



COUNCIL MINUTES

CONFIRMED: 19 JULY 2023

Ordinary Meeting of Council

7pm, Wednesday 21 June 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 4 July 2023.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 19 July 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	Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Jake Whistler	Executive Manager Development Services
Sue Mills	Acting Executive Manager Corporate Services
Denaye Kerr	Executive Assistant

Members of the General Public: 12

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 May 2023	Councillor Information Session Ordinary Meeting of Council
22 May 2023	Audit Entrance Meeting
26 May 2023	WA Trails Forum
30 May 2023	Chinkabee Facility Management Community Meeting
7 June 2023	Budget Workshop
9 June 2023	President and CEO Meeting
14 June 2023	Councillor Information Session Agenda Forum

Cr Mary Angus

17 May 2023	Councillor Information Session Ordinary Meeting of Council
7 June 2023	Budget Workshop
9 June 2023	President and CEO Meeting
14 June 2023	Councillor Information Session Agenda Forum
17 June 2023	Youth Krew Meeting VBFB Recognition Event

Cr Kylie Hughes

17 May 2023	Councillor Information Session Ordinary Meeting of Council
22 May 2023	Audit Entrance Meeting
7 June 2023	Budget Workshop
14 June 2023	Councillor Information Session Agenda Forum

Cr Carmel Ross

17 May 2023	Councillor Information Session Ordinary Meeting of Council
19 May 2023	Australia's Biggest Morning Tea, Bindoon
24 May 2023	Taste of Chittering Steering Committee Meeting
1 June 2023	Chittering Tourism Advisory Group
7 June 2023	Budget Workshop
12 June 2023	Wannamal Community Centre Committee
13 June 2023	Chittering Voluntary Bushfire Advisory Committee
14 June 2023	Councillor Information Session Agenda Forum

Cr John Curtis

17 May 2023	Councillor Information Session Ordinary Meeting of Council
14 June 2023	Councillor Information Session Agenda Forum

Cr Mark Campbell

17 May 2023	Councillor Information Session Ordinary Meeting of Council
1 June 2023	Quarterly CTAG Meeting
7 June 2023	Budget Workshop
14 June 2023	Councillor Information Session Agenda Forum
17 June 2023	VBFB Recognition Event

Cr David Dewar

17 May 2023	Councillor Information Session Ordinary Meeting of Council
7 June 2023	Budget Workshop
12 June 2023	Wannamal Community Centre Meeting
14 June 2023	Councillor Information Session Agenda Forum

ITEM 3. DISCLOSURE OF INTEREST

CEO06 – 06/23 Muceha Recreation Centre User Group – Community Membership Selection		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Kylie Hughes	Impartiality	<p>Nature: Life Member of the Muceha Netball Club and well known to all three applicants for selection</p> <p>Extent: Muceha Netball Club are a current user of the Muceha Sporting Facility</p>

ITEM 4. PUBLIC QUESTION TIME**Response to previous public questions taken on notice****PQT01 – 05/23 Michelle Davies, Muceha**

Question: The Council has an opportunity to serve both the sporting and environmental communities by installing four netball courts and retaining the Marri trees. Why is playing a game of sport more important than caring for the environment?

Response: *Council's decision to remove three fully-grown trees was not taken lightly. The Muceha Recreation Centre Redevelopment is the largest capital project undertaken by the Shire up to this point and will exceed a cost of \$5.5 million to finish. Aside from contributions and grants, the Council has borrowed from the WA treasury for a 20-year period to finance the project. This project holds significant importance for the community, as numerous generations of rate payers will contribute towards the facility's expenses, and*

countless generations of children and adults will benefit from the sports facilities for many years ahead.

Council established a reference group consisting of representatives from each sporting and community group who use the facility and community members to work with Architects to ensure the facility design met the user requirements. Through this consultation process, Council made every effort to ensure the best possible outcome for the overall good of the Shire. The site is, unfortunately, restricted and there was no option but to remove three of the 28 mature trees to achieve a layout that was well thought through for the purposes of the site.

During Council deliberations on this project, all the relevant information was put to Council, and the resolution was carried to progress the project scope as planned. This included the removal of three trees from the site. Please refer to the agenda items relating to this matter, which can be found on the Shire's website. Since the netball courts and fence represent a structure that has been lawfully approved by Council, the Shire is exempted from the applying for a clearing permit under Regulation 5, Item 1 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Which allows for "Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed five hectares..."

To mitigate the loss of the three trees, Council resolved to plant 30 new trees in appropriate spots on the same grounds. Councillors represent the interests 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. In years to come members of our community will be able to enjoy a facility that is fit for purpose and will also have the benefit of additional trees.

Public question time

PQT01 – 06/23 Colleen Osborn, Bindoon

Question: In regard to the netball court configuration in Muchea. Will you or will you not provide me with the correspondence from the CEO and the feedback that came from the Netball Club, the User Group and the Reference Group?

Response: *The President advised that all correspondence has been published, you have access to the User Group minutes through the Shire website. We will take your question on notice and see if we can provide you with the answer you are looking for.*

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 President advised that this question would be taken on notice.*

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 President advised that we cannot provide you a name, however, we can confirm that that is the advice we have received. We will take that question on notice and we will respond accordingly. We can't provide you a name of DWER staff but we can certainly give you a copy of the advice that we have received.*

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 President advised that this question would be taken on notice.*

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: *The President advised that this question would be taken on notice.*

PQT04 – 06/23 Natalie Vallance, Muchea

Question: The Marri trees in Muchea are part of an ecosystem that is entirely exclusive to the South West of Western Australia, recently there was an acknowledgement of the trees as being a national treasure under the State Government Biodiversity Act of 2016 where they acknowledged the sequence of trees from Bullsbrook up to just beyond Gingin as being a threatened ecological community, I think that is an additional consideration when thinking about removing the trees down in Muchea. I continue to remain at a loss as to why Councillors remain adamant at destroying these trees. Will Council reconsider the destruction of our trees at the Muchea Recreation Centre?

Response: *Council's decision to remove three fully-grown trees was not taken lightly. The Muchea Recreation Centre Redevelopment is the largest capital project undertaken by the Shire up to this point and will exceed a cost of \$5.5 million to finish. Aside from contributions and grants, the Council has borrowed from the WA treasury for a 20-year period to finance the project. This project holds significant importance for the community, as numerous generations of rate payers will contribute towards the facility's expenses, and*

countless generations of children and adults will benefit from the sports facilities for many years ahead.

Council established a reference group consisting of representatives from each sporting and community group who use the facility and community members to work with Architects to ensure the facility design met the user requirements. Through this consultation process, Council made every effort to ensure the best possible outcome for the overall good of the Shire. The site is, unfortunately, restricted and there was no option but to remove three of the 28 mature trees to achieve a layout that was well thought through for the purposes of the site.

During Council deliberations on this project, all the relevant information was put to Council, and the resolution was carried to progress the project scope as planned. This included the removal of three trees from the site. Please refer to the agenda items relating to this matter, which can be found on the Shire's website. Since the netball courts and fence represent a structure that has been lawfully approved by Council, the Shire is exempted from the applying for a clearing permit under Regulation 5, Item 1 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Which allows for "Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed five hectares..."

To mitigate the loss of the three trees, Council resolved to plant 30 new trees in appropriate spots on the same grounds. Councillors represent the interests 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. In years to come members of our community will be able to enjoy a facility that is fit for purpose and will also have the benefit of additional trees.

PQT05 – 06/23 Robert Pazzino, Bindoon

Question: Is there a demand usage to have 5 courts at the Muchea Recreation Centre?

Response: *The President advised that there are not 5 courts. The extra court is not lit, and it is not fenced, and Council has not made a decision whether that is staying or going at this point. It sits there, however, its future is undecided.*

Question: When are the potholes going to be fixed on Great Northern Highway through the Bindoon townsite?

Response: *The President advised that unfortunately that is a Main Roads road. We will advocate to Main Roads about rectifying this issue.*

PQT06 – 06/23 Brendyn Davies, Muchea

Question: My question relates to the Marri trees in Muchea. I have lived in Muchea for 10 years and I'm part of the future generation that you have talked about. My generation is being taught the importance of working together and caring for the environment. It makes me sad that the Council is going to cut down the trees. When you look back on what you

have done in your life, would you rather know that you have saved the Marri trees or that you have demolished them. My question is – can you please save the Marri trees?

Response:

Council's decision to remove three fully-grown trees was not taken lightly. The Muchea Recreation Centre Redevelopment is the largest capital project undertaken by the Shire up to this point and will exceed a cost of \$5.5 million to finish. Aside from contributions and grants, the Council has borrowed from the WA treasury for a 20-year period to finance the project. This project holds significant importance for the community, as numerous generations of rate payers will contribute towards the facility's expenses, and countless generations of children and adults will benefit from the sports facilities for many years ahead.

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During Council deliberations on this project, all the relevant information was put to Council, and the resolution was carried to progress the project scope as planned. This included the removal of three trees from the site. Please refer to the agenda items relating to this matter, which can be found on the Shire's website. Since the netball courts and fence represent a structure that has been lawfully approved by Council, the Shire is exempted from the applying for a clearing permit under Regulation 5, Item 1 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Which allows for "Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed five hectares..."

To mitigate the loss of the three trees, Council resolved to plant 30 new trees in appropriate spots on the same grounds. Councillors represent the interests 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. In years to come members of our community will be able to enjoy a facility that is fit for purpose and will also have the benefit of additional trees.

PQT07 – 06/23 John Nagel, Bindoon

Question:

At the Forum night last week, Lee Martin asked a question in regard to the aboriginal rights and you said you would take it on notice, I noticed that there was nothing in the agenda to respond to that?

Response:

The President advised that it has been discussed and are looking at obtaining further information and hope to bring in a subject matter expert to brief Council and the community on a response.

Question:

Has the Mountain Bike Park come to a halt with works?

Response: The President advised that work had been stopped temporarily but will be starting again very shortly.

Mr Nagel asked if that was through not having a clearing permit and the President advised that was correct.

Mr Nagel asked why they needed a clearing permit and yet they don't need one down at Muchea for the Marri trees. The President advised that we have contacted DWER and we do not require a clearing permit for the Mountain Bike Park. We had to follow it through before we could continue works and we did.

The Chief Executive Officer advised that the works that has already been completed at the Mountain Bike Park has been cleared with DWER and did not require a clearing permit. We have now stalled as we did want to have a revegetation plan with DWER, which we have submitted to them, to revegetate alternative areas where we are going to do the additional tracks. So the ones that have already been constructed we received approval from DWER that we are in the clear there, the ones that we are still to construct and the others ones that are still a part of this first stage are dependent on our clearing permit including our revegetation plan that we have submitted, we are just awaiting feedback from them.

PQT08 – 06/23 Chris Waldie, Bindoon, representing the Brockman Centre User Group

Question: Is item TS01 – 0623 still on the agenda?

Response: The President advised that no, this item has been withdrawn from the agenda to allow Council an opportunity to workshop the intended outcomes.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 17 May 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010623

Moved Cr Campbell, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 17 May 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.30PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

CELEBRATING 49 YEARS OF SERVICE! – MAX BROWN

At the Chittering Bushfire Advisory Committee Meeting held 13 June 2023, Max Brown was honoured for an incredible 49 years of dedicated service as a volunteer member, of which 21 years was as a Fire Control Officer of Lower Chittering Volunteer Bush Fire Brigade.

Whilst Max is stepping down as a Shire appointed Fire Control Officer, he will continue to serve and protect the community as a firefighter imparting invaluable experience and mentoring of the Shire's next generation of firefighters and fire control officers.

As a life member of the Brigade Max is part of a small group including Phil Beales, Robert Marchesi, Hartley Read, Ian Hollick, Steve Browne, Theo Bekkers and Perry Read.

The Shire and Council thank Max and his family for his remarkable legacy of service to our community.

CONGRATULATIONS TO OUR TWO SHIRE OAMS

The 2023 King's Birthday Honours for Australia was announced on 11 June 2023 and honours good work done by citizens. Two of our residents received a Medal of the Australian Order (OAM) this year.

Craig SPENCER - For service to the community through a range of organisations.

Mary DAY - For service to polocrosse.

Congratulations Craig and Mary - The Shire is proud to have you in our Shire and would like to thank you for your service to the community.

VOLUNTEER BUSH FIRE BRIGADE RECOGNITION EVENT AT LOWER CHITTERING HALL

Hosted by the Shire of Chittering on Saturday 17 June 23 from 6PM

Opportunity to thank our volunteers who give up their time to protect the community.

I understand that the event was well attended, and a good time was had by all.

The following long service medals were awarded to volunteers at the event:

Lachlan Evans, for 5 years' service

Shelly Pannell, for 10 years' service

William Lee, Gordon Carter for 15 years' service. Gordon also received a Chief's Award for Outstanding Service

CHITTERING CHAMBER OF COMMERCE – COMMUNITY EVENT

Thursday 22 June 23, Bindoon Town Hall

CEO SOC Melinda Prinsloo - Update on current and future Major Projects.

Mr Jake Whistler Executive Manager of Development Services SOC - discuss what business can be done on various blocks of land, and approvals required.

Mr Warren Pearce from Association of Mining and Exploration Companies CEO will discuss growth of exploration in the region and what it means for the Chittering region

Meet Gingin Police Station new Officer in Charge - Sgt June Seivwright

BINDOON FARMERS MARKET

Sunday 25 June 23, Clune Park Bindoon from 8:30am to 12:30 PM

Support local business

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 06/23 Extractive Industries Local Law 2023**

Applicant	Shire of Chittering
File ref	19/04/0001
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	Absolute Majority
Attachments	1. Draft Local Law – Extractive Industries Local Law 2023

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

Executive Summary

The proposed draft Extractive Industries Local Law has undergone a public submission period and a further review by Shire staff. The proposed changes to the Local law are considered to require consideration and therefore Council are requested to postpone the adoption of the draft Local Law.

Background

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

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

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

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

The purpose of this local law is to:

- *Repeal an obsolete local law.*

The effect of this local law is to provide for:

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

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

The purpose of this local law is to:

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

The effect of the local law is to:-

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

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

The purpose of this local law is to:

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

The effect of this local law is to:

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

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

The purpose of this local law is to:

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

The effect of this local law is to provide for:

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

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

The purpose of this local law is to:

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

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

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

The effect of this local law is to provide for:

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

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

The purpose of this local law is to:

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

The effect of this local law is to provide for:

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

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

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

The purpose of this local law is to:

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

The effect of this local law is to provide for:

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

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

CARRIED UNANIMOUSLY 6 / 0

TIME: 7.42PM

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

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

Consultation Summary

Local

Darrell Forrest - Darrell Forrest Advisory Services

Shire of Chittering Executive Managers

State

Minister for Department of Local Government, Sport and Cultural Industries

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

One submission was received from the Department of Local Government, Sport and Cultural Industries which provided a minor suggestion relating to referencing Australian Standards.

