



COUNCIL MINUTES

Ordinary Meeting of Council

7pm, Wednesday 20 March 2024

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 26 March 2024.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on _____

Signed _____

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

Disclaimer

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7:00pm.

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

Attendance

The following members will be in attendance:

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

The following staff will be in attendance:

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

Members of the General Public: 3

Media: 0

Apologies

Leo Pudhota	Executive Manager Technical Services
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Approved leave of absence

Cr Mark Campbell

Announcements

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

Cr Aaron King

21 February 2024 Councillor Information Session
Ordinary Meeting of Council
23 February 2024 Avon Midland Zone Meeting - Gingin
WAMIA Meeting - Muecha
1 March 2024 Monthly President and CEO Meeting
13 March 2024 CEO Performance Review Workshop
Audit and Risk Committee Meeting
Councillor Information Session
Agenda Forum

Cr Mary Angus

21 February 2024 Councillor Information Session
Ordinary Meeting of Council
23 February 2024 Avon Midland Zone Meeting - Gingin
1 March 2024 Monthly President and CEO Meeting
13 March 2024 CEO Performance Review Workshop
Audit and Risk Committee Meeting
Councillor Information Session
Agenda Forum

Cr Kylie Hughes

21 February 2024 Local Emergency Management Committee Meeting
Councillor Information Session
Ordinary Meeting of Council
22 February 2024 Sandown Park User Group Meeting
26 February 2024 Ellen Brockman Integrated Catchment Committee Meeting
Chittering Landcare Committee Meeting
13 March 2024 CEO Performance Review Workshop
Audit and Risk Committee Meeting
Councillor Information Session
Agenda Forum

Cr Carmel Ross

21 February 2024 Councillor Information Session
Ordinary Meeting of Council

Cr John Curtis

21 February 2024 Councillor Information Session
Ordinary Meeting of Council
13 March 2024 CEO Performance Review Workshop
Audit and Risk Committee Meeting
Councillor Information Session
Agenda Forum

Cr Mark Campbell

21 February 2024 Councillor Information Session
Ordinary Meeting of Council

Cr David Dewar

21 February 2024 Councillor Information Session
Ordinary Meeting of Council
13 March 2024 CEO Performance Review Workshop
Audit and Risk Committee Meeting
Councillor Information Session
Agenda Forum

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 03/24 Michael Brown, Wannamal

Question: Why are the users of North Road required to wait a further two months at least, as advised by the Works Supervisor to me on Tuesday 5th March, making it approximately 7 months since the road was last maintained in late October early November by my diary.

Response: *The Chief Executive Officer responded that given the dry conditions at the moment it won't be wet enough for the gravel to set again post grading. It is best to wait for the first rains.*

Question: What plans and processes are the Shire of Chittering adopting to ensure North Road is maintained in a safe condition, particularly given the increase in heavy vehicle usage in the months of March, April, May and September, October, November, December each year?

Response: *The Chief Executive Officer responded that the Shire have an omitted budget for road maintenance as you may appreciate, we have 148 kilometers of gravel roads within the Shire. Last year we carted approximately 500 tonnes of gravel into North Road, unfortunately with the very dry conditions, that has almost dissipated completely. We are really looking at plans of seeing how we can work with the farmers in the area to see if there is a way we can jointly work towards the road. At the moment we don't have a*

plan other than working with our budget and prioritising the road maintenance where needed. Council would be aware that Teatree Road is in dire need of repair, North Road is one of our key roads, Flatrocks Road, some of our roads are really difficult for us to get to and we have limited resources. We are planning as best we can with the resources available to us but I have also started looking at alternative ways that we might be able to work with neighbouring local governments and also with neighbours on those roads to see if we can't find a better way of assisting with it.

Michael responded that he would just like to emphasise that the main months of heavy traffic on that road are September, October, November, December for the hay season and the grain season.

Question: Are the Chittering Shire Councillors going to fulfill their commitment made during the pre-election road show at Wannamal Hall to maintain and improve the condition of North Road instead of the bandaid fix ups as the road deteriorates?

Response: *The President advised that the Chief Executive Officer has already mentioned that we maintain the roads according to priority within the budget constraints that we have so yes we do maintain those roads, it may not be as frequent as you may like but it is within our constraints of budget and resources. For example you suggest we go and see North Road but I put it to you that you go and drive Teatree Road, that is in a much more dire condition than North Road at the moment. Council and Staff are constantly balancing priorities and funding to maintain as best we can. Council are completely genuine when they say they understand the priority of North Road however this needs to be matched with our capability to fund and have the staff to do the works.*

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010324

Moved Cr Hughes, seconded Cr Angus

That the following leave of absence be approved:

- Councillor Kylie Hughes – Monday 8 April through to Wednesday 8 May 2024 (inclusive).

CARRIED 6 / 0

TIME: 7.16PM

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

Against: Nil

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 21 February 2024

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020324

Moved Cr Ross, seconded Cr Dewar

That the minutes of the Ordinary Meeting of Council held on Wednesday 21 February 2024, as published on the Shire website, be confirmed.

CARRIED 6 / 0

TIME: 7.17PM

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

Against: Nil

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- I would like to acknowledge all the volunteers from the Shire of Chittering community that have been helping out at the Gidgegannup Fire over the past two days.
- The Mountain Bike Park will opening to the public on 28 March. We are excited to have our community and visitors enjoying the trails.
- With Easter weekend approaching I would like to wish everyone a safe and happy long weekend. If you are heading away for the weekend please drive carefully.

ITEM 9. REPORTS

DEVELOPMENT SERVICES

Nil

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 03/24 List of Accounts Paid for the Period Ending 29 February 2024**

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 29 February 2024

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

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 29 February 2024.

