online and in printed form. The first survey asked the same questions that were posed at the Community Forums. This was because the questions were framed to develop a community vision and because the survey was released to give a chance to participate to those who could not attend the forums. The second survey was in relation to the Shire services. It sought to attain feedback about satisfaction levels with current services and also levels of importance of the services. With limited resources, it is important that the shire can move resources into the areas that are both underperforming and are important to the community.

There was also a trial of a ‘digital forum’ using the Shire’s ‘Have Your Say’ Facebook page. The trial was to find a way to allow people to engage with each other, as happens in a Community Forum, but in a way that allows them to do it on their schedule. There was positive feedback for the concept but there was no feedback received through this method.

State

Nil

Legislative Implications

State

- Local Government Act 1995

5.56. Planning for the future

(1) *A local government is to plan for the future of the district.*

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

- Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Acts. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
 - (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
 - (3) *A corporate business plan for a district is to—*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
 - (4) *A local government is to review the current corporate business plan for its district every year.*
 - (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
 - (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Local

Nil

Policy Implications

There are no direct policy implications. The effect of a Corporate Business Plan is to set the direction for the organisation and to determine the medium term priorities for the future.

Financial Implications

There is no direct financial implication from the adoption of a Corporate Business Plan, however the purpose of such a plan is to guide the allocation of resources and assist Council with its annual budget process.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area:	Administration and Governance
Objective:	S5.2 Accountable and Transparent Governance
Strategy:	S1.1.1 Become a leader in the areas of transparency, disclosure and public accountability.

Focus area: Administration and Governance
 Objective: S5.2 Accountable and Transparent Governance
 Strategy: S1.1.2 Responsible, sustainable and planned use of the Shire's financial resources

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Possible	Moderate	Moderate	By reviewing and updating these documents regularly, and bringing them through Council for adoption the risks are being mitigated and compliance is being met.
Opportunity: Nil				

Officer Comment/Details

That Council adopt the Corporate Business Plan.

While the Corporate Business Plan is an essential medium term (5 Year) planning document, it is important to note that the adoption of such a plan does not commit Council to funding particular projects or initiatives; that can only occur as part of the annual budget process.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130223

Moved Cr Angus, seconded Cr Ross

That Council adopt the Corporate Business Plan 22/23 – 26/27 as per Attachment 1.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 8.07PM

CEO04 – 02/23 Draft Disability Access and Inclusion Plan

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

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

Executive Summary

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

Background

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

Consultation SummaryLocal

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

The draft Disability Access and Inclusion Plan is presented to Council for purpose of adoption and to instruct the Chief Executive officer to seek public comment/submissions for considerations for any final amendments.

State

Consultation has been provided with the Office of Disability who have reviewed the document in full and provided comment and recommendation for some amendments.

Legislative Implications

National

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

State

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

Local

Nil

Policy Implications

State

Nil

Local

- 3.6 Equal Employment Opportunity

Financial Implications

Internal budget

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

Total Asset Management

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

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
Focus area: Our Community
Objective: S1.2.1 A Safe and Healthy Community
Strategy: S1.2.2 Improved education, health, disability and aged services

State

Nil

Site Inspection

Site inspections will be undertaken by the Shire's Building Coordinator and Building Surveyor as, and when required.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project (Time): Project	Possible	Minor	Moderate	Continue to keep

completion of Disability Access and Inclusion Plan has further delays as a result of public comments/submissions and document amendments. Final document must to be sent to the Department of Communities for their records.				Department of Communities informed of any delays and associated progress in the finalisation of the Disability Access and Inclusion Plan.
Opportunity: Nil				

Officer Comment/Details

The Draft *Disability Access and Inclusion Plan 2023-2026* has been developed to be a strategic guiding document for the Shire of Chittering to address access and inclusion issues impacting on the community. It identifies the strategies and the approach that the Shire of Chittering will take to address these.

