



COUNCIL MINUTES

Ordinary Meeting of Council

7pm, Wednesday 19 July 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.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on _____

Signed _____

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

Disclaimer

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7.00pm.

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

Attendance

The following members will be in attendance:

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

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Jake Whistler	Executive Manager Development Services
Denaye Kerr	Executive Assistant

Members of the General Public: 2

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

21 June 2023	Citizenship Ceremony Councillor Information Session Ordinary Meeting of Council
22 June 2023	Chittering Chamber of Commerce Community Event
23 June 2023	Avon Midland Zone Meeting – Wongan Hills
28 June 2023	Chittering Residents and Ratepayers Public Meeting
7 July 2023	President and CEO Meeting
12 July 2023	Councillor Information Session Agenda Forum

Cr Mary Angus

21 June 2023	Citizenship Ceremony Councillor Information Session Ordinary Meeting of Council
22 June 2023	Chittering Chamber of Commerce
23 June 2023	Avon Midland Zone Meeting – Wongan Hills
7 July 2023	President and CEO Meeting
12 July 2023	Councillor Information Session Agenda Forum
14 July 2023	Community Assistance Grant Meeting
15 July 2023	Youth Krew Meeting

Cr Kylie Hughes

21 June 2023	Citizenship Ceremony Councillor Information Session Ordinary Meeting of Council
10 July 2023	Muchea Recreation Centre User Group Meeting
12 July 2023	Councillor Information Session Agenda Forum

Cr Carmel Ross

21 June 2023	Councillor Information Session Ordinary Meeting of Council
12 July 2023	Councillor Information Session Agenda Forum
16 July 2023	Chittering Chamber of Commerce
18 July 2023	Taste of Chittering Steering Committee

Cr John Curtis

21 June 2023	Councillor Information Session Ordinary Meeting of Council
12 July 2023	Councillor Information Session Agenda Forum
14 July 2023	Chalice Site Visit

Cr Mark Campbell

21 June 2023	Citizenship Ceremony Councillor Information Session Ordinary Meeting of Council
28 June 2023	Chittering Residents and Ratepayers Public Meeting
12 July 2023	Councillor Information Session Agenda Forum

Cr David Dewar

21 June 2023	Councillor Information Session Ordinary Meeting of Council
12 July 2023	Councillor Information Session Agenda Forum

ITEM 3. DISCLOSURE OF INTEREST

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Taken on notice at the Agenda Forum held 14 June 2023.

PQT01 – 06/23 Lee Martin, Bindoon

Question: Has Council had any input into the implementation of the Aboriginal Act that is coming into effect?

Response: *We acknowledge that there is a lot of confusion with regard to the Act and we will endeavour to find a subject matter expert to present to the Council and Community.*

The Shire has contacted the Department and requested a community workshop to be presented in Bindoon. Feedback on a date and time will be provided as soon as the Department has confirmed.

Taken on notice at the Ordinary Council Meeting held 21 June 2023.

PQT01 – 06/23 Colleen Osborn, Bindoon

Question: As a Chair of the Reference Group or any other Councillor here can you tell me what information you received from the Midlands Netball Association in relation to the return of the Muchea Netball Club to the competition and do you know how many members there are of the Muchea Netball Club?

Response: *The Shire does not engage with the Midlands Netball Association regarding Club competitions or the future of club sports in the Shire. The responsibility of the Shire is to*

ensure multi-generational facilities are built to provide for any eventuality and that would provide our clubs the greatest opportunity for success in the future.

PQT02 – 06/23 Alfreida Heir, Bindoon

Question: Will you or will you not provide me with the name or names of the DWER officer whom the Shire officers have communicated with in relation to the advice Councillors have received that it is not necessary to submit an application to destroy the three Marri trees impacted by the provision of the Muchea Recreation Centre?

Response: *The interactions between the Shire and DWER were over an extended period, with several officers involved. The Shire is not able to disseminate information about a third party – this information should be requested directly from DWER.*

PQT03 – 06/23 Nikki Kleinitz, Chittering

Question: My family and our neighbours have raised several times over the last year with the Shire that the verge drainage and sump in front of our property is not sufficient for the volume of water that is regularly received in our area. We have undertaken significant and costly works on our own land to remediate this, but these works are limited by the volume of water that enter our property. What does the Shire plan to do in the immediate future to rectify this issue and prevent further damage to our property and assets?