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* dictates the statutory process for a local government to adopt a local law

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
Community - Extractive Industries have the potential to impact nearby communities through their off-site impacts.	Likely	Minor	Low	Ensuring that provisions are contained within the Extractive Industry local law that protects the amenity of an area for the community
Opportunity: To provide an efficient and fair process for private businesses to obtain an extractive industry licence				

Officer Comment/Details

Following the advertising period of the draft Extractive Industries Local Law, a further review of the proposed changes was conducted by Shire staff. It was noted that significant changes had been proposed to the Local Law that require closer review to determine the practical implications of such changes. These changes include:

- The applicant of an Extractive Industry Licence has the opportunity to conduct the advertising process themselves;
- Maximum Extractive Industry Licence validity of 5 years, reduced from the current 10 years;
- The ability for a licence to be conditioned to restrict tonnage of material carted from the property, the route on local roads for carting to occur and the times of day for carting to occur;
- Removing the 500m buffer zone requirement which protects nearby residents from the impact of an extractive industry, unless the resident explicitly agrees to the extractive industry occurring within 500m of their house; and
- Recommended rehabilitation batters reduced to 1:3 gradient from 1:6.

Prior to Council's final endorsement of the draft Local Law, it is recommended that the practical implications of the above changes are further reviewed by Shire staff. This is to ensure that any adopted local law, possesses the ability for the Shire to maintain a level of amenity for its community, and also provides for an efficient process for obtaining an extractive industry licence.

In addition to the above, Shire officers are preparing a draft Extractive Industry Local Planning Policy to complement the Shire's Local Law. This Policy will help to assist explain the application and approval process for extractive industries, and help to clarify the Shire's expectations with regards to road contributions, rehabilitation bonds and the protection of the environment. Delaying the review of the Extractive Industries Local Law to coincide with a draft Local Planning Policy will assist in providing continuity between the two documents and will strengthen the Shire's approach to managing extractive industries in the Shire.

It is recommended that Council acknowledge that further consideration of the draft Extractive Industries local law is required, and the processing of this draft local law is postponed until such time as the review has been undertaken. It is expected that the further review of the local law will be complete and presented back to Council prior to the end of 2023/2024 financial year.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020623

Moved Cr Hughes, seconded Cr Campbell

That Council postpone the adoption of the draft Shire of Chittering Extractive Industry Local Law until June 2024 when a further review of the significant changes to the current Extractive Industry Local Law has been conducted and a complementing Local Planning Policy has been drafted.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 7.35PM

DS02 – 06/23 Proposed Scheme Amendment No. 71 – Rezoning of Lots 202 - 203 Wandena Road, Muchea and Lots 204 – 205 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ and ‘Light Industry’ Zone

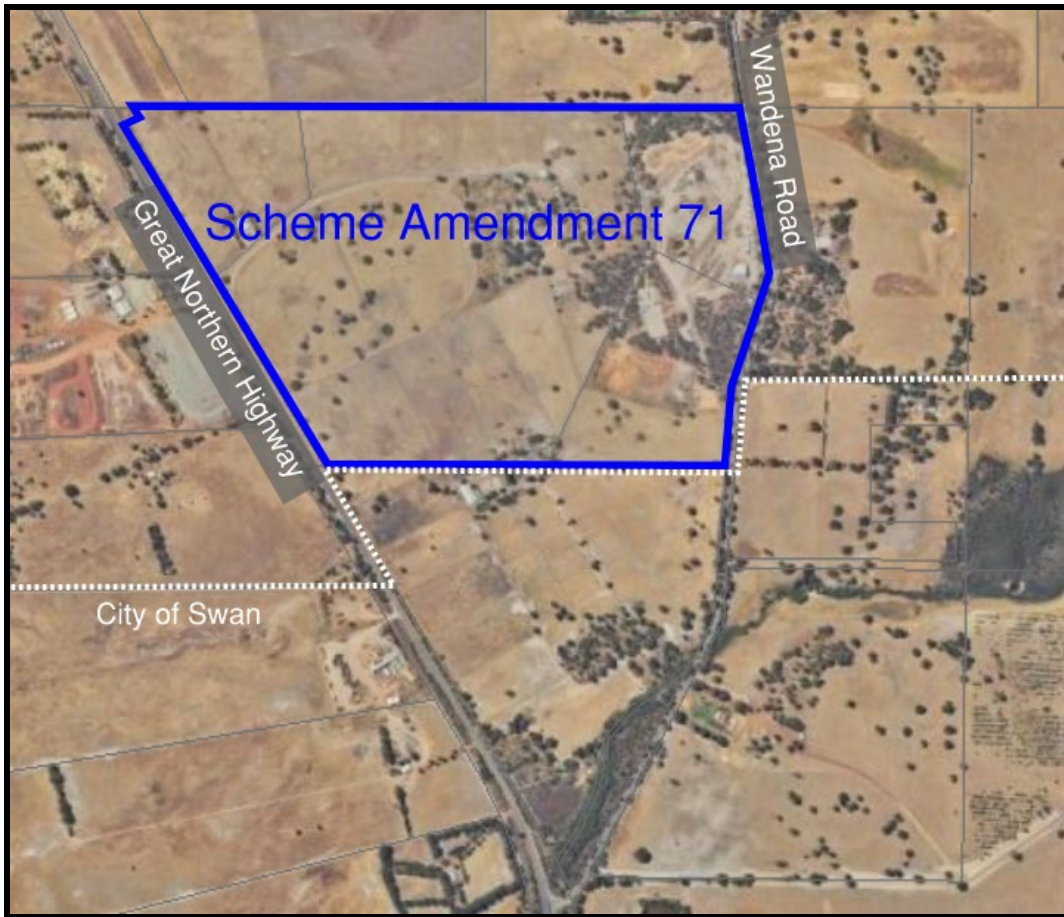
Applicant	Tomahawk Property
File ref	PLN.SA.71
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Scheme Amendment 71 Document 2. Scheme Amendment Zoning Map

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

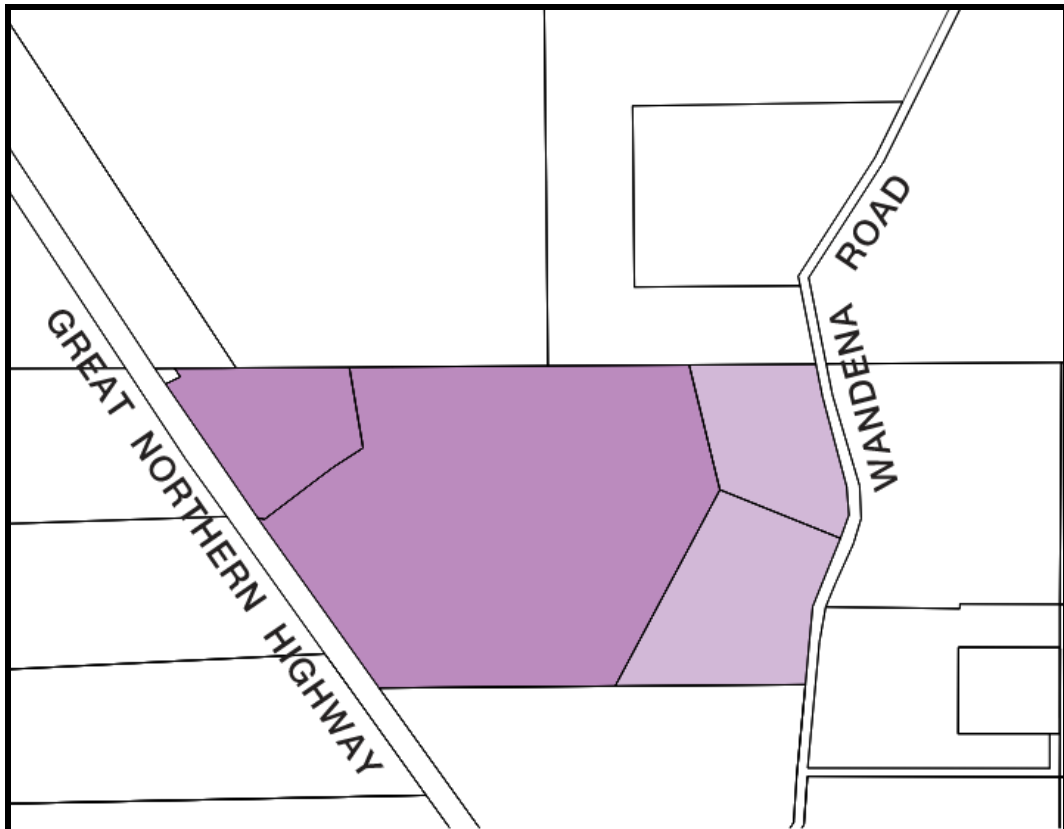
Executive Summary

Council is requested to initiate proposed Scheme Amendment No. 71 for the rezoning of Lots 202-203 Wandena Road, Muchea and Lots 204-205 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ and ‘Light Industry’ zone.

Location Plan



Zoning Plan



Background

The Muchea Industrial Park (MIP) is a 1167ha land area strategically identified for industrial development. The MIP is provided for within the Shire of Chittering Local Planning Strategy and the Muchea Industrial Park (Regional) Structure Plan 2022 (MIPSP), along with its former Muchea Employment Node Structure Plan 2011.

A proposal for an amendment to the Shire's Local Planning Scheme No. 6 (LPS6) and a local structure plan have been submitted to the Shire for the rezoning of Lots 202-203 Wandena Road, Muchea and Lots 204-205 Great Northern Highway, Muchea from 'Agricultural Resource' zone to 'General Industry' and 'Light Industry' zone. The area captured by this proposal is illustrated in the above locality plan and covers part of both Precinct 2 and Precinct 4 (as identified in the MIPSP). These proposals were lodged with the Shire in May 2021 and underwent an internal review, including an independent assessment of the local water management strategy. Shire officers identified several matters pertaining to the local structure plan that required further consideration. While these local structure plan matters are being addressed, the applicant has requested that the scheme amendment be progressed in the interim. As such, the proposal at present is for the rezoning of the land, with a local structure plan to be prepared and approved at a date in the near future. The entire Scheme amendment 71 document is attached to this report (Attachment 1).

Lots 202-203 Wandena Road and Lots 204-205 Great Northern Highway are all located within the strategically identified MIP. However, at present Lots 202-203 are being used as a construction and demolition waste disposal facility and a gravel extractive industry. Lots 204-205 are currently being used for agricultural purposes and contains two dwellings and outbuildings associated with the agricultural practices. The Scheme amendment 71 area is bound by Great Northern Highway to the west, Wandena Road to the east, City of Swan boundary to the south, and the Precinct 2A MIP area (Scheme Amendment 74) to the north.

The proposed Scheme amendment seeks to rezone the land to the 'General Industry' and 'Light Industry' zones, with the 'Light Industry' providing a buffer from the centre of the MIP to the surrounding agricultural areas (see Zoning Plan above). It also proposes to introduce provisions into Schedule 11 of LPS6 that will guide local structure planning and identify the key matters that need to be addressed when a local structure plan is prepared, such as:

- Creating a functional RAV10 network that connects to the broader network including connection to Great Northern Highway and other MIP Precincts;
- Drainage of the site and its interconnection with the broader drainage network; and
- Water and environmental management.

Consultation Summary

Local

No consultation with local landholders has occurred at this stage. Should Council resolve to initiate the amendment, and the Environmental Protection Agency (EPA) permit advertising, surrounding landholders will be consulted for their feedback pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

State

No consultation with State agencies has occurred at this stage. Should Council resolve to initiate the amendment, and the Environmental Protection Agency (EPA) permit advertising, relevant agencies will be consulted for their feedback pursuant to the Regulations.

Legislative Implications

State

- *Planning and Development Act 2005*

The initiation of a Scheme Amendment is undertaken in accordance with Section 75 of the Act.

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

The Regulations require a Local Government to initiate a Scheme Amendment through a Council resolution. In doing so, the Local Government must identify the stream for which the amendment is being undertaken. In this instance, and pursuant to Division 3 of the Regulations, the matter is considered a 'Standard Amendment' as:

- The amendment is consistent with the Shire of Chittering Local Planning Strategy 2019;
- The amendment is consistent with the endorsed Muchea Industrial Park Structure Plan 2022; and
- The amendment is not considered to be 'basic' or 'complex'.

Local

- *Shire of Chittering Local Planning Scheme No. 6*

It is LPS6 that is proposed to be amended through changes to the Scheme maps, and additional provisions inserted in Schedule 11 that will relate specifically to the subdivision and development of 'Portions of Precinct 2 and Precinct 4 of the Muchea Industrial Park'.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

The Shire's Local Planning Strategy 2019 (the Strategy) and the Muchea Industrial Park Structure Plan provides the strategic basis for the subdivision and development of the subject lot and identifies the lots as accommodating industrial uses. Clauses 3.4.2 and 3.5.5 of the Strategy seek to consolidate industrial development within the MIP through consolidating all industrial zonings.

State

The Muchea Industrial Park Structure Plan (MIPSP) sets the planning framework to coordinate future development of the industrial park. The MIPSP identifies the subject lots as part of Precinct 2 and Precinct 4, and provides for predominantly 'General Industry' uses in the centre of the MIP, with 'Light Industry' on the periphery.

Site Inspection

Site inspection undertaken: No.

Environmental Consideration

Environment consideration given: Yes

Provision has been made within the Scheme amendment for environmental and water management plans/strategies to be prepared and approved through the Local Structure Plan stage.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: Industrial developments have the potential for adverse impacts on the environment (pollutants, contaminants etc.)	Rare	Minor	Low	Through local structure planning, subdivision and development stages, provisions are made to ensure the ongoing protection of the environment.
Opportunity: To improve the natural environment through removal of high nutrient generating agricultural activities and replace them with correctly planned industrial development.				

Officer Comment/Details

The proposed Scheme amendment is considered to be consistent with the relevant elements of the planning framework including the Shire’s Local Planning Strategy and the MIP Structure Plan, which identify the land for future industrial development. It includes provisions that prevent any development or subdivision from occurring, until such time that an approved local structure plan is in place.

Pursuant to the requirements of the Regulations, Amendment 71 will need to be advertised and all comments received will be brought back to Council for review and consideration, before a final recommendation is made to the Minister for Planning. It is recommended that Council resolve to adopt Scheme amendment 71 in order for the advertising process to commence.