Background

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

Consultation/Communication ImplicationsLocal

Deputy Chief Executive Officer

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2023-2024 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

Officer Comment/Details

The attached "List of Accounts Paid as at 29 February 2024" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030324 Moved Cr Angus, seconded Cr Ross That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,105,391.53, for the period ending 29 February 2024:</p> <ol style="list-style-type: none"> 1. PR6561, PR6565; 2. EFT26459 – EFT26576; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED 6 / 0 <small>TIME: 7.21PM</small> For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis Against: Nil</p>
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CS02 – 03/24 Monthly Financial Report for the Period Ending 29 February 2024

File ref	12/03/4
Author	Finance Manager
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 29 February 2024

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

Executive Summary

Council is requested to consider the financial statement for the period ending 29 February 2024.

Background

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

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

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

Consultation/Communication Implications

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

Legislative ImplicationsState

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

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

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

Officer Comment/Details

Council adopted the Annual Budget for the 2023/24 financial year on 21 June 2023 (Resolution 090623). The figures in this report are compared to the Adopted Budget.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040324 Moved Cr Ross, seconded Cr Angus That Council receives the Monthly Financial Report for period ending 29 February 2024, as per Attachment 1.</p> <p style="text-align: right;">CARRIED 6 / 0 <small>TIME: 7.22PM</small> For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis Against: Nil</p>
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CS03 – 03/24 SES 60th Anniversary Financial Assistance Request

Applicant	Swan SES
File ref	
Author	Community Development Officer
Authorising Officer	Community Development Coordinator
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. Community Assistance Grants Application

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

Executive Summary

Council is requested to consider awarding the Swan SES with \$1000 from the Community Assistance Grants (CAG) Budget.

Background

Swan SES is celebrating 60 years this year with a planned event on Saturday 18th May at Jack Mann Oval behind the Swan Emergency Service Facility on Bishop Road, Middle Swan.

They intend to hold the event as both a celebration of the 60 years of service provided by Swan SES to local communities along with an opportunity to provide information to allow our communities to be better prepared, more resilient, and better at recovering from and during emergency situations.

Swan SES are requesting financial assistance to hold such an event, as there is a considerable financial outlay required.

Swan SES is proud to support the community of the Shire of Chittering in all aspects of emergencies and some of their members work in and for the Shire in their normal daily lives.

Swan SES would also like to invite the Councillors from the Shire of Chittering to attend the event. Councillors will also have the opportunity to say a few words.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

If approved \$1000 will be awarded from the Shire’s Community Assistance Grants Budget.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Our community
 Objective: S1.1 An active and supportive community
 Strategy: S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Financial assistance to City of Swan volunteer group	Rare	Insignificant	Low	Swan SES supports the Shire of Chittering in all aspects of emergencies and would be nice to support them in return.
Financial Impact: Use of the Shire of Chittering’s CAG Budget for City of Swan	Rare	Insignificant	Low	The Shire’s Community Assistance Grants and Sponsorship Budget for 2023 – 2024 has sufficient surplus funds

SES volunteer group				to allow for this sponsorship.
Opportunity: Helping a volunteer organisation that provides services that directly benefit and support our Shire's Residents in times of need.				

Officer Comment/Details

Nil

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050324 Moved Cr Angus, seconded Cr Ross That Council approves the allocation of \$1000 from the Shire of Chittering's Community Assistance Grants Budget to the Swan SES as a sponsorship of their 60th anniversary event.</p> <p style="text-align: right;">CARRIED 5 / 1 TIME: 7.29PM <i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Curtis</i> <i>Against: Cr Dewar</i></p>

CS04 – 03/24 2023 – 2024 Budget Review

Applicant	Shire of Chittering
File ref	SOCR-1845402348-23984
Author	Deputy Chief Executive Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority (per local government act)
Attachments	1. Budget Review 2023-2024 (SOCR-1845402348-25508)

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

Executive Summary

Council is requested to adopt the review of the 2023 – 2024 Budget.

Background

Section 33A of the *Local Government (Financial Management) Regulations 1996* requires that a local government carries out a review of its budget between January 1 and the last day of February in each financial year.

The review of the annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

Council is required to consider the review and determine whether or not it should adopt the review and any recommendations made as part of the review.

Consultation Summary

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

Legislative ImplicationsState

Section 6.34 *Local Government Act 1995*.

Section 6.11 *Local Government Act 1995*.

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

Local

Nil

Policy Implications

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

Financial Implications

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

Strategic Assessment / Implications

Focus area: Strong leadership
 Objective: S5.2 Strong partnerships and relationships
 Strategy: S5.2.1 Built effective partnerships with stakeholders
 Objective: S5.3 Accountable governance
 Strategy: S5.3.1 Good governance, which supports efficient and effective service delivery

Site Inspection

Site inspection undertaken: Not applicable

Risk Assessment / Implications

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

Officer Comment/Details

In the first half of the 2023/2024 financial year, it became apparent that significant progress payments for the Muchea Recreation Centre (MRC), expected in June 2023, had not been made prior to 30 June 2023.

Unfortunately, no provision was made to carryover these payments to the 2023/2024 budget. The result of this omission was that \$1.4M from the carryover surplus that should have been allocated to the MRC project in the 2023/24 budget was allocated to other projects and purchases.

Therefore, in addition to undertaking the regular processes of reviewing all line items contained within the budget to assess how they were tracking against actual expenditure, this budget review also needed to appropriately account for the MRC progress payments and return the budget back to a legislatively compliant position.