Response: *The Shire has had several engagements and site visits relating to the drainage matter. It was agreed that a permanent solution would be extremely costly as well as time-consuming, therefore a temporary solution to slow down water entering the drainage system on the property was proposed and built. Unfortunately, the drainage on the property (upon which this solution relied) was filled in, which caused the flooding, and there is no remediation that the Shire would be able to do to avoid this, as any solution would still require the drainage on the property to be intact.*

Your property is situated at a low point of two topographical rises such that the upstream surface water naturally runs-off to the front of your property. During winter and particularly at high rainfall events, the ground becomes saturated to the extent that there is no viable option other than to channel the surface water to the next natural low point, without affecting down-stream properties. The sump installed by the Shire was designed to slow the water flow before release through your property via the existing drainage channel and swale previously constructed by you. We understood that the surface water was then going to be directed into the neighbours dam with an overflow to be constructed to direct the overflow down the fire break of the downstream property and then to an existing drainage system. This approach appeared to be a well thought out solution to not only protect your house and infrastructure, but also ensure the neighbours dam is seasonally refilled and the outflow is controlled to protect the downstream property. The construction of the sump was meant to work with your existing drainage system and your removal of this drainage channel has only worsened the problem. The video you provided to Council shows a very significant water flow that no drainage sump, once filled, can slow the flow of water during a high rainfall event. By virtue of your property location, surface water drainage will always be problematic and there is no solution Council can provide to remedy this. We suggest that you consider reinstating a more substantial drainage system at the front of your property to direct the

water down your fire break swale and continue to work with your neighbours to implement your drainage plan.

Question: To this we were advised by Council that there would be an allowance in the maintenance budget to deepen and widen the sump and drain if needed. Why hasn't this been utilised as the current size isn't fit for purpose and can this budget be used to remediate the area around the drain and remove the dirt that was removed when they dug the drain which has been left on the verge and the verge has been left untidy?

Response: *Any solution would rely on the drainage on the property to be in place to avoid flooding through the property. A deeper, wider sump would still need to be able to overflow in a drainage system, as the property is in the basin and lowest point of the area.*

Public question time

PQT01 – 07/23 Michelle Davies, Muchea

Question: On the morning of the 11th July 2023, the marri trees were destroyed. My son and I heard the chainsaws and mulching machinery from our property just over 1km away. When responding to questions regarding the trees Council has stated that "Councillors represent the interest of all people living within the Shire and sometimes a decision which is popular with a majority group can be unpopular with a smaller group". My question to Council is, how do you know that the decision to destroy the trees was in fact supported by the majority of the people living within the Shire and what data has been used to verify that statement?

Response: *The President advised that in the past when Council has been faced with community interest or angst in a particular topic, let's use Bell Hill as an example, Chambers was overflowing out the door with people wanting to express their view regarding that development. We've not seen any substantial support for retaining the trees other than the, yes there was a petition, but that has been the extent. Council has convened on a number of occasions and this Chambers hasn't been full. We could talk to the community and our view is, by the interest shown, it is a very small group of people who were in support for retaining the trees as opposed to those who were more in support of having a fully functional multi-generational redevelopment of the Muchea Recreation Centre. There is simply not enough numbers, not even on Facebook, if you can point to me where there is substantial support of retaining the trees then I would certainly look at it but I haven't seen it and it hasn't come to me. My phone number and email is publicly available on the Shire website as are all the Councillor details, not one person other than a few being Natalie Vallance, Colleen Osborn and maybe Louise Yates have bothered to contact to voice their view. Bell Hill, my phone rang hot and my email rang hot, so simply the numbers aren't there, it is a minority view to wanting to retain the trees. We didn't demolish the trees, we removed the trees and we did it carefully, we engaged a zoologist to ensure there were no wildlife in the trees and if there were they could relocate them, so we have followed due process, we have spoken to DWER, we have done everything we possibly could and if we had done something wrong I am very very sure that the people who were against the tree removal would have found a compelling legal argument why these trees should remain, but there wasn't one.*

Question: In the future when issues like this come up in the Shire where you may want to seek the voice of the community, will the Shire utilise the modern technologies and methods that are now available such as surveys or your 'have a say' option to actually seek the community voice?

