



# COUNCIL MINUTES

## Ordinary Meeting of Council

7pm, Wednesday 15 November 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 22 November 2023.



**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.



## CONTENTS

<b>ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....</b>	<b>7</b>
<b>ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS..</b>	<b>7</b>
Attendance .....	7
Apologies .....	7
Approved leave of absence.....	7
Announcements .....	8
<b>ITEM 3. DISCLOSURE OF INTEREST .....</b>	<b>9</b>
<b>ITEM 4. PUBLIC QUESTION TIME .....</b>	<b>9</b>
Response to previous public questions taken on notice .....	9
Public question time .....	10
<b>ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS .....</b>	<b>10</b>
Petitions .....	10
Presentations .....	10
Deputations .....	10
<b>ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>10</b>
<b>ITEM 7. CONFIRMATION OF MINUTES .....</b>	<b>10</b>
Ordinary Meeting of Council: 18 October 2023.....	10
Special Meeting of Council: 27 October 2023.....	11
<b>ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER .....</b>	<b>11</b>
<b>ITEM 9. REPORTS .....</b>	<b>11</b>
<b>DEVELOPMENT SERVICES .....</b>	<b>12</b>
DS01 – 11/23 Application for Development Approval (Use Not Listed) – Landfill and Rehabilitation of a Clay Quarry – Lot 9001 Wandena Road, Lower Chittering ...	12
<b>TECHNICAL SERVICES .....</b>	<b>29</b>
<b>CORPORATE SERVICES .....</b>	<b>30</b>
CS01 – 11/23 List of Accounts Paid for the Period Ending 31 October 2023.....	30
CS02 – 11/23 Monthly Financial Report for the Period Ending 31 October 2023 .....	32
<b>CHIEF EXECUTIVE OFFICER .....</b>	<b>34</b>
CEO01 – 11/23 Work Health and Safety Statistics Report – October 2023.....	34
CEO02 – 11/23 Scheduling of the Ordinary Meetings of Council for 2024 .....	37
CEO03 – 11/23 Wheatbelt Development Commission Board Nominations .....	42
<b>ITEM 10. REPORTS OF COMMITTEES.....</b>	<b>45</b>
COM01 – 11/23 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 17 October 2023 & Scheduling of 2024 Meeting Dates .....	45
COM02 – 11/23 Local Emergency Management Committee - Unconfirmed Minutes from Wednesday 23 August 2023 .....	48
<b>ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>51</b>
<b>ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....</b>	<b>51</b>
<b>ITEM 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .....</b>	<b>51</b>
<b>ITEM 14. MEETING CLOSED TO THE PUBLIC.....</b>	<b>51</b>

Matters for which the meeting may be closed .....	51
CON01 – 11/23 Offer to Purchase Commercial Property.....	52
CON02 – 11/23 Community Citizen of the Year Awards 2024 .....	54
CON03 – 11/23 Education Scholarship Awards 2024.....	55
Public reading of resolution that may be made public.....	55
<b>ITEM 15. CLOSURE .....</b>	<b>56</b>

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

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

The Presiding Member declared the meeting open at 7.00pm.

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

### **Attendance**

The following members will be in attendance:

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

The following staff will be in attendance:

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

Members of the General Public: 1

Media: 0

### **Apologies**

Nil

### **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

18 October 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 October 2023 Special Meeting of Council  
28 October 2023 100 years of the Wannamal Tennis Club  
3 November 2023 Grants Assessment Meeting / CEO Meeting  
5 November 2023 Stonehouse Walktrail Opening  
8 November 2023 Councillor Information Session  
Agenda Forum

Cr Mary Angus

18 October 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 October 2023 Special Meeting of Council  
5 November 2023 Stonehouse Walktrail Opening  
8 November 2023 Education Scholarship Meeting  
Councillor Information Session  
Agenda Forum

Cr Kylie Hughes

18 October 2023 Councillor Information Session  
Ordinary Meeting of Council  
23 October 2023 Ellen Brockman Integrated Catchment Committee AGM  
Chittering Landcare AGM  
27 October 2023 Special Meeting of Council  
13 November 2023 Muchea Recreation Centre User Group Meeting

Cr Carmel Ross

18 October 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 October 2023 Special Meeting of Council  
8 November 2023 Councillor Information Session  
Agenda Forum

Cr John Curtis

18 October 2023 Councillor Information Session  
Ordinary Meeting of Council  
25 October 2023 Chittering Residents and Ratepayers Association Meeting  
26 October 2023 Chittering Residents and Ratepayers stay in place age care information meeting  
27 October 2023 Special Meeting of Council  
30 October 2023 Wheatbelt North Regional Road Group Meeting  
5 November 2023 Stonehouse Walktrail Opening  
8 November 2023 Councillor Information Session  
Agenda Forum  
14 November 2023 Bindoon & District Historical Society monthly meeting



Cr Mark Campbell

18 October 2023 Councillor Information Session  
 Ordinary Meeting of Council  
 25 October 2023 Chittering Residents and Ratepayers Association Meeting  
 27 October 2023 Special Meeting of Council  
 5 November 2023 Stonehouse Walktrail Opening  
 8 November 2023 Councillor Information Session  
 Agenda Forum

Cr David Dewar

18 October 2023 Councillor Information Session  
 Ordinary Meeting of Council  
 27 October 2023 Special Meeting of Council  
 28 October 2023 100 years of the Wannamal Tennis Club

**ITEM 3. DISCLOSURE OF INTEREST**

CON02 – 11/23 Community Citizen of the Year Awards 2024		
Councillor	Type of Interest	Nature / Extent of Interest
Cr John Curtis	Impartiality	<b>Nature:</b> Member of the Bindoon & District Historical Society <b>Extent:</b> Bindoon & District Historical Society are nominated for an award

CON02 – 11/23 Community Citizen of the Year Awards 2024		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Kylie Hughes	Impartiality	<b>Nature:</b> Member of the Bindoon Belles <b>Extent:</b> Some nominees are known to me from this group

**ITEM 4. PUBLIC QUESTION TIME**

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

Nil

**Public question time**

**PQT01 – 11/23 Natalie Vallance**

Question: Are we able to have reconsideration for a geotextile fabric to be laid underneath the netball courts prior to construction in Muchea.

Response: *The President advised that we will take this question on notice and give a formal response in the next agenda.*

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

**Petitions**

Nil

**Presentations**

Nil

**Deputations**

Nil

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

Nil

**ITEM 7. CONFIRMATION OF MINUTES**

**Ordinary Meeting of Council: 18 October 2023**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011123**

Moved Cr Ross, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 18 October 2023, as published on the Shire website, be confirmed.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 7.08PM

**Special Meeting of Council: 27 October 2023**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021123**

Moved Cr Angus, seconded Cr Ross

That the minutes of the Special Meeting of Council held on Friday 27 October 2023, as published on the Shire website, be confirmed.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 7.09PM

**ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER**

- I would like to make mention of the Wannamal 100 Year Anniversary Celebration and thank the community and club members for putting the event together. It was very well organised, it was very well attended and I thank you all for your efforts, Congratulations.
- I will make note that the Special Council Meeting was held on the 27 October 2023. Congratulations to returning Councillors and thank you for your confidence in my continued role as the Shire President. I look forward to working with you all in the best interests of the community. Thank you very much.