Normal budget review processes identified the following adjustments to the 2023/24 budget:

Item / Category	Amount (\$)
Actual opening surplus was less than budgeted	-249,641
Employee costs	
- Less than budgeted workers compensation payments.	
- Staff vacancies.	361,991
Materials and contracts	
- Cost escalations less than expected.	799,589

- Correct allocation of Mountain Bike Park road from operating to capital (\$350,000).	
Utilities	
- Less than budgeted.	39,000
Other expenditure	
- Rates write-offs less than budgeted.	24,754
Insurance	
- Premiums higher than budgeted.	-28,701
Rates income	
- Additional income from interim rates.	47,797
Operating grants	
- Less than budgeted.	-37,601
Fees and charges	
- Additional subdivision fees.	
- CPI increases to commercial rentals.	220,678
Interest earnings	
- Increasing interest rates have resulted in a large increase in interest earned through term deposits.	158,310
Other revenue	
- Bendigo shares.	
- Trainee incentive program.	
- Insurance claim recoup.	18,074
Proceeds on disposal of assets and items excluded from operating activities	
- Trade-in price less than budgeted.	
- Disposal of some vehicles deferred.	
- Profit and Loss on asset disposal	-140,251
Capital Grants	
- Variations of actual grant received versus budgeted.	
- Additional sponsorship/grants for extra MBP trails	-468,987
Capital Projects	
- Inclusive of MRC progress payments (\$1.4M)	
- Overs/unders on completed projects.	
- Changes in scope based on grants awarded.	
- Removal of Caravan Park (offset by removal of loan)	
- Additional MBP trails from sponsorship received.	-1,696,493
Caravan Park loan removal	-1,203,545
Total running deficit	-2,164,365

The next stage of the budget review involved identification of projects that had not yet commenced and could be deferred for reconsideration in the 2024/2025 annual budget, as well as identifying reserves that could be used to fund some of the projects / expenses incurred in the 2023/24 financial year.

Project Deferral / Deletion	Amount (\$)
Bindoon Hall	
- Separate room and patio	33,375
Chinkabee Complex	
- Door	19,280
Wannamal Hall	
- Patio	10,000
Sandown Park	5,000

- Compost bins	
Upper Chittering BFB building	12,500
Teatree Road works	50,000
Wildflower Ridge footpath	20,000
Street lighting – McGlew Road	
- Western Power delays	118,152
Bindoon landfill	
- Power, solar, air conditioning and CCTV	
- Western Power delays	107,495
Cemetery	
- Panels – public conveniences	
- Landscaping	15,000
Traffic management lights	19,400
Ute upgrade	
- Former CESM utility converted to fire mitigation vehicle	35,000
Plant Purchases	
- Long lead times on various vehicles. Will not be delivered in 2023/24	314,000
Plant Purchase	
- Cancellation of Truck with Flo-Con device. No longer required.	350,000
Sussex Bend	
- Pump track	40,000
Muchea Recreation Centre	
- Playground	185,995
Purchase of independent living unit land	
- Delays with Department of Housing.	120,000
Dog Exercise Park	61,500
Sussex Bend	
- Solid shade structure	54,000
Total	1,570,697
Previous running Deficit	-2,164,365
Total running deficit	-593,668

Reserve Transfers	Amount (\$)
Employee Entitlement Reserve to Municipal Fund	
- Accrued leave on retirement of long-term staff	25,000
Plant Replacement Reserve to Municipal Fund	
- Various plant purchases	200,000
Public Amenities and Buildings Reserve to Municipal Fund	
- Additional works to remove clay from Muchea Recreation Centre construction	320,000
Public Amenities and Buildings Reserve to Municipal Fund	
- 2x Composting Toilets at Bindoon Mountain Bike Park	137,797
Total	682,797
Previous running Deficit	-593,668
Total proposed surplus	89,129

The proposed budget review as detailed above results in a budget surplus of \$89,129.

Section 6.34 of Local Government Act 1995 (Act) states:

Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- a. be more than 110% of the amount of the budget deficiency; or
- b. be less than 90% of the amount of the budget deficiency.

The budget deficiency (rates required to balance the budget) in the case of this budget review is \$7,119,924. Therefore, for the purpose of section 6.34 of the Act a budget review with a surplus or deficit of up to \$711,922 (10% variance) can be adopted. Therefore, the presented budget review with a proposed surplus of \$89,129 is compliant with the Act, as it falls well within the 10% variance provisions.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060324

Moved Cr Ross, seconded Cr King

That Council BY AN ABSOLUTE MAJORITY adopts the 2023 – 2024 Budget Review with a closing surplus of \$89,129 as presented in Attachment 1 and amend the 2023 – 2024 Budget accordingly, inclusive of:

1. The deferral of the following projects and purchases for reconsideration in the 2024/25 annual budget;

Project Deferral / Deletion	Amount (\$)
Bindoon Hall	
- Separate room and patio	33,375
Chinkabee Complex	
- Door	19,280
Wannamal Hall	
- Patio	10,000
Sandown Park	
- Compost bins	5,000
Upper Chittering BFB building	12,500
Teatree Road works	50,000
Wildflower Ridge footpath	20,000
Street lighting – McGlew Road	118,152
Bindoon landfill	
- Power, solar, air conditioning and CCTV	107,495
Cemetery	
- Panels – public conveniences	
- Landscaping	15,000
Traffic management lights	19,400
Ute upgrade	
- Former CESM utility converted to fire mitigation vehicle	35,000
Plant Purchases	
- Various plant purchases	314,000
Sussex Bend	
- Pump track	40,000
Muchea Recreation Centre	
- Playground	185,995
Purchase of independent living unit land	
- Delays with Department of Housing.	120,000
Dog Exercise Park	61,500

Sussex Bend	
- Solid shade structure	54,000

2. The deletion of the purchase of a Truck with Flo-Con device to the value of \$350,000; and

3. Transfers from Reserve as follows:

Reserve Transfers	Amount (\$)
Employee Entitlement Reserve to Municipal Fund	
- Accrued leave on retirement of long-term staff	25,000
Plant Replacement Reserve to Municipal Fund	
- Various plant purchases	200,000
Public Amenities and Buildings Reserve to Municipal Fund	
- Additional works to remove clay from Muchea Recreation Centre construction	320,000
Public Amenities and Buildings Reserve to Municipal Fund	
- 2x Composting Toilets at Bindoon Mountain Bike Park	137,797

CARRIED BY ABSOLUTE MAJORITY 6 / 0

TIME: 7.35PM

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

Against: Nil

CHIEF EXECUTIVE OFFICER

CEO01 – 03/24 Work Health and Safety Statistics Report – February 2024

Applicant	N/A
File ref	GOV.REP.OSH
Author	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Report – February 2024

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

Executive Summary

Council is requested to receive the Shire of Chittering’s Work Health and Safety Statistics Report for February 2024.