<p>OFFICER RECOMMENDATION Moved Cr Campbell, seconded Cr Ross That Council:</p>								
<p>1. Pursuant to Section 75 of the <i>Planning and Development Act 2005</i>, initiates an Amendment to the Shire of Chittering Local Planning Scheme No. 6 by:</p> <ul style="list-style-type: none"> a. Rezoning Lots 202 - 203 Wandena Road, Muchea and Lots 204 – 205 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ and ‘Light Industry’ zone and amending the scheme map in accordance with the Scheme Amendment zoning map (Attachment 2); b. Amending Schedule 11 – Muchea Employment Node Special Control Area by including provisions for portions of Precinct 2 and Precinct 4 of the Muchea Industrial Precinct as follows: 								
<table border="1"> <thead> <tr> <th>NO</th> <th>DESCRIPTION OF LAND</th> <th>CONDITIONS</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Portions of Precinct 2 (P2) and Precinct 4 (P4) of the Muchea Industrial Park – Lots 202 & 203 on Plan 46016; and Lots 204 & 205 on Plan 55930</td> <td> 1. Hierarchy of Plans Structure planning, subdivision and development shall be undertaken in accordance with the Scheme. 2. Structure Plan <ul style="list-style-type: none"> a. Structure Plan Preparation A Structure Plan shall be prepared in accordance with the provisions of the deemed provisions over the subject land. b. Environmental Management Plans The following Environmental Management Plans shall be prepared as part of the Structure Plan process and approved as required by the relevant agency: <ul style="list-style-type: none"> i. Local Water Management Strategy ii. Environmental Assessment and Management Strategy Environmental Management Plans shall be implemented to the satisfaction of the local authority. c. Additional Studies / Reports The following additional studies shall be prepared as part of the Structure Plan process and approved as required by the relevant agency: <ul style="list-style-type: none"> i. Traffic Impact Assessment </td> </tr> </tbody> </table>	NO	DESCRIPTION OF LAND	CONDITIONS	3	Portions of Precinct 2 (P2) and Precinct 4 (P4) of the Muchea Industrial Park – Lots 202 & 203 on Plan 46016; and Lots 204 & 205 on Plan 55930	1. Hierarchy of Plans Structure planning, subdivision and development shall be undertaken in accordance with the Scheme. 2. Structure Plan <ul style="list-style-type: none"> a. Structure Plan Preparation A Structure Plan shall be prepared in accordance with the provisions of the deemed provisions over the subject land. b. Environmental Management Plans The following Environmental Management Plans shall be prepared as part of the Structure Plan process and approved as required by the relevant agency: <ul style="list-style-type: none"> i. Local Water Management Strategy ii. Environmental Assessment and Management Strategy Environmental Management Plans shall be implemented to the satisfaction of the local authority. c. Additional Studies / Reports The following additional studies shall be prepared as part of the Structure Plan process and approved as required by the relevant agency: <ul style="list-style-type: none"> i. Traffic Impact Assessment 		
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 | |

		<p style="text-align: center;">ii. Bushfire Management Plan</p> <p>3. Subdivision</p> <p>a. Road Reservation and Construction</p> <p>i. The Distributor 'Loop' Road to accommodate RAV10 vehicles, shall be constructed in accordance with Austroads and MRWA standards.</p> <p>ii. When a lot is subdivided, the totality of land required for road reserves within that lot shall be ceded to the Crown. The construction of those roads will be the responsibility of the landowner(s). The Shire of Chittering is not responsible for the construction of roads within any ceded road reserves on the land.</p> <p>iii. The full length of roads within the subdivision area is to be constructed on the creation of all lots. A staging plan and triggers for road construction, to ensure construction of roads within the subdivided area is to be outlined in the Structure Plan.</p> <p>iv. Subdivision applications shall demonstrate that a suitable temporary turning circle for the Distributor 'Loop' Road can be provided within the boundaries of the subdivision area until the entire road is constructed to allow RAV10 vehicles access and egress onto Great Northern Highway. At that time, the temporary turning circle shall be removed and the land suitably remediated.</p> <p>b. Drainage</p> <p>i. An Urban Water Management Plan shall be prepared, consistent with the Local Water Management Strategy required under 2(b)(i), for approval by the relevant agency, to satisfy a condition of subdivision approval.</p> <p>c. Water Supply</p> <p>i. A reticulated water supply provided by a licensed operator shall be provided at the first stage of subdivision.</p> <p>4. Development</p> <p>a. Development of land shall be generally in accordance with the Scheme and approved Structure Plan.</p> <p>b. Land use permissibility shall be in accordance with the General Industry Zone and Light Industrial Zone of the Scheme (as amended), subject to the following:</p> <p>i. No development shall be approved by the relevant authority until such time that there is an endorsed Structure Plan over the land.</p> <p>ii. The determining authority shall not approve a development application over land containing the Distributor 'Loop' Road unless the road has been constructed and ceded in accordance with an approved Structure Plan.</p>
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2. Pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determined that the amendment is a 'Standard Amendment' for the following reasons:
- a. The Amendment is consistent with the Muchea Industrial Park Structure Plan (April 2022); and
 - b. The Amendment is consistent with the Shire of Chittering Local Planning Strategy (October 2019) that has been endorsed by the Commission.

AMENDMENT

Moved Cr Campbell, seconded Cr Ross

That Council amend the Officer Recommendation to include an advice note as follows:

- Request the proponent for Scheme Amendment 71 lobby the State and Federal government for the provision of greater essential services to the Muchea Industrial Park including the connection of reticulated gas and reticulated sewerage.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.38PM

SUBSTATIVE MOTION / COUNCIL RESOLUTION 030623

Moved Cr Campbell, seconded Cr Ross

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiates an Amendment to the Shire of Chittering Local Planning Scheme No. 6 by:
 - a. Rezoning Lots 202 - 203 Wandena Road, Muchea and Lots 204 – 205 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ and ‘Light Industry’ zone and amending the scheme map in accordance with the Scheme Amendment zoning map (Attachment 2);
 - b. Amending Schedule 11 – Muchea Employment Node Special Control Area by including provisions for portions of Precinct 2 and Precinct 4 of the Muchea Industrial Precinct as follows:

NO	DESCRIPTION OF LAND	CONDITIONS
3	Portions of Precinct 2 (P2) and Precinct 4 (P4) of the Muchea Industrial Park – Lots 202 & 203 on Plan 46016; and Lots 204 & 205 on Plan 55930	<p>1. Hierarchy of Plans Structure planning, subdivision and development shall be undertaken in accordance with the Scheme.</p> <p>2. Structure Plan</p> <p>d. Structure Plan Preparation</p> <p>A Structure Plan shall be prepared in accordance with the provisions of the deemed provisions over the subject land.</p> <p>e. Environmental Management Plans</p> <p>The following Environmental Management Plans shall be prepared as part of the Structure Plan process and approved as required by the relevant agency:</p> <ol style="list-style-type: none"> i. Local Water Management Strategy ii. Environmental Assessment and Management Strategy <p>Environmental Management Plans shall be implemented to the satisfaction of the local authority.</p> <p>f. Additional Studies / Reports</p> <p>The following additional studies shall be prepared as part of the Structure Plan process and approved as required by the relevant agency:</p> <ol style="list-style-type: none"> i. Traffic Impact Assessment ii. Bushfire Management Plan <p>3. Subdivision</p> <p>d. Road Reservation and Construction</p> <ol style="list-style-type: none"> i. The Distributor ‘Loop’ Road to accommodate RAV10 vehicles, shall be constructed in accordance with Austroads and MRWA standards. ii. When a lot is subdivided, the totality of land required for road reserves within that lot shall be ceded to the Crown. The construction of those roads will be the responsibility of the landowner(s). The Shire of Chittering is not responsible for the construction of roads within any ceded road reserves on the land. iii. The full length of roads within the subdivision area is to be constructed on the creation of all lots. A staging plan and triggers for road construction, to ensure construction of roads within the subdivided area is to be outlined in the Structure Plan. iv. Subdivision applications shall demonstrate that a suitable temporary turning circle for the Distributor ‘Loop’ Road can be provided within the boundaries of the subdivision area until the entire road is constructed to allow RAV10 vehicles access and egress onto Great Northern Highway. At that time, the temporary turning circle shall be removed and the land suitably remediated. <p>e. Drainage</p> <ol style="list-style-type: none"> ii. An Urban Water Management Plan shall be prepared, consistent with the Local Water Management Strategy required under 2(b)(i), for approval by the relevant agency, to satisfy a condition of subdivision approval.

		<p>f. Water Supply</p> <p>ii. A reticulated water supply provided by a licensed operator shall be provided at the first stage of subdivision.</p> <p>4. Development</p> <p>c. Development of land shall be generally in accordance with the Scheme and approved Structure Plan.</p> <p>d. Land use permissibility shall be in accordance with the General Industry Zone and Light Industrial Zone of the Scheme (as amended), subject to the following:</p> <p>iii. No development shall be approved by the relevant authority until such time that there is an endorsed Structure Plan over the land.</p> <p>iv. The determining authority shall not approve a development application over land containing the Distributor 'Loop' Road unless the road has been constructed and ceded in accordance with an approved Structure Plan.</p>
<p>2. Pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determined that the amendment is a 'Standard Amendment' for the following reasons:</p> <p>a. The Amendment is consistent with the Muchea Industrial Park Structure Plan (April 2022); and</p> <p>b. The Amendment is consistent with the Shire of Chittering Local Planning Strategy (October 2019) that has been endorsed by the Commission.</p>		
<p>Advice Note:</p> <ul style="list-style-type: none"> Request the proponent for Scheme Amendment 71 lobby the State and Federal government for the provision of greater essential services to the Muchea Industrial Park including the connection of reticulated gas and reticulated sewerage. 		
<p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 7.39PM</p>		

TECHNICAL SERVICES**TS01 – 06/23 Containers for Change Program – Expression of Interest**

Applicant	Shire of Chittering
File ref	
Author	Leo Pudhota, Executive Manager Technical Services
Authorising Officer	Melinda Prinsloo, Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

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

This item was withdrawn from the agenda to allow Council an opportunity to workshop the intended outcomes.

TS02 – 06/23 Adoption of Strategic Waste Management Plan 2023 – 2033

Applicant	Shire of Chittering
File ref	IREP2312239
Author	Principal Environmental Health Officer
Authorising Officer	Executive Manager Technical Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Strategic Waste Management Plan (SWMP) 2023 - 2033 2. SWMP Supporting Report – Assessment and Analysis 2023 - 2033

	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

The Shire's existing Strategic Waste Management Plan (SWMP) was developed by Talis in 2014. In August 2022, ASK Waste Management was engaged to update the SWMP, to set the future direction for contemporary waste management within the Shire.

The Strategy was produced in line with the State's Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy), relevant legislation, and the Department of Water and Environmental Regulation (DWER) Waste Plan Resource Kit. The purpose of the Strategic Waste Management Plan is to provide a framework for effective, efficient, and sustainable management of waste within the Shire from 2023 until 2033. An assessment and analysis supporting report for the SWMP has been developed as well to provide information from the various aspects of the operations of the landfills with recommendation actions contained in the SWMP.

Background

ASK Waste Management was engaged in August 2022 to update the Shire's SWMP which was developed by Talis in 2014, as the document was produced under the requirements of the government's previous waste strategy (2012) which is now outdated. Another strategy was developed in 2015 as part of the Avon Regional Organisations of Councils (AROC), however there was no further collaboration between the AROC group and the recommendations in the strategy were not implemented.

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 with DWER waste data reporting requirements.

Consultation Summary

Local

Avon Waste

Executive Manager Technical Services

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—*

- 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.”*

The WARR Act requires that Local Governments have a Waste Plan that supports the objectives of their ‘Waste Avoidance and Resource Recovery Strategy 2030’. ASK Waste Management has updated the SWMP and produced an assessment and analysis report to support the SWMP. SWMP is included as **Attachment 1** and assessment and analysis report as **Attachment 2**.

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.

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 Plan 2. Waste Authority position and guidance statements 3. State Waste Infrastructure Plan 4. Annual Business Plan 5. 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 capita 2030 – 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

Nil

Financial Implications

The updating of the SWMP by ASK Waste Management cost \$30,250.00 including GST. In order for the action areas to be undertaken and implemented, money will need to be allocated in the budget every financial year. The costing each financial year will depend on the action area, however not every action area will need financing.

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

Site inspection undertaken: Yes

Two site visits were conducted at both Bindoon and Muchea landfills with the consultants from ASK. This was conducted in order for the consultants to get a better understanding on how the landfills are operated and layout of the sites.

Environmental Consideration

Environment consideration given: Yes

To reduce the environmental impacts such as odour, leachate and greenhouse gas emissions from landfills better practices needs to be implemented.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk: Compliance	Unlikely	Minor	Low	Ensure recommended action plan areas in the SWMP 2023 -2033 are all undertaken and implemented
Opportunity: To effectively, efficiently, and sustainably manage waste within the Shire				

Officer Comment/Details

The purpose of the Strategic Waste Management Plan is to provide a framework for effective, efficient, and sustainable management of waste within the Shire from 2023 until 2033. The main objective of the SWMP are as follows:

- Provide cost-effective and efficient services
- Provide a plan for the future of Bindoon and Muchea Landfills.
- Waste services to be at least cost neutral.

The SWMP provides a series of action areas and tasks that support the achievement of the Shires aim and objectives. The actions need to be achieved between 2023 – 2033. The action areas are as follows:

Waste infrastructure and operations

To protect the environment, waste infrastructure and operations need to be managed to comply with better practice standards, DWER licence conditions and the relevant regulations. The use of better practice will assist in minimising the risk of environmental damage or pollution, extending the life of the Shire’s landfill and reducing costs. Actions include:

- Address Licence non-compliance;
- Develop and implement a land closure management plan for the Muchea landfill and recycling centre;
- Develop a land closure management plan for the Bindoon landfill and recycling centre to facilitate the landfill closure;
- Develop Facility Management Systems;
- Define, design and construct Transfer Stations (Bins handling facility);
- Optimise landfill efficiencies at Muchea landfill; and
- Address infrastructure implications of Waste Strategy Better Practice.

Waste services

Through these services the Shire can avoid waste generation, recover more materials from waste, and protect human health and the environment from the impacts of waste. Actions relating to the Shire waste services include:

- Undertake a feasibility assessment for the collection and processing of Food Organics and Garden Organics (FOGO);
- Undertake a review of the kerbside contract and pursue regional procurement;
- Review options to increase resource recovery streams; and
- Review of Containers for Change refund point operation.

Data, information and economics

Data and economic information provide the key foundation for effective planning, monitoring, management and decision making in relation to waste management and resource recovery. Actions include:

- Undertake financial review and whole of life costing;
- Review Shire position on free domestic disposal;
- Review Shire position on commercial waste acceptance; and
- Alignment with Strategic Community Plans and operational business plans and budgets.

Regional approaches

Strategies and actions to strengthen regional collaboration in the delivery of waste management services and improve waste management practices across the region. Actions include:

- Regional coordination & cooperation; and
- Regional procurement.

Behaviour Change

Communication and engagement with waste generators underpin many local government waste management activities and is vital to driving behaviour change needed to achieve the objectives and targets of the WA Waste Strategy 2030. Actions include:

- Education and awareness.

As part of the consultant brief, an assessment and analysis had to be undertaken of various aspects of the waste operations. This report provides information of the listed aspects with the recommended action plan contained in the SWMP. The following aspects of operations were included when developing the assessment and analysis supporting report for the SWMP:

- An audit of operations of the Muchea Landfill and Recycling Facility and Bindoon Landfill and Recycling Facility;
- Review of requirements and implications of the Waste Avoidance and Resource Recovery Act 2007 in relation to Council's operation;
- Review of the Shires current collection and recording of waste data;
- Propose future direction for the Muchea and Bindoon landfill facilities;
- Assess the feasibility of the closure of the Bindoon Landfill and Recycling Centre in favour of a transfer station versus the continued operation of the site as a landfill and recycling centre;
- Assess future State and Federal recycling strategy and direction;
- Review of the Shire's existing 'Containers for Change' process; and
- Review funding opportunities for waste infrastructure and services.

The SWMP has a detailed action plan that needs to be undertaken to ensure better waste recovery from both landfills, compliance with Shire's landfill licenses and set the future for up-to-date waste management. The next steps after adopting the SWMP plan is address licence non-compliance and engage a consultant in developing landfill closure management plans for both Bindoon and Muchea landfills. The plan provides a final landform which provides the airspace available for disposal. This landform allows us to estimate the remaining 'life' based on annual average disposal rates.

It is officer's recommendation that Council adopts the draft SWMP 2023-2033 and accompanying SMWP Supporting Report in order for the Shire's strategic direction for waste management to be clearly established.

OFFICER RECOMMENDATION

Moved Cr Curtis, seconded Cr King

That Council:

1. Adopts the Shire of Chittering's Strategic Waste Management Plan 2023 – 2033;
2. Receives the Shire of Chittering Assessment and Analysis Supporting Report for 2023 - 2033 Strategic Waste Management Plan.
3. Notes this reports summary of actions and costs, for Council's future budget considerations.