The Disability Access and Inclusion Plan list the following strategies to improve access and inclusion:

- Outcome 1 People with disability have the same opportunities as other people to access the services of and any events organised by the Shire of Chittering.
- Outcome 2 People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Chittering.
- Outcome 3 People with disability have the same opportunity as other people to access information in a format that will enable them to access the information as readily as other people are able to access it.
- Outcome 4 People with disability receive the same level and quality of service from the employees and Councillors of the Shire of Chittering as other people receive.
- Outcome 5 People with disability have the same opportunities as other people to make complaints to the Shire of Chittering.
- Outcome 6 People with disability have the same opportunities as other people to participate in any public consultation conducted by the Shire of Chittering.
- Outcome 7 People with disability have the same employment opportunities as other people at the Shire of Chittering to obtain and maintain employment.

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

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

The Draft Disability Access and Inclusion Plan and survey was made available in alternate formats for a four week period. The Shire of Chittering received five formal responses and one informal response (social media comment) as a part of the community consultation. The feedback has been considered and comments already form a part of the draft Disability Access and Inclusion Plan, and do not require for the Plan to be updated or amended at this time.

Council is therefore requested to adopt the Draft Disability Access and Inclusion Plan 2023-2026.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140223

Moved Cr Ross, seconded Cr Angus

That Council:

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.11PM

CEO05 – 02/23 Compliance Audit Return 2022

Applicant	Shire of Chittering
File ref	04/02/0002
Author	Support Officer Governance
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Compliance Audit Return for 2022 2. 'Unconfirmed' Minutes of the Audit and Risk Committee Meeting held 8 February 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to adopt the Compliance Audit Return for 2022, which was presented to the Audit and Risk Committee on 8 February 2023; and receive the 'unconfirmed' minutes from that meeting.

Background

Each local government is to carry out a Compliance Audit for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government. The CAR, once completed, is to be presented to the Audit and Risk Committee and then a report is to be presented to Council for adoption of the return. A copy of the completed CAR is included as Attachment 1.

The CAR was presented to the Audit and Risk Committee and resolved as follows:

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION <i>Moved Cr Angus, seconded Cr Campbell</i> <i>That the Audit and Risk Committee review the Local Government Compliance Audit Return for the period, 1 January 2022 to 31 December 2022, and presents to Council for adoption at the Ordinary Meeting of Council on 15 February 2023.</i>	CARRIED UNANIMOUSLY 6 / 0 <small>TIME: 4.41PM</small>
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Consultation Summary

Local

Acting Chief Executive Officer
Acting Executive Manager Corporate Services
Executive Manager Technical Services

State

Nil

Legislative Implications

State

- Local Government Act 1995
5.22. Minutes of council and committee meetings
 - (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
 - (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
 - (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*
- *Local Government (Functions and General) Regulations*
- *Local Government (Administration) Regulations*
- *Local Government (Rules of Conduct) Regulations*
- *Local Government (Elections) Regulations*
- *Local Government (Audit) Regulations*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

Nil

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category:	Likely	Moderate	High	By bringing this through

Compliance				the Audit and Risk Committee and ultimately Council this risk is being mitigated and compliance will be met.
Opportunity: Nil				

Officer Comment/Details

The CAR for the 2022 calendar year has been completed by the Executive Management Assistant. It has been presented to the Audit and Risk Committee; they have reviewed the CAR and recommended that the CAR be adopted by Council as attached.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150223

Moved Cr Hughes, seconded Cr Campbell

That Council:

1. Adopt the Local Government Compliance Audit Return for the period, 1 January 2022 to 31 December 2022; and
2. Receive the 'unconfirmed' minutes of the Audit and Risk Committee Meeting held 8 February 2023.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.13PM

CEO06 – 02/23 Local Government Risk Management Report for 2022

Applicant	Shire of Chittering
File ref	04/02/0002
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	1. Risk Management Report for 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 approve the Risk Management Report for 2022.

Background

Audit Regulation No. 17 of the *Local Government (Audit) Regulations* requires that the Chief Executive Officer review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

The review may relate to any or all of the matters referred to above, but each of those matters is to be the subject of a review not less than once in every 3 financial years. A copy of the Risk Management Report for 2022 is included as **Attachment 1**.