Response: *The President advised that we do follows all platforms of advertising including the Facebook page the Shire website and also Northern Valley News. Let me give you an example, we will put out a survey to the community and we will get may anywhere between 36 and 112 responses back, that is the level of response we get where we are trying to engage with the community and asking them to provide feedback. It has been an ongoing problem, we make every effort to do so and we will continue to do so but it needs the community to respond for us to know the broader view. If the community isn't responding then we would naturally assume that they are in agreement with what Council are proposing. As I said on a small group, a minority group of people came forward about the marri trees. We also rely on a User Group and the User Group is there to represent the users of the Hall and provide community feedback into the group that then inform Council's decision ultimately on what that development would entail. We always endeavor to consult with the community, I don't believe we have done anything wrong, I don't think we have failed, but there is a general lack of community engagement. Going forward if the community could be more involved then that would help us make better decisions.*

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 010723

Moved Cr Curtis, seconded Cr Angus

That leave of absence be approved as follows:

Cr John Curtis – 1 August 2023 through to 10 August 2023 (inclusive).

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.16PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 21 June 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020723

Moved Cr Angus, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 21 June 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.17PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 07/23 Review of Council Policy 10.5 – ‘Multiple Dogs’**

Applicant	Shire of Chittering
File ref	04/03/1
Author	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. Draft Council Policy 9.5 – Multiple Dogs 2. Current Council Policy 10.5 – Multiple Dogs

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

Executive Summary

The *Shire of Chittering Dogs Local Law 2023* has recently been gazetted. To coincide with the updated Local Law, a review of the Council Policy 10.5 – Multiple Dogs has been undertaken to ensure Council has clear direction on how to assess and determine applications for multiple dogs.

Background

At its meeting held 19 April 2023, Council resolved to adopt the *Shire of Chittering Dog Local Law 2023*, which provides amendments to the previous Dog Local Law 2011. A significant amendment to the Local Law was the increase in the number of dogs that can be permitted (as a right) in the rural residential areas of the Shire. The below table illustrates the change that has occurred between the two versions of the Local Law:

	Local Law 2011	Local Law 2023
Townsite	2 dogs	2 dogs
Residential	3 dogs	2 dogs
Rural Residential	2 dogs	3 dogs
Agricultural Resource (Rural)	3 dogs	3 dogs

As can be seen above, the number of dogs that can be permitted on a rural residential property has increased from two (2) to three (3). There has also been a correction to the permitted number of dogs in

the Residential zone which was effectively not captured in the 2011 local law (and therefore the default 3 dog limit was applied). A limit of 2 dogs now applies to premises in the Residential zone (i.e. Wildflower Ridge).

Pursuant to the Section 26(3) of the *Dog Act 1976*, the limitations on the number of dogs permitted at a premises captured under the Shire's Local Law, can be varied with the approval of the Local Government. There is a history of the Shire of Chittering approving applications to keep multiple dogs in excess of the numbers prescribed in the Local Law. This has occurred either through Council or via delegated authority of Shire staff in the instance no objections from neighbours has been received. This has raised some questions over the validity of the Shire's Local Law if it is constantly varied, and made it difficult for the local government to refuse applications for multiple dogs given there are historical precedents established.

The gazettal of the *Shire of Chittering Dog Local Law 2023* and the variations made to the permitted number of dogs, is an opportunity for Council to change the way the provisions of the Local Law are applied, and how multiple dog applications should be assessed. As such, a review of the current Council Policy 10.5 – Multiple Dogs has been undertaken and is presented to Council for consideration. A copy of the draft amended Council Policy 9.5 is contained within Attachment 1 to the report.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Dog Act 1976*
As noted in the background of this report, Section 26(3) of the *Dog Act 1976* permits a local government to allow up to 6 dogs at a premises, notwithstanding the limitations of dogs prescribed in an Local Law.

Local

- *Shire of Chittering Dog Local Law 2023*
The Shire of Chittering Local Law 2023 prescribes the maximum amount of dogs that can be permitted in various zones, without the need for approval from the Shire. Any Council Policy adopted should be complimentary of the Local Law and simply provide guidance on how a Multiple Dog application should be processed and the criteria under which the application should be assessed. It is important to note that any inconsistency between a Council Policy and a Local Law, the Local Law will prevail.