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES****DS01 – 11/23 Application for Development Approval (Use Not Listed) – Landfill and Rehabilitation of a Clay Quarry – Lot 9001 Wandena Road, Lower Chittering**

<b>Applicant</b>	Rowe Group
<b>File ref</b>	A12059
<b>Author</b>	Planning Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Application Report</li> <li>2. Schedule of Submissions</li> <li>3. Updated Noise Management Plan</li> <li>4. Bushfire Advice</li> <li>5. Development Plan</li> </ol>

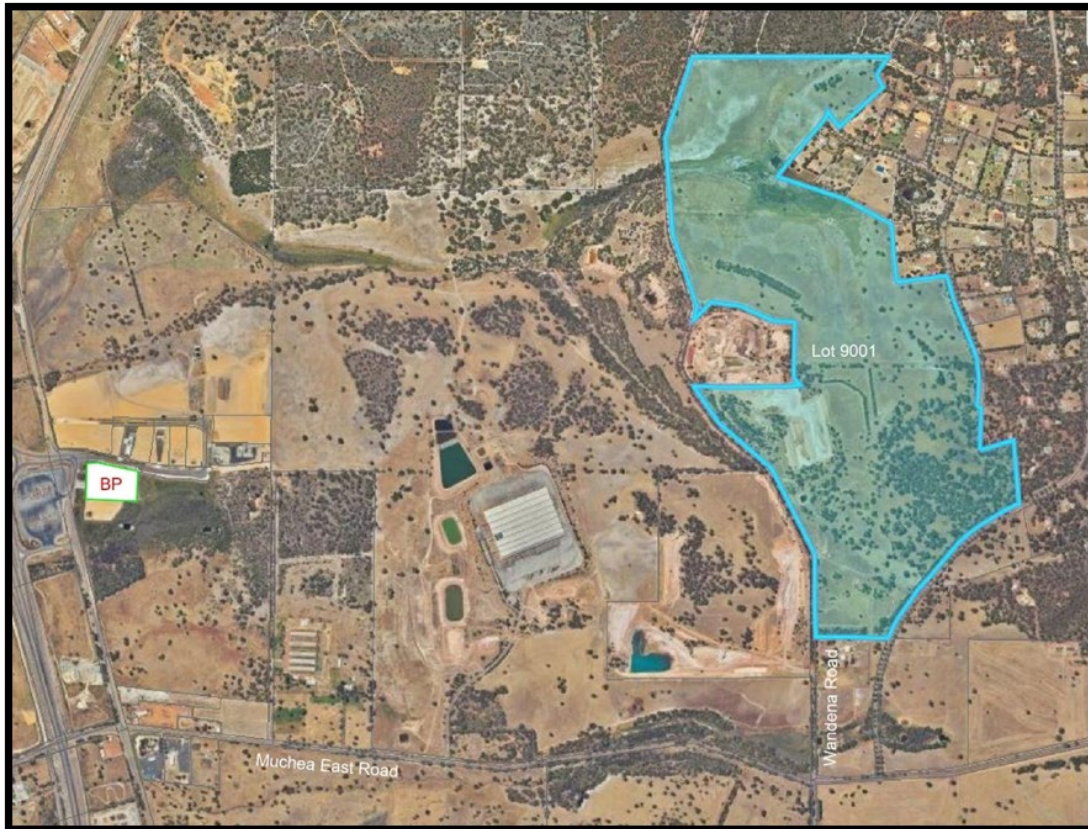
	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. 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**

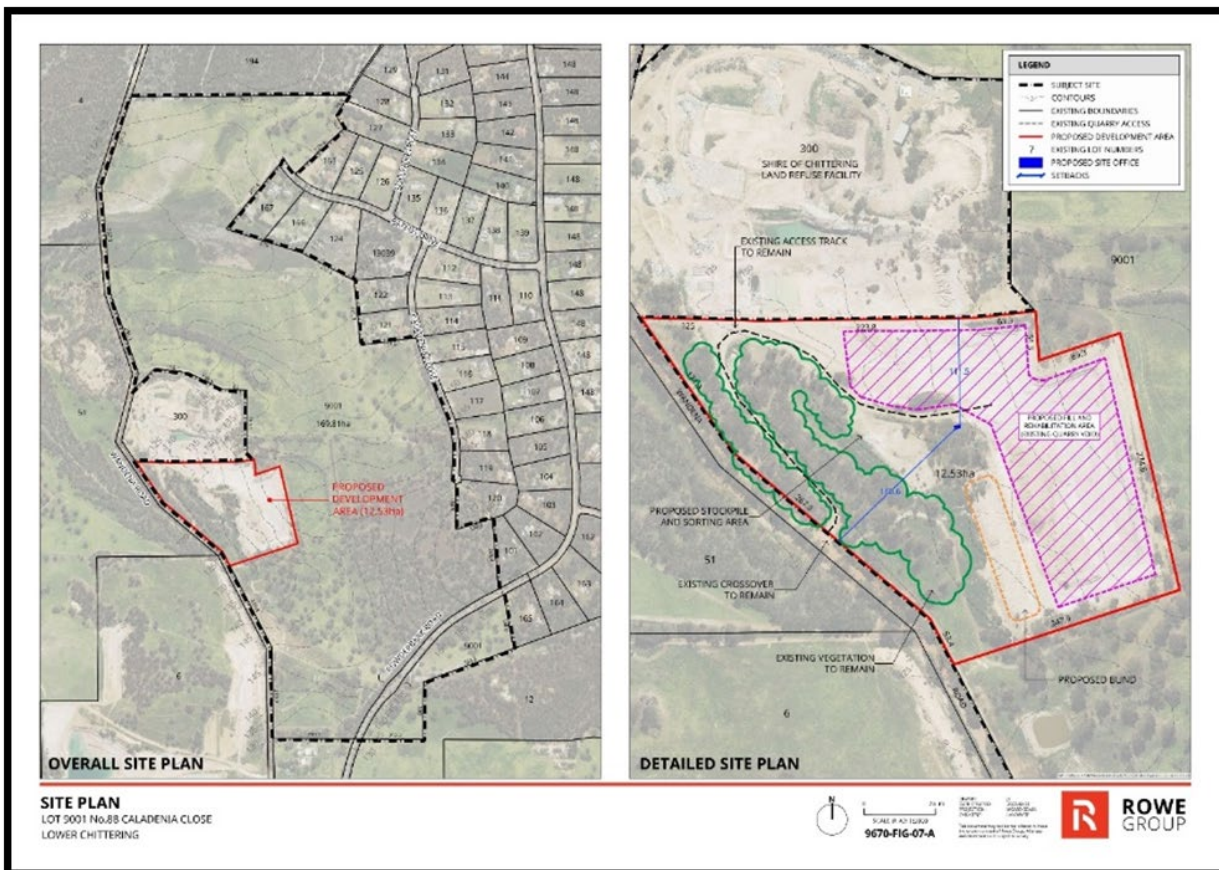
Council is requested to consider an application for Development Approval for the landfill and rehabilitation of a clay quarry at Lot 9001 Wandena Road, Lower Chittering. The proposal will result in an exhausted clay quarry being filled and rehabilitated to a standard that will allow the land to be used for agricultural purposes once again.