The Risk Management Report was received by the Audit and Risk Committee at a meeting held 8 February 2023:

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Moved Cr Ross, seconded Cr Campbell

That the Audit and Risk Committee:

- 1 Receive the Risk Management Report 2022; and*
- 2 Recommend to Council for approval at the Ordinary Meeting held Wednesday 15 February 2023.*

CARRIED UNANIMOUSLY 6 / 0

TIME: 4.42PM

Consultation Summary

Local

Chief Executive Officer

Executive Manager Corporate Services

Executive Manager Technical Services

Executive Manager Development Services

State

Nil

Legislative Implications

State

Regulation 17 of the *Local Government (Audit) Regulations 1996* states:

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

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
Reputational: Loss of reputation by no longer doing things that have been done in the past	Possible	Insignificant	Low	Continuing to bring this through Council will mitigate the risk.
Opportunity:				

Officer Comment/Details

The CEO and extended Executive Management Team conducted a Risk Assessment workshop during July 2022, where risks were identified and mitigating actions with deadlines determined. This report will now form part of the Integrated Performance and Reporting system that is being implemented, and will provide regular updates.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160223

Moved Cr Angus, seconded Cr Ross

That Council approve the Risk Management Report for 2022.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.13PM

CEO07 – 02/23 Muchea Recreation Centre – Removal of Native Vegetation

Applicant	Shire of Chittering
File ref	A9073
Author	Building Surveyor/Project Manager
Authorising Officer	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	<ol style="list-style-type: none"> 1. Approved Construction Plan 2. National Trust Letter 3. Netball Court Plan. Option 1 4. Netball Court Plan. Option 2

	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 confirm its decision to remove three trees to enable the construction of a netball court as part of the Muchea Recreation Centre project. If the removal of the trees is not considered acceptable, Council is requested to select a suitable alternative.

Background

At its Ordinary Meeting held 17 August 2022, Council awarded the tender for the construction of Muchea Recreation Centre. As part of this awarded tender was documentation and plans which identified the removal of three native Marri trees in a location identified for one of the new sports courts (netball court). The approved plan is provided in Attachment 1.

The Shire administration has now recently been made aware of some community concern over the removal of the trees with suggestions that the trees are protected through the National Trust list of significant trees. These concerns are coupled with suggestions from the community to relocate the netball court in order to preserve the three trees on site.

The purpose of this report, is to either get reaffirmation from Council to proceed with the construction of the netball court and subsequently remove the trees, or consider adjusting the location of the netball court and the costs attached to this alteration.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Regulation 5, item 1 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* stipulates that the clearing of native vegetation for the lawful construction of a building or other structure is exempt from obtaining a clearing permit as long the relevant approvals have been obtained.

The subject netball court which is part of the greater Muchea Recreation Centre development is considered an approved structure for the purpose of this provision and as such, does not require a clearing permit to be obtained.

Local

Nil

Policy Implications

State

The National Trust of Western Australia identified in a letter to the Shire in 2019 the Marri trees on Lot 151 Archibald Street (site of the Recreation Centre) to be of heritage significance and are 'classified'. The letter also states that the classification of the trees with the National Trust has 'no legal significance'. The letter from the National Trust is provided as an attachment to this report (Attachment 2).

Local

Nil

Financial Implications

As noted in the background of the report, Council are requested to provide direction on how to proceed with the removal of the three Marri trees. The options presented to Council for consideration include two options for relocating the netball court, and one for proceeding with the planned location but applying mitigating measures in lieu of the removal of the three trees. The mitigating measures including installation of three cockatoo nesting boxes in the locality, 30 replacement trees being planted and the trunks of the removed trees being used for seating, part of a playground or an art sculpture.

Each of the three options has a financial implication which are summarised by the below tables. Please note that costs are approximate at this stage:

Removal of trees and mitigating measures	
3 Cockatoo Nesting Boxes and installation	\$3,000
30 Replacement trees and planting	\$4500
Tree removal	Nil
Tree trunks used for seating/playground	\$3,000
Total extra cost	\$10,500

Cost for Relocation Option 1 – Refer to Attachment 3	
Relocation of Electrical Cabinet	\$80,000
Extra construction costs	Similar to Tendered price
Extra Design Costs	\$20,000
Less Tree removal	(\$11,000)
Total extra cost	\$89,000

Cost for Relocation Option 2 – Refer to Attachment 4	
Substrate, Asphalt, Line Marking and Court Equipment.	Similar to Tendered price
Extra construction costs	Similar to Tendered price
Extra Fencing Costs	\$10,000
Extra design Costs	\$10,000
Extra Lighting Costs	\$100,000
Less Tree removal	(\$11,000)
Total extra cost	\$109,000

Strategic Assessment / Implications

Nil

Site Inspection

Site inspection undertaken: Yes.