AMENDMENT

Moved Cr Curtis, seconded Cr King

That Council amend the Officer Recommendation to include the following:

4. Instruct the Chief Executive Officer to convene a workshop with Council to provide an opportunity for Councillors to engage and participate in drafting Terms of Reference for a Council member advisory group on waste management.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.45PM

AMENDMENT

Moved Cr Ross, seconded Cr Angus

That Council amend the Officer Recommendation to include the following:

5. Formally review and update the Plan after 5 years to ensure ongoing compliance with legislation changes and current best practice in the industry.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.50PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 040623

Moved Cr Curtis, seconded Cr King

That Council:

1. **Adopts the Shire of Chittering's Strategic Waste Management Plan 2023 – 2033;**
2. **Receives the Shire of Chittering Assessment and Analysis Supporting Report for 2023 - 2033 Strategic Waste Management Plan.**
3. **Notes this reports summary of actions and costs, for Council's future budget considerations.**
4. **Instruct the Chief Executive Officer to convene a workshop with Council to provide an opportunity for Councillors to engage and participate in drafting Terms of Reference for a Council member advisory group on waste management.**
5. **Formally review and update the Plan after 5 years to ensure ongoing compliance with legislation changes and current best practice in the industry.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.50PM

CORPORATE SERVICES**CS01 – 06/23 List of Accounts Paid for the Period Ending 30 April 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 30 April 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 April 2023.

Background

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

Consultation/Communication ImplicationsLocal

Acting Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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 April 2023" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050623 Moved Cr Ross, seconded Cr Angus That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$665,457.94, for the period ending 30 April 2023:</p> <ol style="list-style-type: none"> 1. PR6335, PR6340 ; 2. EFT25074 – EFT25125 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7.52PM</small></p>
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CS02 – 06/23 Monthly Financial Report for the Period Ending 30 April 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 30 April 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 April 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 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

Environmental Consideration

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 060623**Moved Cr Campbell, seconded Cr Angus****That Council receives the Monthly Financial Report for the period ending 30 April 2023, as per Attachment 1.****CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.53PM

CS03 – 06/23 List of Accounts Paid for the Period Ending 31 May 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 May 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 May 2023.

Background

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

Consultation/Communication ImplicationsLocal

Acting Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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 May 2023" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070623 Moved Cr Campbell, seconded Cr King That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,946,698.29, for the period ending 31 May 2023:</p> <ol style="list-style-type: none"> 1. PR6348, PR6351 ; 2. EFT25126 – EFT25275 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7.54PM</small></p>

CS04 – 06/23 Monthly Financial Report for the Period Ending 31 May 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 May 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 May 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 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.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080623 Moved Cr Curtis, seconded Cr Ross That Council receives the Monthly Financial Report for period ending 31 May 2023, as per Attachment 1.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 7.55PM</p>

CS05 – 06/23 Adoption of the 2023-24 Annual Budget

Applicant	Shire of Chittering
File ref	13/02/37
Author	Acting Executive Manager Corporate 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	Absolute Majority
Attachments	1. 2023-24 Draft Statutory Budget 2. 2023-24 Fees and Charges Schedule

	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 2023-24 Draft Budget as presented.

Background

Local Government must prepare annual budgets in the format prescribed in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The Shire of Chittering commenced the 2023-24 budget process in May. The budgeting process and Council engagement were aimed at ensuring complete transparency and knowledge sharing throughout all engagements. The draft budget and Corporate Business Plan upon which it is based was presented to Council and extensively interrogated to ensure all aspects contained within each document is fully known.

Consultation/Communication ImplicationsLocal

Budget Workshops with Councillors and the Executive Management Team were held.

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 (as amended)

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

This agenda item provides for the adoption of the budget and the imposition of rates and fees and charges for the 2023-24 financial year.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance and Damage to the Shire’s Reputation.	Low	Moderate	Low	Statutory budget is prepared for adoption in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996. Workshops with Council to ensure transparency.
Opportunity: Presenting a balanced budget aligned to the Integrated Plans of the Shire to ensure transparency and accountability.				

Officer Comment/Details

Budget

The 2023-24 budget is informed by the Annual Operational Plan, which is a subset of the deliverables outlined in our Corporate Business Plan 2023-2027. These initiatives align with our shared vision of

developing the Shire of Chittering as an appealing place to live in a rural environment, in harmony with nature.

The key areas of focus in this budget are:

The completion and activation of the Muchea Recreational Centre and Clubrooms and the Bindoon Mountain Bike Park. Furthermore, funds were provided for the planning and detail design of the Lower Chittering Community Centre and reflection area.

Bushfire mitigation activities remain a key project, supported by mitigation funding. The *Plants for Rural Properties* project which involves distributing indigenous trees and shrubs to residents will continue to be funded. Fauna and flora studies in areas where trails will be developed, as well as revegetation of suitably identified Shire-owned land which has previously been cleared for grazing has also been included in the budget, along with the installation of two electric vehicle charging stations in Bindoon.

Our road infrastructure program will focus on maintaining and improving our roads network to provide reliable and secure transportation options, with our main focus this year being on the progression of works on Wandena Road. Several council-funded roads will be worked on. They have been listed below.

Recognising the needs of our aging community members wishing to scale down, provision has been made for the investigation and development of Independent Living Unit sites within the Bindoon townsite.

A continued focus on supporting small business development, attracting investment, and exploring opportunities for growth will be evident in the Economic Development budget, and increasing tourism by implementing an events program designed to attract visitors to the Shire will be funded under Tourism. Additionally, efforts will be made resolve the lack of accommodation for visitors to the Shire.

The Landfill Access/Maintenance Rate unchanged at \$60. Commercial fees will continue to be charged for all rubbish deemed to not be domestic waste.

Council continues to allocate funds to reserves to cater for the rehabilitation of our waste sites when it reaches its end of life.

The Loan previously approved for the Bindoon Mountain Bike Caravan Park has been carried forward into this budget.

Highlights of the budget include

- **Schedule 4 – Governance**
 - Funding for feasibility studies (as per Strategic Community Plan)
 - Funding for Independent Living Units Development Sites
 - Funding for Reconciliation Action Plan
 - Funding to install Community Notice Boards

- **Schedule 5 – Law Order Public Safety**
 - Continued focus on Fire, Safety and Animal Control activities
 - Substantial Grant-funded Fire Mitigation works
 - Funding for Fire Danger Rating System Signage

- **Schedule 7 – Health**
 - Funding for consultants to prepare a Strategic Waste Management Plan

- **Schedule 8 – Education and Welfare**
 - Funding for Education Scholarships
 - Funding for Youth Services (Youth Events, Youth Development Program, School Holiday Activities, Youth Sponsorship and Youth Chaplaincy)
 - Funding for Events (Shire support for the Volunteer Day/Week Promotions)
 - Funding to support localised Community Events
 - Ongoing provision of Community Assistance Grants and sponsorships for community groups

- **Schedule 9 – Housing**
 - Scheduled maintenance works for senior housing
 - Scheduled maintenance works for community housing

- **Schedule 10 – Community Amenities**
 - Funding to upgrade the Bindoon Landfill building with power, air-conditioning, solar and CCTV
 - Funds transferred to Waste Management Reserve for tip rehabilitation
 - Continued support of the Chittering Landcare
 - Funding for Cooee Waste Data Collection Service
 - Funding for consultants for a Landfill Closure Management Plan for both Bindoon and Muchea refuse sites
 - Funding to review two Local Planning Policies
 - Funding to complete the panel and landscape works at the Cemetery
 - Replace the handrails at Clune Park Public Convenience

- **Schedule 11 – Recreation and Culture**
 - Funding carry over for patios at the Bindoon and Wannamal
 - Funding to create a separate room inside the Bindoon Hall
 - Funding to replace the door at Chinkabee and refurbish the bowls court
 - Funding for compost bins at Sandown Park
 - Funding to fence the Tennis Courts at Wannamal Hall
 - Provision for Mountain Bike Caravan Park
 - Lighting upgrade at the Brockman Centre
 - Project completion of the Muchea Clubrooms/Hall Redevelopment
 - Funding for a pump track at Sussex Bend
 - Electrical meter box upgrade at John Glenn Park
 - Funding for shade shelter and seating at Clune Park
 - Funding for a solid shade structure at Sussex Bend
 - Funding for design works at Lower Chittering Hall and Trails
 - Funding for Dog exercise area
 - Funding carry over for Mountain Bike Park Trail completion
 - Funding for consultant to provide revegetation assessment at the Mountain Bike Park
 - Funding to install a Water tank and pump at the Mountain Bike Park
 - Funding to install Fire Water tank and pump at the Muchea redevelopment site
 - Funding for the playground at the Muchea redevelopment site
 - Funding for a concept and feasibility study for the Long Distance XC Regional Trail
 - Funding carry over for Flora study, clearing permit and trail refurbishment at Djidi Djidi Ridge
 - Funding carry over for Yozzi Road Walk Trail
 - Continued funding for our popular Bindoon Library services and activities
 - Funding for new Library Management System
 - Funding for Australia Day and other Events throughout the Shire
 - Continuation of the Community Courtesy Bus Program

- **Schedule 12 – Transport**

- Council funded roadworks at:
 - Crest Hill Road
 - Teatree Road
 - Steer Street
 - Ridgetop Ramble
 - Edwards Place
 - Flat Rocks Road
 - Perry Road
 - Stephens Road
 - Spillman Road
- Regional Road Group (RRG) works on:
 - Mooliabeenee Road
 - Chittering Road
- Roads to Recovery works on:
 - Chittering Valley Road
 - Wandena South Road
- Local Roads & Community Infrastructure grant works on Wandena Road
- Black Spot Roadworks on:
 - Julimar Road
 - Muchea Road South
- Street Lighting upgrades
 - Santa Gertrudis
 - McGlew
- Plant purchases as per the 10-year Plant Replacement Plan

- **Schedule 13 – Economic Services**

- Continued support of the Taste of Chittering Event
- Continuation of the Shop Local Campaign
- Continued support for tourism and area promotion, as well as visitor centre
- Continued support for our local businesses through the Business development service
- Funding for Trees for Residents Program

- **Schedule 14 – Other Property and Services**

- Continue to provide improved customer services through increased self-service channels and streamlined processes
- Continue upgrade of Council website to provide a platform for interactive customer service

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090623

Moved Cr Ross, seconded Cr Hughes

That Council:

- 1. Pursuant to the provision of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the budget for the Shire of Chittering for the 2023-2024 financial year which includes the following:**
 - a. Statement of Comprehensive Income by Nature and Type;**
 - b. Statement of Cash Flows;**
 - c. Rate Setting Statement by Nature and Type;**
 - d. Notes to and forming part of the Budget.**
- 2. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* impose a 3% rate in the dollar increase, as follows:**

- a. Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate in the dollar of 0.114484, with a minimum rate of \$1,150.00 be imposed; and
 - b. Where the General Rate is to apply, for all rateable properties with Unimproved Valuations a rate in the dollar of 0.006080, with a minimum rate of \$1,100.00 be imposed.
3. That Council, pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 8% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
 4. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 2.5% where the owner has elected to pay rates and charges through an instalment option and 8% upon default.
 5. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, offer the following payment options:
 - a. Option 1
To pay the total of rates and charges included on the rate notice in full by the due date 24 August 2023, which is 35 days after the date of service. Failure to pay will attract penalty charges.
 - b. Option 2
To pay by instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including all arrears (if any) is paid by the due date. Payment dates are 24 August 2023, 26 October 2023, 2 January 2024 and 5 March 2024.
 6. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment charge where the owner has elected to pay rates (and charges) through an instalment option of \$10.00 for each instalment after the initial instalment is paid.
 7. That Council, pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007*, impose a Waste Collection & Disposal Fee in the compulsory areas, as following:
 - a. \$350.50 per annum – for one refuse mobile garbage bin (collected weekly) and one recycling mobile garbage bin (collected fortnightly);
 - b. \$158.50 per annum – for any additional recycling mobile garbage bins (collected fortnightly); and
 - c. \$193.00 per annum – for any additional refuse mobile garbage bins (collected weekly).
 8. That Council, pursuant to Section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopts the following waste services rate and minimum payment to fund the operations of the Bindoon and Muchea Landfill Centres:
 - a. GRV base rate \$0.000038;
 - b. UV base rate \$0.0000038; and a
 - c. Minimum payment of \$60.00 to apply to both GRV and UV rated land.
 9. That Council adopts as part of the budgetary process, the attached Fees and Charges Schedule.

10. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 6 April 2023*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$19,835; and
 - b. Councillors \$12,826
11. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 6 April 2023*, adopts the following annual allowances under Section 5.99A of the *Local Government Act 1995* for elected members:
 - a. Reimbursement of Expenses Allowance \$3,180
12. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 6 April 2023*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$15,265
13. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 6 April 2023*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$3,816
14. That Council, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, adopts a variance of 10% and a minimum of \$10,000.00 to be used in the statements of financial activity and annual budget review.

CARRIED BY ABSOLUTE MAJORITY 6 / 1

TIME: 8.27PM

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

Against: Cr Curtis

AMENDMENT

Moved Cr Curtis

That the Officer Recommendation be amended at point 2 as follows:

2. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* impose a 0% rate in dollar increase, as follows:
 - a. Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate in the dollar of 0.111150, with a minimum rate of \$1,150.00 be imposed; and
 - b. Where the General Rate is to apply, for all rateable properties with Unimproved Valuations a rate in the dollar of 0.005903, with a minimum rate of \$1,100.00 be imposed.
 - c. That the Statutory Budget be amended and rebalanced to reflect this change.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Curtis, seconded

That the Officer Recommendation be amended to include point 15 as follows:

15. That Council revise the Tourism budget and adopt a reduction of \$40,000 and that the projects intended to be actioned by these consultants be removed from the Annual Operational Plan for 2023/24.
 - a. That the Statutory Budget be amended and rebalanced to reflect this change.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Curtis, seconded

That the Officer Recommendation be amended to include point 15 as follows:

15. That Council approve that the Lower Chittering Community Centre budget allocation for detailed architectural planning of \$400,000 be removed from the draft Budget and the project be deferred for one year with funding to be considered for the 2024/25 Budget.
 - a. That the Statutory Budget be amended and rebalanced to reflect this change.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Curtis, seconded Cr Dewar

That the Officer Recommendation be amended to include point 15 as follows:

15. That Council remove the provision of \$61,500 for Dog Exercise Area investigation / implementation from the draft Budget.
 - a. That the Statutory Budget be amended and rebalanced to reflect this change.

LOST 3 / 4

TIME: 8.24PM

For: Cr Angus, Cr Dewar, Cr Curtis

Against: Cr King, Cr Hughes, Cr Ross, Cr Campbell

MOTION

Moved Cr King, seconded Cr Curtis

That Council suspend Standing Orders 8.9.

CARRIED 6 / 1

TIME: 8.12PM

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

Against: Cr Angus

MOTION

Moved Cr King, seconded Cr Ross

That Council resume Standing Orders 8.9.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.22PM

CHIEF EXECUTIVE OFFICER**CEO01 – 06/23 Occupational Safety and Health Statistics Report – May 2023**

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

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

Executive Summary

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

Background

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

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

g. *Average overtime per person by department.*

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

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Work Health and Safety Act 2020*

Local

Nil

Policy Implications

State

Nil

Local

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

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2017-2027*

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100623

Moved Cr King, seconded Cr Ross

That Council receive the Shire of Chittering Occupational Safety and Health Statistics Report for May 2023.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.31PM

CEO02 – 06/23 Bindoon Mountain Bike Park Advisory Group

Applicant	Shire of Chittering
File ref	ECDEV - PROJECT - MOUNTAIN BIKE
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Bindoon Mountain Bike Park Advisory Group – Terms of Reference

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

Executive Summary

Council is requested to consider forming a Bindoon Mountain Bike Park Advisory Group, approve the attached Terms of Reference and appoint a Council delegate and deputy delegate to the Group.