The application has received several objections from nearby landowners with several concerns, and therefore requires Council determination.

Location Plan



Site Plans



### **Background**

An application for Development Approval has been received for 'fill and rehabilitation' on Lot 9001 Wandena Road, Lower Chittering. The application is proposing to fill and rehabilitate an existing clay quarry which is exhausted of material and has been disused for many years. The application is proposing to consider the activities as a 'Use Not Listed' under the Shire of Chittering Local Planning Scheme No. 6 (LPS6).

The applicant proposes to fill the 360,000m<sup>3</sup> void with inert building material such as concrete, bricks, limestone, rock, rubble, masonry type material, road making materials/aggregates and sand. These materials will be sourced from the Applicant's own demolition activities. No hazardous or putrescible waste will be accepted on site and no public access will be permitted. There are existing bunds from the historical extractive industry operational area which provides visual screening of the quarry to Wandena Road.

The application proposes four phases of filling the site, with each phase estimated to take approximately five years. Once the site is filled, the site will be covered with a layer of soil and planted with native species in order to return the site back to agricultural land.

The Applicant estimates that there will be a total of 26 vehicle movements per day. Ten of these vehicle movements will be staff movements (five in the morning and five in the evening), with the remaining 16 vehicle movements comprising of trucks transporting the fill material to the site. The trucks are expected to be triple axel semi tippers with a 20m<sup>3</sup> capacity.

At any one time, there will be no more than one water cart, two loaders, one excavator and a maximum of three large semi-tippers on the property. Access to the property will be via the existing crossover located on Wandena Road, with no modifications proposed as part of this application.

A single site office and portable ablutions will be located on the site, with a maximum of five staff expected to be on the site at any one time. Hours of operation are proposed to be:

- Monday to Friday: 7am – 6pm;
- Saturday: 7am – 3pm; and
- No work will take place on Sundays and Public Holidays.

A full copy of the application report is provided as an attachment to this report (Attachment 1).

Lot 9001 is a 169ha property zoned Agricultural Resource under LPS6 and is directly south of the Shire's Muchea Landfill Facility. The property has a large amount of vegetation, particularly in the southern portion of the lot and surrounding the proposed site area, with a wetland located to the north. The site is currently used for agricultural and grazing purposes, with the exception of the historical clay quarry.

The Shire currently has two land fill sites within the Shire, which are classified as 'Class 1' sites. These sites are Lot 202 Wandena Road, Lower Chittering and Lot 607 Propagation View, Muchea. Both of these sites had historical quarries which were never rehabilitated, both obtained the relevant approvals to operate as landfill sites, with the end goal to be rehabilitating the sites to be returned to their natural state prior to the operation of the clay quarries.

### **Background to Application Lodgement**

The Shire received this Development Application in March 2023 as submitted by the Applicant. The Shire queried the application, specifically in relation to whether or not the application could be processed or if it would need to be withdrawn and submitted as a Scheme Amendment. Shire officer's initial assessment resulted in the proposed activities to be akin to the 'Waste Disposal Facility' definition within the Shire of

Chittering Local Planning Scheme No. 6 (LPS6). A 'Waste Disposal Facility' under LPS6 is an 'x' use (not permitted) within the Agricultural Resource zone.

Shire Officers contacted the Applicant in April 2023, advising that a Scheme Amendment is considered to be the most suitable approach and that the Development Application for a Use Not Listed proposal should not be considered.

In June 2023, the Shire received correspondence from the Applicant's Solicitor, Hotchkin Hanley, advising of their legal view on the matter. This in turn resulted in Shire Officers also seeking legal advice from the Shire's Solicitor, McLeods. The legal advice obtained from McLeods considered that the Shire officer interpretation of the proposed activities as 'Waste Disposal Facility' would likely be correct. However, consideration needed to be given to a precedent established by a Council decision made in 2015 on a similar proposal on Lot 202 Wandena Road (Focus Demolition). In 2015, the Shire approved a similar proposal on Lot 202 Wandena Road as a 'Use Not Listed' Development Application.

The Lot 202 operations involve the filling of an exhausted clay quarry with construction and demolition waste. At the time, the land use 'Landfill/Refuse Centre' was listed in LPS6 as an 'X' (not permitted) use in the Agricultural Resource zone. As such Shire Officers recommended to Council that a Scheme Amendment was the suitable process, however Council guided Shire Officers to process the proposal as a 'Use Not Listed' Development Application as per the below July 2015 resolution:

*9.1.3 COUNCIL MOTION / COUNCIL RESOLUTION 060715*

*Moved Cr Rossouw / Seconded Cr Mackie*

*That Council defer this item subject to the Applicant undertaking further liaison with Shire Officers in relation to possible alternatives; including, but not limited to, pursuing a Development Application for "a use not listed" or alternatively rezoning the whole site to industry in accordance with Muchea Employment Node Structure Plan.*

This application was subsequently processed as a 'use not listed' and ultimately approved by the Council at its meeting in November 2015 as per the below resolution:

*9.1.2 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 031115*

*Moved Cr Rossouw / Seconded Cr Gibson*

*That Council grant Planning Approval for the Use Not Listed Landfill/Rehabilitation at Lot 202 Wandena Road, Muchea subject to the following conditions:*

*.....*

The recent legal advice received indicated that arguing the Shire officers categorisation of the proposal as 'Waste Disposal Facility' could be compromised by this 2015 precedent and the chances of successfully defending a challenge of a refused application in the State Administrative Tribunal, are diminished.

Based on the 2015 precedent set by Council and legal advice from the Shire's solicitors, Shire Officers agreed to accept this application as a 'Use Not Listed' Development Application rather than a Scheme Amendment.

**Consultation Summary**

Local

The application was advertised to all nearby landowners within a 1500m of the landfill area giving 28 days to provide a response, in accordance with the 28 day minimum stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

Three submissions were received in support of the application, with four submissions also being received in objection of the application. The objections received noted several different concerns, these are:

- Noise – (with one objection specifically referencing the ‘reversing beepers’ proposed on the machinery used on the site);
- Dust;
- Increase in vehicle/truck movements;
- Bushfire risk;
- Groundwater & future availability;
- Excessive operating hours;
- Inert material not suitable to sustain growth;
- Lack of trust in only non-hazardous material being used;
- Wildlife risk; and
- Length of proposal.

The above stated concerns are addressed in the ‘Officer Comment’ section of this report.

Details of the submissions are provided in the Schedule of Submissions attached to this report (Attachment 2).

#### State

A period of advertising to government agencies was undertaken for a minimum of 42 days as prescribed by the Regulations, with the following agencies afforded the opportunity to comment on the proposal:

- Department of Planning, Lands and Heritage (Aboriginal Affairs);
- Chittering Landcare;
- Department of Mines, Industry Regulation and Safety - Mines and Petroleum (DMIRS);
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Water and Environmental Regulation (DWER); and
- Main Roads Western Australia (MRWA).

