



# COUNCIL MINUTES

CONFIRMED: 19 APRIL 2023

## Ordinary Meeting of Council

7pm, Wednesday 15 March 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 17 March 2023.



**Melinda Prinsloo**  
**Acting Chief Executive Officer**

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 19 April 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.



## CONTENTS

<b>ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....</b>	<b>7</b>
<b>ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS.....</b>	<b>7</b>
Attendance .....	7
Apologies .....	7
Approved leave of absence .....	7
Announcements .....	8
<b>ITEM 3. DISCLOSURE OF INTEREST.....</b>	<b>9</b>
<b>ITEM 4. PUBLIC QUESTION TIME .....</b>	<b>9</b>
Response to previous public questions taken on notice.....	9
Public question time.....	9
<b>ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS .....</b>	<b>9</b>
Petitions .....	9
Presentations .....	9
Deputations .....	9
<b>ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>9</b>
<b>ITEM 7. CONFIRMATION OF MINUTES .....</b>	<b>10</b>
Ordinary Meeting of Council: 15 February 2023 .....	10
<b>ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER .....</b>	<b>10</b>
<b>ITEM 9. REPORTS.....</b>	<b>10</b>
<b>DEVELOPMENT SERVICES .....</b>	<b>11</b>
DS01 – 03/23     Application for Exemptions of Limitation of Number of Dogs: Lot 31 (#32) Heron Hill, Chittering.....	11
DS02 – 03/23     Proposed Scheme Amendment No. 74 – Rezoning of Lots 1456 and 50 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ zone.....	17
<b>TECHNICAL SERVICES .....</b>	<b>24</b>
TS01 – 03/23     Clune to Brockman Shared Path Project.....	24
<b>CORPORATE SERVICES .....</b>	<b>28</b>
CS01 – 02/23     List of Accounts Paid for the Period Ending 28 February 2023.....	28
CS02 – 02/23     Monthly Financial Report for the Period Ending 28 February 2023 .....	30
<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>32</b>
CEO01 – 03/23    Local Government Ordinary Elections 2023.....	32
CEO02 – 03/23    Councillor Information Sessions Policy .....	35
CEO03 – 03/23    Amended Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities.....	38
CEO04 – 03/23    Sandown Park User Group Council Delegate .....	41
CEO05 – 03/23    Blue Plains Road – Road Safety Inspection .....	45
CEO06 – 03/23    EOI: Aged Care Solutions.....	48
CEO07 – 03/23    CEO Recruitment Process – Certification of Compliance.....	52
CEO08 – 03/23    Removal of Rubbish Bins - Blue Plains Road and Great Northern Highway Intersection and Chittering Road and Julimar Road Intersection .....	58

CEO09 – 03/23	Bindoon Mountain Bike Park Reference Group .....	61
CEO10 – 03/23	Corporate Performance Report – Quarter 2 (End December 2022) .....	65
CEO11 – 03/23	Occupational Safety and Health Statistics Report – February 2023 .....	69
<b>ITEM 10.</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>72</b>
<b>ITEM 11.</b>	<b>MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>72</b>
<b>ITEM 12.</b>	<b>QUESTIONS FROM MEMBERS WITHOUT NOTICE.....</b>	<b>72</b>
<b>ITEM 13.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .....</b>	<b>72</b>
<b>ITEM 14.</b>	<b>MEETING CLOSED TO THE PUBLIC .....</b>	<b>72</b>
	Matters for which the meeting may be closed .....	72
<b>ITEM 15.</b>	<b>CLOSURE.....</b>	<b>72</b>

*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	(Video Link)
Cr Kylie Hughes	

The following staff will be in attendance:

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

Members of the General Public: 4

Media: 0

### **Apologies**

Leo Pudhota	Executive Manager Technical Services
-------------	--------------------------------------

### **Approved leave of absence**

Nil

## **Announcements**

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

### **Cr Aaron King**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
22 February 2023 CRRA Meeting  
8 March 2023 Councillor Information Session  
Agenda Forum

### **Cr Mary Angus**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
16 February 2023 WALGA Training Economic Development  
18 February 2023 Youth Krew Meeting  
8 March 2023 Councillor Information Session  
Agenda Forum  
11 March 2023 Bindoon Belle's – International Women's Day Evening

### **Cr Kylie Hughes**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
22 February 2023 Local Emergency Management Committee Meeting  
27 February 2023 Ellen Brockman Integrated Catchment Group Committee Meeting  
Chittering Landcare Committee Meeting  
8 March 2023 Councillor Information Session  
Agenda Forum

### **Cr Carmel Ross**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
8 March 2023 Councillor Information Session  
Agenda Forum  
9 March 2023 Chittering Chamber of Commerce Business After Hours  
11 March 2023 Bindoon Belle's – International Women's Day Evening  
14 March 2023 Chittering Bushfire Advisory Committee

### **Cr John Curtis**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
20 February 2023 Moora Sub Group Meeting  
22 February 2023 CRRA Meeting  
8 March 2023 Councillor Information Session  
Agenda Forum

### **Cr Mark Campbell**

15 February 2023 Councillor Information Session  
Ordinary Meeting of Council  
22 February 2023 CRRA Meeting



8 March 2023                      Councillor Information Session  
Agenda Forum

*Cr David Dewar*

15 February 2023                Councillor Information Session  
Ordinary Meeting of Council

8 March 2023                      Councillor Information Session  
Agenda Forum

14 March 2023                      Bushfire Advisory Committee

**ITEM 3. DISCLOSURE OF INTEREST**

Nil

**ITEM 4. PUBLIC QUESTION TIME**

**Response to previous public questions taken on notice**

Nil

**Public question time**

Nil

**ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS**

**Petitions**

Nil

**Presentations**

Nil

**Deputations**

Nil

**ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE**

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 15 February 2023

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010323**

Moved Cr Hughes, seconded Cr Dewar

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

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.03PM

## ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

I would like to inform Council that the Chief Executive Officer will be taking leave from Monday 24 April 2023 through to Friday 5 May 2023 (inclusive).

ABC Breakfast Radio will be broadcasting live from the Bindoon Bakehaus tomorrow morning, Thursday 16 March 2023.

## ITEM 9. REPORTS

**DEVELOPMENT SERVICES****DS01 – 03/23 Application for Exemptions of Limitation of Number of Dogs: Lot 31 (#32) Heron Hill, Chittering**

<b>Applicant</b>	Briony & Hamish Partington
<b>File ref</b>	A3879
<b>Author</b>	Ranger
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Consultation Map 2. Dog Containment Area Map 3. Dog Containment System Map

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<b><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></b>
<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 determine an *Application for Exemptions of Limitation of Number of Dogs* to allow the applicant to keep five dogs at 32 Heron Hill, Chittering. As the application received objections during the advertising process, it is referred to Council for a decision.

**Background**

The applicant owns and resides at the subject property, which is 2.28 hectares in area, and zoned 'Rural Residential'. The applicant has applied to keep five dogs which are described as follows:

<b>Name</b>	<b>Breed</b>	<b>Sex</b>	<b>Age</b>	<b>Sterilised</b>	<b>Microchip Number</b>
Frankie	American Staffordshire	F	3 years	No	953 010 003 442 393
Reign	American Staffordshire	F	2 years	No	953 010 004 904 230
Kingston	American Staffordshire	M	1.5 years	No	991 003 001 329 528
Zion	American Bulldog	M	1 year	No	956 000 011 093 312
Storm	American Bulldog	F	14 weeks	No	956 000 015 033 679

All of the above dogs listed are confirmed to be currently living at the property.

The property is identifiable through existing boundary fencing, which consists of 1.2 metre posts, wire and chicken wire. The applicant has indicated all five dogs will be kept at the property, sleep inside every night and will be in and out of the house all weekend. It is further indicated that the dogs also wear boundary collars when the applicants are at work. Each dog has their own individual 2.4m x 4.8m compound constructed of Colorbond double fencing with shade. The applicant has no known history of offences in regards to the dogs. Shire officers have visited the subject property and had follow up conversations to allow for improvements to the subject property, and investigate whether these can satisfy neighbouring concerns.

This application as submitted to the Shire was originally for a total of six dogs. One of the dogs on the original application is now deceased. The application was subsequently amended to be for a total of five dogs.

It is also noted that an application for five dogs at this property was previously approved by Council at its meeting held 17 November 2021. The resolution from this meeting is provided below:

*OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021121*  
*Moved Cr Campbell, seconded Cr Angus*  
*That Council, pursuant to Section 3.2(2) of the Shire of Chittering Dogs Local Law 2011, approves the application for five dogs at Lot 31 (RN 32) Heron Hill, Chittering, subject to the following conditions:*

1. *An Authorised Officer may inspect the property at any reasonable time.*
2. *This approval is for the life of the dogs listed below and no additional dog or replacement dog shall be registered to this property unless a new application has been approved:*

<i>Name</i>	<i>Breed</i>	<i>Microchip Number</i>
<i>Tilde</i>	<i>Mastiff</i>	<i>953010002027896</i>
<i>Jax</i>	<i>Mastiff X</i>	<i>978101080411898</i>
<i>Kingston</i>	<i>American Staffordshire</i>	<i>991003001329528</i>
<i>Reign</i>	<i>American Staffordshire</i>	<i>953010004904230</i>
<i>Frankie</i>	<i>American Staffordshire</i>	<i>953010003442393</i>

3. *Should one of the current registered dogs under this application become deceased, the applicant cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering.*
4. *The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above.*
5. *The dogs must be registered at all times, and be compliant to the Dog Act 1976 and Shire of Chittering Dogs Local Law 2011.*
6. *If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days.*
7. *Fencing must be kept in excellent condition and be able to prevent the dogs from going under, over or through it.*

*CARRIED 5 / 2*  
*TIME: 7.42pm*  
*For: Cr Dewar, Cr Campbell, Cr Angus, Cr Ross, Cr Hughes*  
*Against: Cr Curtis & Cr King*

Two of these dogs have since died however and the 2021 approval granted was for those five specific dogs, and therefore cannot simply be replaced without obtaining further approval from the Shire. The subject application is essentially for the replacement of the two deceased dogs.