Background

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

<p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 1. <i>“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”.</i> 2. <i>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:</i> <ol style="list-style-type: none"> a. <i>Number of safety observations;</i> b. <i>Number of safety audits and inspections;</i> c. <i>Number of working hours (total, workforce and contractors)</i> d. <i>Number of training hours;</i> e. <i>Number of toolbox talks;</i> f. <i>Number of equipment breakdowns;</i>
--

g. Average overtime per person by department.

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

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Work Health and Safety Act 2020

Local

Nil

Policy Implications

State

Nil

Local

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

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070324

Moved Cr King, seconded Cr Angus

That Council receive the Shire of Chittering Work Health and Safety Statistics Report for February 2024 which includes:

- 1. Monthly Statistics February 2024.**
- 2. Incident Report and Training and Development for February 2024.**
- 3. Site Inspections and Safety Observations for February 2024.**

CARRIED 6 / 0

TIME: 7.37PM

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

Against: Nil

CEO02 – 03/24 Undertaking of Proposed Amendment Local Laws 2024

Applicant	Shire of Chittering
File ref	
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Shire of Chittering Dogs Amendment Local Law 2024 2. Shire of Chittering Keeping Control of Cats Amendment Local Law 2024 3. Shire of Chittering Local Government Property and Public Places Amendment Local Law 2024 4. Shire of Chittering Standing Orders Amendment Local Law 2024 5. Written correspondence to the Joint Standing Committee on Delegated Legislation

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

Executive Summary

Council is requested to consider noting the response sent to the Joint Standing Committee on Delegated Legislation (JSCDL) in September 2023 and commencing the process under the *Local Government Act 1995* to make four new local laws titled:

- Shire of Chittering Dogs Amendment Local Law 2024;
- Shire of Chittering Keeping Control of Cats Amendment Local Law 2024;
- Shire of Chittering Local Government Property and Public Places Amendment Local Law 2024; and
- Shire of Chittering Standing Orders Amendment Local Law 2024.

Background

The purpose of this report is to provide all relevant information about the undertaking sought and present the proposed amendment local laws that have been drafted to address the concerns raised by the JSCDL.

The President advised the JSCDL in writing, dated 27 September 2023, of the Council Resolutions.

Council now need to formally start the process of making the local laws by local public notice stating that it proposes to make the new local laws, the purpose and effect of which is summarised in the notice, for a

period of not less than six weeks after it first appears. A copy of the proposed local laws must be given to the Minister for Local Government.

Copies of the four proposed amendment local laws are attached to this item for reference.

Shire of Chittering Dogs Amendment Local Law 2024	
<p>Purpose: To amend the Shire of Chittering Dogs Local Law 2023 to correct minor grammatical and formatting errors and amend clause 4.3 to delete the reference to clause 4.4(a) and Schedule 1 clause 5(c).</p>	<p>Effect: The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.</p>
Shire of Chittering Keeping Control of Cats Amendment Local Law 2024	
<p>Purpose: To amend the Shire of Chittering Keeping Control of Cats Local Law 2023 to correct typographical errors in 1.4, 1.5, 2.1 (5) and 3.4(2) and delete clause 2.2, Schedule 3 and the definition of 'cat prohibited area' in clause 1.4; and clause 3.9(1)(b).</p>	<p>Effect: The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.</p>
Shire of Chittering Local Government Property and Public Places Amendment Local Law 2024	
<p>Purpose: To amend the Shire of Chittering Local Government Property and Public Places Local Law 2023 to correct minor formatting errors and amend clause 3.1 (1) to refer to Part 12 rather than Part 14; amend clause 7.10 to refer to clause 7.9; and amend clauses 8.2(3)(a) and (d) and 8.3(1) to correct the clause references.</p>	<p>Effect: The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.</p>
Shire of Chittering Standing Orders Amendment Local Law 2024	
<p>Purpose: To amend the Shire of Chittering Standing Orders Local Law 2023 to amend clauses 1.2, 1.6, 3.4, 4.13, 5.5, 5.6(1), 6.9(4)(c), 6.15(2), 7.2(3), 10.3 and 11.5.5(3)(b).</p>	<p>Effect: The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.</p>

Consultation Summary

Local

- Darrell Forrest - Darrell Forrest Advisory Services
- Chief Executive Officer

State

- WALGA

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) *In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
 - (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
 - (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
 - (3) *The local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- *Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
- (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
- making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be a cost to gazette these local laws.

Strategic Assessment / Implications

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Some temporary non compliances	Possible	Insignificant	Low	Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.
Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.				

Officer Comment/Details

The procedure for making local laws under s.3.12 of the Act requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made to the proposed local law for a six-week period. The local law-making process equally applies to amending a local law.

At the closure of the submission period, Council is to consider all submissions before making a local law. An item will be brought back to Council with any submissions received during this period and to consider formally making the amendment local laws.

MOTION / COUNCIL RESOLUTION 080324

Moved Cr Ross, seconded Cr Hughes

That Council adopt “CEO02 – 03/24 Undertaking of Proposed Amendment Local Laws 2024” officer recommendations 1 through to 4 en-bloc.