No response was received from Chittering Landcare, DPLH, DMIRS and MRWA regarding the application. No objections were raised by any of the State agencies, however DWER advised that a Works Approval will be required, DoH advised that approval will be required for any wastewater system on the site and the DFES advised that a Bushfire Management Plan could be requested if the Shire deemed it was necessary. A copy of the submissions received are contained in the Schedule of Submissions (Attachment 2).

#### **Legislative Implications**

##### State

- *Planning and Development (Local Planning Schemes) Regulations – Matters for Consideration*

In considering an application for development approval, the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67(2) of the Regulations – ‘Matters to be Considered’. The primary ‘matters of consideration’ relevant to the application that officers consider require attention are:

- (m) The compatibility of the development with its setting;
- (n) The amenity of the locality;
- (o) Environmental impacts;
- (t) Traffic flow and safety; and



(w) History of the site.

These matters are addressed further throughout this report.

- *Planning and Development (Local Planning Schemes) Regulations – Complex Applications*

The Regulations stipulate a modified process for applications for development approval that are not specifically listed within the LPS6 zoning table. These types of applications have traditionally been called 'Use Not Listed' as the proposed use is not listed within the zoning table. The updated Regulations now refer to these types of applications as 'Complex Applications', and specify the process for how these are to be assessed.

Sch. 2, Pt. 9, Cl. 64(3) of the Regulations stipulates that a 'Complex Application' must be advertised to all nearby landowners within a 200m range of the site and Cl. 64(6) stipulates that a complex application must be advertised for a period of no less than 28 days. Shire Officers advertised the application to nearby landowners within a range of 1500m and a period of 28 days. A complex application is required to be advertised in accordance with the regulation and assessed against Clause 3.4.2 of LPS6.

This application has followed the correct advertising requirements for a complex application (use not listed) as per Sch. 2, Pt. 9, Cl. 64(3) of the Regulations and as several objections were received, this application has been referred to Council for determining the application in accordance with Sch. 2, Pt. 8, Cl. 68 of the Regulations.

Local

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 3.4.2 – Interpretation of the Zoning Table*

Clause 3.4.2 of the Scheme states the following:

*If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for Development approval;*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

As this application is being processed as a 'Use Not Listed', this clause applies to the application. The proposal assessment against the objectives of the Agricultural Resource zone is provided below.

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.5 – Agricultural Resource Zone*

Lot 9001 is zoned as 'Agricultural Resource' and this application must be consistent with the objectives for the Agricultural Resource zone within Clause 3.2.5 of the Scheme. The objectives of the Agricultural Resource zone and officers assessment against each are:

- a) preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;*

This application will ultimately result in the development area being returned to agricultural land, as the site will be rehabilitated to an acceptable rural standard at the completion of the proposed activities. As the end

result of the proposal will return the land back to usable agricultural land, it is considered that this objective of the Agricultural Resource zone is met.

*b) protect the landform and landscape values of the district against despoliation and land degradation;*

Shire Officers believe that the application will achieve this objective as the end result of the proposal will result in the land being rehabilitated and re-contoured and ensuring that the land is no longer in a degraded state.

*c) encourage intensive agriculture and associated tourist facilities, where appropriate;*

Shire Officers believe that the application will achieve this objective as the end result of returning the site back to usable farming land, can facilitate intensive agricultural activities to occur over the site.

*d) allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

As the proposal is to fill and rehabilitate an existing historical clay quarry, the application is not inconsistent with this objective and will not be impeded for further extraction of resources in the surrounding area. This application is therefore considered to be suitably consistent with this objective.

Pursuant to Cl. 3.4.2(b) of LPS6, it is considered that the proposal is consistent with the objectives of the Agricultural Resource zone and therefore can be considered for approval.

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 4.15 ‘Basic Raw Materials’*

It is noted that the site is located within the Shire’s Special Control Area: Basic Raw Materials.

The proposal will not conflict with any of the Scheme’s requirements for development within this Special Control Area and that the requirements of this zone will not be affected. These requirements are:

- a) Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations;*
- b) Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;*
- c) Appropriate buffer areas are to be applied to protect both the extractive operations as well as the living or agricultural environment in nearby areas; and*
- d) Local government will not support development within those buffer areas, which may be detrimental to the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.*

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 5.6 ‘Land Refuse’*

It is noted that the site is also partially located within the Shire’s Special Control Area: Land Refuse due to the proximity to the Shire’s own landfill site. The proposal will not conflict with any of the Scheme’s requirements for development within this Special Control Area and that the requirements of this zone will not be affected. The primary restriction of this SCA is development approval is required to extend a dwelling or other building within the buffer. No new dwellings shall be approved within the designated buffer area.

## Policy Implications

### State

- Environmental Protection Authority: Guidance for the Assessment of Environmental Factors

The Environmental Protection Agency (EPA) provide information on appropriate buffer distances for activities which may impact on the locality. This proposal is classified as an 'Inert Landfill Site (Class 1)' which has a required buffer distance of 150m for residential uses and an internal buffer of 25m from a boundary.

This proposal complies with the above stated buffer distances with the exception of the shared lot boundary between the site and the Shire's Landfill site, with an approximate setback of 20m proposed.

Given the similar activities undertaken on the proposed land and the Shire's landfill site to the north, and as the end goal of the proposal is to return the land to agricultural uses, Shire Officers believe that this setback variation is acceptable for this proposal.

### Local

Nil

## Financial Implications

Nil

## Strategic Assessment / Implications

- Strategic Community Plan 2017-2027

Focus area:	Economic Growth
Objective:	S4.2 Protective environment
Strategy:	S4.2.1 Ensure the protect on of our local biodiversity

The proposal may increase local employment in the area and will provide a necessary facility to promote infrastructure development in the broader region. The use of an exhausted, un-rehabilitated clay quarry which will ultimately be rehabilitated, is expected to have a net benefit to the environment, compared to its current use.

## Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken in October 2023 by Shire Officers. The following photos were taken from the Shire's Muchea Landfill Site along the shared boundary between the Shire's landfill site and the proposed landfill site on Lot 9001. The following photos indicate the current state of the old clay quarry:



Photo 1: Proposed site as viewed from Shire landfill site looking south-west.



Photo 2: Proposed site as viewed from Shire landfill site looking south.



Photo 3: Shared boundary fence between Lot 9001 and the Shire's Muchea Landfill site.



Photo 4: Stormwater channel flowing from Lot 9001 to the Shire's Muchea landfill site.

Photo 4 above illustrates a stormwater channel that appears to have been formed through erosion. It has created a pathway for stormwater within Lot 9001 to enter the Shire’s landfill site. To ensure that stormwater from the proposed activities are contained within the lot, it is recommended that a condition is imposed on any approval granted that a stormwater management plan is prepared and implemented. The stormwater management plan will address any areas of the site where stormwater is not being contained within the proposed landfill area.

**Environmental Consideration**

Environment consideration given: Yes

This application has an environmental element attached to it, consisting of both main elements, being the ‘landfill’ activities and the final ‘rehabilitation’ component.

There is currently an old clay quarry on the property which is no longer in operation and is not currently required to be rehabilitated to any standard. The end result of the proposal will result in the land being rehabilitated back to an acceptable level that can be used for agricultural purposes, therefore achieving a net environmental benefit.