**Consultation Summary**

Local

The Shire has sent letters to eight adjacent and adjoining land owners giving them the opportunity to comment on the application within 21 days of the date of the letter. Advertising was conducted on 10 October 2022, ceasing 31 October 2022. During this time, five submissions were received with three offering an objection and two offering no objection. Please refer to the below Schedule of Submissions and Consultation Map (see **Attachment 1**) for a detailed description and response to the submissions.

<b>Submitter</b>	<b>Comments</b>	<b>Officer's Comment</b>
<b>SUPPORT</b> <b>Reginald Scantlebury</b>	We have no issue with dogs being kept at 32 Heron Hill, Chittering.	Noted.
<b>SUPPORT</b> <b>Rob &amp; Pam Benness</b>	They do not interfere with our lives (hardly ever hear them) and the electric security fence stops them getting out. We have no objection to one more dog.	Noted.
<b>OPPOSE</b> <b>Bonnie Stevenson</b>	6 Dogs? So it will be a dog breeder/Kennel. We don't want the barking. Think they all work so there's no one home to control them.	The application is for the keeping of five dogs and not for an animal establishment or breeding operation. Shire rangers are satisfied with the containment measures currently in place.
<b>OPPOSE</b> <b>Gordon Carter</b>	I do not agree with this excessive amount of large dangerous breeds in a rural residential area, where as the owner appears to be breeding them and has history of non-registration and only standard rural sheep fencing which would not contain them.	The subject application is not for the breeding of dogs. The breeding of dogs for commercial purposes is not permitted in the Shire's Rural Residential zones pursuant to the Shire's Local Planning Scheme. An advice note can be applied to any approval issued that advises the applicant of such. Shire rangers are satisfied with the containment measures currently in place.
<b>OPPOSE</b> <b>David and Kerry Murnain</b>	We oppose to five dogs so definitely oppose to six. Not that it will make a difference. Council has not refused an additional dog application in the past 3 years. (Refer to council's own minutes.) When this is inevitably approved, the conditions set for 5 x dogs must be maintained. Note – This is feedback you requested. You are asking for our opinion. This is not a complaint to be negotiated so please do not refer to it as an unsubstantiated complaint in the report like last time.	Noted.

State

Nil

**Legislative Implications**

State

- Dog Act 1976

Part V, Section 26(3) of the *Dog Act 1976* permits for an exemption to the Local Law to be granted to exceed the total number of dogs permitted at a property. Section 26(3) states:

*Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption—*

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
- (b) cannot authorise the keeping in or at those premises of—*
  - (i) more than 6 dogs that have reached 3 months of age; or*
  - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;**and*
- (c) may be revoked or varied at any time.*

In the context of the subject application, five dogs can be permitted in accordance with this provision of the Act, but can be conditioned to only apply to certain dogs. It also permits the Shire to revoke the granted exemption should it deem necessary.

Local

- Shire of Chittering Dogs Local Law 2011

Part 3.2 of the Shire of Chittering Dog Local Law 2011 provides the maximum number of dogs permitted within the various zones of the Shire. The Local Law permits a maximum of 2 dogs in the rural residential zone with Part 3.2 stating:

**3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been—*
  - (a) licensed under Part 4 as an approved kennel establishment; or*
  - (b) granted an exemption under section 26(3) of the Act.*
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*
  - (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

Pursuant to Part V, Section 26(3) of the *Dog Act 1976*, the above limitation of two dogs can be varied through an exemption, as explained in the preceding section of this report.

**Policy Implications**

State

Nil

Local

- Council Policy 10.5 - Multiple Dogs

Council Policy 10.5 dictates the procedure to follow when an application for multiple dogs is received. It directs the Shire to advertise an application for 21 days, to undertake a dog welfare and fencing assessment, and to investigate into any objections received.

The background of this report provides the assessment details of this application pertinent to this Policy.

**Financial Implications**

Nil

**Strategic Assessment / Implications**

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

**Site Inspection**

An initial site inspection was conducted on 10 January 2023 where the dogs’ welfare, the property’s fencing and considerations for neighbouring properties were inspected. The dogs did not bark at the officer’s arrival or during the site inspection. At this inspection, the applicant was advised of the nature of the objections, and the requirements associated with multiple dogs. This subsequently led to improvements to the property and the dog containment area.

Upon request the applicant provided photos demonstrating the improved the dogs’ containment area. The applicant has constructed three separate containment areas and additionally have installed a dog containment system (**see Attachments 2 and 3**). The first containment area is located at the rear of the house is constructed of 2.4 metre to 4.8 metre Colorbond fencing. The fencing is of a high standard and more than suitable for the containment of five dogs. The second and third containment areas are used for when the applicants are not home and are constructed of 4 metre by 4 metre mesh panels with screening to prevent the dogs from being to see into the neighbouring properties.

The officer further checked the dogs’ containment area, which was found to be situated around the house and 1.5 metres high and made from wooden posts and horse mesh. The fencing is of a high standard and more than suitable for the containment of five dogs.”

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment:</b> Increase of noise through nuisance barking	Possible	Insignificant	Low	Effective screening and bark suppression devices.
<b>Opportunity:</b> Rangers have educated the applicants on measures to reduce any nuisance barking				

**Officer Comment/Details**

The application for consideration is for five dogs to be kept at 32 Herron Hill, Chittering. Objections have been received by three of the neighbours that were given the opportunity to comment. Shire rangers investigated into the nature of the concerns raised, and consider that the dog owners’ and their property have the ability to mitigate these concerns.

It is acknowledged that five dogs are already present at the property prior to the subject application being determined. Should Council resolve to refuse the application, it will incumbent on the applicants to remove the additional dogs from the property.

It is considered there is no evidence present, to warrant refusal of the application. As such, officers recommend the application be approved subject to appropriate conditions as recommended below.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020323**  
**Moved Cr Hughes, seconded Cr Ross**  
**That Council approve the application for five dogs at Lot 31 (#32) Heron Hill, Chittering, in accordance with the Dog Act 1976 and Shire of Chittering Dog Local Law 2011 under the following conditions:**

- 1. This approval is for the life of the dogs listed below and no additional dog or replacement dog shall be registered to this property unless a new application has been approved:**

<b>Name</b>	<b>Breed</b>	<b>Microchip</b>
Frankie	American Staffordshire	953 010 003 442 393
Reign	American Staffordshire	953 010 004 904 230
Kingston	American Staffordshire	991 003 001 329 528
Zion	American Bulldog	956 000 011 093 312
Storm	American Bulldog	956 000 015 033 679

- 2. Should one of the current registered dogs under this application become deceased, the applicant cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering.**
- 3. The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above.**
- 4. The dogs must be registered in accordance with the *Dog Act 1976* at all times.**
- 5. If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days.**
- 6. Fencing must be kept in excellent condition and be able to prevent the dogs from going under, over or through it, to the satisfaction of the Shire.**

**Advice Notes:**

- i. The applicant is made aware that the breeding of dogs in the Rural Residential zone is not permitted pursuant to the Shire of Chittering Local Planning Scheme No. 6. Any breeding that is found to occur on the subject property may be subject to compliance action from the Shire under the *Planning and Development Act 2005*.**

**CARRIED 4 / 3**  
TIME: 7.13PM  
**For: Cr Hughes, Cr Ross, Cr King, Cr Campbell**  
**Against: Cr Angus, Cr Dewar, Cr Curtis**



**DS02 – 03/23 Proposed Scheme Amendment No. 74 – Rezoning of Lots 1456 and 50 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to ‘General Industry’ zone**

<b>Applicant</b>	Tomahawk Property
<b>File ref</b>	PLN.SA.74
<b>Author</b>	A/Executive Manager Development Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Scheme Amendment 74 Document

	<b>Authority / Discretion</b>	<b>Definition</b>
<input checked="" type="checkbox"/>	<b>Advocacy</b>	<b><i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i></b>
<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. 74 for the rezoning of Lots 1456 and 50 Great Northern Highway, Muchea from the ‘Agricultural Resource’ zone to the ‘General Industry’ zone.

Location 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, 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 Shire for the rezoning of Lots 1456 and 50 Great Northern Highway, Muchea from the ‘Agricultural Resource’ zone to the ‘General Industry’ zone. The area captured by this proposal is illustrated in the above locality plan and is often referred to as ‘Precinct 2A’. These proposals were lodged with the Shire in January 2022 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 74 document is attached to this report (Attachment 1).