Risk Assessment / Implications

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

Officer Comment/Details

The Muchea Recreation Centre site has been selected by the Muchea Community primarily as a recreation area. The construction plans have been approved by Council with the Recreation Centre being strategically placed to provide the best facilities for the community in the limited space available. While every attempt is made for projects such as this to conserve the native vegetation, it is not always possible.

It is recognised that other elements of the project have been modified to accommodate the native vegetation including the placement of the irrigation area for the wastewater disposal system, to preserve other Marri trees and a number of grass trees.

The costings for three options available to Council have already been provided in the 'Financial Implications' of this report. Two of the options require the relocation of the subject netball court and are summarised below:

Option 1 – Attachment 3

This option involves the relocation of the netball court to the site of the existing Muchea Hall, which is to be demolished as part of this project. To put the netball court on the site of the Muchea Hall reduces the

availability of parking and blocks access to the new facilities. The cost of this relocation is also prohibitive. For these reasons this option is not recommended by Shire officers.

Option 2 – Attachment 4

This option involves the relocation of the netball court to the existing multi-purpose/netball court at the northern end of the Recreation Centre development, which is being used as a laydown area for the construction activities. This option may be acceptable as it would only require the renovation of the existing netball court, however it reduces the total number of courts available for use at the Centre. The cost of this option is also significant and as such, is not recommended by Shire officers.

Option 3 – Removal of Trees as Planned

This option is to continue with the construction of the Recreation Centre in accordance with the approved construction plans, which will result in the removal of the three Marri trees. Officers acknowledge the recent concerns of the community and propose the following mitigating measures in lieu of the tree removal:

- Installation of three cockatoo nesting boxes/tubes in suitable locations within the site. It is understood that black cockatoos may frequent the three subject trees for nesting and foraging. The breeding opportunities of these birds is typically constrained through available nesting hollows in trees that need to be a certain size. Providing three cockatoo nesting boxes/tubes would ultimately increase nesting opportunities for the black cockatoos in the area providing a net environmental benefit;
- Planting 30 native trees at appropriate locations at the site in lieu of removing the three trees (replanting ratio of 10:1). This would ultimately have a net environmental benefit;
- Repurposing the trunks of the removed trees for seating at the recreation site, incorporation into a nature playground or converted into a sculpture for art works (Council can direct if and how to repurpose the trees if considered appropriate).

It will also be recommended as part of the tree removal process that appropriate steps are taken to ensure that no fauna is present in the trees prior to their removal.

It is officer's recommendation that Council proceed with Option 3 and the trees are removed with the appropriate mitigating measures implemented.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170223

Moved Cr Angus, seconded Cr Ross

That Council:

1. Instruct the Chief Executive Officer to continue with construction of Muchea Recreation Centre as specified in Tender Contract SC22-002 which involves the removal of three Marri trees.
2. Approve the following measures in lieu of the removal of the 3 trees:
 - a) appropriate installation of three nesting boxes/tubes within the locality for the purpose of facilitating black cockatoo breeding;
 - b) Planting of 30 native trees in appropriate locations around the Muchea Recreation Centre site; and
 - c) Repurpose the trunks of the removed trees for use as seating, playground or artwork within the Muchea Recreation Centre site.
3. Authorise the Chief Executive Officer to make any necessary budgetary adjustments to include the above mitigating measures within the budget for the Muchea Recreation Centre Project.

CARRIED 4 / 3

TIME: 8.50PM

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

FORESHADOWED MOTION

Moved Cr Curtis

That Council:

1. Instruct the Chief Executive Officer to implement Option 2
2. Authorise the Chief Executive Officer to make any necessary budgetary adjustments to include the above mitigating measures within the budget for the Muchea Recreation Centre Project.