Any potential concerns regarding contamination will be captured by the DWER as the applicant will be required to apply to this Department to obtain the relevant Works Approval to operate a Class 1 landfill site.

**Risk Assessment / Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequences</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Risk Category:</b> Natural Environment	Unlikely	Moderate	Moderate	Works Approval Permit to be assessed by DWER. Annual reporting required to assess any potential environmental and/or social impacts.
<b>Opportunity:</b> Rehabilitation of an exhausted clay quarry				

**Officer Comment/Details**

This application is for the filling and rehabilitation of an historical clay quarry. It has been processed as a ‘Use Not Listed’ (complex application) due to the precedent set by the Council in the 2015 at Lot 202 Wandena Road.

The following planning matters are those which have been raised throughout the consultation period, or through policy/legislative requirements and require further consideration in the context of the subject proposal.

**Operating Hours**

Through the public consultation process, a nearby landowner raised a concern in relation to the proposed operating hours for the development. The initial proposal was for the activities to occur between 7am-7pm on Monday-Friday and 7am-3pm on Saturdays, with no works occurring on Sundays and Public Holidays.

The applicant acknowledged that whilst the initial proposed operating hours are reflective of the industry standards, they have agreed to reduce the operating hours to 7am-6pm on Monday-Friday, with Saturday operating hours to remain the same.

By reducing the operating hours to 7am-6pm on Monday-Friday, 7am-3pm on Saturdays and no works on Sundays and Public Holidays, this brings the proposed development in line with other similar activities that occur in the area. Lot 6 Wandena Road currently has development approval for an Extractive Industry to operate with similar operating hours between 7am-6pm on Monday-Friday, 7am-6pm on Saturdays and no works on Sundays and Public Holidays.

As the proposed operating hours are in line with similar activities in the immediate area, Shire Officers are satisfied with the operating hours proposed.

**Noise & Dust**

Several nearby landowners raised concerns about the proposed development and the increase in noise levels that will result in the immediate locality. The concerns were in relation to the general increase in noise that is expected from the proposed activities occurring on the site, with one landowner specifically referencing the use of 'reversing beepers' and recommended that they should not be used at all.

As the 'permanent removal of reversing beepers' may result in a breach of work health and safety practices, it is the recommendation of the Shire Officers that the proponent ensures that they are adhering to the permitted *Environmental Protection (Noise) Regulations 1997* at all times. The applicant has also supplied an updated Noise Management Plan (Attachment 3) which outlines how the proposed development will be compliant with appropriate noise regulations, including the following:

- Careful selection of machinery based on noise output;
- All machinery/equipment proposed across the site will be used in accordance with appropriate manufactures instructions;
- All machinery/equipment will be regularly serviced to ensure no excess noise emissions are received;
- Ensure no work is conducted outside of the operating hours;
- Where possible, specific activities will be scheduled during hours that least adversely affect sensitive receivers;
- The current site fencing around the site will be maintained to ensure no public access is permitted; and
- Where possible, maintain any onsite vegetation to act as a noise buffer.

To ensure the measures contained within the Noise Management Plan are applied, a condition of development approval can be imposed on any approval granted requiring as such.

General concerns in relation to dust were also expressed by the nearby landowners who have objected to the application. The proposal does present an element of risk of dust being stirred and blowing into neighbouring properties and onto public roads (Wandena Road) if mitigation measures are not appropriately followed.

The application has provided a detailed Dust Management Plan to ensure that the proponent and its activities will not result in dust becoming a nuisance to the immediate area, including the following:

- Frequent passes by the water cart on all roads in use by heavy vehicles and machinery;
- Speed limited to 10km/h on site;
- Wetting down of waste loads during tipping;
- Reducing tipping heights;
- An integrated response to complaints and installation of boundary monitors on the site perimeter if required;
- Patrol of the site boundaries; and
- Stop work if required.

These concerns can suitably be addressed via a condition of development approval to ensure that the proponent is compliant with the supplied Dust Management Plan at all times.

### ***Traffic Movements***

A concern that stemmed from the consultation period was the additional truck/vehicle movements that the proposed development will generate along Wandena Road and Muchea East Road. The main concerns with these additional vehicle movements is that they will be 'excessive' along these public roads and increase the risk of danger to other vehicles on the road.

As noted earlier in this report, the proposal is expected to generate a total of 26 vehicle movements per day. Ten of these vehicle movements will be staff driving their personal vehicles to and from the site each day. The use of personal vehicles to and from the site is expected to have minimal impact on the local roads and the immediate area.

The remaining 16 vehicle movements will be in relation to transporting the fill material to the site. The fill material will be transported to the site via triple-axle semi tippers with a 20m<sup>3</sup> capacity. Whilst these vehicle movements might occur at once or sporadically throughout the day, it translates to one truck movement approximately every 45 minutes, each day.

As these truck movements are not predicted to be large in number and frequency, Shire Officers do not expect the vehicle movements in relation to the property to have a significant cumulative impacts on the locality. The Shire's Executive Manager Technical Services (EMTS) conducted a review of the proposed vehicle movements and haulage route along Wandena Road and Muchea East Road. No concerns were expressed in relation to the truck movements, however the EMTS will require a road contribution to be provided by the proponent on a yearly basis to assist in maintaining the quality of Wandena Road. This will be in accordance with the WALGA publication "*User Guide; Estimating the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks*".

It is recommended that this road maintenance contribution is imposed as a condition of development approval, with contributions made annually to the Shire based on annual reporting for vehicle movements.

### ***Bushfire***

The application also presents an element of bushfire risk as the whole Shire is listed as 'Bushfire Prone' as per the Department of Fire and Emergency Services (DFES) bushfire prone mapping.

The applicant did provide a Fire Management Plan which addresses how the proponent will mitigate any risks of bushfire, however this was not prepared by an accredited Bushfire Assessor and Shire Officers queried this requirement with DFES as part of the consultation period.

DFES provided comments stating that the Shire should determine whether the development will be an intensification of land use and will pose a significant bushfire risk. Shire Officers then queried this aspect of the application with the applicant, who then provided further documentation from BJ Marsh Pty Ltd providing further evidence that the proposed activities are classified as 'low risk' (Attachment 4).

Following review of all the information and commentary provided, it is considered that requesting a formal bushfire attack level assessment and further bushfire management plan will not achieve any greater level of protection from bushfire, than what is currently proposed in the Fire Management Plan. Further to this, a review of the two existing construction and demolition landfill sites in the Shire was conducted with respect to bushfire and fire mitigation. Both the current landfill operators in the Shire were approved with a requirement for a fire management plan which details measures to mitigate a fire starting at the landfill. It is considered that a consistent approach to fire mitigation for the Shire's landfill operations is appropriate.



The Fire Management Plan provided with the application includes the following mitigating measures:

- Providing adequate staff training;
- Ensuring all firebreaks are maintained;
- Minimising the presence of fuel on-site (vegetation, motor and chemical);
- Providing adequate fire-fighting capacity and ensuring equipment is stored in an appropriate location and is readily accessible;
- Preventing unauthorised entry to the site;
- Ensuring all machinery have a fire extinguisher installed either in the cab or within reach of the cab;
- Providing fire extinguishers at the gatehouse and wherever fuel is stored;
- Ensuring water sources with sufficient pressure to extinguish fires will be available via any of the reticulation points around the operational site area;
- Ensuring a water truck with a fire-hose attachment will be always on-site. The fire hose should be capable of reaching any area of the site without the water truck leaving the access roads; and
- Implementing on-site smoking restrictions.