Lots 1456 and 50 are located within the strategically identified MIP, but are currently being used for agricultural purposes. They are bound by Muchea East Road to the north, and Great Northern Highway to the west. A homestead and associated outbuildings exists in the centre of the land, with a scattering of native trees spread across the subject site. A narrow creek traverse the northern section of Lot 1456 in an east – west direction and is likely to have both an environmental and drainage value. Lot 50 has some historical value as an emergency world war II airstrip, and is listed within the Shire’s Municipal Inventory of Heritage Places. Discussions have been held between the proponent and Shire officers prior to lodgement of the Scheme amendment, and it has been suggested this historical significance can be recognised in some format at the time the land is developed.

The proposed Scheme amendment seeks to rezone the land to the ‘General Industry’ zone. It also proposes to introduce provisions into Schedule 11 of LPS6 that will guide local structure planning and identify the keys matters that need to be addressed when a local structure plan is prepared such as:

- Creating a central RAV10 loop road;
- Creating a functional RAV10 network that connects to the broader network;
- Providing staging details to demonstrate how a staggered subdivision can occur;
- Identifying the reserves and areas of environmental and heritage value for protection;
- Servicing and fill requirements; and
- Drainage of the site and its interconnection with the broader drainage network.

Further to the above, the Scheme amendment will seek to permit two non-industrial land uses into Precinct 2A being:

- Tavern; and
- Restaurant.

These ‘additional uses’ will be subject to their identification of location on a local structure plan and be in an area that does not conflict with industrial uses or the industrial road network.

### **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 Precinct 2A.

**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 general industry 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 provides for predominantly general industry uses.

**Site Inspection**

Site inspection undertaken: No.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment:</b> 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.
<b>Opportunity:</b> 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.

This Scheme amendment also seeks to introduce two non-industrial land uses into the Precinct 2A area. Both the ‘Tavern’ and ‘Restaurant’ land uses are proposed to be ‘D’ (discretionary) within this part of the MIP, which will give them the ability to be approved in appropriate locations. It will be necessary to identify the location of these uses in the local structure plan, to ensure they do not create conflict with the industrial activities, being the primary purpose of the land. From a strategic perspective, non-industrial land uses have been identified in the MIP Structure Plan as a necessary, albeit small, percentage of future development. Historically, non-industrial land uses such as lunch bars and other commercial outlets that offer amenities and services, have been located in industrial precincts where they service the needs of the industrial employees. It is considered that a ‘tavern’ and ‘restaurant’ land use within Precinct 2A is not contrary to the strategic intent of the land as guided by the MIP Structure Plan.

Pursuant to the requirements of the Regulations, Amendment 74 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 74 in order for the advertising process to commence.

<b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030323</b>		
<b>Moved Cr Ross, seconded Cr Angus</b>		
<b>That Council:</b>		
<p><b>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:</b></p> <p><b>a. Rezoning Lots M1456 and Lot 50 Great Northern Highway, Muchea from ‘Agricultural Resource’ zone to the ‘General Industry’ zone and amending the scheme map accordingly;</b></p> <p><b>b. Amending Schedule 11 – Muchea Employment Node Special Control Area by including provisions for Precinct 2A of the Muchea Industrial Precinct as follows:</b></p>		
<b>NO</b>	<b>DESCRIPTION OF LAND</b>	<b>CONDITIONS</b>
<b>3</b>	Precinct 2A (P2A) of the Muchea Industrial Park – Lot M1456 (3488) and Lot 50 Great Northern Highway, Muchea	<p>General planning matters applicable to the Muchea Industrial Park are set out in clauses 4.9, 4.20 and 5.7 of the Scheme. The purpose of this schedule is to identify more detailed planning matters relevant to this precinct.</p> <p><b>1. Structure Plan</b></p> <p>1.1 Prior to the subdivision and development of the land, a structure plan is to be prepared and approved in accordance with Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and relevant Scheme requirements.</p> <p>1.2 Part 1 of the Structure Plan is to make provision for –</p> <p>i. A centrally aligned loop road designed to carry Class 10 Restricted Access Vehicles (RAV10), having regard to the general requirements of the Muchea Industrial Park Structure Plan.</p> <p>ii. A functional movement network providing for:</p> <p>a. suitable road reserve widths for accommodating road, footpath and verge drainage infrastructure in a manner consistent with projected traffic volumes, functionality and integration with the broader road (RAV10) network;</p> <p>b. limited number of access points to Great Northern Highway and the loop road; and</p> <p>c. an indicative lot layout that demonstrates capability to accommodate efficient RAV10 access to all General Industry lots within the precinct.</p> <p>iii. Staging details to facilitate orderly development within the precinct. Details to</p>

		<p>address temporary access arrangements, road upgrades, construction of an appropriate footpath network, intersection treatments, public land requirements and cost sharing responsibilities.</p> <ul style="list-style-type: none"> <li>iv. Identification of reserves for conservation, foreshore management, drainage and/or public open space.</li> <li>v. The identification of any significant features and management strategies to retain features and/or respond to how potential impacts are to be avoided or managed within acceptable limits, to the satisfaction of the local government and in consultation with relevant agencies. These features may include, but not be limited to:             <ul style="list-style-type: none"> <li>a. Environmental Features;</li> <li>b. Aboriginal Heritage; and/or</li> <li>c. Heritage listed sites.</li> </ul> </li> <li>vi. Servicing strategy to include concept earthworks and design fill levels; communications, water and power supply; wastewater disposal and drainage.</li> <li>vii. Reasonable and sustainable fill requirements for anticipated industrial uses and development, and details for timing, implementation and responsibility.</li> <li>viii. A Landscape Master Plan to be prepared and submitted to provide the landscaping strategy, species selection and plant density for:             <ul style="list-style-type: none"> <li>a. Preservation of rural character including retaining large original trees in prominent locations along Great Northern Highway and Muchea East Road, where identified as contributing to visual landscape character;</li> <li>b. Conservation, foreshore management and/or public open space reserves;</li> <li>c. Swales and basins based on the recommendations in the Vegetation Guidelines for Stormwater Biofilters in the South-West of Western Australia;</li> <li>d. Effluent irrigation areas; and</li> <li>e. On-site landscaped areas.</li> </ul> </li> <li>ix. A Local Water Management Strategy providing additional detail for the structure plan, to ensure that surface and ground water is managed in accordance with State Planning Policy, <i>Better Urban Water Management</i>, <i>Government Sewerage Policy</i>, the <i>Muchea Industrial Structure Plan</i> and its <i>Regional Water Management Strategy</i>. The Local Water Management Strategy shall provide, but not be limited to, details of:             <ul style="list-style-type: none"> <li>a. Water supply and water efficiency measures for land uses;</li> <li>b. Land capability for on-site effluent treatment with nutrient retention and disposal, having regard to the <i>Government Sewerage Policy</i>;</li> <li>c. Stormwater management strategy that identifies sub-catchments and land requirements (including within road reserves and swales) for drainage, bioretention and infiltration, in accordance with water sensitive urban design principles;</li> <li>d. Groundwater management strategy including information about pollutant and nutrient management; and</li> <li>e. Landscaping strategy.</li> </ul> </li> </ul> <p><b>2. Subdivision requirements</b></p> <p>2.1 Plans and information, including but not limited to the following, are to be prepared in accordance with the following conditions:</p> <ul style="list-style-type: none"> <li>i. A Site and Soil Evaluation demonstrating appropriate site level requirements and wastewater disposal in accordance with the <i>Government Sewerage Policy</i> and Local Water Management Strategy.</li> <li>ii. A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) to be prepared and submitted as a component of a subdivision application. The Western Australian Planning Commission's <i>Transport Impact Assessment Guidelines</i> be used to determine the level of assessment required. The TIA/TIS shall identify the extent and suitability of road network modifications to accommodate the creation of the proposed lots as a component of a subdivision application.</li> <li>iii. An Urban Water Management Plan (UWMP) be prepared and approved prior to the commencement of subdivisional works.</li> <li>iv. A Bushfire Management Plan.</li> </ul> <p>2.2 A reticulated water and power supply, operated by licensed operators, shall be provided at the first stage of subdivision.</p> <p><b>3. Development</b></p>
--	--	---

		<p>3.1 Development shall be in accordance with any restrictions and notifications, if applicable, to the lot.</p> <p>3.2 Development applications to provide details of any emissions and mitigation.</p> <p>3.3 Development footprints and effluent disposal areas shall be filled in accordance with the relevant Site and Soil Evaluation and Urban Water Management Plan.</p> <p><b>4. Additional Uses</b></p> <p>4.1 The following are additional uses in Precinct 2A:</p> <ul style="list-style-type: none"> <li>• Restaurant – D use</li> <li>• Tavern – D use</li> </ul> <p>4.1 Development to be generally in accordance with the Scheme and approved Structure Plan for Precinct 2A of the Muchea Industrial Park.</p> <p>4.2 The location and suitability of land use and development shall not interfere with the:</p> <ol style="list-style-type: none"> <li>i. Establishment and operation of general industry land uses in Precinct 2A of the Muchea Industrial Park; and/or</li> <li>ii. Safe operation and function of the existing or proposed road network which prioritises RAV10 vehicle movements.</li> </ol> <p><b>5. Other</b></p> <p>5.1 Pursuant to clause 34 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> where reserves for roads, conservation, foreshore management, drainage and/or public open space have been ceded, these may be incorporated onto the Scheme Map as local scheme reserves by means of a basic amendment to the Scheme.</p>
<p><b>c. Amending the ‘List of Contents’ and undertaking any other necessary formatting and administrative edits accordingly.</b></p> <p><b>2. Pursuant to Regulation 35 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, determined that the amendment is a ‘Standard Amendment’ for the following reasons:</b></p> <ol style="list-style-type: none"> <li><b>a. The Amendment is consistent with the Muchea Industrial Park Structure Plan (April 2022); and</b></li> <li><b>b. The Amendment is consistent with the Shire of Chittering Local Planning Strategy (October 2019) that has been endorsed by the Commission.</b></li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 6 / 1</b> TIME: 7.16PM</p> <p style="text-align: center;"><b>For: Cr Ross, Cr Angus, Cr King, Cr Campbell, Cr Dewar, Cr Curtis</b> <b>Against: Cr Hughes</b></p>		

**TECHNICAL SERVICES****TS01 – 03/23 Clune to Brockman Shared Path Project**

<b>Applicant</b>	N/A
<b>File ref</b>	15/01/15
<b>Author</b>	Executive Manager Technical Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Nil

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

**Executive Summary**

Council is requested to note and review the Clune to Brockman Project costs and funding and consider endorsing the continuation of the Project by awarding the supplier, Three Chillies Design Pty Ltd, an additional contract without going to public tender.