Policy Implications

State

Nil

Local

- Council Policy 10.5 – 'Multiple Dogs'
Council Policy 10.5 – 'Multiple Dogs' is the matter of consideration. At present, Council Policy 10.5 simply prescribes the process for Shire officers to undertake should a person make application for multiple dogs. A copy of the current Policy is provided in Attachment 2 of this report.

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

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Possible	Minor	Low	Provide clarity on how Multiple Dog Applications will be assessed
Opportunity: To provide a consistent approach to restrict the number of dogs permitted at each premises within the Shire.				

Officer Comment/Details

Council is to consider an amendment to Council Policy 10.5. The draft Policy 9.5 proposes to clarify the criteria under which an application for additional dogs at a premises will be considered. The draft Policy will reiterate the criteria identified in the Local Law under which a multiple dog application can be considered which are the following:

- To replace an elderly or sick dog not expected to live, that is already registered to the subject property;
- A family emergency resulting in the dog being inherited;
- Merging of two households;
- Where the applicants have had approval to keep the subject additional dog or dogs in another local authority; or
- On premises zoned as rural or rural residential under the Shire’s local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

An additional provision is included in the draft Policy which stipulates that the above criteria are the only circumstances under which an application for additional dogs will be considered.

In addition to the above, the process for applying for multiple dogs will also be clarified within the draft Council Policy 9.5. The revised process will dictate that a person wishing to apply for additional dogs will need to seek approval from the Shire, prior to obtaining the dog or relocating the dog to the premises. Should an approval be granted, the approval can be conditioned so that the dog is to be registered with the

Shire and microchip number provided within a 21 day time period. The draft Policy will stipulate recommended conditions to apply to approvals granted to ensure a consistent approach.

Historically, the Shire has informally advised residents that it is preferable to obtain the additional dog(s) in the first instance, prior to applying for approval. This approach was taken so the assessing Ranger could witness the dog's condition and behaviour in its environment to determine whether it was suitable or not. While there are benefits to this process as it gives the assessing officer and the Shire the confidence whether or not the additional dog(s) will cause a nuisance to the area, it does make it difficult should the Shire refuse the application. This may have led to an implied pressure on the Shire to grant approvals to applications received, avoiding a dog owner being forced to part with their new dog.

The modified process is proposed to be documented within the draft Policy so that it provides officers clarity, which can then be communicated to the community and future dog owners of the Shire.

It is considered an opportune time to make such an adjustment to the Policy as the number of dogs permitted within the various zones has recently been updated through the Dog Local Law 2023. The change to the Local Law can be seen as a 'reset' to how the Shire approaches multiple dogs, without being burdened by past decisions and precedents. It is recommended that Council adopt Council Policy 9.5 – Multiple Dogs as provided for in Attachment 1.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030723

Moved Cr Campbell, seconded Cr Ross

That Council adopt amended Council Policy 9.5 – Multiple Dogs as provided in Attachment 1.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.22PM

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 07/23 List of Accounts Paid for the Period Ending 30 June 2023**

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Deputy 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. List of Accounts Paid as at 30 June 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 30 June 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

Deputy Chief Executive Officer

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

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

Officer Comment/Details

The attached "List of Accounts Paid as at 30 June 2023" is presented to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040723
Moved Cr Angus, seconded Cr Curtis
That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$2,281,600.02, for the period ending 30 June 2023:

1. PR 6359, PR6366, PR6368 ;
2. EFT25276 – EFT25478 ; and
3. Direct Debits, Cheques as listed.

CARRIED UNANIMOUSLY 7 / 0
TIME: 7.25PM

CS02 – 07/23 Monthly Financial Report for the Period Ending 30 June 2023

File ref	12/03/4
Author	Finance Manager
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 30 June 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 30 June 2023.

Background

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

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

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

Consultation/Communication Implications

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

Legislative ImplicationsState

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

Local

Nil

Policy Implications

Local

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

Financial Implications

Nil

Strategic Implications

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

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

Site Inspection

Not applicable

Risk Assessment/Implications

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

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

Officer Comment/Details

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050723
Moved Cr Ross, seconded Cr Hughes
That Council receives the Monthly Financial Report for period ending 30 June 2023, as per Attachment 1.