Shire officers consider the Fire Management Plan provided with the application to be appropriate, and can be continually enforced through a condition of development approval.

#### ***Amenity & Compatibility***

Proposals of this nature generally have an amenity impact when it comes to blending into the character of the immediate area, with specific focus on an amenity and compatibility aspect. Landfill sites can be an eyesore for the area and can cause displeasure in the community. It is also vital that a proposal of this nature is compatible with the immediate area and should typically not be considered if the activity proposed is vastly contradictive of the activities that occur in the area.

In terms of amenity, the proposal is considered to have a minimal impact on the immediate area from a visual standpoint, as the majority of properties along Wandena Road are shielded by the vegetation which currently exists along Wandena Road. There is also an existing bund which screens the old quarry from the public and Wandena Road (as per the site plan earlier in the background of the report) to mitigate any visual impacts that the proposed activities may cause. Due to the size of the lot and location of the proposed landfill site, there are not expected to be any visual impacts other than what may be visible from Wandena Road.

In terms of compatibility, the location of the site is an ideal location for another landfill site to occur within the Shire, due to its direct proximity to the Shire's Muchea Landfill site. Both lots share a boundary as per the attached site plan provided earlier in this report, with the proposed landfill site still being located within the Shire's Special Control Area: Land Refuse (SCA). As the proposed landfill site fits within this SCA, the proposal also achieves all of the objectives of this SCA and will not conflict with any of the development requirements of this SCA.

Whilst the current proposal of a landfill site does not necessarily fit the objectives of the Agricultural Resource zone, the end result of the development will allow for agricultural activities to occur once again on the site and therefore achieving the objectives of the Agricultural Resource zone as a long term result. The proponent has a Rehabilitation Management Plan in place to ensure that the land is appropriately remediated and can effectively be returned back to farming land.

With the close proximity to the Shire's landfill site and the long term benefits of the development in mind, Shire Officers believe that the development will be compatible with the character of the area and will result in a minimal impact from a visual standpoint.

**Recommendation**

The application as presented is considered to suitably address the long standing issues with this site, being the existing and exhausted clay quarry in its current state, and will result in a net environmental benefit in the long term for the Shire.

There are no requirements for the current owner of the site to remediate the old clay quarry and if left unattended, will continue to be an eyesore for the community. The use of inert building material as a form of landfill is commonly known to be an effective way to rehabilitate old quarries and extractive industries, given the lack of earth minerals such as sand which would typically be used as fill. By filling the old quarry and rehabilitating the site back to agricultural land, the overall end result of the development will result in a higher quality result for the community.

It is recommended that Council grant development approval for the proposed extractive industry subject to appropriate conditions.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031123**

**Moved Cr Angus, seconded Cr King**

**That Council pursuant to Clause 3.4.2 b) of the Shire of Chittering Local Planning Scheme No. 6 determine the use is consistent with the objectives of the Agricultural Resource zone and approve the application for development approval (use not listed) for the landfill and rehabilitation of a clay quarry on Lot 9001 Wandena Road, Lower Chittering subject to the following conditions:**

- a) This Development Approval shall be valid for a period of 20 years from the date of this approval.**
- b) All landfill and rehabilitation works within Lot 9001 shall be undertaken in accordance with the approved development plan.**
- c) Dust mitigation measures in accordance with the Dust Management Plan dated 7 February 2023 shall be implemented at all times. Dust from operations must not cause nuisance to neighbouring properties to the satisfaction of the Shire.**
- d) Noise mitigation measures in accordance with the Noise Management Plan dated 6 October 2023 shall be implemented at all times to the satisfaction of the Shire.**
- e) All vehicle loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent any spread of material on the local road network to the satisfaction of the Shire.**
- f) Operation of the proposed landfill site shall be in accordance with the Environmental Management Plan submitted with the subject application at all times, unless otherwise approved through a condition of this development approval, to the satisfaction of the Shire.**
- g) The proposed development is only permitted to operate at the following times:**
  - Monday – Friday: 0700 – 1800;**
  - Saturday: 0700 – 1500; and**
  - No works are permitted on Sundays and Public Holidays.**
- h) Material being imported to the site for fill shall be restricted to ‘inert waste’ only, comprising ‘construction and demolition waste’ as those terms are defined in the Department of Environment and Conservation (DEC) Landfill Waste Classification and Waste Definition 1996 (as amended 2019) and meeting the requirements for a ‘Class 1 – Inert Landfill Site’ as defined in Environmental Protection Regulations 1987 to the satisfaction of the Shire.**
- i) No asbestos containing material is permitted to be disposed of at the subject site. Any asbestos containing material that is imported to the site shall be managed in accordance with the Asbestos Management Plan dated 7 February 2023 at all times to the satisfaction of the Shire.**
- j) Prior to the commencement of any landfill operations the entire development site shall be fenced off with the fencing maintained in a condition so as to prevent illegal access and unauthorised dumping of waste to the satisfaction of the Shire and thereafter maintain for the**

life of the development.

- k) Prior to the commencement of any landfill operations, appropriate signage shall be installed on the entry gate/fencing advising that the landfill site is not open to the general public to the satisfaction of the Shire, and maintained for the life of the development.
- l) A report shall be submitted annually to the Shire that includes:
  - The progress of the landfill activity including the total tonnage of material imported to the site ;
  - Any reportable incidents and any mitigating actions ;
  - Complaints received from the public and any mitigating actions; and
  - Groundwater quality monitoring results
- m) A stormwater management plan shall be prepared and approved by the Shire to demonstrate how stormwater will be contained within the development site. The approved Stormwater Management Plan shall be implemented prior to the commencement of any landfill operations to the satisfaction of the Shire, and maintained for the life of the development.
- n) Prior to the commencement of any landfill operations, the existing crossover servicing Lot 9001 from Wandena Road shall be upgraded to a sealed standard in accordance with the Shire's specifications and maintained for the life of the development.
- o) Prior to the commencement of any landfill operations, a rehabilitation plan shall be prepared and submitted to the Shire for approval and shall demonstrate how the progressive rehabilitation of the site shall occur including revegetation, re-contouring of the land and ongoing maintenance and management to ensure the success of the rehabilitation. The approved Rehabilitation Plan shall be implemented progressively throughout the life of the proposed development with full rehabilitation of the site to have been completed within 12 months from the expiry of this approval or at the cessation of landfill operations, whichever occurs first, to the satisfaction of the Shire.
- p) No vehicles carrying landfill material to be deposited at Lot 9001 Wandena Road are to use the section of Wandena Road north of the proposed vehicle access to the landfill site. Vehicles carrying landfill material are to use the portion of Wandena Road to the south of the proposed vehicle access to the landfill site and its connection with Muchea East Road to the satisfaction of the Shire.
- q) A contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route, calculated by reference to the WALGA publication "User Guide: Estimating the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks", shall be paid to the Shire on an annual basis for the life of the proposed development. That contribution amount shall be calculated with reference to the WALGA User Guide (May 2015) and that amount is to be agreed between the landowner of Lot 9001 and the Shire prior to the commencement of any landfill operations. Council delegates to the Chief Executive the authority to negotiate and agree a fair and equitable contribution on behalf of Council and with the landowner of Lot 9001, to meet this condition. The contribution shall be calculated by the amount of material reported to be imported for fill in the required annual progress report and paid to the Shire within 30 days of the Shire's receipt of the annual progress report.