**Background**

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

*Section 12 of the Local Government (Functions and General) Regulations 1996.*

Anti-avoidance provision for r 11(1). This regulation applies if a local government intends to enter into 2 or more contracts (the *contracts*) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

*Section 11 (1) of the Local Government (Functions and General) Regulations 1996.*

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.



**Consultation Summary**

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

**Legislative Implications**

State

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

Section 12 Local Government (Functions and General) Regulations 1996.

Section 11 (1) Local Government (Functions and General) Regulations 1996.

Local

Nil

**Policy Implications**

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Finance Policy 2.11 Purchasing Policy

**Financial Implications**

There is no financial implication, as provision was included in the budget review.

**Strategic Assessment / Implications**

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Site inspection undertaken: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Rare	Moderate	Low	Automated computer system in place to comply with Purchasing Policy Thresholds
<b>Opportunity:</b> None				

**Officer Comment/Details**

Clune to Brockman Shared path is a joint funded project between the Shire of Chittering and the Department of Transport, the Shire received initial funding in the financial year 2019/20.

An initial purchase order was issued for feature Survey of the Bike Trail on 17/11/2020.

A purchase order to undertake detailed design for the Bike Trail was issued on 09/04/2021.

Stages 1 and 2 of this project was on hold due to delays in approval by the Department of Water and Environmental and there were land acquisition issues as well.

This project was delayed by almost two (2) years and was reviewed in the financial year 2021/22, the scope

was revisited and design changes made and alignment was updated to reduce minimum disruption to the environment.

An initial request for quote was raised in the financial year 2021/22 to undertake Stage 1 and Stage 2 works, the Shire received only one written quote submission by 25/03/2022 and the works were awarded to Three Chillies Design Pty Ltd.

A purchase order to commence works was issued on 07/04/2022. As there was no formal environmental approval from the Department of Water and Environmental to commence Stage 1, Stage 2 was progressed by Three Chillies Design Pty Ltd.

Following the redesign and scope changes of the works, a request for quote was requested for Stage 1 and Stage 3, the Shire received two written submissions and Three Chillies Design Pty Ltd were the most preferred contractor and awarded to proceed with the project.

Due to the length of time that this project has taken to progress the Shire has experienced cost escalations in both labour and materials. The Shire requested additional funding from the Department of Transport in order to complete the project. The Shire received additional funding on 30/01/2023 to complete all 3 Stages of the project.

As a result of receiving additional funding the Shire now needs to consider the Anti-avoidance clause within our purchasing policy as the total spend with Three Chillies Design Pty Ltd for this project in this financial year will now exceed \$250,000.

In order to complete Stage 3 and honour the guidelines of the additional funding already received from the Department of Transport the Shire needs to raise a new purchase order for \$159,133.69.

Due to the nature of the project, and the reliance on grant applications, it was never the Shire's intention to build the full path as one project and therefore the consideration of putting out one tender was never an option. Had the project progressed in its original form Stages 1, 2 and 3 would have been completed in different financial years and the issue of Anti-avoidance or the need to proceed to public tender would not have arisen.

Building of trails is a specialised field and the Shire has requested both written quotes and public tenders for other projects to build trails which has resulted in the same contractor being engaged. It is our belief that the result would have been the same regardless of whether we went to public tender or not.

Details of additional funding received and the Shire's required co-contribution to the project are listed in the revised mid-year 2022-2023 Budget Review.

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

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040323**

Moved Cr Angus, seconded Cr Curtis

That Council:

1. Endorse the continuation of the Clune to Brockman Project and award the contractor, Three Chillies Design Pty Ltd, an additional contract without going to public tender.
2. Endorse the additional purchase order for \$159,133.69, required to complete Stage 3.

**CARRIED BY ABSOLUTE MAJORITY 6 / 1**

TIME: 7.19PM

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

*Against: Cr Dewar*

**CORPORATE SERVICES****CS01 – 02/23 List of Accounts Paid for the Period Ending 28 February 2023**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 28 February 2023

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 28 February 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 Implications**Local

Acting Executive Manager Corporate Services

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 28 February 2023" is presented to Council for endorsement.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050323</b>  <b>Moved Cr Curtis, seconded Cr Angus</b>  <b>That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,229,886.58, for the period ending 28 February 2023:</b></p> <ol style="list-style-type: none"> <li>1. PR6290, PR6299 ;</li> <li>2. EFT24741 – EFT24856 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 7.20PM</small></p>
---

**CS02 – 02/23 Monthly Financial Report for the Period Ending 28 February 2023**

<b>File ref</b>	12/03/4
<b>Author</b>	Senior Finance Coordinator
<b>Authorised by</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 28 February 2023

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to consider the financial statement for the period ending 28 February 2023.

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**State

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

Local

Nil

**Policy Implications**Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Not applicable

**Risk Assessment/Implications**

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

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Providing transparent, accurate financial records.	Unlikely	Minor	Low	Adequate training for all Finance Officers, to ensure balanced reports each month.
<b>Opportunity:</b> 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 060323****Moved Cr Angus, seconded Cr Ross****That Council receives the Monthly Financial Report for period ending 28 February 2023, as per Attachment 1.****CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.21PM

**CHIEF EXECUTIVE OFFICER****CEO01 – 03/23 Local Government Ordinary Elections 2023**

<b>Applicant</b>	Western Australian Electoral Commission
<b>File ref</b>	GOV.ELC.2023
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Nil

	<b>Authority / Discretion</b>	<b>Definition</b>
<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"/>	<b>Executive</b>	<b><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></b>
<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 the Electoral Commissioner to be responsible for the conduct of the 2023 Local Government Ordinary Election and that the method of the election be as a postal election.

**Background**

The next local government ordinary elections are being held on Saturday 21 October 2023. The Western Australian Electoral Commission has written to the Shire advising that the Commission is again available to assume responsibility for these elections, should the Shire of Chittering wish to retain the postal voting method.

Postal elections have been available to Western Australian Local Government since 1995, and in a short period have become the preferred way that elections are conducted by many Councils.

**Consultation/Communication Implications**Local

Nil

State

Nil



## Legislative Implications

### State

- Local Government Act 1995

In accordance with *Part 4, Division 3, cl4.5*, a local government is to hold ordinary elections every two years.

As per *Part 4, Division 3, cl4.7*, ordinary elections are usually held on the third Saturday in October, i.e. Saturday 16 October 2021.

In accordance with *Part 4, Division 7, cl4.20(4)*, a local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

In accordance with *Part 4, Division 9, cl4.61(2)*, a local government may decide to conduct the election as a postal election

*\*Absolute Majority Required*

### Local

Nil

## Policy Implications

### State

Nil

### Local

Nil

## Financial Implications

The estimated cost provided by the Western Australian electoral Commission for them to conduct the postal election is \$39,000 (inc GST); which has been based on the following assumptions:

- 4,500 electors
- Response rate of approximately 45%
- Four vacancies
- Count to be conducted at the offices of the Shire of Chittering
- Appointment of a local Returning Officer
- Australia Post Priority delivery service to apply for the lodgement of the election packages.

Costs not incorporated in this estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- The cost of any casual staff to assist the Returning Officer on election day or night
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic

An additional amount of \$975 will be incurred if Council decide to opt for the Australia Post Priority Service for the lodgement of election packages.

These costs will be included in the 2023/24 Annual Budget under.

## Strategic Implications

### Local

- Strategic Community Plan 2017-2027

Focus area: Strong leadership - A responsive and empowering Council which values consultation, accountability and consistency

Objective: S5.1 An engaged community

Strategy: S5.1.1 Encourage and promote community engagement

Objective: S5.3 Accountable governance

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

### State

Nil

## Site Inspection

Not applicable

## Risk Assessment

Nil

## Officer Comment/Details

There are two methods for conducting local government elections; this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the Western Australian Electoral Commission (WAEC).

There are two significant benefits for conducting elections by postal vote:

- (i) It increases the voter turnout.
- (ii) It removes Shire of Chittering staff from the process (the Returning Officer is appointed by the WAEC), therefore creating independence and impartiality. Having an external person appointed by the WAEC as the Returning Officer creates separation and provides independence to the process.