AMENDMENT

Moved Cr Hughes, seconded Cr Campbell

That Council amend the Officer Recommendation at point 2 to read:

2. Approve the following measures in lieu of the removal of the 3 trees subject to obtaining an approved clearing permit for their removal from the applicable Department:
 - a) appropriate installation of three nesting boxes/tubes within the locality for the purpose of facilitating black cockatoo breeding;
 - b) Planting of 30 native trees in appropriate locations around the Muchea Recreation Centre site; and
 - c) Repurpose the trunks of the removed trees for use as seating, playground or artwork within the Muchea Recreation Centre site.

LOST 2 / 5

TIME: 8.44PM

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

CEO08 – 02/23 Lower Chittering Community Centre – Draft Business Plan and Asset Management Plan

Applicant	Alison Reliti
File ref	RCS.PROJ.LWR CHT HALL REPLACEMENT
Author	Community Development Officer
Authorising Officer	Melinda Prinsloo, 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. Business Plan 2. SDR Community Feedback Results.

	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 accept and endorse the Lower Chittering Community Centre Business Plan created by Whitney Consulting.

Council is requested to review the Lower Chittering Community Centre Schematic Design Report (LCCC SDR) Community Engagement Results, and endorse the LCCC SDR received at the OCM on 20 July 2022.

Council is requested to instruct the CEO to proceed with applications for funding for the construction of the Lower Chittering Community Centre, in line with the approved Long Term Financial Plan timeline for construction in 2024/2025.

Background

In 2020/2021 community consultation was conducted around the replacement of the existing Lower Chittering Hall. The Lower Chittering Hall Replacement (LCHR) Reference Group was formed in August 2021, and an alternative site was selected to construct a new Community Centre in Lower Chittering on the Lower Chittering Community Space, Lot 100 Muchea East Road, Lower Chittering.

In November 2021, Site Architectural Studios were selected to work with the LCHR Reference Group to create a Schematic Design Report (SDR), which was received by council at the OCM on Wednesday 20 July 2022. The SDR was opened for public comment in August 2022, with the attached feedback to be used as part of final architectural design once the project is approved by Council.

In September 2022 Whitney Consulting was engaged to create a Business Plan and Asset Management Plan for the Lower Chittering Community Centre, as per the 2022/2023 annual budget.

Consultation Summary

Local

- Community Development Review – 2019/2020
- Sport and Recreation Plan Review – 2020/2021
- Community Forums 2019 – 2021
- LCHR Reference Group – 2021/2022
- Community Comment on SDR – August 2022

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

The construction of stage one of the Community Centre is estimated at \$5.2 million, with the following contribution breakdown in the Long Term Financial Plan for 2024/2025:

Shire Contribution (Loan)	\$ 1,735,000
LCRI Funding	\$ 665,000
Muni /grants/income	\$ 2,800,000

The following funding opportunities have been identified to facilitate the additional grants and income:

- Lotterywest
- Safer Communities
- Crowd Funding
- Corporate Sponsorship/Grants

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 - S1 – Connected Communities
 - S3 – Improving Infrastructure
 - S5 – Accountable and Transparent Governance

Site Inspection

Site inspection undertaken: Not Applicable

Risk Assessment / Implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Time & Financial Impact – Council delays approval, meaning extended time frames and additional construction costs due to current building climate.	Possible(3)	Major (3)	Moderate (9)	Regular communication with Council. The Business Plan, and SDR have been created in consultation with Council staff, community members, current and potential users, and industry specialists. It includes reference to previous consultation, relevant demographic information, and current best practice models. Project is in line with the current Long Term Financial Plan, approved by Council.
Opportunity: Chance to commence project and save money by completing construction before anticipated building cost increases occur.				

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Impact – Council approves project and expenditure limiting funds available for other projects. This may result in other projects being postponed or cancelled, and services being limited.	Unlikely (2)	Major (4)	Moderate (8)	Council has approved a Long Term Financial Plan which has an allocation for the Lower Chittering Community Centre (Hall Replacement) Calculations show that Council can afford this project alongside other small projects and required services.
Opportunity: Chance to find alternate ways to fund small projects which arise, by engaging with our community and corporate funders.				