**Advice Notes:**

- i. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- ii. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- iii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

- iv. The applicant is advised that the Department of Water and Environmental Regulation will require an application for a Works Approval as a Class 1 Inert Landfill Site.
- v. Any onsite waste water treatment facilities are to be approved by the Department of Health.
- vi. The applicant is to at all times be compliant with the requirements of the *Environmental Protection (Noise) Regulations (1997)*.
- vii. With regard to Condition f), the Environmental Management Plan includes, but is not limited to, the following aspects which need to be adhered to at all times:
- Fire management;
  - Odour management;
  - Chemical and fuel storage;
  - Incident prevention;
  - Unacceptable waste material management; and
  - Groundwater and surface water monitoring.
- viii. With regard to Condition n), the applicant is advised that a crossover application is required to be submitted to the Shire, and approval granted prior to any works commencing on the crossover.
- ix. With regard to Condition o), the Rehabilitation Plan shall include the final land contours of the site, proposed revegetation species and areas, timelines for the progressive rehabilitation of the site to occur, and the indicators for success and management measures for any failures of survival of the revegetation. Any adjustments required to the approved Rehabilitation Plan at the end of the approval timeframe may be made through negotiations with the Shire, as the implementation of the Plan is to the satisfaction of the Shire.

**CARRIED 4 / 2**

TIME: 7.16PM

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

*Against: Cr Dewar, Cr Curtis*

**TECHNICAL SERVICES**

Nil

**CORPORATE SERVICES****CS01 – 11/23 List of Accounts Paid for the Period Ending 31 October 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 31 October 2023

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

**Executive Summary**

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 October 2023

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 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
<b>Opportunity:</b> None				

**Officer Comment/Details**

The attached "List of Accounts Paid as at 31 October 2023" is presented to Council for endorsement.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041123</b>  <b>Moved Cr Ross, seconded Cr Curtis</b>  <b>That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$2,001,783.65 , for the period ending 31 October 2023:</b></p> <ol style="list-style-type: none"> <li>1. PR6483 , PR6491 ;</li> <li>2. EFT25885 – EFT26059 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 6 / 0</b>  <small>TIME: 7.19PM</small></p>
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**CS02 – 11/23 Monthly Financial Report for the Period Ending 31 October 2023**

<b>File ref</b>	12/03/4
<b>Author</b>	Finance Manager
<b>Authorised by</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 31 October 2023

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

**Executive Summary**

Council is requested to consider the financial statement for the period ending 31 October 2023.

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**State

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



Local

Nil

**Policy Implications**

Local

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

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032  
 Focus area: Strong leadership  
 Objective: S5.2 Strong partnerships and relationships  
 Strategy: S5.2.1 Built effective partnerships with stakeholders  
  
 Objective: S5.3 Accountable governance  
 Strategy: S5.3.1 Good governance, which supports efficient and effective service delivery

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051123</b>  <b>Moved Cr King, seconded Cr Ross</b>  <b>That Council receives the Monthly Financial Report for period ending 31 October 2023, as per Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 6 / 0</b>  <small>TIME: 7.21PM</small></p>
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**CHIEF EXECUTIVE OFFICER****CEO01 – 11/23 Work Health and Safety Statistics Report – October 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. WHS Statistics Report – October 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 Work Health and Safety Statistics Report for the quarter ending October 2023.

**Background**

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

<p><b>MOTION / COUNCIL RESOLUTION 231121</b>  <b>Moved Cr King, seconded Cr Angus</b>  <b>That:</b></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 3.7 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 061123**

**Moved Cr Ross, seconded Cr Angus**

**That Council receive the Shire of Chittering Work Health and Safety Statistics Report for October 2023 which includes:**

- 1. Monthly Report for October 2023**
- 2. Incident Report and Training and Development for October 2023**
- 3. Site Inspections and Safety Observations for October 2023**

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 7.23PM

## CEO02 – 11/23 Scheduling of the Ordinary Meetings of Council for 2024

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	GOV.CM.2024
<b>Author</b>	Executive Assistant
<b>Authorised by</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Nil

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

**Executive Summary**

Council is requested to adopt the schedule for the 2024 Ordinary Meetings of Council.

**Background**

The final Ordinary Meeting of Council for 2023 is scheduled for 13 December 2023. Following this meeting, Council traditionally commences recess, resuming in February in the new year. This report details the proposed schedule for the February to December 2024 Council Meeting dates for Council's consideration.

**Consultation/Communication Implications**Local

Nil

State

Nil

**Legislative Implications**State

- Local Government Act 1995

**5.3. Ordinary and special council meetings**

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

**5.25. Regulations about council and committee meetings and committees**

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to—
- (a) the matters to be dealt with at ordinary or at special meetings of councils; and
  - (b) the functions of committees or types of committee; and
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and
  - (c) the procedure to be followed at, and in respect of, council or committee meetings; and
  - (d) methods of voting at council or committee meetings; and
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
  - (g) the giving of public notice of the date and agenda for council or committee meetings; and
  - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
  - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
  - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be—
    - (i) tabled at a council or committee meeting; or
    - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.
- (2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

• Local Government (Administration) Regulations 1996

**12 Meetings, public notice of (Act 5.25(1)(g))**

- (1) At least once a year a local government is to give local public notice of the dates on which and the time and pace at which—
- (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months.

Local

• Local Government (Council Meetings) Local Law 2014

**3.1 Ordinary and special Council meetings**

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise determined by the Council, is for the purpose of considering and dealing with the ordinary business of Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Allocation has been made in the adopted 2023/24 annual budget for advertising in the Northern Valleys News to ensure compliance with legislation, and will be charged against 12140241.2101.

**Strategic Implications**

Local

- Strategic Community Plan 2017-2027
  - Focus area: Strong leadership
  - Objective: S5.1 An engaged community
  - Strategy: S5.1.1 Encouraged and promote community engagement
  - Objective: S5.3 Accountable governance
  - Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Compliance				Holding monthly Council meetings will meet statutory requirements.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

In determining meeting dates for 2024, consideration needs to be given to school and public holidays, and their impact on agenda distribution, meeting clashes, Councillors and the general public's ability to attend the scheduled meetings.

The following timetable shows the relationship between school and public holidays, and the usual meeting cycle (i.e. the third Wednesday of the month, February – November, second Wednesday for December).