Other benefits that have been quoted for postal elections are:

- It is easier for electors to vote.
- It assists new candidates as all electors get the profile of all candidates.
- There is a perception that the playing field is more level for sitting Councillors versus nominated candidates and that the success of being elected is not correlated to previous experience.

### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070323**

**Moved Cr Angus, seconded Cr Ross**

**That Council BY AN ABSOLUTE MAJORITY:**

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.**
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**
- 3. Approve an additional amount of \$975.00 to opt for the Australia Post Priority Service for the lodgement of election packages.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0**

TIME: 7.25PM

**CEO02 – 03/23 Councillor Information Sessions Policy**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Author</b>	Executive Support Officer
<b>Authorising Officer</b>	Acting Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Elected Member Policy 4.6 – Agenda Forum Policy (Current) 2. Elected Member Policy 4.6 – Councillor Information Sessions Policy

	<b>Authority / Discretion</b>	<b>Definition</b>
<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"/>	<b>Legislative</b>	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
<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 amended "Councillor Information Sessions Policy" as per attachment 1.

**Background**

At the September 2022 Ordinary Council Meeting, Councillor King brought a motion to Council as it was believed that Closed Concept Forums generate a perception by the community of secret meetings where decisions are made beyond public scrutiny.

That in accordance with Council Resolution 161121 position statement: *"the Shire of Chittering is committed to being a leader in the areas of transparency, disclosure and public accountability. In line with this commitment, we will continually be looking for relevant new opportunities to adopt best practice."*; the incorporation of Concept and Agenda Forums open to the public will make a significant contribution to the community perception of an open, transparent and accountable Council.

At this meeting, the following resolution was made:

**MOTION / COUNCIL RESOLUTION 140922**  
*Moved Cr King, seconded Cr Curtis*  
*That Council instruct the Chief Executive Officer to workshop with Council the incorporation of both Concept and Agenda items into a single forum open to the public. This workshop is to be undertaken and a report/officer recommendation to be tabled at the February 2023 Ordinary Council Meeting.*

CARRIED 3 / 3

TIME: 9.44PM

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

*The Presiding Member cast his deciding vote in favour of this motion.*

A workshop of the proposed policy was conducted at the February 2023 Agenda Forum.

### **Consultation Summary**

#### Local

Chief Executive Officer

Community - a survey on transparency was conducted

#### State

Nil

### **Legislative Implications**

#### State

Part 5 of the *Local Government Act 1995* states:

#### Part 5 — Administration

##### *What this Part is about*

*This Part deals with —*

- (a) *council meetings, committees and their meetings and electors' meetings; and*
- (b) *the employment of persons by local governments and matters relating to local government employees; and*
- (c) *annual reports and plans; and*
- (d) *the disclosure of financial interests in matters affecting local government decisions and in returns; and*
- (e) *public access to local government information; and*
- (f) *the limitation of the payment of fees, expenses and allowances to council and committee members, mayors and presidents; and*
- (g) *codes of conduct.*

*[Notes to Part 5 amended: No. 49 of 2004 s. 42(1).]*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Elected Member Policy 4.6 – Agenda Forum Policy

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

**Officer Comment/Details**

While a review and change in procedures may assist in the extreme minority perception, this should also be balanced with the effective and efficient running of the local government for the majority of the community, and to achieve this, there must be times that allow for the free discussion of staff and Councillors.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080323**  
**Moved Cr Curtis, seconded Cr King**  
**That Council adopt the Councillor Information Sessions Policy, as attached to this report.**

**CARRIED UNANIMOUSLY 7 / 0**  
TIME: 7.28PM

**CEO03 – 03/23 Amended Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Author</b>	Executive Management Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities

	<b>Authority / Discretion</b>	<b>Definition</b>
<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"/>	<b>Legislative</b>	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
<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 adoption of the amended Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities Policy; so as to provide guidance for Shire Officers and clear, consistent information around naming conventions to the community in relation to the naming of Shire owned facilities.

**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*.

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.

## Consultation Summary

### Local

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

### State

Nil

## 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.

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

**Officer Comment/Details**

The current Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities has been updated to clearly define Council’s position and responsibilities; along with community expectations in relation to the naming and renaming of Shire owned facilities and assets. (**Attachment 1**).

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090323**  
**Moved Cr Ross, seconded Cr Angus**  
**That Council adopt the Engineering, Construction and Maintenance Policy 7.3 – Naming of Shire Facilities Policy, as attached to this report.**

**CARRIED UNANIMOUSLY 7 / 0**  
TIME: 7.30PM



**CEO04 – 03/23 Sandown Park User Group Council Delegate**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A10059
<b>Author</b>	Community Development Coordinator
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Nil

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><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></b>
<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 appoint a Council Delegate to the Sandown Park User Group (SPUG) with responsibility for chairing SPUG meetings.

**Background**

Shire management of Sandown Park, Muchea commenced in 2022 with the termination of a lease agreement for South Midlands Polocrosse Club.

A signed and accepted License Agreement for a portion of Reserve 24724 (Lot 149 on Deposit Plan 195016) – Sandown Park, Muchea was issued to South Midlands Polocrosse Club Inc. on 1 September 2022.

A signed and accepted License Agreement for a portion of Reserve 24724 (Lot 149 on Deposit Plan 195016) – Sandown Park, Muchea was issued to South Midlands Pony Club Inc. on 9 November 2022.

The transition to Shire management now necessitates the implementation of appropriate reporting mechanisms to support the facility management functions of the Shire.

**Consultation Summary**Local

The first Sandown Park User Group meeting was held on Monday 6 February 2023 facilitated by the Shire Community Development Coordinator. Representatives of the South Midland Polocrosse Club and South Midlands Pony Club attended the meeting.

The purpose of the meeting was to establish regular User Group forums following a similar purpose to User Group meetings held at other Shire managed facilities.

The Agenda for this meeting included:

- Review of transition to SpacetoCo bookings
- Alternative hirer proposals – Commonwealth Clydesdale Horse Society, clinics and Rodeo weekend practice and small jackpot events.
- Maintenance items
- Club updates

It was determined at this meeting that Sandown Park User Group meetings would be held on a quarterly basis with a request for Council representation at these meetings.

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

1.11 Risk Management Policy

1.9 Asset Management – Infrastructure Assets

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Built Environment

Objective: S3.2 Improving Infrastructure

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

Focus area: Administration and Governance

S5.1 an Engaged Shire

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

S5.2 Accountable and Transparent Governance

S5.2.2 Responsible, sustainable and planned use of the Shire's financial resources

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation	Possible	Insignificant	Low (3)	Implement Sandown Park User Group forums with Council delegation
<p><b>Opportunity:</b> Through the provision of User Group meetings, Sandown Park regular users would have a conduit for airing issues and concerns with the appointed Shire Officer and Council Delegate via a reporting mechanism to Council that will assist their decision making responsibilities with regard to risk management and asset management capabilities of the Shire .</p>				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Property	Possible	Insignificant	Low (3)	Implement Sandown Park User Group forums with Council delegation
<p><b>Opportunity:</b> Through the provision of User Group meetings, Sandown Park regular users would have a formalised avenue to address facility management issues with the appointed Shire Officer and Council Delegate for circulation to Shire management for consideration and actioning where required.</p>				

**Officer Comments:**

The transition of facility management from South Midlands Polocrosse Club to the Shire has been a long and contentious process.

The implementation of a User Group forum will enable transparency and accountability between all regular users of the facility and the Shire and assist in the coordination of activities at the facility.

Council delegation to the Sandown Park User Group will provide a direct reporting mechanism to Council to assist with Councils risk and asset management responsibilities and considerations.

OFFICER RECOMMENDATION  
 Moved Cr King, seconded Cr Hughes  
 That Council appoint a Council Delegate and Deputy to the Sandown Park User Group (SPUG) with responsibility for chairing Sandown Park User Group meetings.

AMENDMENT  
 Moved Cr King, seconded Cr Campbell  
 That the Officer Recommendation be amended to read “That Council appoint Cr Hughes as Council Delegate and Cr Campbell as Deputy to the Sandown Park User Group (SPUG) with the Council Delegate responsible for chairing Sandown Park User Group meetings.”

CARRIED UNANIMOUSLY 7 / 0  
 TIME: 7.33PM

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 100323**

**Moved Cr King, seconded Cr Hughes**

**That Council appoint Cr Hughes as Council Delegate and Cr Campbell as Deputy to the Sandown Park User Group (SPUG) with the Council Delegate responsible for chairing Sandown Park User Group meetings.**

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.34PM**

**CEO05 – 03/23 Blue Plains Road – Road Safety Inspection**

<b>Applicant</b>	N/A
<b>File ref</b>	
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Road Safety Inspection Report 2. Corrective Action Report

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to receive the Road Safety Inspection Report for Blue Plains Roads and confirm the necessary actions have been completed.

**Background**

The Chittering Residents and Ratepayers Association submitted a Petition to Council at the Ordinary Meeting held 21 September 2022. The Petition containing 58 signatures requested Council to *“Take immediate steps and undertake long term planning to reduce the risk to road users and residents of Blue Plains Road in the Shire of Chittering. The road presently has no posted speed limit and users have commented that the speed limit is the open road limit of 110km/h. A speed limit of no more than 70km/h between Today Glen and Chittering Road would be a responsible designation to suit the topography, corners and driveways. There have been 4 vehicle accidents in the last 5 weeks on the corner around Rural Number 500 Blue Plains Road. Two of these required the RAC rescue helicopter to transfer the injured. Immediate action could include placing of 60km/h road hazard signs and verge clearing on corners to improve sight lines. The safe speed limit for the road should be established in consultation with MRWA and posted. Long term action could include widening and re-aligning of the road if it is to continue to be used as a major through road from Julimar Road to the Great Northern Highway”*.