Background

At the OCM held 15 March 2023, Council adopted to approve the Bindoon Mountain Bike Park Project Reference Group. This Group is to ensure the Project is delivered within scope and timeframe and the necessary stakeholders are involved throughout the process. This Group will run until the Project is complete and the Bindoon Mountain Bike Park is open to the public. This Group will then be dissolved through Council.

The Bindoon Mountain Bike Park Advisory Group will be responsible for the following:

- Drafting a promotional plan for the facility which will include the marketing, promotion and ongoing operations of the Park. Particular attention should be given to the launch of the Stage 1 Trails.
- Investigating potential uses of the Park and activating the space.
- Developing branding, tourism, and information signage.
- Drafting an events calendar.
- Identifying ancillary business development opportunities.

Membership will consist of:

- Council Delegate
- Deputy Council Delegate
- Shire Officer

- Member of the Chittering Tourist Association (1 member and 1 proxy)
- Member of the Chittering Chamber of Commerce (1 member and 1 proxy)
- Chittering Mountain Bike Club (2)
- Tourism WA (1)
- Members of the Chittering community who have professional expertise in tourism promotion and/or business management (3)

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2022-2032*
 - Focus Area: Economy
 - Objective: S4.1 Economic Growth
 - Strategy: S4.1.1 Support investment which stimulates sustainable industries, business and job growth

 - Objective: S4.2 Local Business Growth
 - Strategy: S4.2.1 Encourage and support businesses and new investments for the future

 - Objective: S4.3 Increase Visitors
 - Strategy: S4.2.1 Support and promote accommodation options
S4.3.2 Facilitate, promote and support visitation
S4.3.3 Increase in nature based tourism and agritourism

 - Focus Area: Administration and Governance
 - Objective: S5.1 An engaged Shire
 - Strategy: S5.1.1 Continue to engage responsively with the community, using a variety of methods of inviting input

Objective: S5.2 Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability
 S5.2.2 Responsible, sustainable and planned use of the Shire’s financial resources

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation - Failure of decisions representing what the community wants	(2) Unlikley	(3) Major	(6) Moderate	Ensure all of the members opinions are taken into consideration and that the community is always at the back of their mind when making decisions
Opportunity: Nil				

Officer Comment/Details

That Council:

1. Approve the Bindoon Mountain Bike Park Advisory Group.
2. Approve the attached Terms of Reference for the Group.
3. Appoint a Council delegate and Proxy to the Bindoon Mountain Bike Park Advisory Group, to chair the meetings.
4. Instruct the CEO to seek nominations from the following organisations/groups:
 - a. Chittering Tourism Association (1 member and 1 proxy)
 - b. Chittering Chamber of Commerce (1 member and 1 proxy)
 - c. Chittering Mountain Bike Club (2)
 - d. Tourism WA (1)
 - e. Members of the Chittering community who have professional expertise in tourism promotion and/or business management (3)

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110623

Moved Cr Ross, seconded Cr Campbell

That Council:

- 1. Approve the Bindoon Mountain Bike Park Advisory Group.**
- 2. Approve the attached Terms of Reference for the Group.**
- 3. Appoint Cr Mark Campbell as Council delegate and Cr John Curtis as Proxy to the Bindoon Mountain Bike Park Advisory Group, to chair the Meetings.**
- 4. Instruct the CEO to seek nominations from the following organisations/groups:**
 - a. Chittering Tourism Association (1 member and 1 proxy)**
 - b. Chittering Chamber of Commerce (1 member and 1 proxy)**
 - c. Chittering Mountain Bike Club (2)**
 - d. Tourism WA (1)**
 - e. Members of the Chittering community who have professional expertise in tourism promotion and/or business management (3)**

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.34PM

CEO03 – 06/23 Corporate Business Plan 2023/24 – 2026/27

File ref	04/04/1
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	Absolute Majority (per local government act)
Attachments	1. Corporate Business Plan 2023/24 – 2026/27

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

Executive Summary

Council is requested to receive the Shire of Chittering Corporate Business Plan 23/24-26/27. 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 and Strategic Community Plan 2022-2032.

Background

The 2023/24 – 2026/27 Corporate Business Plan (**CBP**) forms part of the Shire's Integrated Planning and Reporting Framework (the **Framework**) as required under the *Local Government (Administration) Regulations 1996*.

The CBP activates the ten-year vision and strategic goals set out in the Shire's Strategic Community Plan 2022-2032 (adopted on 15 June 2022). The CBP is fully integrated with all Council adopted Strategies and Plans which enables a cross-functional planning process and a consistent approach towards planning and budgeting. The CBP is aligned to the Shire's operational planning and resourcing process that addresses asset management, financial management and workforce management.

Reviewed on an annual basis and aligned with the budgeting process, the CBP (**Attachment 1**) contains the four-year priorities and key projects for each of these years. The CBP also provides an overview of the range of services that will be delivered during this timeframe.

The CBP is cascaded through operational plans that provide a detailed view of core business activities planned for the forthcoming financial year.

Whilst not a statutory requirement, operational planning supports the implementation of the CBP and

enables prioritisation of workforce, asset, and financial resources through a consideration of the service levels, and additional projects or initiatives for the year.

Consultation Summary

Local

This document has been prepared based on consultation with Council Members (workshops), the Executive Leadership Team and subject matter staff members through workshops.

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

Environmental Consideration

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 adopts the Corporate Business Plan.

While the Corporate Business Plan is an essential medium term (4 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 120623

Moved Cr Hughes, seconded Cr Angus

That Council adopts the Corporate Business Plan 23/24 – 26/27 as per Attachment 1.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 8.39PM

CEO04 – 06/23 Annual Operational Plan 2023/24

File ref	04/04/1
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	Absolute Majority (per local government act)
Attachments	1. Annual Operational Plan 2023/24

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

Executive Summary

Council is requested to receive the Shire of Chittering Annual Operational Plan 2023/24. The Plan has been prepared as accompanying narrative to the Statutory Budget, in line with the Integrated Planning Framework.

Background

The Integrated Planning Framework best practices would see a Strategic Community Plan (10-year Plan) broken down into a medium-term Corporate Business Plan (4-year Plan), and ultimately into a one-year Annual Operational Plan which ties the strategic direction to tangible deliverables which are funded in the Annual Budget.

Although this is not a statutory requirement, it provides additional transparency and a commitment by the CEO and team to deliver the budget as set by Council. This plan spans not only projects tied to funding, but also performance standards and projects considered to be part of "Business as Usual". All deliverables are not only tied to the strategic themes, but also to the risk indicators.

Overall, this plan shows good governance, as it outlines measurable deliverables, which will ultimately be reported on in the Annual Report at the end of this year.

This is the first Annual Operational Plan presented by the Shire, and all attempts have been made to make this a user-friendly document which can be employed as a reference to budget deliverables by the community.

Consultation SummaryLocal

The Annual Operational Plan is an excerpt of the Corporate Business Plan which only deals with the first year of deliverables. This has been presented to Council in conjunction with the Corporate Business Plan and the Budget.

State

Nil

Legislative Implications

State

Nil (Although this is part of the Integrated Planning Framework, this is not a prescribed deliverable, this is additional to legislative/regulatory requirements).

Local

Nil

Policy Implications

There are no direct policy implications. The effect of an Annual Operational Plan is to provide clarity on deliverables accompanying the annual budget and to ensure alignment towards medium-term deliverables in the Corporate Business Plan and other informing Plans.

Financial Implications

There is no direct financial implication from the adoption of the Annual Operational 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

- Corporate Business Plan 2023-2027

Outcome 11: Accountable and transparent governance

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Transparency	Possible	Moderate	Moderate	By ensuring the Annual Operational Plan aligns to the budget, accountable delivery and reporting can be achieved.
Opportunity: Nil				

Officer Comment/Details

That Council adopts the Annual Operational Plan.

While the Annual Operational Plan provides a narrative to the annual budget, it is important to note that the adoption of such a plan is aspirational and tied to budget constraints and risks associated with fluctuations in the financial environment.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130623
Moved Cr Ross, seconded Cr Angus
That Council adopts the Annual Operational Plan 2023/24 as per Attachment 1.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0
TIME: 8.41PM

CEO05 – 06/23 Updated Chittering Tourism Advisory Group Membership

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

	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 review and adopt the updated CTAG Membership to include Chris Waldie as a full voting member of the Group.

Background

CTAG officially became an advisory group to Council at the September 2020 Ordinary Council Meeting.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

Nil

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Transparency	Unlikely	Minor	Low	Bringing this to Council to align with transparency within the Shire.
Opportunity: Nil				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Compliance	Unlikely	Minor	Low	Any amendments to the Terms of Reference need to be adopted by Council.
Opportunity: Nil				

Officer Comment/Details

Chris has attended every CTAG meeting, however, as it stands, he has not been given voting rights. The Bindoon & District Historical Society is playing a pivotal role in Tourism in the Shire, though their interactions and services to visitors to the Museum. Chris has been able to share invaluable insights into tour busses visiting the Shire by providing statistics to the group. Given some members have stepped down for personal reasons, it would be beneficial to the Group to have Chris appointed as a full voting member.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140623

Moved Cr Curtis, seconded Cr Angus

That Council approves the inclusion of Chris Waldie as a full voting member of the Chittering Tourism Advisory Group, as a representative of the Bindoon & District Historical Society.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.45PM

CEO06 – 06/23 Muchea Recreation Centre User Group – Community Membership Selection

Applicant	Shire of Chittering
File ref	02/08/6
Author	Community Development Coordinator
Authorising Officer	CEO
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. EOI Natalie Vallance 2. EOI Michelle Davies 3. EOI Louise Yates

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

Executive Summary

Council is requested to consider the three Community expressions of interest received for the Muchea Recreation Centre User Group, selecting 2 of the applicants to be members of the reference group.

Council is also requested to select two Elected Members/Council Delegates of the Shire of Chittering (one of whom is to be the Presiding Person).

Background

On 20 May the Shire opened an expression of interest process for 2 Community Representatives on the Muchea Recreation Centre User Group. Nominations closed at 4pm on Friday, 26 May 2023.

Consultation SummaryLocal

At the 19 April 2023 Ordinary Council Meeting, Council resolved the following:

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

The following expressions of interest were received at the close of Expression of Interest

1. Natalie Vallance
2. Michelle Davies
3. Louise Yates

A copy of the EOI forms are attached for Council consideration.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Council Committees and Advisory Groups Membership

Financial Implications

Nil

Strategic Assessment / Implications

Local

Strategic Community Plan 2017-2027

Focus Area: Our Community

Objective S1.1 An active and supportive Community

Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local communities

Objective: S2 Outcome: Strong sense of community

Strategy: S1.2.3 Activate our local centres and towns

Focus Area: Our built environment

Objective: S3 Outcome: Development of local hubs

Strategy: S3.1.1 Plan for new and enhanced community facilities

Objective: S3 Outcome: Improved infrastructure and amenities

Strategy: S3.3.1 Improved asset management across all asset classes

Focus Area: Strong leadership

Objective: S5.1 An engaged community

Strategy: S5.1.1 Encouraged and promote community engagement

Objective S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Build effective partnerships with stakeholders

Objective: Accountable Governance

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

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

All risks were assessed as low.

Officer Comment/Details

The Terms of Reference for the Muchea Recreation Centre User states that membership will consist of:

- Two Elected Members/Council Delegates of the Shire of Chittering (one of whom is to be the Presiding Person). Council Delegates may be re-appointed following biennial Local Government Councillor Elections.
- Shire’s Facility Officer (or their proxy)
- 2 independent Community representatives.
- Maximum of 2 Representatives of each of the Verified Users of the facility.
- Other staff as requested by the Chair.

Name	Locality	Reason for applying
Natalie Vallance	Muchea	I have been a resident of Muchea for 36 years now, so almost a local. I have been involved in the running of the Muchea Netball Club for over 25 years, which ceased when my husband got sick for his last time-I have since been unable to participate in Netball being that I am running our business instead, employing 20 locals. I love our area and am passionate about sport, AND community inclusiveness overall. My recent activity in saving the Muchea Marri’s is an issue that has revealed that participation in the future management/changes+ at the MRC must have broader community perspective, that is what I offer. That may mean that I will be unable to offer plants for the MRC due to perceived conflicts of interest, but I am prepared that this be the case to ensure a broader perspective of the needs of the Muchea community overall
Michelle Davies	Muchea	I am interested in exploring additional uses for the facility (eg, cards, board games, darts, table tennis, swap meets) and opportunities for recreation where parents and children can do things together (rather than the parents sitting 'on the side lines') or where local people (kids or adults) can come together. I am also interested in the environmental/landscaping aspects of the grounds (as mentioned in our phone conversation I am an advocate for the retention of the Muchea Marri Trees that are currently under discussion).
Louise Yates	Muchea	I live adjacent to the hall and want to know what is happening/planned for the hall and grounds.

OFFICER RECOMMENDATION

Moved Cr Ross, seconded Cr Campbell

That Council:

1. Consider the three expressions of interest received for the Muchea Recreation Centre User Group;
2. Thank all applicants, and appoint Ms Natalie Vallance and Ms Michelle Davies to the Muchea Recreation Centre User Group, as per the Terms of Reference; and
3. Appoint Cr Kylie Hughes as Council Delegate (Presiding Person) and Cr David Dewar as Proxy, as Council representatives on the Muchea Recreation Centre User Group.

AMENDMENT

Moved Cr Hughes, seconded Cr Ross

That the Officer Recommendation be amended to include:

4. The Reference Group convenes one month prior to the anticipated handover date.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.55PM

MOTION

Moved Cr Ross, seconded Cr King

That Council suspend Standing Order 8.9.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.51PM

MOTION

Moved Cr Ross, seconded Cr King

That Council resume Standing Order 8.9.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.54PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 150623

Moved Cr Ross, seconded Cr Campbell

That Council:

1. Consider the three expressions of interest received for the Muchea Recreation Centre User Group;
2. Thank all applicants, and appoint Ms Natalie Vallance and Ms Michelle Davies to the Muchea Recreation Centre User Group, as per the Terms of Reference; and
3. Appoint Cr Kylie Hughes as Council Delegate (Presiding Person) and Cr David Dewar as Proxy, as Council representatives on the Muchea Recreation Centre User Group.
4. The Reference Group convenes one month prior to the anticipated handover date.

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.56PM

CEO07 – 06/23 Delegated Authority Register Review

Applicant	Shire of Chittering
File ref	13/05/0001
Author	Executive Management 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	Absolute Majority
Attachments	1. Proposed Delegated Authority Register Amendments 2. Dog Act 1974 Delegation – 5.1.10 – Grant Exemption as to Number of Dogs Kept at Premises

	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 Delegated Authority Register as per **Attachment 1**; as well as the newly created "Grant Exemption as to Number of Dogs Kept at Premises" delegation as per **Attachment 2**.

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The last review was presented to Council on 15 June 2022.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register.