CARRIED EN-BLOC 6 / 0

TIME: 7.39PM

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

Against: Nil

OFFICER RECOMMENDATION 1

Moved Cr Ross, seconded Cr Hughes

That Council:

1. Notes the President’s written response to the Joint Standing Committee on Delegated Legislation to resolve to undertake amending the Shire of Chittering Dogs Local Law 2023.
2. Supports commencing the process to make the proposed Shire of Chittering Dogs Amendment Local Law 2024, as detailed in Attachment 1, and instructs the Chief Executive Officer to:
 - a. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice, stating that:
 - i. It proposes to make Shire of Chittering Dogs Amendment Local Law 2024 which is to contain a summary of its purpose and effect;
 - ii. Copies of the local law may be inspected at the Shire office; and
 - iii. Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given.
 - b. In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.
 - c. In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it.
 - d. Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.

CARRIED EN-BLOC 6 / 0

TIME: 7.39PM

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

Against: Nil

OFFICER RECOMMENDATION 2

Moved Cr Ross, seconded Cr Hughes

That Council:

1. Notes the President’s written response to the Joint Standing Committee on Delegated Legislation to resolve to undertake amending the Shire of Chittering Keeping Control of Cats Local Law 2023.
2. Supports commencing the process to make the proposed Shire of Chittering Keeping Control of Cats Amendment Local Law 2024, as detailed in Attachment 2, and instructs the Chief Executive Officer to:
 - a. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice, stating that:
 - i. It proposes to make Shire of Chittering Keeping Control of Cats Amendment Local Law 2024 which is to contain a summary of its purpose and effect;
 - ii. Copies of the local law may be inspected at the Shire office; and
 - iii. Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given.
 - b. In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public

- notice is given send a copy of the proposed local law to the Minister for Local Government.
- c. In accordance with section 3.12(3)(c) of the Local Government Act 1995, supply a copy of the proposed local law to any person requesting it.
 - d. Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.

CARRIED EN-BLOC 6 / 0

TIME: 7.39PM

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

Against: Nil

OFFICER RECOMMENDATION 3

Moved Cr Ross, seconded Cr Hughes

That Council:

1. Notes the President's written response to the Joint Standing Committee on Delegated Legislation to resolve to undertake amending the Shire of Chittering Local Government Property and Public Places Local Law 2023.
2. Supports commencing the process to make the proposed Shire of Chittering Local Government Property and Public Places Amendment Local Law 2024, as detailed in Attachment 3, and instructs the Chief Executive Officer to:
 - a. In accordance with section 3.12(3)(a) of the Local Government Act 1995, give local public notice, stating that:
 - i. It proposes to make Shire of Chittering Local Government Property and Public Places Amendment Local Law 2024 which is to contain a summary of its purpose and effect;
 - ii. Copies of the local law may be inspected at the Shire office; and
 - iii. Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given.
 - b. In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.
 - c. In accordance with section 3.12(3)(c) of the Local Government Act 1995, supply a copy of the proposed local law to any person requesting it.
 - d. Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.

CARRIED EN-BLOC 6 / 0

TIME: 7.39PM

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

Against: Nil

OFFICER RECOMMENDATION 4

Moved Cr Ross, seconded Cr Hughes

That Council:

1. Notes the President's written response to the Joint Standing Committee on Delegated Legislation to resolve to undertake amending the Shire of Chittering Standing Orders Local Law 2023.
2. Supports commencing the process to make the proposed Shire of Chittering Standing Orders Amendment Local Law 2024, as detailed in Attachment 4, and instructs the Chief Executive Officer to:
 - a. In accordance with section 3.12(3)(a) of the Local Government Act 1995, give local public notice, stating that:
 - i. It proposes to make Shire of Chittering Standing Orders Amendment Local Law 2024 which is to contain a summary of its purpose and effect;
 - ii. Copies of the local law may be inspected at the Shire office; and

- iii. Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given.
- b. In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.
- c. In accordance with section 3.12(3)(c) of the Local Government Act 1995, supply a copy of the proposed local law to any person requesting it.
- d. Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.

CARRIED EN-BLOC 6 / 0

TIME: 7.39PM

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

Against: Nil

CEO03 – 03/24 Compliance Audit Return 2023

Applicant	Shire of Chittering
File ref	
Author	Manager Governance and Corporate Performance
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Compliance Audit Return 2023 2. 'Unconfirmed' Audit and Risk Committee meeting minutes 13 March 2024

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

Executive Summary

Council is requested to adopt the Compliance Audit Return for 2023, which was presented to the Audit & Risk Committee on 13 March 2024; and also receive the 'unconfirmed' minutes from that meeting.

Background

1. In accordance with Regulation 14 of the Audit Regulations, the Shire is required to carry out an annual audit of statutory compliance in the form determined by the Department.
2. The 2023 CAR deals with the period 1 January 2023 to 31 December 2023 and focuses on those areas considered high risk in accordance with the Local Government Act 1995 (Act) and associated regulations.
3. The Audit Regulations require that the CAR be presented to Council for adoption following review by its Audit and Risk Committee. Once adopted, the CAR is to be certified by both the President and Chief Executive Officer before it is submitted to the Department by 31 March 2024 through SmartHub.
4. The CAR covers a range of matters that require actions to be completed by local governments in performing their functions to maintain legislative compliance with the Act and associated regulations.
5. The CAR requires that responsible officers respond to the audit questions, whether the Shire was compliant of required actions, by answering yes, no or N/A.
6. Local governments are required to provide feedback or comments on areas of non-compliance. This

assists the Department in better understanding any problems or issues that have resulted in a local government's inability to achieve full compliance in a particular area.

The CAR was presented to the Audit & Risk Committee on 13 March 2024 and the following recommendation is now presented to Council:

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Moved Cr Hughes, Cr King

That the Audit & Risk Committee reviews the Local Government Compliance Audit Return for the period 1 January 2023 to 31 December 2023 and presents to Council for adoption at the Ordinary Meeting of Council on 20 March 2024.