An item was taken to Council at the Ordinary Meeting held 19 October 2023, which resolved the following:

*OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091022*

*Moved Cr Campbell, seconded Cr King*

*That Council:*

- 1. Acknowledge receipt of the Blue Plains Road Petition submitted to Council at the Ordinary Meeting held 21 September 2022;*
- 2. Instruct the Chief Executive Officer to request Main Roads WA to undertake further review and consideration of a speed limit reduction on Blue Plains Road, Chittering; and*
- 3. Instruct the Chief Executive Officer to have a Road Safety Audit performed on Blue Plains Road, Chittering, acknowledging that external resources will be required for this.*

*CARRIED UNANIMOUSLY 7 / 0*

*TIME: 7.25PM*

The Shire engaged a private company to conduct A Road Safety Inspection on Blue Plains Road, which indicated that in more than five years there has been one fatality on that road. Residents and visitors to the area should drive to the conditions of the road, and it is a low accident road. It was recommended that additional signage be put in place and Shire staff have installed further signage in areas where it was recommended in this report.

The Shire has no grounds for applying for blackspot funding, as the report did not highlight it as a high accident risk area.

### **Consultation Summary**

#### Local

- Executive Manager Technical Services
- Consultant

#### State

Nil

### **Legislative Implications**

#### State

Nil

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2022-2032
  - Focus area: Built Environment
  - Objective: S3.2 Improving Infrastructure
  - Strategy: S3.2.1 Maintenance and construction of safe roads

State

Nil

**Site Inspection**

Yes

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk: People	Unlikely	Moderate	Moderate	Conducting the Road Safety Inspection and actioning the recommendations in the report.
<b>Opportunity: Nil</b>				

**Officer Comments:**

A Road Safety Inspection was conducted and actions were taken to install signage as recommended in this report.

This matter can now be closed, as no further action is required.

OFFICER RECOMMENDATION  
 Moved Cr King, seconded Cr Curtis  
 That Council:

- Notes that this item emanated from a Council Resolution of the September 2022 OCM where a petition was accepted from the CRRRA and actions specified to address the concerns raised.
- Receive the Road Safety Inspection Report completed by i3 Consultants WA, as attached.
- Confirm that the recommended steps in the report have been considered and actioned.
- Confirm that no further action is required and close off this matter.

AMENDMENT  
 Moved Cr King, seconded Cr Ross  
 That the Officer Recommendation be amended at points 3 and 4 to read:

- Confirm that the recommendations have been considered and actions assigned as outlined in the "Client Response" to the Corrective Actions Report.
- Confirm that no further action is required and that all matters are closed with exception to the outstanding accepted actions.

CARRIED UNANIMOUSLY 7 / 0  
TIME: 7.37PM

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 110323**  
 Moved Cr King, seconded Cr Curtis  
 That Council:

- Notes that this item emanated from a Council Resolution of the September 2022 OCM where a petition was accepted from the CRRRA and actions specified to address the concerns raised.
- Receive the Road Safety Inspection Report completed by i3 Consultants WA, as attached.
- Confirm that the recommendations have been considered and actions assigned as outlined in the "Client Response" to the Corrective Actions Report.
- Confirm that no further action is required and that all matters are closed with exception to the outstanding accepted actions.

**CARRIED UNANIMOUSLY 7 / 0**  
TIME: 7.40PM

## CEO06 – 03/23 EOI: Aged Care Solutions

Applicant	N/A
File ref	03/01/0005
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

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to note that an Expression of Interest for Aged Care Solutions was conducted and no expressions were received.

**Background**

Council adopted an Aged and Disability Care Project Plan at the Ordinary Council Meeting held 20 July 2022.

This Plan contained the following:

**1. Project**

*Residential Aged and Disability Care and Independent Living Unit Advocacy*

*The Shire of Chittering is committed to retaining older people and people with disability support needs in the Chittering community.*

*The Shire is committed to investigating options to facilitate the development of multi service housing, aged care and associated health service campus within the Shire of Chittering.*

**1.1 Problem**

*The shire's aged population is projected to keep increasing. Currently there is nowhere for aged and disabled to reside when a conventional house and/or land with in-home services is not sufficient. This will*



require more aged and disability facilities and housing options to enable residents who can no longer be in their own home to remain within the shire.

### 1.2 Project Description

Develop advocacy resources to be utilised during an Expression of Interest Process and/or advocacy process aimed at attracting approved providers to the shire to provide a Residential Aged Care Service, Independent Living Units and In-Home Aged Care Services.

### 2. Deliverables

Outputs	Performance Measure	Performance Measure Method
1 Advocacy Sheet for potential Aged Care Providers.	One advocacy sheet that contains: relevant statistics showing the need; available sites; Council support offered.	The Advocacy Sheet is accepted by Council by October 2022 OCM.
2 Expression of Interest Process	One Expression of Interest Process performed and results presented to Council.	Council receive the results of the Expression of Interest Process by May 2023 OCM.
3 Advocacy Action	That the Shire President, with assistance from the Chief Executive Officer, perform five (5) advocacy actions with relevant stakeholders.	That five advocacy actions be performed by 30 June 2023.

Outcome	Performance Measure	Performance Measure Method
1 An increase in living options to reduce the need for aged residents to move away from the shire.	Numbers of aged residents remains in a consistent pattern in the Census.	Numbers of aged in each category in the Census.
2 An increase in the number of residents residing in Independent Living Units	An increase in the number of residents residing in Independent Living Units.	Analysis of Residents living in Independent Living Units from start of period to end of period (period dependent on outcomes of EOI).
3 An increase in the number of residents residing in Residential Aged Care	An increase in the number of residents residing in Residential Aged Care.	Analysis of Residents living in Residential Aged Care from start of period to end of period (period dependent on outcomes of EOI).

### 3. Stakeholders

#### Aged Care Providers

The intention of this project is to find suitable Aged Care Providers to provide a range of Aged and Disability facilities and services within the Shire of Chittering.

The shire continues to engage with identified Aged and Disability Service Providers who currently provide services within the shire and seeks to develop an awareness and engagement with other potential providers

An advocacy brochure was completed in January 2023 and included in the Expression of Interest requesting Aged Care Providers to provide a solution to Aged Care within the Shire of Chittering. The EOI was

advertised for a period of one month closing at 4pm on Tuesday 28 February 2023. At the closing of the advertising period, no expressions were received.

**Consultation Summary**

Local

Over a number of years, there has been several different community engagement efforts made that were used as a background to what was requested in the EOI.

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

There was a cost for having the advocacy brochure developed by an external company.

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032
  - Focus area: Community
  - Objective: S2 A Safe and Healthy Community
  - Strategy: S1.2.1 Improve education, health, disability and aged services

State

Nil

**Site Inspection**

Yes

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Sections of the community may not agree with the direction of Council.	Possible	Insignificant	Low	Continued community engagements as the plan progresses.
<b>Opportunity:</b> Greater engagement with the community on the direction of Council.				

**Officer Comments:**

Several attempts have now been made to entice investors to establish aged care services within the Shire.

All of the attempts have proven unsuccessful, an alternative approach is required to ensure that we provide an opportunity for our ageing residents to continue living within our community.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120323**

**Moved Cr Ross, seconded Cr Angus**

**That Council:**

- 1. Notes that no expressions were received following the advertising period;**
- 2. Close out the deliverable and instruct the CEO to investigate the establishment of Independent Living Units within the Shire of Chittering and include options as part of the Budget discussions for 2023/24.**

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.46PM**

## CEO07 – 03/23 CEO Recruitment Process – Certification of Compliance

<b>Applicant</b>	N/A
<b>File ref</b>	22/02/83
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Recommendation 1: <b>Absolute Majority</b> Recommendation 2: Simple Majority
<b>Attachments</b>	1. Shire of Chittering Policy 3.19 Standards for Recruitment of CEO's

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><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></b>
<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 certify that the employment of Melinda Prinsloo as the Chief Executive Officer was completed in accordance with the Shire of Chittering's adopted *Standards for Recruitment of CEO's* and advise the Department of the Council Resolution.

**Background**

On 2 February 2021, changes to the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) were promulgated. These changes mandated all local governments to follow a model set of standards when dealing with CEO recruitment, performance management and termination.

At the Ordinary Council Meeting of 21 April 2021, Council adopted the Model Standards for CEO Recruitment, Performance and Termination in accordance with *section 5.39B(2) of the Act. Regulation 18FB(3)*. The Regulation states that, at the conclusion of the recruitment process, a local government must certify by **absolute majority** that the process that was followed in relation to the recruitment of the CEO was carried out in accordance with the local government's adopted Standards for CEO Recruitment, Performance and Termination. *Regulation 18FB(4)* states that the local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

The CEO Recruitment Committee resolved to have an external HR Consultant, Mills Recruitment, assist with the recruitment process at their Committee Meeting held 29 August 2022. These minutes were received by Council at their Ordinary Meeting held 21 September 2022, Council Resolution 110922.