Consultation SummaryLocal

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

State

WALGA

Legislative Implications

State

- *Local Government Act 1995*
 - 5.42 *Delegation of some powers and duties to CEO*
 - (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*
 - * *Absolute majority required.*
- 5.46. *Register of, and records relevant to, delegations to CEO and employees*
 - (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
 - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
 - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*
- *Building Act 2011*
- *Bush Fires Act 1954 and regulations and local laws created under that Act*
- *Cat Act 2011 and regulations*
- *Dog Act 1974 and regulations*
- *Food Act 2008*
- *Graffiti Vandalism Act 2016*
- *Public Health Act 2016*
- *Planning and Development Act 2005 including regulations and adopted policies*
- *Environmental Protection Act 1986*
- *Main Roads Act 1930*
- *Road Traffic (Vehicles) Act 2012*
- *Strata Titles Act 1985*

Local

Shire of Chittering – Dogs Local Law 2023

Shire of Chittering – Keeping and Control of Cats Local Law 2023

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2022-2032*
 - Focus area: Administration and Governance
 - Objective: S5.2 Outcome: Accountable and Transparent Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<p>Compliance: The Delegation Register provides for the efficient and effective running of the shire while staying compliant with legislation and regulations and will ensure that the Shire’s reference documents are updated in case of legal or other challenges being brought against the Shire.</p>	Rare	Minor	Low	The creation of and regular review of the Delegations Register reduces the risk of non-compliance.
Opportunity: Nil				

Officer Comment/Details

Council, as Delegator, is required to review their Delegations annually. In accordance with the Local Government Act 1995, s5.46(2) delegations made under Division 4 of Part 5 of the Act are to be reviewed by the delegator at least once during the financial year.

A comprehensive review and overhaul of the Delegations Register was conducted in 2020 and an extensive review was again carried out in 2021 and 2022, in line with changes to legislation and reforms under the Local Government Amendment Act 2019 (Amendment Act).

The current annual review of the Shire of Chittering’s Delegation Register resulted in the following delegations requiring administrative amendments. These amendments have been grouped and tabulated for ease of reference.

Delegations updated from an administrative perspective to reflect the change in name/position title from “Executive Manager Corporate Services” to the newly appointed “Deputy Chief Executive Officer” and the correct title of the relevant Compliance linked Policy.
<i>Local Government Act 1995 Delegation 1.2.3 – Powers of Entry</i>
<i>Local Government Act 1995 Delegation 1.2.16 – Payments from the Municipal or Trust Funds</i>
<i>Local Government Act 1995 Delegation 1.2.17 – Defer, Grant Discounts, Waive or Write Off Debts</i>
<i>Local Government Act 1995 Delegation 1.2.18 – Power to Invest and Manage Investments</i>
<i>Local Government Act 1995 Delegation 1.2.19 – Rate Record Amendment</i>
<i>Local Government Act 1995 Delegation 1.2.20 – Agreement as to Payment of Rates and Service Charges</i>
<i>Local Government Act 1995 Delegation 1.2.21 – Determine Due Date for Rates or Service Charges</i>
<i>Local Government Act 1995 Delegation 1.2.22 – Recovery of Rates or Service Charges</i>
<i>Local Government Act 1995 Delegation 1.3.5 – Electoral Enrolment Eligibility Claims and Electoral Roll</i>
<i>Local Government Act 1995 Delegation 1.3.6 – Information to be Available to the Public</i>

Delegations updated from an administrative perspective to reflect the correct title of the relevant Compliance linked Policy.
<i>Local Government Act 1995 Delegation 1.2.15 – Tenders for Goods and Services</i>
<i>Local Government Act 1995 Delegation 1.2.25 – Appointment of an Acting Chief Executive Officer</i>

Delegations updated from an administrative perspective to reflect the change in the newly adopted Shire of Chittering Local Laws. The relevant Compliance Linked Local Law is now titled “Keeping and Control of Cats Local Law 2023”.
<i>Cat Act 2011 Delegation 4.1.1 – Cat Registrations</i>
<i>Cat Act 2011 Delegation 4.1.2 – Cat Control Notices</i>
<i>Cat Act 2011 Delegation 4.1.3 – Approval to Breed Cats</i>
<i>Cat Act 2011 Delegation 4.1.4 – Appoint Authorised Persons</i>
<i>Cat Act 2011 Delegation 4.1.5 – Recovery of Costs – Destruction of Cats</i>
<i>Cat Act 2011 Delegation 4.1.6 – Applications to Keep Additional Cats</i>
<i>Cat Act 2011 Delegation 4.1.7 – Reduce or Waiver Registration Fee</i>
<i>Cat Act 2011 Delegation 4.2.1 – Infringement Notices – Extensions and Withdrawals</i>

Delegations updated from an administrative perspective to reflect the change in the newly adopted Shire of Chittering Local Laws. The relevant Compliance Linked Local Law is now titled “Dogs Local Law 2023”.
<i>Dog Act 1974 Delegation 5.1.1 – Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons</i>
<i>Dog Act 1974 Delegation 5.1.2 – Refuse or Cancel Registration</i>
<i>Dog Act 1974 Delegation 5.1.3 – Appoint Authorised Persons</i>
<i>Dog Act 1974 Delegation 5.1.4 – Recovery of Moneys Due Under this Act</i>
<i>Dog Act 1974 Delegation 5.1.5 – Dispose of or Sell Dogs Liable to be Destroyed</i>
<i>Dog Act 1974 Delegation 5.1.6 – Declare Dangerous Dog</i>
<i>Dog Act 1974 Delegation 5.1.8 – Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</i>
<i>Dog Act 1974 Delegation 5.1.9 – Determine Recoverable Expenses for Dangerous Dog Declaration</i>

Dog Act 1974 Delegation 5.1.10 – Grant Exemption as to Number of Dogs Kept at Premises

The Shire of Chittering Register of Delegated Authority was transitioned to the WALGA Delegations format in early 2021; and recently it was discovered that during this conversion the pre-existing Shire of Chittering delegation relating to the keeping of between 3 – 6 dogs had been overlooked.

Following discussions with WALGA they have updated the template delegations register to include this delegable task with new delegation 5.1.10 – Grant Exemption as to Number of Dogs Kept at Premises.

The Dog Act 1976 section 26(2) permits a Local Government to make a local law to allow the keeping of between 2-6 dogs at a premise. The Shire of Chittering Dog Local Law 2023 limits the number of dogs that can be kept on any premises to two (2) dogs over the age of three (3) months and the young of those dogs under that age on land zoned townsite or residential; or three (3) dogs over the age of three (3) months and the young of those dogs under that age if the premises situated on land zoned other than townsite or residential unless in a licensed approved kennel establishment or granted an exemption under section 26 of the Dog Act 1976.

The reinstated delegation will allow officers to continue to administratively process applications that are received from residents looking to exceed the permitted number of dogs. As described above, this will allow officers to approve application for 3 to 6 dogs in a Townsite or Residential zone, and 4 to 6 dogs in the Rural Residential and Rural zone.

It is noted that the proposed officer's delegation will only extend to applications for multiple dogs that have undergone neighbour consultation and no significant issues have been raised. Should issues arise during the neighbour consultation period, the application will be brought before Council for determination.

OFFICER RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

1. Endorses the amendments to the Delegated Authority Register, as per Attachment 1.
2. Endorse the new Dog Act 1974 Delegation "5.1.10 – Grant Exemption as to Number of Dogs Kept at Premises" as per Attachment 2; and ensure that the numbering is updated accordingly.

The Officer Recommendation was updated to better reflect the amendments and distributed to Council on Tuesday 20 June 2023.

UPDATED OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160623

Moved Cr Angus, seconded Cr Ross

That Council BY AN ABSOLUTE MAJORITY:

1. **Endorse the amendments to the Delegations updated from an administrative perspective to reflect the change in name/position title from "Executive Manager Corporate Services" to the newly appointed "Deputy Chief Executive Officer" and the correct title of the relevant Compliance linked Policy:**
 - a. **Local Government Act 1995 Delegation 1.2.3 – Powers of Entry**
 - b. **Local Government Act 1995 Delegation 1.2.16 – Payments from the Municipal or Trust Funds**
 - c. **Local Government Act 1995 Delegation 1.2.17 – Defer, Grant Discounts, Waive or Write Off Debts**
 - d. **Local Government Act 1995 Delegation 1.2.18 – Power to Invest and Manage Investments**
 - e. **Local Government Act 1995 Delegation 1.2.19 – Rate Record Amendment**
 - f. **Local Government Act 1995 Delegation 1.2.20 – Agreement as to Payment of Rates and Service Charges**

- g. Local Government Act 1995 Delegation 1.2.21 – Determine Due Date for Rates or Service Charges
 - h. Local Government Act 1995 Delegation 1.2.22 – Recovery of Rates or Service Charges
 - i. Local Government Act 1995 Delegation 1.3.5 – Electoral Enrolment Eligibility Claims and Electoral Roll
 - j. Local Government Act 1995 Delegation 1.3.6 – Information to be Available to the Public
2. Endorse the amendments to the Delegations updated from an administrative perspective to reflect the correct title of the relevant Compliance linked Policy:
- a. Local Government Act 1995 Delegation 1.2.15 – Tenders for Goods and Services
 - b. Local Government Act 1995 Delegation 1.2.25 – Appointment of an Acting Chief Executive Officer
3. Endorse the amendments to the Delegations updated from an administrative perspective to reflect the change in the newly adopted Shire of Chittering Local Laws. The relevant Compliance Linked Local Law is now titled “Keeping and Control of Cats Local Law 2023”:
- a. Cat Act 2011 Delegation 4.1.1 – Cat Registrations
 - b. Cat Act 2011 Delegation 4.1.2 – Cat Control Notices
 - c. Cat Act 2011 Delegation 4.1.3 – Approval to Breed Cats
 - d. Cat Act 2011 Delegation 4.1.4 – Appoint Authorised Persons
 - e. Cat Act 2011 Delegation 4.1.5 – Recovery of Costs – Destruction of Cats
 - f. Cat Act 2011 Delegation 4.1.6 – Applications to Keep Additional Cats
 - g. Cat Act 2011 Delegation 4.1.7 – Reduce or Waiver Registration Fee
 - h. Cat Act 2011 Delegation 4.2.1 – Infringement Notices – Extensions and Withdrawals
4. Endorse the amendments to the Delegations updated from an administrative perspective to reflect the change in the newly adopted Shire of Chittering Local Laws. The relevant Compliance Linked Local Law is now titled “Dogs Local Law 2023”:
- a. Dog Act 1974 Delegation 5.1.1 – Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons
 - b. Dog Act 1974 Delegation 5.1.2 – Refuse or Cancel Registration
 - c. Dog Act 1974 Delegation 5.1.3 – Appoint Authorised Persons
 - d. Dog Act 1974 Delegation 5.1.4 – Recovery of Moneys Due Under this Act
 - e. Dog Act 1974 Delegation 5.1.5 – Dispose of or Sell Dogs Liable to be Destroyed
 - f. Dog Act 1974 Delegation 5.1.6 – Declare Dangerous Dog
 - g. Dog Act 1974 Delegation 5.1.8 – Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
 - h. Dog Act 1974 Delegation 5.1.9 – Determine Recoverable Expenses for Dangerous Dog Declaration
5. Endorse the new Dog Act 1974 Delegation “5.1.10 – Grant Exemption as to Number of Dogs Kept at Premises” as per Attachment 2; and ensure that the numbering is updated accordingly.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 9.04PM

CEO08 – 06/23 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	Absolute Majority
Attachments	1 – 46 Relevant Policies from the Shire of Chittering Policy Register 47 Proposed New Administration Policy – Social Media

	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.

Council will conduct a complete review of all policies at least every year.

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*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<p>Reputational: Misdirection and misinformation.</p> <p>Compliance: Non-compliance to section 5.41 of the Local Government Act 1995</p>	Possible	Minor	Low	<p>Reviewing policies and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.</p>
<p>Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances. To respect the role of the CEO vs that of the Council as specified in the Local Government Act 1995.</p>				

Officer Comment/Details

A review of the Shire of Chittering’s Policy Register, containing 92 policies, was conducted and amendments have been classified and tabulated for ease of reference.

The Policies recommended for deletion, based on the advice by the Shire’s Auditors, as these policies, pursuant to Section 5.41 of the <i>Local Government Act 1995</i> fall under the jurisdiction of the CEO. These are <u>administrative</u> in nature and will therefore become Operational Directives.
<i>Administration Policy 1.8 – Security Cameras & CCTV (Attachment 3)</i>
<i>Administration Policy 1.12 - Integrated Workforce Planning and Management Policy (Attachment 6)</i>
<i>Finance Policy 2.1 – Budget Preparations (Attachment 8)</i>
<i>Finance Policy 2.3 – Capitalisation (Attachment 10)</i>
<i>Finance Policy 2.4 – Rating of Council Property (Attachment 11)</i>
<i>Finance Policy 2.5 - Charitable Organisations (Attachment 12)</i>
<i>Finance Policy 2.8 – Funding Submissions (Attachment 15)</i>
<i>Finance Policy 2.9 - Cheque Signatory / EFT Requirements (Attachment 16)</i>
<i>Finance Policy 2.10 – Credit Cards (Attachment 17)</i>
<i>Staff Policy 3.2 - Defence Forces Active Reservists (Attachment 22)</i>
<i>Staff Policy 3.3 - Council Contribution to Staff Functions (Attachment 23)</i>
<i>Staff Policy 3.4 - Senior Employees (Attachment 24).</i>
<i>Staff Policy 3.5 – Staff Housing (Attachment 25).</i>
<i>Staff Policy 3.8 – Voluntary Service (Attachment 26).</i>
<i>Staff Policy 3.9 – Gratuities and Redundancy Payments (Attachment 27)</i>
<i>Staff Policy 3.12 - Retirement-Resignation of Employees – Council Gift / Function (Attachment 29).</i>
<i>Staff Policy 3.13 - Use of Council Vehicles (Attachment 30).</i>
<i>Staff Policy 3.15 – Attraction and Retention (Attachment 31).</i>
<i>Staff Policy 3.16 – Loss of Driver's Licence (Attachment 32).</i>
<i>Staff Policy 3.17 - Secondary Employment (Attachment 33).</i>
<i>Engineering, Construction and Maintenance 7.4 - Road Maintenance (Attachment 39).</i>
<i>Parks and Landscaping 8.2 - Establishment and Maintenance of Playground Equipment (Attachment 40).</i>

The Policies that have been updated from an administrative perspective to reflect the <u>change in name/position title</u> from “Executive Manager Corporate Services” to “Deputy Chief Executive Officer”.
<i>Administration Policy 1.9 – Asset Management / Infrastructure Assets (Attachment 4)</i>
<i>Administration Policy 1.11 – Risk Management (Attachment 5)</i>
<i>Administration Policy 1.16 – Execution of Documents and Use of the Common Seal (Attachment 7)</i>
<i>Finance Policy 2.2 – Investment of Funds (Attachment 9)</i>
<i>Finance Policy 2.7 - Requests for Assistance and or Donation (Attachment 14)</i>
<i>Finance Policy 2.12 - Rating Policy Relating to Change in Predominant Use of Rural Land (Attachment 19)</i>
<i>Finance Policy 2.13 - Related Party Disclosures (Attachment 20)</i>
<i>Staff Policy 3.10 - Appointment of an Acting Chief Executive Officer (Attachment 28).</i>
<i>Community Development Policy 6.3 - Use of Chittering Community Bus (Attachment 35).</i>
<i>Community Development Policy 6.4 - Community Assistance Grant Scheme (Attachment 36).</i>
<i>Community Development Policy 6.5 - Financial Assistance for Residents involved in State / National Sporting events (Attachment 37).</i>
<i>Community Development Policy 6.6 - Community Bus Transport Service (Attachment 38).</i>

The Policies that have been updated and amended
<i>Finance Policy 2.11 - Purchasing & Procurement (Attachment 18) – remove position names (administrative) to resolve impracticality of fixed administrative position names in a Council policy.</i>
<i>Finance Policy 2.14 - Financial Hardship – Collection of Rates and Service Charges Policy (Attachment 21) Executive Manager Corporate Services changed to Deputy Chief Executive Officer, and interest on late payments added based on fairness principle.</i>

Reviewed and unchanged except for numerical reference number changes only (moving to different classification in the register) - moving from Town Planning Policies to Engineering, Construction and Maintenance Policies

Town Planning Policy 9.2 - Rural Numbering (Attachment 42).

