



# COUNCIL MINUTES

## Ordinary Meeting of Council

7pm, Wednesday 17 May 2023

Council Chambers, 6177 Great Northern Highway, Bindoon



## PUBLIC QUESTION TIME

### 1. Time Permitted

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

### 2. Protocol

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

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

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

### 3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

## DEPUTATIONS

### 1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

### 2. Protocol

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

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

### 3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### **Objective**

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

### **Recording of Proceedings**

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

### **Access to Recordings**

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

### **Retention of Recordings**

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

**During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**

**Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**

**Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

#### PREFACE

When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

#### UNCONFIRMED MINUTES

These minutes were approved for distribution on

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

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on \_\_\_\_\_

Signed \_\_\_\_\_

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

#### Disclaimer

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7.02pm.

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

### **Attendance**

The following members will be in attendance:

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

The following staff will be in attendance:

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

Observer:

James McGovern	WALGA - Manager Governance and Procurement
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Members of the General Public: 3

Media: 0

### **Apologies**

Nil

### **Approved leave of absence**

Nil

**Announcements**

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

Cr Aaron King

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
25 April 2023 ANZAC Day Ceremony – Bindoon  
10 May 2023 Aged Care Provider Presentation  
Corporate Business Plan Review  
Agenda Forum

Cr Mary Angus

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
25 April 2023 ANZAC Day Ceremony – Bindoon  
10 May 2023 Aged Care Provider Presentation  
Corporate Business Plan Review  
Agenda Forum

Cr Kylie Hughes

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
10 May 2023 Aged Care Provider Presentation  
Corporate Business Plan Review  
Agenda Forum

Cr Carmel Ross

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
25 April 2023 ANZAC Day Ceremony – Bindoon  
16 May 2023 Launch of Forget me Not Café – Bindoon Library

Cr John Curtis

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
10 May 2023 Aged Care Provider Presentation  
Corporate Business Plan Review  
Agenda Forum  
16 May 2023 Launch of Forget me Not Café – Bindoon Library

Cr Mark Campbell

19 April 2023 Councillor Information Session  
Ordinary Meeting of Council  
25 April 2023 ANZAC Day Ceremony – Bindoon  
10 May 2023 Aged Care Provider Presentation  
Corporate Business Plan Review  
Agenda Forum  
14 May 2023 Muchea Tree Sit In



*Cr David Dewar*

19 April 2023	Councillor Information Session Ordinary Meeting of Council
25 April 2023	ANZAC Day Ceremony – Bindoon
10 May 2023	Aged Care Provider Presentation Corporate Business Plan Review Agenda Forum

### ITEM 3. DISCLOSURE OF INTEREST

Nil

### ITEM 4. PUBLIC QUESTION TIME

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

#### **PQT01 – 04/23 Chris Waldie, Bindoon**

**Question:** In relation to the 60<sup>th</sup> Anniversary of the Bindoon Library at the Brockman Centre, firstly I would like to say congratulations to Annie on her outstanding efforts with organising this event, however, there was a lack of notice and attendance for this event. We seem to have a problem and I think we need to have a conversation on how to get this information out to the community.

**Response:** *We are conscious of the concerns raised about communications but we are using every media available to communicate with the community. The Shire makes use of social media, Shire website and the Northern Valleys News to address the different communication requirements of our residents. The increased cost of postal services and printing, as well as the delayed outcome of mail-outs prohibits the use of this channel. The Shire is constantly investigating additional channels of communication and electronic notice boards will soon be erected in four locations throughout the Shire.*

#### **PQT02 – 04/23 Natalie Vallance, Muchea**

**Question:** In light of the fact that 6 Ministerial departments have now been asked to look into this matter, is the Shire of Chittering prepared to at least have a private Environmental Assessment of the Demolition of the Muchea Marri's at the MRC, though preferably a DWER assessment is quicker and preferred?

**Response:** *The Shire has been in contact with DWER throughout this process and has requested guidance on whether a clearing permit will be required for the 3 trees at the netball court site. The indication from DWER was that the Shire would be exempt from having to apply for a clearing permit. The Shire has contacted DWER for a second time to once again request guidance to ensure that we are acting appropriately and have received a second confirmation from DWER that the Shire is exempt from applying for a clearing permit for the proposed works. The Shire is therefore not reluctant to request a permit from DWER, we have engaged with them continuously throughout the process.*

**PQT03 – 04/23 John Nagel, Bindoon**

Question: Has the Shire received approval from the Department of Water and Environment in support of removing these trees?

Response: *Approval has not been received as it is not required for the 3 trees under question. The Shire has received written correspondence stating that we are exempt from applying for a clearing permit.*

**PQT04 – 04/23 Michelle Davies, Muchea**

Question: Given the amount of landcare and wildlife advocacy and activism within the Shire, what concerns do the Council have about reputational damage and community sentiment towards the Shire of Chittering and the facility relating to the clearing of the marri trees at Muchea?