CARRIED UNANIMOUSLY 7 / 0
TIME: 7.26PM

CHIEF EXECUTIVE OFFICER**CEO01 – 07/23 Work Health and Safety Statistics Report – Quarter Ending June 2023**

Applicant	N/A
File ref	GOV.REP.OSH
Author	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Report – Quarter Ending June 2023

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

Executive Summary

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the quarter ending June 2023.

Background

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

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

g. Average overtime per person by department.

3. Council requires the Chief Executive Officer to provide a monthly report to be tabled at each Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Work Health and Safety Act 2020

Local

Nil

Policy Implications

State

Nil

Local

- Shire of Chittering Policy 3.7 Work Health and Safety (WHS)

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060723

Moved Cr King, seconded Cr Angus

That Council receive the Shire of Chittering Work Health and Safety Statistics Report for the quarter ending June 2023 which includes:

- 1. Quarterly Report ending June 2023**
- 2. Monthly Report for June 2023**
- 3. Incident Report and Training and Development for June 2023**
- 4. Site Inspections for quarter ending June 2023**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.27PM

CEO02 – 07/23 WALGA Annual General Meeting 2023 Voting Delegates

Applicant	Western Australian Local Government Association (WALGA)
File ref	14/01/0004
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

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

Executive Summary

Council's consideration is requested to determine the voting delegates for the 2023 Annual General Meeting for the Western Australian Local Government Association (WALGA). The Annual General Meeting will be held on Monday, 18 September 2023 during the Local Government Convention at Crown Perth.

Background

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Friday, 8 September 2023.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

- Local Government Act 1995, s9.58

Local

Nil

Policy Implications

State

Nil

Local

- Elected Member Policy 4.3 – Elected Members’ – Entitlements and Training

4. Professional conferences

4.1 To enable members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire, the Chief Executive Officer is authorised to arrange, at the Shire’s cost, and at the request of an Elected Member:

a) registration at professional conferences and meetings referred to above are to be:

i) considered by the CEO to be directly relevant to the Shire’s affairs; or

ii) convened by the Western Australian Local Government Association (WALGA) including the Convention.

4.2 The type of conference that Elected Members attend will be related to a particular function or activity in which Council is involved rather than individual or personal development type conference/seminars.

4.3 An Elected Member who is funded by the council to attend a conference, seminar, forum, delegation or similar event, shall participate as a representative of the council, not as an individual.

4.4 Registration at conferences will include the dinner for the Elected Member.

4.5 Subject to the Section 4.1, a maximum amount (per Elected Member) is set annually for attendance at conferences in accordance with the Shire of Chittering Annual Budget.

4.6 For the purpose of Regulation 32(1)(a), the express authority by resolution of the Council is given to Elected Members to perform the following function – the attendance by an Elected Member at a professional conference, the registration for which is arranged by the Chief Executive Officer.

Financial Implications

Attendance at the WALGA Annual General Meeting is free of charge to all member of local governments; lunch is not provided. All Convention delegates must register their attendance in advance. Registration for the Opening Welcome Reception that evening must also be notified in advance and will incur a cost for those not registered as a Full Delegate.

Elected Members are allocated an individual amount in the Shire’s Annual Budget that is used for their professional development (i.e. training, conferences, seminars, etc).

Strategic Assessment / Implications

State

Nil

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Non-attendance could be perceived as not participating fully in local government lobbying and advocacy activities.	Rare	Insignificant	Low	By sending members along to represent Council.
Opportunity: Nil				

Officer Comment/Details

Council is requested to appoint two delegates and two proxy voting delegates for the 2023 Annual General Meeting for WALGA.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070723	
Moved Cr Dewar, seconded Cr Angus	
That Council advise the Western Australian Local Government Association that the voting delegates and proxy voting delegates for the 2023 Annual General Meeting are:	
VOTING DELEGATES	PROXY VOTING DELGATES
1. Cr Aaron King	1. Cr Carmel Ross
2. Cr Mary Angus	2. Cr Kylie Hughes
CARRIED UNANIMOUSLY 7 / 0	
TIME: 7.29PM	

CEO03 – 07/23 Register of Policies: Amendments

Applicant	Shire of Chittering
File ref	04/03/1
Author	Executive Management Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> Administration Policy 1.4 - Political Electioneering Posters Administration Policy 1.5 – Record Keeping Administration Policy 1.11 - General Compliance and Enforcement Administration Policy 1.12 - Recording and Access to Recordings of Council Meetings Finance Policy 2.2 - Rating Elected Member Policy 4.2 - Informal Petitions to Council Elected Member Policy 4.8 - Notices of Motion Elected Member Policy 4.9 - Code of Conduct – Behaviour Complaints Management Town Planning 9.6 - Trading in Thoroughfares and Public Places

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

Executive Summary

Council is requested to endorse the amendments to the Policy Register as per the attachments.