**COMMITTEE RECOMMENDATION / RESOLUTION**

*Moved Cr Angus, seconded Cr Hughes*

*That Mills Recruitment be appointed to the Chief Executive Officer Recruitment Committee for the 2022/23 CEO Recruitment process.*

**CARRIED UNANIMOUSLY 4 / 0**

TIME: 6.15PM

The Shire has complied with the requirements of the Regulations in the performance of its functions and roles in the recruitment process as outlined below:

RECRUITMENT AND SELECTION STANDARD	STATUS
<b>Clause 5.</b> Determination of Selection Criteria and Approval of Job Description Form	Position Description inclusive of Selection Criteria (Qualifications and Experience) approved by Absolute Majority at Ordinary Council Meeting held 19 October 2022, Council Resolution 171022.
<b>Clause 6.</b> Advertising Requirements in accordance with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.	<p>The vacancy was advertised in the following publications for a period of two weeks:</p> <ul style="list-style-type: none"> <li>• Shire of Chittering Website</li> <li>• Shire of Chittering Facebook Page</li> <li>• Local Government Job Directory</li> <li>• Seek</li> <li>• Mills Recruitment Website</li> </ul> <p>Advertising included details of:</p> <ul style="list-style-type: none"> <li>• Remuneration and benefits</li> <li>• Place where applications are to be submitted</li> <li>• Date and time of the closing of applications</li> <li>• Duration of the contract</li> <li>• A website where the job description could be accessed</li> <li>• Contact details of a person to provide further information</li> </ul> <p>Applications closed at 5pm on Monday 14 November 2022. At the closing Mills Recruitment confirmed there were 31 applications received.</p>
<b>Clause 7.</b> Job Description Form to be made available by local government in accordance with Local Government (Administration) Regulations 1996 regulation 18A(2)(da)	The Position Description was included for download in the advertising and available at request from Mills Recruitment.
<b>Clause 8.</b> Establishment of Selection Panel for employment of CEO including an Independent Person	<p>A Selection Panel (CEO Recruitment Committee) was established and adopted by Council at the Ordinary Meeting held 17 August 2022, Council Resolution 100822.</p> <p>An Independent Member was selected by Council resolution on 18 Oct 2022, however, it was identified that the person currently held the office of Shire President at another Local Government, which is inconsistent with the DLGSC Guideline for independent panel membership. The Independent</p>

	<p>Member was readvertised and Council subsequently resolved by absolute majority on 16 November 2022 to appoint Craig Spencer, Council Resolution 111122.</p> <p>The Panel consisted of the following members:</p> <ul style="list-style-type: none"> <li>• Cr Carmel Ross – Presiding Member</li> <li>• Cr Mary Angus – Deputy Presiding Member</li> <li>• Cr Aaron King</li> <li>• Cr Kylie Hughes</li> <li>• Cr John Curtis</li> <li>• Craig Spencer – Independent Member</li> </ul>
<b>Clause 9.</b> Recommendation by Selection Panel	Mills Recruitment assessed all applications and compiled a summary assessment matrix for the committee, which was discussed at a meeting held 18 November 2022 to select a short list of 5 applicants for the first round of interviews on 3 December 2022. Following a second round of interviews on 17 December 2022, a recommendation by the CEO Recruitment Committee was taken to a Special Council Meeting held 10 January 2023. A motion was resolved by absolute majority, Council Resolution 020123, to receive the selection report, offer the position to a candidate assessed as suitable, advise the applicant and provide a draft contract reflecting set terms to start negotiations.
<b>Clause 10.</b> Application of cl.5 where new process carried out	Not applicable.
<b>Clause 11.</b> Offer of employment in position of CEO	Council by absolute majority at a Special Council Meeting held 10 January 2023 approved the making of the offer of employment to the applicant and the proposed terms of the contract of employment to be entered into by the local government and the applicant.
<b>Clause 12.</b> Variations to proposed terms of contract of employment	As there were variations to the terms adopted at the Special Council Meeting held 10 January 2023 a further recommendation was taken to Council at the Ordinary Meeting held 15 February 2023. Council resolved these variations by an absolute majority, Council Resolution 200223.
<b>Clause 13.</b> Recruitment to be undertaken on expiry of certain CEO contracts	At the Ordinary Meeting held 15 February 2023 Council authorised the Shire President to execute the employment contract, Council Resolution 210223. The contract was executed on 15 February 2023 following the Ordinary Meeting. The contract commenced 1 March 2023.
<b>Clause 14.</b> Confidentiality of information	All members of the CEO Recruitment Committee completed a confidentiality agreement. The local government ensures that all information provided to, or obtained by, the local government in the

	course of the recruitment and selection process for the position of CEO was not disclosed, or made use of, except for the purpose of, or in connection with, the recruitment and selection process.
--	---

**Consultation Summary**

Local

- Mills Recruitment
- CEO Recruitment Committee

State

Nil

**Legislative Implications**

State

**5.39A. Model standards for CEO recruitment, performance and termination**

(1) Regulations must prescribe model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

(2) Regulations may amend the model standards.

[Section 5.39A inserted: No. 16 of 2019 s. 22.]

**18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))**

(1) In this regulation —

adopted standards means —

- (a) the standards adopted by a local government under section 5.39B; or
- (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.

(2) This regulation applies if —

- (a) a local government employs a person in the position of CEO of the local government; and
- (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

(3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution\*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

\* Absolute majority required.

(4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FB inserted: SL 2021/14 r. 6.]

Local

Nil

**Policy Implications**

State

Nil

Local

- *Shire of Chittering Policy 3.19 Standards for Recruitment of CEO's*

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032  
 Focus area: Administration and Governance  
 S5.2 Accountable and Transparent Governance  
 S5.2.2 Responsible, sustainable and planned use of the Shire's financial resources

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Compliance	Possible	Major	High	By bringing this item through Council the risk is being mitigated and Compliance will be met.
<b>Opportunity:</b> Nil				

**Officer Comments:**

In accordance with *section 5.39B(2) of the Local Government Act 1995. Regulation 18FB(3)* this report is required to certify that compliance has been met.

**OFFICER RECOMMENDATION 1 / COUNCIL RESOLUTION 130323**  
**Moved Cr Ross, seconded Cr King**  
**That Council BY AN ABSOLUTE MAJORITY:**

1. Certify that the CEO recruitment process was conducted in accordance with the Shire of Chittering's Model Standards for Recruitment of CEO's; and
2. Disbands the CEO Recruitment Committee.

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0**  
TIME: 7.47PM



**OFFICER RECOMMENDATION 2 / COUNCIL RESOLUTION 140323**

**Moved Cr Ross, seconded Cr King**

**That Council:**

- 1. Notes that the CEO's employment contract was executed by the CEO and the Shire President on 15 February 2023, with the successful applicant commencing in the CEO position on 1 March 2023;**
- 2. Instructs the Chief Executive Officer to notify the Department of Local Government of this certification being passed within 14 days of this resolution; and**
- 3. Requests the Shire President to write a letter of thanks to Mr Craig Spencer for his valuable contribution as the Independent Member of the CEO Recruitment Committee.**

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.50PM**

**CEO08 – 03/23 Removal of Rubbish Bins - Blue Plains Road and Great Northern Highway Intersection and Chittering Road and Julimar Road Intersection**

<b>Applicant</b>	N/A
<b>File ref</b>	RM010 - JULIMAR ROAD
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Photos of the two sites

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to confirm that the removal of bins at the corner of Blue Plains Road and Great Northern Highway; and the corner of Chittering Road and Julimar Road, has in fact improved the issue of excessive rubbish and close out this matter.

**Background**

There were two public bins at both locations of Blue Plains Road and Great Northern Highway; and the corner of Chittering Road and Julimar Road, which consistently led to littering issues affecting the environment and native animals. The bins were being misused by some residents who did not wish to travel to the tip to discard of their waste causing excessively littering.

The Shire does not have the capacity to adequately service these bins, as it would require additional staff, plant and equipment. For this reason, the bins were removed and as a result, the littering issue was effectively resolved.

Although there seems to be some littering related to the food trucks at Blue Plains Road and Great Northern Highway, this will be dealt with by the Health Officer. Apart from this no major littering has resulted from the removal of these bins.

**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
  - S5.2 Accountable and Transparent Governance
  - S5.2.2 Responsible, sustainable and planned use of the Shire’s financial resources

State

Nil

**Site Inspection**

Yes

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk: Natural Environment	Almost Certain	Minor	High	By removing these bins the risk to the natural environment has been mitigated
<b>Opportunity:</b> Nil				

**Officer Comments:**

The removal of the bins has been a consistent bone of contention, however the cost benefit of not having to service these bins as well as the positive impact it has had on the overall levels of littering at these points outweighs the negative feedback received.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150323**

Moved Cr Angus, seconded Cr King

That Council;

1. Endorses the strategic decision to remove the bins at the corner of Blue Plains Road and Great Northern Highway, and the corner of Chittering Road and Julimar Road; and
2. Close out this matter.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.53PM

**CEO09 – 03/23 Bindoon Mountain Bike Park Reference Group**

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

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><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></b>
<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 approve the Bindoon Mountain Bike Park Reference Group as an Advisory Group of Council, appoint a Council delegate, and approve the attached terms of reference for the group.