Response: *Councillors are appointed to make decisions that are for the benefit of the entire community, in some cases conflicting aspirations from community groups would lead to decisions that are unpopular with groups in the community. During deliberations on these contentious matters, each Councillor weighs the pros and cons of each option and makes a decision that in their opinion is best for the whole of the Shire. Councillor sentiment is reflected in their individual votes as minuted.*

**Public question time**

**PQT01 – 05/23 Michelle Davies, Muchea**

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

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

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

**Petitions**

Nil

**Presentations**

Nil

**Deputations**

Nil

## ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

**MOTION / COUNCIL RESOLUTION 010523**

Moved Cr Curtis, seconded Cr Angus

That Council approve the following leave of absence:

- Cr John Curtis: 27 May through to 13 June 2023

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.10PM

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 19 April 2023

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020523**

Moved Cr Campbell, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 19 April 2023, as published on the Shire website, be confirmed.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.11PM

## ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

### **Anzac Day Service at the Bindoon War Memorial was well attended.**

I would like to extend a special word of thanks to those who made the event successful:

- Corporal Farrah Goodier for a job well done as Master of Ceremonies and giving the ANZAC address
- Abbott John Herbert for the ANZAC day Prayer
- Bindoon Entertainment Art and Theatre (BEAT), specifically Tuarn and Rene for setting up the audio and photos.
- Bindoon Sport and Rec Association for the use of the Chinkabee facilities,
- Chittering Scout Group who diligently guarded the monument on a very cold night
- RAAF Base Pearce for the Catafalque Party & fly over
- Bindoon RSL for their support and guidance
- Shire of Chittering's Alison Reliti who ensured all arrangements were in place.

### **Site Visit – 19 April 2023**

Thank you to the CEO for arranging site visits for Council to see the progress at Muchea Recreational Center construction site, Wandena Rd and the Chittering Road bridge works. The bridge (and Chittering Road) was opened to the public on the 1<sup>st</sup> of May. Congratulations to the Shire and Technical Services team on completing these significant works.

**Aged Care Provider Presentation – 10 May 2023**

Thank you to Jamie Penn from SPH Architects, and Mario Zulberti from Rosewood Aged Care Group for providing first-hand experience in the current market conditions that is affecting the age care sector, and reasons why we received no responses from the EOI process.

Thank you to the representatives from the previously established Chittering Aged Care Group (also members of the CRRA) for participating and asking questions.

**Forget Me Not Memory Cafe launch – 16 May 2023**

On Tuesday, 16 May at 10am the Bindoon Library launched the Forget Me Not Memory Café. The Café is intended for individuals, families, and carers whose lives are affected by dementia as a safe place to socialise and to have a sense of 'normality'. It is solely a social gathering and is not affiliated with any health organisations (no medical advice can be given, though information pamphlets will be available to direct people to appropriate resources).

The Café will be held at the Bindoon library on the third Tuesday of each month as an ongoing initiative. Thank you to Annie, our librarian for being the champion of this worthy initiative.

**National Volunteer Week 15 – 21 May 2023**

We are in the middle of National Volunteer Week (NVW), which is Australia's largest annual celebration of volunteers and their important contribution to our community.

On behalf of Council and Staff, I wish to acknowledge the very important work our volunteer bush fire brigades, ambulance officers and all the other volunteer groups that make our community.

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES**

Nil

**TECHNICAL SERVICES****TS01 – 05/23 Proclamation of Tonkin Hwy, Brand Hwy, Great Northern Hwy, Granary Drive and Associated On/Off Ramps with Main Road Controlled Paths within the Shire of Chittering**

<b>Applicant:</b>	N/A
<b>File ref</b>	28/08/1 and 28/08/2
<b>Author</b>	Leo Pudhota, Executive Manager Technical Services
<b>Authorising Officer</b>	Melinda Prinsloo, 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. Main Roads provided Proclamation plans.

	<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 consider proclamation of Roads documents from Main Roads Western Australia to change Great Northern Hwy and Brand Hwy as per attached documents.

**Background**

In May 2023, Main Roads Western Australia (MRWA) informed the Shire that it had completed an assessment and declared Roads Great Northern Hwy, Brand Hwy and Tonkin Hwy as per the Proclamation plans attached.

**Consultation Summary**Local

- Shire of Chittering Staff
- Main Roads Western Australia

State

- Please note letter from MRWA

**Legislative Implications**

State

- Section 13 of the Main Roads Act

Local

Nil

**Policy Implications**

State

- Section 13 of the Main Roads Act
- Main Roads Act 1930

Local

- Local Government Act 1995

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032  
Focus area: Our community  
Objective: Providing sustainable infrastructure and community amenities  
Strategy: Develop a long term asset management plan.