Background

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;

- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.

Policies should not be confused with operational directives and/or procedures, which are determined by the CEO, as a mechanism for good management, and implementation of council policies.

As presented at the June Ordinary Council Meeting we have been conducting a complete review of all policies and this is the second group that forms part of that annual review.

Consultation Summary

Local

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Technical Services
Executive Manager Development Services

State

Moore Australia (WA) Pty Ltd Associate Director - Tanya Browning

Legislative Implications

State

Section 2.7(2)(b) of the *Local Government Act 1995* states:

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Section 5.41 of the *Local Government Act 1995* states:

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational: Loss of reputation by no longer doing things that have been done in the past	Possible	Insignificant	Low	Reviewing policies and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.
Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.				

Officer Comment/Details

A review of the Shire of Chittering’s Policy Register was conducted and the initial group was submitted to the June Ordinary Council Meeting. The following policies form the second group to be reviewed that consequently require amendments, predominately due to the newly gazetted Local Laws:-

Administration Policy 1.4 - Political Electioneering Posters

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Local Government Property and Public Places Local Law 2023* – and its contents - that came into effect on 21st June 2023. **(Attachment 1)**.

Administration Policy 1.5 – Record Keeping

The Policy has been updated from an administrative perspective to reflect current operational practices and comply with current legislative requirements. **(Attachment 2)**.

Administration Policy 1.11 - General Compliance and Enforcement

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Local Laws* that came into effect on 21st June 2023 **(Attachment 3)**.

Administration Policy 1.12 - Recording and Access to Recordings of Council Meetings

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Standing Orders Local Law 2023* that came into effect on 21st June 2023. **(Attachment 4)**.

Finance Policy 2.2 – Rating

The Policy has been updated from an administrative perspective to reflect current operational practices. **(Attachment 5)**.

Elected Member Policy 4.2 - Informal Petitions to Council

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Standing Orders Local Law 2023* that came into effect on 21st June 2023. **(Attachment 6)**.

Elected Member Policy Elected Member Policy 4.8 - Notices of Motion

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Standing Orders Local Law 2023* that came into effect on 21st June 2023. **(Attachment 7)**.

Elected Member Policy Elected Member Policy 4.9 - Code of Conduct – Behaviour Complaints Management

The Policy has been updated from an administrative perspective to correctly reference the newly gazetted *Shire of Chittering Standing Orders Local Law 2023* that came into effect on 21st June 2023 and a reference to another Council policy. **(Attachment 8)**.

Town Planning Policy 9.6 - Trading in Thoroughfares and Public Places

The Policy has been updated from an administrative perspective with a change to the title - so as to more accurately reflect the correct context of the policy – and to also correctly reference the newly gazetted *Shire of Chittering Local Government Property and Public Places Local Law 2023* that came into effect on 21st June 2023. **(Attachment 9)**.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080723

Moved Cr Ross, seconded Cr Campbell

That Council endorse the following amended policies:

- 1. Administration Policy 1.4 - Political Electioneering Posters**
- 2. Administration Policy 1.5 – Record Keeping**
- 3. Administration Policy 1.11 - General Compliance and Enforcement**
- 4. Administration Policy 1.12 - Recording and Access to Recordings of Council Meetings**
- 5. Finance Policy 2.2 - Rating**
- 6. Elected Member Policy 4.2 - Informal Petitions to Council**
- 7. Elected Member Policy 4.8 - Notices of Motion**
- 8. Elected Member Policy 4.9 - Code of Conduct – Behaviour Complaints Management**
- 9. Town Planning 9.6 - Trading in Thoroughfares and Public Places**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.30PM

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 7.30pm.