**Background**

As the asset owner, it is important to ensure that the Bindoon Mountain Bike Park Project is delivered within agreed budget, scope and timeframe and the necessary stakeholders are involved throughout the process.

The Project Reference Group will assist the Chief Executive Officer and Project Manager to ensure that the Bindoon Mountain Bike Park Project is delivered successfully to meet the community and users of the park's needs.

It is also expected that minutes from the Reference Group will be tabled at Council.

**Consultation/Communication Implications**Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic 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

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project</b> - Failure of sticking to budget due to decisions made	(2) Unlikley	(3) Major	(6) Moderate	Ensure all user group members are given budget expectations / requirements if decisions being made may influence budget
<b>Opportunity: Nil</b>				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project</b> - Failure of timely decisions to be made	(3) Possible	(3) Major Delay in project completion	(9) Moderate	Ensure meetings are held as soon as possible when timely decisions need to be made, especially when a decision needs to be taken to a Council meeting
<b>Opportunity: Nil</b>				

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

**Officer Comment / Details**

As highlighted within the Shire of Chittering Community Engagement Plan, there are a number of benefits from utilising a community based reference groups, including:

- Commits the Shire and Council to being open and accountable;
- Assists the Shire and Council to plan services that continue to meet Community needs;
- Enables the Shire and Council to prioritise services and make better use of resources;
- Allows the broadest range of views to be expressed;
- Ensures the maximum amount of information is gathered prior to making decisions;
- Sees the Shire, Council and Community working together to achieve balanced decisions;
- Offers opportunities for the Community to contribute to and influence outcomes which directly affect their lives;
- Ensures an open and familiar process which becomes easier for Community members to participate in.

OFFICER RECOMMENDATION

Moved Cr King, seconded Cr Ross

That Council:

1. Approve the Bindoon Mountain Bike Park Project Reference Group as an Advisory Group of Council.
2. Appoint a Council delegate and Deputy to the Bindoon Mountain Bike Park Project Reference Group, to chair the User Group Meetings.
3. Approve the attached Terms of Reference for the Group.
4. Instructs the CEO to seek public nominations of two community members to serve on the Mountain Bike User Group.
5. Delegate the authority to the CEO to appoint the two community members according to the selection criteria in the event that more than two applications are received.

AMENDMENT

Moved Cr King, seconded Cr Ross

That the Officer Recommendation be amended at point 2 to include Cr Campbell as Council Delegate and Cr Curtis as Deputy.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.55PM

AMENDMENT

Moved Cr Ross, seconded Cr Angus

That the Officer Recommendation be amended at point 3 to read:

3. Approve the Terms of Reference, confirming the content, but separating the Roles and Responsibilities to improve clarity.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.57PM

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 160323**

Moved Cr King, seconded Cr Ross

That Council:

1. **Approve the Bindoon Mountain Bike Park Project Reference Group as an Advisory Group of Council.**
2. **Appoint Cr Campbell as Council Delegate and Cr Curtis as Deputy to the Bindoon Mountain Bike Park Project Reference Group, with the Council Delegate responsible to chair the User Group Meetings.**
3. **Approve the Terms of Reference, confirming the content, but separating the Roles and Responsibilities to improve clarity.**
4. **Instructs the CEO to seek public nominations of two community members to serve on the Mountain Bike User Group.**
5. **Delegate the authority to the CEO to appoint the two community members according to the selection criteria in the event that more than two applications are received.**

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 8.00PM



## CEO10 – 03/23 Corporate Performance Report – Quarter 2 (End December 2022)

Applicant	N/A
File ref	
Author	Corporate Performance Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Corporate Performance Report 2022/23 – Quarter 2

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to receive the Shire of Chittering Quarter 2 Corporate Performance Report 2022/23. The Report has been prepared based on quarter 2 performance updates (end December 2022) that are aligned to the first year (2022/23) of the recently adopted Shire of Chittering Corporate Business Plan 2022/23 - 2026/27.

**Background**

Section 5.56(1) and (2) of the *Local Government Act 1995* (the **Act**) requires that each local government is "to plan for the future of the district" by developing plans in accordance with the regulations. This is supported by the Local Government (Administration) Regulations 1996 (the **Regulations**). In addition, the Integrated Planning and Reporting Framework and Guidelines recommend that Local Governments provide quarterly reporting on progress against the Corporate Business Plan (CBP).

The purpose of the Corporate Performance Report is to provide Council with regular updates on how we are progressing towards achieving the outcomes and strategies that were adopted by Council and set out in the SCP and CBP. These strategic documents are respectively 10-year and 5-year plans, illustrating our long and medium term goals.

To achieve these long and medium term goals, Administration has developed an Annual Corporate Performance Plan (ACPP). This plan is the detail of year one of the CBP, and closely aligned to the Shire's Annual Budget. The plan consists of annual actions that are aligned to performance targets, budget (if required) and responsible service area (job title).

The ACPP enables regular monitoring and reporting on corporate performance, aligned to short, medium and long term goals set out in the SCP, CBP and ACPP.

Benefits of the Corporate Performance Report include:

- creating a values-driven culture of performance;
- greater transparency on Council performance through an integrated approach;
- greater accountability due to inclusiveness of all Council service areas;
- enhanced decision-making processes based on results-driven performance information;
- strong alignment between the annual budget and the community's future aspirations;
- contributes towards the future planning and budgeting process.

This report includes the following sections:

1. **Strategic Performance:** provides a strategic overview of quarter 2 performance against the community aspirations (Strategic Objectives) and desired outcomes set out in the SCP; and Council adopted strategies outlined in the CBP - (**Attachment 1**);
2. **Financial performance:** summary of results against the Annual Budget as at the end of quarter 2 - (**Attachment 1**);
3. **Operational performance:** outlines a detailed overview of quarter 2 performance against the annual actions, set out in the ACPP (**Attachment 2**).

Some of the key highlights for quarter 2, include:

- 77% of the quarter 2 actions were either completed or on target by the end of December 2022.
- The statement of financial activity shows a surplus of \$9,559.114 as at 31 December 2022.
- The City has spent \$3,261,455, 44% of the YTD budget of \$7,330,656 on capital works projects.

### **Consultation Summary**

#### Local

Consultation was undertaken with the relevant staff members through quarterly feedback sessions and the updating of the Annual Corporate Plan Scorecard.

Administration has implemented a Corporate Performance Reporting Process that are aligned to the Integrated Planning and Reporting Framework. The process has been implemented through various workshops and feedback sessions with the Executive Management Team and staff members. The first quarter performance updates were conducted in November 2022.

#### State

Nil

### **Legislative Implications**

#### State

The Shire's CBP is governed by Section 5.56(1) and (2) of the Act which requires that each local government is 'to plan for the future of the district' by developing plans in accordance with the regulations. This is supported by the Regulations.

The Integrated Planning and Reporting Framework and Guidelines also recommend quarterly reporting on progress against the CBP.

The financial performance reporting complies with Section 6.4 of the Act and Regulations 33A and 34 of the Local Government (Financial Management) Regulations 1996.

#### Local

Nil

**Policy Implications**

State

There are no direct policy implications. The effect of a Corporate Performance Report is to illustrate how the Council is progressing towards its medium-term priorities for the future, set out in the Corporate Business Plan.

Local

Nil

**Financial Implications**

There is no direct financial implication from accepting the results illustrating in the Corporate Performance Report, however the purpose of such a report is to guide the decision making process on proposed allocation of resources and assist Council with its corporate business planning and annual budgeting process.

**Strategic Assessment / Implications**

- Integrated Planning and Reporting

- 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.

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Compliance	Possible	Moderate	Moderate	Providing regular performance updates on the legislative strategic documents: Strategic Community Plan and Corporate Business Plan, enables the Shire to better plan for the future and increase transparency.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

That Council accepts the Quarter 2 Corporate Performance Report 2022/23.

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170323**

Moved Cr Ross, seconded Cr Hughes

That Council accepts the Quarter 2 Corporate Performance Report 2022/23 as per Attachment 1.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 8.03PM

## CEO11 – 03/23 Occupational Safety and Health Statistics Report – February 2023

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

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

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

**Background**

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

<p><b>MOTION / COUNCIL RESOLUTION 231121</b>  Moved Cr King, seconded Cr Angus  That:</p> <ol style="list-style-type: none"> <li>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".</li> <li>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"> <li>a. Number of safety observations;</li> <li>b. Number of safety audits and inspections;</li> <li>c. Number of working hours (total, workforce and contractors)</li> <li>d. Number of training hours;</li> <li>e. Number of toolbox talks;</li> <li>f. Number of equipment breakdowns;</li> <li>g. Average overtime per person by department.</li> </ol> </li> <li>3. Council requires the Chief Executive Officer to provide a monthly report to be tabled at each</li> </ol>
---

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

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

CARRIED UNANIMOUSLY 7/0

TIME: 9.53pm

### **Consultation Summary**

#### Local

Nil

#### State

Nil

### **Legislative Implications**

#### State

- *Work Health and Safety Act 2020*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

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

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

Nil

#### State

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180323**

Moved Cr King, seconded Cr Angus

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

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 8.06PM

**ITEM 10. REPORTS OF COMMITTEES**

Nil

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

Nil

**ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

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

Nil

**ITEM 14. MEETING CLOSED TO THE PUBLIC**

**Matters for which the meeting may be closed**

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 8.07pm.