Officer Comment/Details

The Lower Chittering community have identified through numerous consultations that a new space created to facilitate connectivity for residents is required in Lower Chittering. The current facility, the Lower Chittering Hall, located at 23 Chittering Valley Road, will soon be unfit for the type of events and gatherings which can develop relationships, nor will it provide areas for activity, both passive and recreational which aid in the health of residents.

A Request for Public Comment on the Schematic Design Report for the Lower Chittering Community Centre was delivered through postal service to surrounding neighbours of the project including residents, owners, Divine Mercy Church, and Immaculate Heart College. It was also advertised on our Facebook page and website.

Eight submissions were received. Most of the comments were focussed on the external façade of the building. Many of these comments can be addressed in the final design process with the architect. The internal design was received well overall.

With the Muchea Recreation Centre now under construction, it will become the central recreation facility for the southern areas of the shire, creating an opportunity for the Lower Chittering Community Centre to become the “community” base for the same area. With the completion of the Northlink, the southern area of our shire is becoming very attractive to families wanting to live outside of the city, and the population is growing accordingly.

The Lower Chittering Community Centre Business Plan shows that the Shire of Chittering will benefit on a number of levels from the construction of a community centre at the Lower Chittering Community Space. The following is taken directly from the Business Plan created by Whitney Consultants:

Population

The location of the proposed community centre makes it highly accessible to the population of Muchea and Chittering as well as Lower Chittering. This accessibility is particularly enhanced by a planned extension of Guernsey Rise which will significantly reduce the trip to Lower Chittering for people in Chittering, namely Blue Plains Estate residents.

This increased accessibility means a larger direct catchment area for the community centre and the number of residents it will serve. The community centre will likely, with its proposed size and amenity, also be attractive to user groups within the entire Shire as well as beyond, and as such attaining the status of being a Regional Facility.

Need for Community Connection.

Community connectedness is the measure of an individual’s sense of community – that is, how connected an individual feels to those around them. A leading study into the wellbeing of Australians for the last 20 years, the Australian Unity Wellbeing Index reports that:

“Feeling as though we are part of a diverse and supportive community has a positive impact on our wellbeing. Our communities offer us collective support, a sense of belonging, and play a key role in combating loneliness as we age”.

The existing Hall does not meet current community standards. This means that the community is less likely to use the space and anecdotally will, if they have access to transport, travel to nearby City of Swan to avail themselves of the facilities there. Travelling away from the Shire to access facilities elsewhere results in less opportunities for the local community to come together and dilutes or prevents the formation of social capital, leading to individuals feeling more isolated. With the rapid population growth in the area, there has been a corresponding growth in demand for provision of social infrastructure and services. The proposed project, the Lower Chittering Replacement Hall Replacement seeks to meet this demand via provision of a larger, more architecturally flexible Community Centre, which meets current social infrastructure standards. According to Infrastructure Australia, social infrastructure, such as Community Centres is essential to maintaining and improving the quality of life of all Australians. It is critical for social inclusion and cohesion. Social infrastructure provides not only the essential services required for communities to function, but also the services that make places liveable and help improve the quality of life for people living there.

The Lower Chittering community have been involved in consultations for a new facility in their locality since the project was first raised over 10 years ago. The current SDR and Business Plan, have been created from the latest consultations, and are in line with the Long Term Financial Plan, Sport and Recreation Plan, and Community Strategic Plan. The Community Centre will meet the current and future social, physical and psychological health, and infrastructure needs.

As has been identified in the Long Term Financial Plan, Council can afford to complete the Muchea Recreation Centre redevelopment, the Bindoon Mountain Bike Park trails, and the Lower Chittering Community Centre without reduced service provision for residents and ratepayers.

OFFICER RECOMMENDATION

Moved Cr Ross, seconded Cr Angus

That Council:

1. Accepts and endorses the Lower Chittering Community Centre Business and Asset Management Plan created by Whitney Consulting.
2. Receive the Lower Chittering Community Centre Schematic Design Report (LCCC SDR) community engagement results, and endorse the LCCC SDR received at the OCM on 20 July 2022.
3. Instructs the Chief Executive Officer to commence applications for funding towards the Lower Chittering Community Centre, in line with the approved Long Term Financial Plan timeline for construction in 2024/2025.