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

MRWA have requested the attached plans to be signed for Proclamation, following completion of the Northlink Project consisting of the construction of Tonkin Hwy, Brand Hwy, Great Northern Hwy, Granary Drive and associated on/off ramps with Main Road Controlled Paths within the Shire of Chittering.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030523**

**Moved Cr Curtis, seconded Cr Ross**

**That Council:**

- 1. Endorse the proposal as shown on the attached plan.**
- 2. Authorise the Chief Executive Officer to sign the Main Roads Western Australia provided proclamation plan declared roads within the Shire of Chittering.**

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.16PM

**CORPORATE SERVICES****CS01 – 05/23 List of Accounts Paid for the Period Ending 30 April 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 30 April 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>

*This item was withdrawn due to a technical error with the uploading of the Corporate Services attachments.*



**CS02 – 05/23 Monthly Financial Report for the Period Ending 30 April 2023**

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

	<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>

*This item was withdrawn due to a technical error with the uploading of the Corporate Services attachments.*

## CS03 – 05/23 Sundry Debtor Write-Off

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/05/0001
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Acting 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>	<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 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 consider a Sundry Debtor write-off for the amount of \$2,441.10.

**Background**

During a storm in May/June 2020, a dividing fence between Unit 3 & 4, 8 Edmonds Place and 6173 Great Northern Highway was damaged. Two quotes were obtained, and the landowner was verbally notified of their half share of the damages by the EMTS at the time.

An invoice totalling \$2,441.10 was produced in September 2020 and sent to the landowner after the repairs had been completed.

The Shire submitted an Insurance claim, which was successful, the Shire was paid out their half share of the damages less an excess by our insurers.

After numerous attempts to recover the monies without success the Shire advised the debtor that we would refer the matter to our debt collectors to recover the amount owed.

The Shire engaged Civic Legal to proceed with the debt collection at which time the debtor disputed the invoice amount.

Civic Legal advised the Shire to withdraw the claim as they could not support the workings of the invoice from the quotes obtained at the time. The invoiced amount did not work out to half the amount of either quote obtained and as the EMTS at the time was no longer employed by the Shire we were unable to advise Civic Legal the basis of how the Shire had charged out the invoice.

**Consultation Summary**

Local

Civic Legal advised to withdraw legal action based on the grounds that the Shire could not substantiate the invoice provided to the debtor.

State

Nil

**Legislative Implications**

State

- Local Government Act 1995, Section 6.12(1)(c)

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

The recommendation would result in loss of revenue of \$2,441.10, however, would reflect a more accurate position on Council’s receivables. A provision for doubtful debts has been made in the current financial year ending 30 June 2023. The write off has been proposed as the debt cannot be recovered via legal recovery.

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032  
 Focus area: Administration and Governance  
 Objective: S5.1 An Engaged Shire  
 Strategy: S5.2 Accountable and Transparent Governance

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Reputation	Likely	Insignificant	Low	Ensure Invoices are relevant to information provided
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

The officer believed that this debt would have been recoverable until August 2022 when the Shire was advised by Civic Legal that after investigating the quotes and invoice provided to the debtor they could not substantiate how the Shire had worked out the pricing invoiced to the debtor, based on half of the quoted amounts.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040523**

**Moved Cr Ross, seconded Cr Angus**

**That Council by an ABSOLUTE MAJORITY write-off Invoice number 14303 for debtor number 405 totalling \$2,441.10.**

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

**TIME: 7.20PM**

**CHIEF EXECUTIVE OFFICER****CEO01 – 05/23 Occupational Safety and Health Statistics Report – April 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 – April 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 April 2023.

**Background**

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

<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> </ol> </li> </ol>
--

g. *Average overtime per person by department.*

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

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

### Consultation Summary

#### Local

Nil

#### State

Nil

### Legislative Implications

#### State

- *Work Health and Safety Act 2020*

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

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

### Financial Implications

Nil

### Strategic Assessment / Implications

#### Local

- *Strategic Community Plan 2017-2027*

Focus area: Accountable Governance

Objective: S5.3 Accountable Governance

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

#### State

Nil

### Site Inspection

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050523**

**Moved Cr Campbell, seconded Cr Angus**

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

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.22PM**

## CEO02 – 05/23 Bindoon Mountain Bike Park Advisory Group

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	ECDEV - PROJECT - MOUNTAIN BIKE
<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. Bindoon Mountain Bike Park Advisory 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>

*This item was withdrawn due to further information being required before bringing it back to Council.*



**CEO03 – 05/23 Petition – Muchea Recreation Centre Marri Trees**

<b>Applicant</b>	Muchea Tree Farm
<b>File ref</b>	GOV.CM.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>	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"/>	<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 acknowledge receipt of a petition submitted to the President at the April Ordinary meeting with regard to the removal of three Marri Trees at the Muchea Recreation Centre.