Town Planning Policy 9.6 - Storm Water Management (Attachment 46).

Delete: Covered under another policy or legislation

Administration Policy 1.6 – Prosecutions by Council against Offenders (Attachment 2) – covered under General Compliance and Enforcement.

Community Facilities and Recreation Policy 5.1 – Advertising on Public Open Space (Attachment 34) - covered the new Shire of Chittering Local Government Property and Public Places Local Law 2023 that was gazetted on 6th June and comes into effect on 21st June 2023.

Town Planning Policy 9.1 - Battleaxe Access (Attachment 41) - obsolete as this information is contained within State Planning Policy 3.7.

Town Planning Policy 9.3 - Valuation of Land(Attachment 43) - now captured in the State Level Policy – “Liveable Neighbourhoods”.

Town Planning Policy 9.4 - Road Names (Attachment 44). The Policy is recommended to be deleted, as there is no requirement from the Geographic Names Committee or Landgate for any new road name to be endorsed by Council. The naming of new roads is typically a right of the developer of the land, who will often use the road naming as part of their branding and marketing. Road names are to meet specific criteria established by the Geographic Names Committee and won't be approved unless the name selector meets that criteria.

Town Planning Policy 9.5 - Public Guidance of Signage in Road Reserves (Attachment 45) - covered in another relevant Local Planning Policy and the new Shire of Chittering Local Government Property and Public Places Local Law 2023 that was gazetted 6th June and comes into effect on 21st June 2023. Consequently, this policy is a duplication of information.

Policies in need of further review (to be presented to Council for deletion or amendment once completed):

Administration Policy 1.5 – Record Keeping (Attachment 1)

Finance Policy 2.6 – Rating (Attachment 13)

Proposed New Administration Policy – Social Media

The use of social media makes content available to, and engages with the people who connect with the Shire, in a faster and more user friendly manner. This is particularly effective in certain demographics. Speed of information flow is particular important in social media, more so than more traditional forms of media, and as such this agenda item seeks to request Council to consider adopting the attached Social Media policy and adding it to the Shire of Chittering Policy Manual. (**Attachment 47**).

There will still be an additional nine (9) policies that will need to be brought before Council as they presently reference the Local Laws that are in the process of being reviewed; that have just been gazetted. Those being:

Administration Policy 1.4	Political Engineering Posters
Administration Policy 1.14	Recording and Access to Recordings of Council Meetings
Administration Policy 1.15	General Compliance and Enforcement
Elected Members Policy 4.2	Informal Petitions to Council
Elected Members Policy 4.8	Notices of Motion
Elected Members Policy 4.9	Code of Conduct – Behaviour Complaints Management
Environment and Health Policy 10.2	Bush Fire Control
Environment and Health Policy 10.5	Multiple Dogs
Environment and Health Policy 10.6	Trading in Thoroughfares and Public Places

OFFICER RECOMMENDATION

That Council by an ABSOLUTE MAJORITY:

1. Endorse the following amended policies:
 - a. Administration Policy 1.9 – Asset Management - Infrastructure Assets
 - b. Administration Policy 1.11 – Risk Management
 - c. Administration Policy 1.16 - Execution of Documents and the Use of the Common Seal
 - d. Finance Policy 2.2 – Investment of Funds
 - e. Finance Policy 2.3 - Capitalisation
 - f. Finance Policy 2.5 – Charitable Organisations
 - g. Finance Policy 2.7 – Requests for Assistance and/or Donation
 - h. Finance Policy 2.11 - Purchasing & Procurement
 - i. Finance Policy 2.12 - Rating Policy Relating to Change in Predominant Use of Rural Land
 - j. Finance Policy 2.13 - Related Party Disclosures
 - k. Finance Policy 2.14 Financial Hardship – Collection of Rates and Service Charges Policy
 - l. Staff Policy 3.10 - Appointment of an Acting Chief Executive Officer
 - m. Staff Policy 3.13 - Use of Council Vehicles
 - n. Community Development 6.3 - Use of Chittering Community Bus
 - o. Community Development 6.4 - Community Assistance Grant Scheme
 - p. Community Development 6.5 - Financial assistance for residents involved in state or national sporting events
 - q. Community Development 6.6 - Community Bus Transport Service
 - r. Engineering, Construction and Maintenance - Rural Numbering
 - s. Engineering, Construction and Maintenance - Road Names
 - t. Engineering, Construction and Maintenance - Storm Water Management

2. Approve that the following policies be deleted:
 - a. Administration Policy 1.6 – Prosecutions by Council against Offenders
 - b. Administration Policy 1.8 – Security Cameras & CCTV
 - c. Administration Policy 1. 12 - Integrated Workforce Planning and Management Policy
 - d. Finance Policy 2.1 – Budget Preparations
 - e. Finance Policy 2.4 – Rating of Council Property
 - f. Finance Policy 2.8 - Funding Submissions
 - g. Finance Policy 2.9 - Cheque Signatory / EFT Requirements
 - h. Finance Policy 2.10 – Credit Cards
 - i. Staff Policy 3.2 - Defence Forces Active Reservists
 - j. Staff Policy 3.3 - Council Contribution to Staff Functions
 - k. Staff Policy 3.4 – Senior Employees
 - l. Staff Policy 3.5 – Staff Housing
 - m. Staff Policy 3.8 – Voluntary Service
 - n. Staff Policy 3.9 - Gratuities and Redundancy Payments
 - o. Staff Policy 3.12 - Retirement-Resignation of Employees – Council Gift / Function
 - p. Staff Policy 3.15 - Attraction and Retention
 - q. Staff Policy 3.16 - Loss of Driver's Licence
 - r. Staff Policy 3.17 - Secondary Employment
 - s. Community Facilities and Recreation Policy 5.1 – Advertising on Public Open Space
 - t. Engineering, Construction and Maintenance 7.4 - Road Maintenance
 - u. Parks and Landscaping 8.2 - Establishment and Maintenance of Playground
 - v. Town Planning Policy 9.1 – Battle-axe Access
 - w. Town Planning Policy 9.3 – Valuation of Land
 - x. Town Planning Policy 9.5 – Public Guidance of Signage in Road Reserves

3. Endorse the following new policy:
 - a. Administration Policy 1.xx – Social Media
4. Approve that the following policies be further reviewed and submitted to council for deletion of amendment at a future Ordinary Meeting of Council:
 - a. Administration Policy 1.5 – Record Keeping
 - b. Finance Policy 2.6 – Rating
5. Instruct the CEO to ensure that the numbering is updated accordingly.

Due to some inconsistencies in the agenda item and the Officer Recommendation, the Officer Recommendation was updated and distributed to Council on Monday 19 June 2023.

UPDATED OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170623

Moved Cr Curtis, seconded Cr Angus

That Council by an ABSOLUTE MAJORITY:

1. Endorse the following amended policies:
 - a. Administration Policy 1.9 – Asset Management - Infrastructure Assets
 - b. Administration Policy 1.11 – Risk Management
 - c. Administration Policy 1.16 - Execution of Documents and the Use of the Common Seal
 - d. Finance Policy 2.2 – Investment of Funds
 - e. Finance Policy 2.7 – Requests for Assistance and/or Donation
 - f. Finance Policy 2.11 - Purchasing & Procurement
 - g. Finance Policy 2.12 - Rating Policy Relating to Change in Predominant Use of Rural Land
 - h. Finance Policy 2.13 - Related Party Disclosures
 - i. Finance Policy 2.14 Financial Hardship – Collection of Rates and Service Charges Policy
 - j. Staff Policy 3.10 - Appointment of an Acting Chief Executive Officer
 - k. Community Development 6.3 - Use of Chittering Community Bus
 - l. Community Development 6.4 - Community Assistance Grant Scheme
 - m. Community Development 6.5 - Financial assistance for residents involved in state or national sporting events
 - n. Community Development 6.6 - Community Bus Transport Service
 - o. Engineering, Construction and Maintenance - Rural Numbering
 - p. Engineering, Construction and Maintenance - Storm Water Management
2. Approve that the following policies be deleted based on the advice by the Shire's Auditors, as these policies, pursuant to Section 5.41 of the Local Government Act 1995 fall under the jurisdiction of the CEO and are administrative in nature and will therefore become Operational Directives:
 - a. Administration Policy 1.8 – Security Cameras & CCTV
 - b. Administration Policy 1.12 - Integrated Workforce Planning and Management Policy
 - c. Finance Policy 2.1 – Budget Preparations
 - d. Finance Policy 2.3 - Capitalisation
 - e. Finance Policy 2.4 – Rating of Council Property
 - f. Finance Policy 2.5 – Charitable Organisations
 - g. Finance Policy 2.8 - Funding Submissions
 - h. Finance Policy 2.9 - Cheque Signatory / EFT Requirements
 - i. Finance Policy 2.10 – Credit Cards
 - j. Staff Policy 3.2 - Defence Forces Active Reservists
 - k. Staff Policy 3.3 - Council Contribution to Staff Functions
 - l. Staff Policy 3.4 – Senior Employees

- m. Staff Policy 3.5 – Staff Housing
 - n. Staff Policy 3.8 – Voluntary Service
 - o. Staff Policy 3.9 - Gratuities and Redundancy Payments
 - p. Staff Policy 3.12 - Retirement-Resignation of Employees – Council Gift / Function
 - q. Staff Policy 3.13 – Use of Council Vehicles
 - r. Staff Policy 3.15 - Attraction and Retention
 - s. Staff Policy 3.16 - Loss of Driver's Licence
 - t. Staff Policy 3.17 - Secondary Employment
 - u. Engineering, Construction and Maintenance 7.4 - Road Maintenance
 - v. Parks and Landscaping 8.2 - Establishment and Maintenance of Playground
3. Approve that the following Polices be deleted on the advice by the Shire's Auditors, as these policies are covered under another policy or legislation:
- a. Administration Policy 1.6 – Prosecutions by Council against Offenders
 - b. Community Facilities and Recreation Policy 5.1 – Advertising on Public Open Space
 - c. Town Planning Policy 9.1 – Battle-axe Access
 - d. Town Planning Policy 9.3 – Valuation of Land
 - e. Town Planning Policy 9.4 – Road Names
 - f. Town Planning Policy 9.5 – Public Guidance of Signage in Road Reserves
4. Endorse the following new policy:
- a. Administration Policy 1.xx – Social Media
5. Approve that the following policies be further reviewed and submitted to council for deletion of amendment at a future Ordinary Meeting of Council:
- a. Administration Policy 1.5 – Record Keeping
 - b. Finance Policy 2.6 – Rating
6. Instruct the CEO to ensure that the numbering is updated accordingly.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0

TIME: 9.07PM

CEO09 – 06/23 Swoop – Regional Connectivity Program RCP3 – Request For Support

Applicant	Swoop
File ref	
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Proposal (Confidential)

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

Executive Summary

Council is requested to consider a letter of support be given to Swoop for their Regional Connectivity Program Bid for Funding.

Background

The Shire received an email from Swoop on 2 June 2023 requesting support for their bid for funding to build broadband fixed networks in their regions. Councils being contacted include Dardanup, Waroona, Murray, Northam, Chittering, and Gingin.

Swoop intends to construct Fixed Wireless networks that will provide a range of broadband options to under serviced areas in each Council region. They require the letter of support by 30 June 2023.

Key points for reference:

- Regional Connectivity Program (RCP): The Regional Connectivity Program (RCP) is a grants program funding the delivery of 'place-based' telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia.

Under the RCP Rounds 1 and 2, the Government's commitment of \$230 million (GST exclusive) has generated a total investment of around \$413 million (GST exclusive) to deliver 223 telecommunications projects in regional, rural and remote Australia.

- Swoop is a ASX listed telecommunications carrier (ASX:SWP)

- Swoop operates residential and business fixed wireless services in WA as well as NSW, Vic, SA, and Qld
 - NodeOne is a member of the Swoop group and has been providing fixed wireless services for over 10 years
 - Recently completed the construction on Kangaroo Island in South Australia consisting of 11 advance Fixed Wireless towers across the island

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 - Focus area: Administration and Governance
 - Objective: S5.2 Accountable and Transparent Governance
 - Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Reputation	Rare	Minor	Low	Being transparent to the community with what Council are supporting
Opportunity: Nil				

Officer Comment/Details

That Council instruct the Chief Executive Officer to provide Swoop a letter of support in their bid for funding in the Regional Connectivity Program.

OFFICER RECOMMENDATION
 Moved Cr Campbell, seconded Cr Angus
 That Council instruct the Chief Executive Officer to provide Swoop a letter of support in their bid for funding in the Regional Connectivity Program.

AMENDMENT
 Moved Cr King, seconded Cr Ross
 That the Officer Recommendation be amended to include an advice note:

- It is generally prudent for a Council to support efforts to improve infrastructure for its residents. Providing support for this service provider’s application for a grant does not preclude other companies to apply for the same support, and does not infer that the Shire singled out this service provider as the sole supplier to be supported.

CARRIED UNANIMOUSLY 7 / 0
TIME: 9.14PM

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 180623
 Moved Cr Campbell, seconded Cr Angus
 That Council instruct the Chief Executive Officer to provide Swoop a letter of support in their bid for funding in the Regional Connectivity Program.

Advice Note:

- It is generally prudent for a Council to support efforts to improve infrastructure for its residents. Providing support for this service provider’s application for a grant does not preclude other companies to apply for the same support, and does not infer that the Shire singled out this service provider as the sole supplier to be supported.

CARRIED UNANIMOUSLY 7 / 0
TIME: 9.14PM

CEO10 – 06/23 Affixed Lettering of Recreation Centre in Muchea

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

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

Executive Summary

Council is requested to consider the lettering to be affixed to the external façade of the new Recreation Centre in Muchea. The Muchea Recreation Centre has been built to replace the existing Muchea Hall, which is nearing its end of life. Council now has the opportunity to decide whether to modernise the name and call it the "Muchea Recreation Centre" or retain the name "Muchea Hall".

Background

We are approaching the completion of the replacement of the Muchea Hall with the newly built recreation centre, and before the building is opened and the old hall demolished, the lettering on the building façade needs to be finalised. Since the project was intended to replace the hall that is close to end of life, the name would continue to be "Muchea Hall". However, given that the project is generally referred to as the "Muchea Recreation Centre", Council would need to decide whether they would like the lettering to reflect this slight change in wording. This also reflects the extended usability of a recreational facility as opposed to a hall.