AMENDMENT

Moved Cr Curtis, seconded Cr Angus

That the officer recommendation be amended to include:

1. At the point of final approved plans that due consideration be given to vegetation and the natural environment.

CARRIED 6 / 1

TIME: 8.58PM

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

Against: Cr Dewar

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 180223

Moved Cr Ross, seconded Cr Angus

That Council:

1. Accepts and endorses the Lower Chittering Community Centre Business and Asset Management Plan created by Whitney Consulting.
2. Receive the Lower Chittering Community Centre Schematic Design Report (LCCC SDR) community engagement results, and endorse the LCCC SDR received at the OCM on 20 July 2022.
3. Instructs the Chief Executive Officer to commence applications for funding towards the Lower Chittering Community Centre, in line with the approved Long Term Financial Plan timeline for construction in 2024/2025.
4. At the point of final approved plans that due consideration be given to vegetation and the natural environment.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.03PM

ITEM 10. REPORTS OF COMMITTEES

Nil

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

MOTION / COUNCIL RESOLUTION 190223

Moved Cr Ross, seconded Cr Hughes

That Council approve the following item as new business of an urgent nature and move into a confidential session to discuss the item:

- NB01 – 02/23 Appointment of Chief Executive Officer

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.05PM

Members of the public, Melinda Prinsloo, Jake Whistler and Sue Mills left the Chambers at 9.05pm.

Leo Pudhota assumed the Chair of the Acting CEO.

ITEM 14. MEETING CLOSED TO THE PUBLIC**Matters for which the meeting may be closed****NB01 – 02/23 Appointment of Chief Executive Officer**

Applicant	Shire of Chittering
File ref	22/02/83
Author	CEO Recruitment Committee & Executive Assistant to CEO
Authorising Officer	Acting CEO, Leo Pudhota
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Recommendation 1 - Absolute Majority (per Local Government Act) Recommendation 2 – Simple Majority
Attachments	1. CEO Employment Contract CONFIDENTIAL

Reason for Confidentiality

In accordance with the *Local Government Act 1995* Section 5.23(2)(b)(c):

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) the personal affairs of any person; and*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

	<i>Authority / Discretion</i>	<i>Definition</i>
<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>

OFFICER RECOMMENDATION 1 / COUNCIL RESOLUTION 200223

Moved Cr Hughes, seconded Cr Campbell

That Council BY AN ABSOLUTE MAJORITY:

1. Notes the outcomes of negotiations with the preferred candidate, including the following variation to the draft employment contract as endorsed at the Special Council Meeting held on Tuesday 10 January 2023:
 - a. Total reward package of ~~\$200,000pa~~ \$211,554pa.
2. Confirms, in accordance with section 5.37(2)(b) and Clause 12 of the Shire's adopted Standards for CEO Recruitment, Performance and Termination, that the Council is satisfied with the finalised terms of the employment contract as presented in Attachment 1.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 9.08PM

OFFICER RECOMMENDATION 2 / COUNCIL RESOLUTION 210223

Moved Cr Ross, seconded Cr Campbell

That Council:

1. Confirms, in accordance with section 5.39(7) and (8) of the *Local Government Act 1995*, that the total reward package calculations as detailed in Attachment 1 is within the Band 3 threshold specified in the Salaries and Allowances Tribunal 2022 Local Government Chief Executive Officers and Elected Members Determination.
2. Confirms, in accordance with Regulation 18F of the *Local Government (Administration) Regulations 1996*, that the remuneration and other benefits to be paid to the CEO under the employment contract do not differ from the remuneration and benefits advertised for the position.
3. Confirms, in accordance with section 5.3(2)(a) that the Council believes the preferred candidate named in the confidential attachment is suitably qualified for the position of Chief Executive Officer.
4. Authorises the Shire President, in accordance with s9.49A(2), to execute the employment contract on behalf of the Shire of Chittering, with the preferred candidate named in Attachment 1.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.11PM

PROCEDURAL MOTION / COUNCIL RESOLUTION 220223

Moved Cr Angus, seconded Cr Campbell

That Council come out from behind closed doors.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.12PM

Melinda Prinsloo, Jake Whistler and Sue Mills returned to the Chambers at 9.12pm.

Public reading of resolution that may be made public

There were no public present so the resolutions were not read aloud.

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 9.13pm.