**Background**

Natalie Vallance submitted a Petition to Council at the Ordinary Meeting held 19 April 2023. The Petition containing 73 signatures requested Council to consider the following:

*“Reconsider and overturn the decision of Council at the Ordinary Council Meeting in February 2022 that approved the destruction of three, mature, National Trust listed Marri Trees.*

*We ask Council to accept option 2, as presented in Item CEO07 – 02/23 of the February 2022 Ordinary Council Meeting.*

*We recognise the need to build four netball courts at the Muchea Recreation Centre and ask Council to reconsider the initial more acceptable plan of a 1+2+1 configuration and not a 1+2+2 configuration. This would eliminate the need to destroy the trees.”*

**Consultation Summary**Local

- Chief Executive Officer
- Executive Managers

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

State

Nil

**Site Inspection**

Not applicable due to the fact that the item addresses regulatory requirements relating to accepting a petition.

**Environmental Consideration**

Not applicable due to the fact that the item addresses regulatory requirements relating to accepting a petition.

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060523**

Moved Cr Curtis, seconded Cr Campbell

That Council:

1. Acknowledge receipt of the Muehea Marri Trees petition submitted to Council at the Ordinary Meeting held 19 April 2023.
2. Confirm that it considered the petition with other relevant information during the deliberations on Council agenda item '*CEO09 – 04/23 Annual General Meeting of Electors – Muehea Recreation Centre – Removal of Native Vegetation*' on 19 April 2023.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.28PM

**ITEM 10. REPORTS OF COMMITTEES****COM01 – 05/23 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 14 March 2023**

<b>File ref</b>	ES.MEET.CBFAC.2023
<b>Author</b>	Development Services Support Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade.
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Unconfirmed minutes from Chittering Bush Fire Advisory Committee Meeting held on 14 March 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 unconfirmed minutes from the meeting held Tuesday, 14 March 2023.

**Background**

The Chittering Bushfire Advisory Committee held a meeting on Tuesday, 14 March 2023. No recommendations were presented at the meeting.

**Consultation Summary**Local

Chittering Bushfire Advisory Committee Meeting

State

Nil

**Legislative Implications**State

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

Local

- Shire of Chittering Brigades Local Law 2012  
In accordance with cl3.12 the Committee is to make recommendations to the local government on all motions received by the Committee from the bushfire brigades.

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

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

**Officer Comment/Details**

The next meeting of the Chittering Bush Fire Advisory Committee is scheduled for 13 June 2023.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070523**  
**Moved Cr Ross, seconded Cr Angus**  
**That Council receives the “unconfirmed” Chittering Bushfire Advisory Committee Minutes from the meeting held on 14 March 2023.**

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

**COM02 – 05/23 Local Emergency Management Committee – Unconfirmed Minutes from Wednesday 22 February 2023**

<b>File ref</b>	ES.MEET.LEMC.2023
<b>Author</b>	Development Services Support Officer
<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. Unconfirmed Meeting Minutes 22 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 minutes from the Chittering Local Emergency Management Committee meetings held on Wednesday, 22 February 2023.

**Background**

The Local Emergency Management Committee met on Wednesday, 22 February 2023. No recommendations were made by the Committee.

**Consultation Summary**Local

Local Emergency Management Committee

State

Nil

**Legislative Implications**State

- Local Government Act 1995, s5.12 and s5.13
- Emergency Management Act 2005

**38. Local emergency management committees**

*(1) A local government is to establish one or more local emergency management committees for the local government's district.*

- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of—*
- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

**39. Functions of local emergency management committees**

*The functions of a local emergency management committee are, in relation to its district or the area for which it is established—*

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

- Strategic Community Plan 2017-2027
  - Focus area: Our natural environment
  - Objective: S2.3 Protection of life and property
  - Strategy: S2.3.1 Improve bushfire preparedness and recovery

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

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

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> The Shire's reputation in the community being impacted because we are not prioritising emergency management efforts	Possible	Minor	Moderate	More regular LEMC meetings with meaningful membership and valuable information shared at meetings.
<b>Opportunity:</b> Committee members building rapport with each other and understanding each other's specific needs should an emergency occur				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Compliance:</b> Unable to meet obligations relating to Emergency Management	Possible	Minor	Moderate	Ensuring requirements are met through holding the scheduled meetings
<b>Opportunity:</b> Valuable information being shared amongst the membership on a more regular basis				

**Officer Comment/Details**

The next meeting of the Local Emergency Management Committee is scheduled for Wednesday, 24 May 2023.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080523</b>  <b>Moved Cr Hughes, seconded Cr Angus</b>  <b>That Council receives the unconfirmed minutes from the Local Emergency Management Committee meeting held on Wednesday, 22 February 2023.</b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b> TIME: 7.32PM</p>
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**ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

Nil

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

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 7.33pm.