CARRIED 5 / 0

Consultation Summary

Local

Chief Executive Officer

Deputy Chief Executive Officer

Executive Manager Technical Services

Executive Manager Development Services

Financial Manager

Manager Governance and Corporate Performance

Executive Assistant

State

Nil

Legislative Implications

State

Regulation 14 of the *Local Government (Audit) Regulations 1996* (Audit Regulations) requires that a CAR be completed and submitted to the Department by 31 March annually.

Regulation 15 of the Audit Regulations requires a joint certification to be completed by the President and Chief Executive Officer. The document is to be forwarded to the Department via its online portal by 31 March annually.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: A responsive and empowering Council which values consultation, accountability and consistency

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

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Failure to fulfil Compliance requirements (statutory, regulatory)	Unlikely	Insignificant	Low	By bring the CAR to the Audit and Risk Committee and subsequent Council meeting prior to 31 March, compliance will be met.
Opportunity: Nil				

Officer Comment/Details

1. The following table summarises the Shire's performance in each of the compliance categories for 2023 CARs.
2. The Shire is 100% compliant for the 2023 CAR.

Category	2023 CAR	
	Audit questions	% Compliant
Commercial Enterprises by Local Governments	5	5 – n/a
Delegation of Power/Duty	13	8 – yes 3 – n/a
Disclosure of Interest	22	19 – yes 3 – n/a
Disposal of Property	2	2 – n/a
Elections	3	2 – yes 1 – n/a
Finance	7	5 – yes 2 – n/a
Integrated Planning and Reporting	3	3 – yes
Local Government Employees	5	4 – yes 1 – n/a
Official Conduct	4	4 – yes
Optional Questions (Other)	9	9 – yes
Tenders for Providing Goods and Services	22	11 – yes 11 – n/a
TOTAL	95	95/95 = 100%

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090324

Moved Cr Curtis, seconded Cr Hughes

That Council:

- 1. Adopts the Local Government Compliance Audit Return for the period 1 January 2023 to 31 December 2023.**
- 2. Receives the 'unconfirmed' minutes from the Audit and Risk Committee meeting held on 13 March 2024.**

CARRIED 6 / 0

TIME: 7.41PM

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

Against: Nil

CEO04 – 03/24 Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

Applicant	N/A
File ref	SOCR-1845402348-25603
Author	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Regulation 17 & Internal Controls Review (SOCR-1845402348-25609)

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

Executive Summary

Council is requested to receive the Chief Executive Officer's "Review of Financial Management, Legislative Compliance and Internal Controls" Report (report).

Background

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulation 1996* states;

5. CEO's duties as to financial management

(2) *The CEO is to —*

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Further, regulation 17 of the *Local Government (Audit) Regulations 1996* states;

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

The Shire engaged Moore Australia to undertake a review on behalf of the Chief Executive Officer with a dual purpose, firstly to provide the basis for a report by the CEO to the Audit Committee on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative compliance systems and procedures as required by the Local Government (Audit) Regulations 1996 Regulation 17. Secondly, a review of financial management systems to assess the appropriateness and effectiveness of these systems and procedures, as required by Local Government (Financial Management) Regulations 1996 Regulation 5(2)(c).

For efficiency, the reviews were undertaken simultaneously, and the results contained in a single report. Financial management systems and procedures are considered a subset of broader overall risk management, legislative compliance, and internal controls. The matters examined in respect of financial management systems are detailed in Appendix A of the attached report. Where opportunities for improvement were identified, they are reported within the relevant section of the risk management, legislative compliance and internal controls framework design, implementation and evaluation sections of this report.

The following was resolved when the report went to the Audit and Risk Committee on 13th March 2024:

OFFICER RECOMMENDATION / COMMITTEE DECISION

Moved Cr Hughes, seconded Cr Dewar

That the Audit and Risk Committee, in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulation 1996 and Regulation 17 of the Local Government (Audit) Regulations 1996:

- 1. Receive the attached report titled "Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls"; and*
- 2. Forward the report to Council for receiving.*

CARRIED

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Regulation 5(2)(c) of the *Local Government (Financial Management) Regulation 1996*
- Regulation 17 of the *Local Government (Audit) Regulations 1996*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Nil

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Financial Impact: Poor internal controls lead to fraudulent activity	Unlikely	Major	Moderate	The review of internal controls as undertaken in this report, highlight shortfalls in those controls and recommends strategies to improve them.
Compliance: Policies and delegations not compliant with legislation	Possible	Minor	Moderate	The review conducted assists in identifying areas of non-compliance and provides details to be used to rectify these areas when the next review is completed