Consultation SummaryLocal

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Reputation	Rare	Minor	Low	Being transparent to the community with decisions of Council
Opportunity: Nil				

Officer Comment/Details

Works on the construction of the facility is nearing completion, with final details now needing to be clarified before the building is opened. The modern building is generally referred to as the Muchea Recreation Centre, and changing the wording from “Hall” to “Recreation Centre” has the opportunity to reflect a broader range of activities intended for community use. The current hall does not have any large lettering on the face of the building. The new building design incorporates this element, which provides Council with the opportunity to choose whether this should be called a hall or a recreation centre.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190623

Moved Cr Curtis, seconded Cr Ross

That Council approve the lettering to be affixed to the new recreation centre in Muchea as "Muchea Recreation Centre", to reflect the more modern reference and purpose of the facility.

CARRIED 6 / 1

TIME: 9.32

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

Against: Cr Dewar

AMENDMENT

Moved Cr Curtis, seconded Cr

That the officer recommendation be amended to include:

Next to the lettering an image of Marri Trees be affixed.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Hughes, seconded Cr Dewar

That the officer recommendation be amended to read:

That Council approve the lettering to be affixed to the new recreation centre in Muchea as "Muchea Sport and Recreation Centre", to reflect the more modern reference and purpose of the facility.

LOST 3 / 4

For: Cr Hughes, Cr Angus, Cr Dewar

Against: Cr Ross, Cr King, Cr Campbell, Cr Curtis

ITEM 10. REPORTS OF COMMITTEES**COM01 – 06/23 Chittering Tourism Advisory Group (CTAG) Minutes**

Applicant	Shire of Chittering
File ref	ECDEV.TOUR.CTAG
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. CTAG June 2023 Minutes 010623 2. Quarterly Tourism Statistics – 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 Chittering Tourism Advisory Group Minutes from 1 June 2023.

Background

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

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

Consultation/Communication ImplicationsLocal

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

Officer Comment/Details

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

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200623

Moved Cr Angus, seconded Cr Ross

That Council receives the Minutes of the Chittering Tourism Advisory Group Meeting held 1 June 2023 and note the recommendations therein.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.34PM

COM02 – 06/23 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 13 June 2023

File ref	ES.MEET.CBFAC.2023
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade
Voting requirements	Simple Majority
Attachments	1. Unconfirmed Minutes of CBFAC Meeting held 13 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 unconfirmed minutes from the meeting held Tuesday, 13 June 2023.

Background

The Chittering Bush Fire Advisory Committee held a meeting on Tuesday, 13 June 2023. Recommendations presented at the meeting have been tabled as separate agenda items.

Consultation SummaryLocal

Chittering Bushfire Advisory Committee

State

Nil

Legislative ImplicationsState

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

Local

- Shire of Chittering Brigades Local Law 2012

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

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

Officer Comment/Details

The next meeting of the Chittering Bush Fire Advisory Committee is scheduled for 10 October 2023.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 210623 Moved Cr Angus, seconded Cr Ross That Council receives the “unconfirmed” Chittering Bush Fire Advisory Committee Minutes from the meeting held on 13 June 2023.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 9.35PM</p>

COM03 – 06/23 Membership of the Chittering Bush Fire Advisory Committee

File ref	ES.MEET.CBFAC.2023
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade
Voting requirements	Simple Majority
Attachments	1. Unconfirmed Minutes of CBFAC Meeting held 13 June 2023

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

Executive Summary

Council is requested to endorse the Chittering Bushfire Advisory Committee meeting membership for the financial year 2023/24.

Background

The Chittering Bush Fire Advisory Committee (CBFAC) met on 13 June 2023 and during the meeting the membership for the Committee was carried:

9.0 OFFICER RECOMMENDATION	
<i>Moved Jeremy Tennant / Seconded David Wilson</i>	
<i>That the Chittering Bush Fire Advisory Committee recommends to Council that membership effective 13 June 2023 is as follows:</i>	
Delegate	Deputy
<i>Cr Carmel Ross</i>	<i>Cr David Dewar</i>
<i>Melinda Prinsloo, Chief Executive Officer</i>	<i>Nil</i>
<i>Dave Carroll, Community Emergency Services Manager/Chief Bush Fire Control Officer</i>	<i>Nil</i>
<i>David Wilson, Deputy Chief Bush Fire Control Officer - Southern Region</i>	<i>Nil</i>
<i>Phill Humphry, Deputy Chief Bush Fire Control Officer - Central Region</i>	<i>Nil</i>
<i>Kim Haeusler, Deputy Chief Bush Fire Control Officer - Northern Region</i>	<i>Nil</i>

<i>Neil Harvey, Bindoon Volunteer Bush Fire Brigade</i>	<i>Dennis Badcock, Bindoon Volunteer Bush Fire Brigade</i>
<i>Jeremy Tennant, Lower Chittering Volunteer Bush Fire Brigade</i>	<i>Graham Furlong, Lower Chittering Volunteer Bush Fire Brigade</i>
<i>Shelly Pannell, Muchea Volunteer Bush Fire Brigade</i>	<i>James Marotta, Muchea Volunteer Bush Fire Brigade</i>
<i>Aaron Cover, Upper Chittering Volunteer Bush Fire Brigade</i>	<i>Will Lee, Upper Chittering Volunteer Bush Fire Brigade</i>
<i>Clayton Smith, Wannamal Volunteer Bush Fire Brigade</i>	<i>Daniel Smith, Wannamal Volunteer Bush Fire Brigade</i>
<i>Paul Groves, Chittering Incident Support Brigade</i>	<i>Ian Wright, Chittering Incident Support Brigade</i>

CARRIED UNANIMOUSLY

Consultation Summary

Local

Chittering Bush Fire Advisory Committee

State

Nil

Legislative Implications

State

- Local Government Act 1995, s5.12 and s5.13

Local

- Shire of Chittering Brigades Local Law 2012

Policy Implications

State

Nil.

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

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

Site Inspection

Not applicable

Environmental Consideration

Environment consideration given: Not applicable.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational: Members bringing the Shire into disrepute.	Rare	Moderate	Low	Clear and transparent communication with members.
Opportunity: Build strong relationships with officers of the Chittering Fire Services.				

Officer Comment/Details

The officer's recommendation is reflective of the motion passed at the Committee meeting held 13 June 2023.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 220623

Moved Cr Ross, seconded Cr Campbell

That Council endorses the membership of the Chittering Bush Fire Advisory Committee for 2023/24 as follows:

Delegate	Deputy
Cr Carmel Ross	Cr David Dewar
Melinda Prinsloo, Chief Executive Officer	Nil
Dave Carroll, Community Emergency Services Manager/Chief Bush Fire Control Officer	Nil
David Wilson, Deputy Chief Bush Fire Control Officer - Southern Region	Nil
Phill Humphry, Deputy Chief Bush Fire Control Officer - Central Region	Nil
Kim Haeusler, Deputy Chief Bush Fire Control Officer - Northern Region	Nil
Neil Harvey, Bindoon Volunteer Bush Fire Brigade	Dennis Badcock, Bindoon Volunteer Bush Fire Brigade
Jeremy Tennant, Lower Chittering Volunteer Bush Fire Brigade	Graham Furlong, Lower Chittering Volunteer Bush Fire Brigade
Shelly Pannell, Muchea Volunteer Bush Fire Brigade	James Marotta, Muchea Volunteer Bush Fire Brigade
Aaron Cover, Upper Chittering Volunteer Bush Fire Brigade	Will Lee, Upper Chittering Volunteer Bush Fire Brigade
Clayton Smith, Wannamal Volunteer Bush Fire Brigade	Daniel Smith, Wannamal Volunteer Bush Fire Brigade
Paul Groves, Chittering Incident Support Brigade	Ian Wright, Chittering Incident Support Brigade

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.36PM

COM04 – 06/23 Appointment of Bush Fire Control Officers 2023/24

File ref	ES.PLN.2023/24
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade
Voting requirements	Simple Majority
Attachments	1. Unconfirmed Minutes of CBFAC Meeting held 13 June 2023

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

Executive Summary

Council is requested to endorse the appointment of Bush Fire Control Officers for 2023/2024.

Background

Bush Fire Control Officer positions from each Brigade become vacant annually in May. The following recommendation was carried at the Committee meeting held 13 June 2023:

<p>8.0 OFFICER RECOMMENDATION Moved David Wilson / Seconded Aaron Cover That the Committee recommend to Council the following appointments:</p> <ol style="list-style-type: none"> 1. Fire Control Officer: <ol style="list-style-type: none"> a. James Marotta and Tammy Foster representing Muchea Volunteer Bush Fire Brigade. b. Jeremy Tennant and Graham Furlong representing Lower Chittering Volunteer Bush Fire Brigade. c. Aaron Cover representing Upper Chittering Volunteer Bush Fire Brigade. d. Dennis Badcock and Paul Groves representing Bindoon Volunteer Bush Fire Brigade. e. Clayton Smith representing Wannamal Volunteer Bush Fire Brigade. f. Matthew Johns, Barry Cilliers and Graham Furlong representing the Shire of Chittering. 2. Captain and Fire Control Officer <ol style="list-style-type: none"> a. Shelly Pannell, Captain of Muchea Volunteer Bush Fire Brigade. b. Jeremy Tennant, Captain of Lower Chittering Volunteer Bush Fire Brigade. c. Will Lee, Captain of Upper Chittering Volunteer Bush Fire Brigade. d. Neil Harvey, Captain of Bindoon Volunteer Bush Fire Brigade.

3. *Deputy Chief Bush Fire Control Officer:*
 - a. *David Wilson representing the South region.*
 - b. *Phillip Humphry representing the Central region.*
 - c. *Kim Haeusler representing the North Region.*
4. *David Carroll as the Chief Bush Fire Control Officer.*

CARRIED UNANIMOUSLY

Local

- Bush Fire Brigades Local Law 2012

3.6 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting during the month of May each year.

3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee

At the annual general meeting of a bush fire brigade, brigade member/s are to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade until the next brigade annual general meeting.

3.8 Minutes to be tabled before the Bush Fire Advisory Committee

- (1) *The brigade Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.*
- (2) *The Chief Bush Fire Control Officer is to table the minutes of the bush fire brigade's annual general meeting at the next meet of the—*
 - (a) *Bush Fire Advisory Committee; or*
 - (b) *Council, if there is no Bush Fire Advisory Committee.**following their receipt under subclause (1)*

3.9 Functions of Advisory Committee

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as determined by the local government.

3.10 Advisory Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

3.11 Local government to have regard to nominees

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

3.12 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

State

- Bush Fires Act 1954

43. Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

[Section 43 amended by No.51 of 1979 s.5; No.14 of 1996 s.4.]

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be costs incurred for the advertising of the appointed Fire Control Officers, which has been allowed for in the Shire’s adopted 2023/2024 Annual Budget.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area:	Our community
Objective:	S1.2 Strong sense of community
Strategy:	S1.2.1 Actively support community, volunteer groups and networks
Objective:	S1.3 A safe and healthy community
Strategy:	S1.3.1 Improve the safety of our community
Focus area:	Our natural environment
Objective:	S2.3 Protection of life and property
Strategy:	S2.3.1 Improve Bush Fire preparedness and recovery

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Environment consideration given: Not applicable.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational: Fire Control Officers bringing the Shire into disrepute	Rare	Moderate	Low	Clear and transparent communication with Fire Control Officers as well as annual refreshers.
Opportunity: Build strong relationships with Fire Control Officers and have strong representation in the community.				

Officer Comment/Details

The Officer Recommendation is reflective of the motion passed at the Chittering Bush Fire Advisory Committee meeting held 13 June 2023.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 230623

Moved Cr Campbell, seconded Cr Ross

That Council endorses the following appointments for the 2023/24 financial period:

1. **Fire Control Officers:**
 - a. James Marotta and Tammy Foster representing Muchea Volunteer Bush Fire Brigade.
 - b. Jeremy Tennant and Graham Furlong representing Lower Chittering Volunteer Bush Fire Brigade.
 - c. Aaron Cover representing Upper Chittering Volunteer Bush Fire Brigade.
 - d. Dennis Badcock and Paul Groves representing Bindoon Volunteer Bush Fire Brigade.
 - e. Clayton Smith representing Wannamal Volunteer Bush Fire Brigade.
 - f. Matthew Johns, Barry Cilliers and Graham Furlong representing the Shire of Chittering.
2. **Captain and Fire Control Officers:**
 - a. Shelly Pannell, Captain of Muchea Volunteer Bush Fire Brigade.
 - b. Jeremy Tennant, Captain of Lower Chittering Volunteer Bush Fire Brigade.
 - c. Will Lee, Captain of Upper Chittering Volunteer Bush Fire Brigade.
 - d. Neil Harvey, Captain of Bindoon Volunteer Bush Fire Brigade.
3. **Deputy Chief Bush Fire Control Officers:**
 - a. David Wilson representing the Southern region.
 - b. Phillip Humphry representing the Central region.
 - c. Kim Haeusler representing the Northern region.
4. David Carroll as the Chief Bush Fire Control Officer.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.37PM

COM05 – 06/23 Chittering Bush Fire Advisory Committee – Motion to Lobby Main Roads WA to Commence Construction of the Bindoon Bypass

File ref	ES.MEET.CBFAC.2023
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

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

Executive Summary

Council is requested to instruct the Chief Executive Officer to resume lobbying Main Roads WA to proceed with the construction of the Bindoon Bypass. Additionally, it is requested for the Chief Executive Officer to make contact with Main Roads WA requesting details of their response plans for emergencies that arise in or near Bindoon in the interim.

Background

The Chittering Bush Fire Advisory Committee (CBFAC) met on 13 June 2023 and during the meeting the following Motion was carried:

<p>MOTION Moved Kim Haeusler/ Seconded Paul Groves That the Committee recommends to Council that the Chief Executive Officer:</p> <ol style="list-style-type: none"> 1. Resumes lobbying Main Roads WA to proceed with the construction of the Bindoon Bypass with particular focus on the danger posed to the town of Bindoon by the large number of placarded trucks with hazardous materials passing through the townsite. 2. Make contact with Main Roads WA requesting details of their response plans for emergencies that arise in or near Bindoon until the Bypass has been constructed. <p style="text-align: right;">CARRIED</p>
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Consultation Summary

Local

Chittering Bush Fire Advisory Committee

State

Great Northern Highway is governed by Main Roads WA

Legislative Implications

State

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

Local

- Shire of Chittering Brigades Local Law 2012

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

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Shire not advocating effectively to State Government in relation to community concerns	Unlikely	Moderate	Low	Clear communication and building rapport with State Government agencies to ensure outcomes in relation to community concerns
Opportunity: Greater awareness of Main Roads WA of the need for concluding the construction of the bypass to mitigate the risk of a potential disaster occurring in the Shire of Chittering, specifically around the Bindoon townsite.				

Officer Comment/Details

During the Chittering Bush Fire Advisory Committee meeting held 13 June 2023, several recent incidents involving trucks and hazardous materials were discussed by the Committee. It is a concern that the same type of incident has the potential to occur in the Bindoon Townsite and that the proposed infrastructure for the Bindoon Bypass will assist in mitigating some risk of this occurring in future.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 240623

Moved Cr Ross, seconded Cr Dewar

That Council instruct the Chief Executive Officer to:

- 1. Resume lobbying Main Roads WA to proceed with the construction of the Bindoon Bypass with particular focus on the danger posed to the town of Bindoon by the large number of placarded trucks with hazardous materials passing through the townsite.**
- 2. Make contact with Main Roads WA requesting details of their response plans for emergencies that arise in or near Bindoon until the Bypass has been constructed.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.46PM

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 9.47pm