Officer Comment/Details

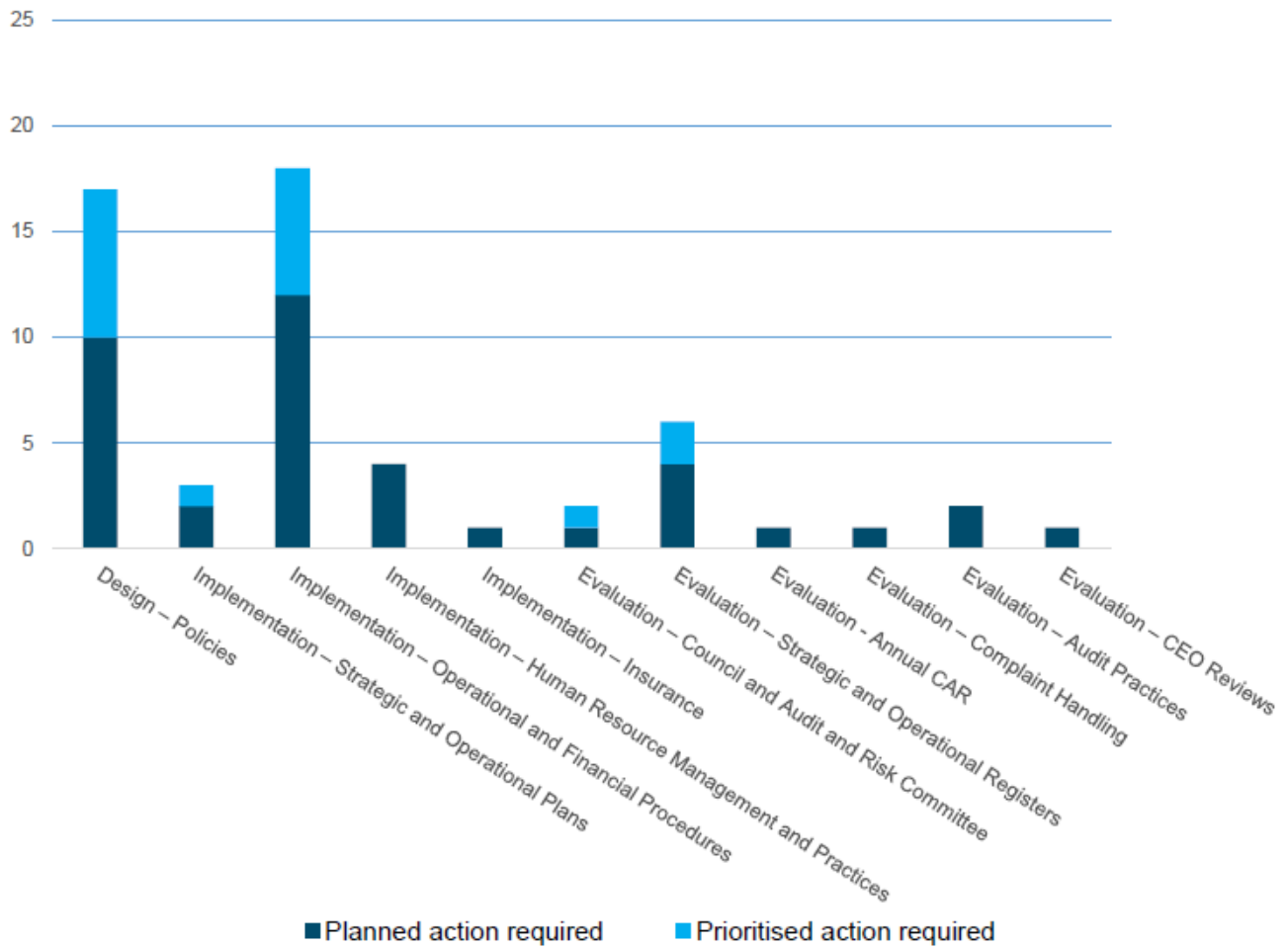
The report contains the following overall summary:

“Operations of a regional local government are complex and involve a number of people making decisions across a large number of areas of operations. The Shire of Chittering is highly reliant on a small team of senior decision makers to govern its operations whilst trying to ensure sound financial and risk management through internal controls whilst seeking to achieve a high level of compliance. These efforts were highlighted throughout our review with management implementing prompt action across a number of matters raised. The maintenance of continued and sustained efforts toward improvements, high levels of compliance and effective controls is to be commended and encouraged into the future.

This review was undertaken by first determining an appropriate framework for the Shire against which current policies, procedures and actions could be assessed this is described further in Section 5.0. A number of areas for improvement were identified during the review. As the Shire has limited resources the areas identified for improvement have been split between those requiring prioritised action and those requiring planned action as it will require resources and time to address a number of the matters raised.

The chart below reflects the number of improvements identified within each area of the framework examined.”

3.1.1 Number of Improvements Identified by Framework Element



The improvements identified in the report fall within one of the following framework elements:

- Design – Policies
- Implementation – Strategic and Operational Plans
- Implementation – Operational and Financial Procedures
- Implementation – Human Resource Management and Practices
- Implementation – Insurance
- Evaluation – Council and Audit and Risk Committee
- Evaluation – Strategic and Operational Registers
- Evaluation – Annual CAR
- Evaluation – Complaint Handling
- Evaluation – Audit Practices
- Evaluation – CEO Reviews

Each of these elements are either undertaken on a regular basis or are reviewed regularly. The recommendations contained in this report will feature as a key part of these undertakings and where it is deemed beneficial and financially viable to implement they will be incorporated into each of these elements.

The legislation is clear that it is the CEO’s duty to implement appropriate and effective systems and procedures for the Local Government. However, implementation of all improvements recommended must be weighed against the capacity and financial resources of the Shire of Chittering.

The report is presented to Council to receive.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100324

Moved Cr Ross, seconded Cr Angus

That Council receives the attached report titled “Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”, in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulation 1996 and Regulation 17 of the Local Government (Audit) Regulations 1996.

CARRIED 6 / 0

TIME: 7.46PM

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

Against: Nil

ITEM 10. REPORTS OF COMMITTEES**COM01 – 03/24 Minutes with Recommendation to Council from the Bindoon Mountain Bike Park Project Reference Group Meeting held 19 February 2024**

Applicant	N/A
File ref	SOCR-1845402348-23642
Author	Deputy Chief Executive 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. 19 February 24 BMBP Project Reference Group Minutes (SOCR-1845402348-23646)

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

Executive Summary

Council is requested to receive the unconfirmed minutes of the meeting of the Bindoon Mountain Bike Park Project Reference Group held 21 July 2023 and to consider endorsing names for trails 9 and 23.

Background

At the Ordinary Council Meeting held 16 August 2023 the following Council Resolution was made:

<p>OFFICER RECOMMENDATION 2 / COUNCIL RESOLUTION 080823 <i>Moved Cr Campbell, seconded Cr Hughes</i> <i>That Council by an ABSOLUTE MAJORITY:</i></p> <ol style="list-style-type: none"> <i>Instruct the Chief Executive Officer to seek sponsors for the connecting trail and other trails identified in the Stage 2 Concept Plan.</i> <i>In accordance with section 6.8 of the Local Government Act 1995, authorise a budget amendment of \$20,000 to construct the link trail, should sponsorship applications be unsuccessful.</i> <p style="text-align: right;">CARRIED 6 / 1 <small>TIME: 8.01PM</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Ross, Cr Hughes, Cr Campbell, Cr Curtis</i> <i>Against: Cr Dewar</i></p>
--

Since this decision, an additional \$57,954 has been secured in sponsorship with a further \$10,000 expected to be confirmed shortly.

This has allowed a further two trails (trails 9 and 23) to be constructed from the Stage 2 Concept Plan prior to the official opening of the Bindoon Mountain Bike Park.

Trail 9 has been funded in its entirety by one sponsor in exchange for naming rights to the trail. The sponsor has chosen "Daniel's Downhill Duo" for the blue rated dual slalom trail.

The purpose of the meeting of the Bindoon Mountain Bike Park Project Reference Group was to agree on a name for trail 23 for recommendation to Council for endorsement.

Consultation Summary

Local

- Bindoon Mountain Bike Park Project Reference Group

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

The Bindoon Mountain Bike Park features as a project in the Shire of Chittering Sport and Recreation Plan 2021-2031 under the statement:

A trails network which caters to the needs of the community and its visitors can provide an enriching natural and historical Shire experience where regular trail users become advocates for the preservation and protection of our natural environment.

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

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project: - Failure to make timely decisions causing time and cost overruns and rework	(3) Possible	(3) Major	(16) High	Group meet regularly enough to make timely recommendations to Council for considerations. With unconfirmed minutes containing recommendations presented to the Ordinary Meeting of Council immediately following the meeting.
Opportunity: Nil				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: - Lack of transparency in making recommendations for Council decisions	(3) Possible	(2) Minor	(6) Moderate	Accurate minute taking of Working Group meetings.
Opportunity: Nil				

Officer Comment/Details

Trail 23 is a Blue Cross Country Climbing Trail that takes riders to the start of trail 9 (Daniel’s Downhill Duo) or further to Shearing Shed Link and on to the upper trailhead.

Possible names included:

- Split Decision
- Ewe-Choose
- Bleat or Squeal
- Mutton Busting Run
- Ewe-phoria
- Xanthorrea Diarrhoea
- Ore-Shards
- Pat and Ernie’s Pass

It was unanimously agreed that the name “Ewe-Choose” should be recommended to Council for endorsement.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110324
Moved Cr Curtis, seconded Cr Angus
That Council:

1. **Receives the unconfirmed minutes of the Bindoon Mountain Bike Park Project Reference Group Meeting held 19 February 2024;**
2. **Officially names trail 9 at the Bindoon Mountain Bike Park “Daniel’s Downhill Duo”;**
3. **Officially names trail 23 at the Bindoon Mountain Bike Park “Ewe-Choose”; and**
4. **Acknowledges the generous sponsorship received towards the construction of the Bindoon Mountain Bike Park.**

CARRIED 6 / 0
TIME: 7.51PM

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

Against: Nil

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

QFMWN01 – 03/24 Cr John Curtis

Question: Has the Chief Executive Officer confirmed that WARRL has been notified and that the appropriate approvals have been put in place for the Containers for Change?

Response: *The Chief Executive Officer advised that she has received written confirmation from WARRL.*

Question: Has/will the Shire apply for the community energy upgrade fund closing on 30 April 2024 and if not why not?

Response: *The Chief Executive Officer advised this would be taken on notice.*

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120324

Moved Cr Angus, seconded Cr Ross

That Council moves into a confidential session to discuss the following item:

- CON01 – 03/24 Request for Proposal – Bindoon Accommodation RFP-SC24-001

Under the terms of the *Local Government Act 1995, Section 5.23(2)(e)(iii)*:

“(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government

CARRIED 6 / 0

TIME: 7.57PM

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

Against: Nil

CON01 – 03/24 Request for Proposal – Bindoon Accommodation RFP-SC24-001

Applicant	Nil
File ref	SOCR-1845402348-12118
Author	Deputy Chief Executive 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. Russell Percival Submission (Doc Id: SOCR-1845402348-26400)

Reason for Confidentiality:

Under the terms of the Local Government Act 1995, Section 5.23(2)(e)(iii):

“(2) *If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

(e) a matter that if disclosed, would reveal –

(iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government

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

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 130324

Moved Cr Curtis, seconded Cr Ross

That Council:

1. **Receives the single submission from Mr. Russell Percival in response to the Request for Proposal – Bindoon Accommodation RFP-SC24-001;**
2. **Rejects Mr. Percival’s submission to Request for Proposal – Bindoon Accommodation RFP-SC24-001, in accordance with regulation 23 *Local Government (Functions and General) Regulations 1996*, on the basis that it contains insufficient information to declare him an acceptable tenderer;**
3. **Determines that Request for Proposal – Bindoon Accommodation RFP-SC24-001 will not proceed to tender;**
4. **Authorises the Chief Executive Officer to commence direct negotiations with Mr. Russell Percival in**

relation to developing a detail plan for a Tourist Park development on a portion of Lot 801 on Deposited Plan 423293; and

5. Presents the concept plan, including estimated costing back to Council.

CARRIED 6 / 0

TIME: 8.05PM

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

Against: Nil

PROCEDURAL MOTION / COUNCIL RESOLUTION 140324

Moved Cr Dewar, seconded Cr Ross

That Council come out from behind closed doors.

CARRIED 6 / 0

TIME: 8.08PM

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

Against: Nil

Public reading of resolution that may be made public

The President read aloud the Council resolution.

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 8.07pm.