Usual cycle meeting date	Scheduled holidays (i.e. school and public holidays)	Suggested meeting date
21 February		21 February
20 March	<u>Public holiday</u> Monday 4 March – Labour Day Friday 29 March – Good Friday	20 March
17 April	<u>School break</u> Friday 29 March until Sunday 14 April Schools return Monday 15 April  <u>Public holidays</u>	17 April

Usual cycle meeting date	Scheduled holidays (i.e. school and public holidays)	Suggested meeting date
	Monday 1 April – Easter Monday Tuesday 25 April – ANZAC Day holiday	
15 May		15 May
19 June	<u>Public holiday</u> Monday 3 June – Western Australia Day	19 June
17 July	<u>School break</u> Saturday 29 June until Sunday 14 July Schools return Monday 15 July	17 July
21 August		21 August
18 September	<u>School break</u> Saturday 21 September until Sunday 6 October Schools return Monday 7 October  <u>Public holiday</u> Monday 23 September – King’s Birthday	18 September
16 October		16 October
20 November		20 November
11 December	<u>School break</u> Friday 13 December until Tuesday 4 February 2025 Schools return Wednesday 5 February 2025  <u>Public holidays</u> Wednesday 25 December – Christmas Day Thursday 26 December – Boxing Day holiday  To allow for Council resolutions to be implemented before the end of the year, it is suggested that December’s meeting be held the second Wednesday of the month rather than the third.	11 December

Council is also requested to endorse the following dates for the Agenda Forums for the 2024 calendar year:

- (i) Wednesday 14 February;
- (ii) Wednesday 13 March;
- (iii) Wednesday 10 April;
- (iv) Wednesday 8 May;
- (v) Wednesday 12 June;
- (vi) Wednesday 10 July;
- (vii) Wednesday 14 August;
- (viii) Wednesday 11 September;
- (ix) Wednesday 9 October;
- (x) Wednesday 13 November; and
- (xi) Wednesday 4 December.



**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071123**

Moved Cr Curtis, seconded Cr Angus

That Council:

1. Endorse the following dates for the Ordinary Meetings of Council for the 2024 calendar year:
  - a. Wednesday 21 February;
  - b. Wednesday 20 March;
  - c. Wednesday 17 April;
  - d. Wednesday 15 May;
  - e. Wednesday 19 June;
  - f. Wednesday 17 July;
  - g. Wednesday 21 August;
  - h. Wednesday 18 September;
  - i. Wednesday 16 October;
  - j. Wednesday 20 November; and
  - k. Wednesday 11 December.
  
2. Endorse that the 2024 Ordinary Meetings of Council are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon, and are to commence at 7.00pm.
  
3. Endorse the following dates for the Agenda Forums of Council for the 2024 calendar year:
  - a. Wednesday 14 February;
  - b. Wednesday 13 March;
  - c. Wednesday 10 April;
  - d. Wednesday 8 May;
  - e. Wednesday 12 June;
  - f. Wednesday 10 July;
  - g. Wednesday 14 August;
  - h. Wednesday 11 September;
  - i. Wednesday 9 October;
  - j. Wednesday 13 November; and
  - k. Wednesday 4 December.
  
4. Endorse that the 2024 Agenda Forums of Council are to be held in the Council Chambers, 6177 Great Northern Highway, Bindoon, and are to commence at 7.00pm.
  
5. Approve the advertising of the 2024 Ordinary Council and Agenda Forum dates in accordance with the *Local Government (Administration) Regulations 1996*.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 7.24PM

## CEO03 – 11/23 Wheatbelt Development Commission Board Nominations

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

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

**Executive Summary**

Council is requested to consider submitting two nominees to the Wheatbelt Development Commission (WDC) Board.

**Background**

Correspondence addressed to the Chief Executive Officer has been received seeking nominations for two Local Government representative vacancies on the WDC Board.

In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancies must be members of the Council of a Local Government in the region and are to be nominated by Local Governments in the region.

All Local Governments in the Wheatbelt region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment. The Commission is seeking nominee's nominations from highly motivated and enthusiastic people, with the following experience:

- Understanding of key issues impacting the development of the Region;
- Demonstrated involvement in the economic and/or social development of the Region; and
- The ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

Nominations are to be submitted no later than 4pm on 4 December 2023.

**Consultation/Communication Implications**

Local

Nil

State

Nil

**Legislative Implications**

Local

Nil

State

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic 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

MOTION

Moved Cr King, seconded Cr Angus  
That Council suspend Standing Orders.

CARRIED 6 / 0

TIME: 7.25PM

MOTION

Moved Cr King, seconded Cr Angus  
That Council resume Standing Orders.

CARRIED 6 / 0

TIME: 7.30PM

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081123**

Moved Cr , seconded Cr

That Council request the Chief Executive Officer to submit nominee application forms for Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to be considered for the Wheatbelt Development Commission Board.

LAPSED FOR WANT OF A MOVER

TIME: 7.31PM

**ITEM 10. REPORTS OF COMMITTEES**

**COM01 – 11/23 Chittering Bush Fire Advisory Committee – Unconfirmed Minutes from Tuesday, 17 October 2023 & Scheduling of 2024 Meeting Dates**

**File ref** ES.MEET.CBFAC.2023  
**Author** Development Services Support Officer  
**Authorising Officer** Chief Executive Officer  
**Disclosure of interest** The Author has an impartiality interest as a member of the Upper Chittering Volunteer Bushfire Brigade.  
**Voting requirements** Simple Majority  
**Attachments** 1. “Unconfirmed” minutes from Chittering Bush Fire Advisory Committee meeting held on 17 October 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, 17 October 2023.

**Background**

The Chittering Bushfire Advisory Committee held a meeting on Tuesday, 17 October 2023. The following recommendations were carried at the meeting:

**OFFICER RECOMMENDATION**  
 Moved Phill Humphry / Seconded David Wilson  
 That:

1. *The Chittering Bush Fire Advisory Committee meeting dates for 2024 are as follows:*
  - a. *Tuesday 12 March*
  - b. *Tuesday 11 June*
  - c. *Tuesday 8 October*
  
2. *The Chittering Bush Fire Advisory Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.*

**CARRIED UNANIMOUSLY**

Additionally, the Committee passed the following motion:

**MOTION**

*Moved Phill Humphry / Seconded David Wilson*

*The Committee requests the Chief Executive Officer to hold discussions with Main Roads WA about the possibility of installing a point to point speed camera in the town of Bindoon.*

**CARRIED UNANIMOUSLY**

**Consultation Summary**

Local

Chittering Bushfire Advisory Committee Meeting

State

Great Northern Highway is governed by Main Roads WA

**Legislative Implications**

State

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

Local

- Shire of Chittering Brigades Local Law 2012

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

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

There will be a charge for advertising the 2024 Chittering Bushfire Advisory Committee meeting dates in the local newspaper. These charges have been included in the 2023/24 Annual Budget.

**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**

During the Chittering Bush Fire Advisory Committee meeting held 17 October 2023, the dates for the Chittering Bushfire Advisory Committee for the 2024 calendar year are presented to Council for endorsement. As per the Bush Fires Act 1954 and Council Committee Booklet, the number of meetings are at the Committee’s discretion. Neither the Act nor the Council Committee Booklet stipulate a minimum number of meetings to be held. The dates will be advertised in the local newspapers following Council’s resolution.

Recent incidents involving trucks and hazardous materials were discussed by the Committee. It is a concern that the same type of incident has the potential to occur in the Bindoon town site and that the proposed speed monitoring would ensure compliance and therefore increase safety within the town site. The meeting resolved to request Council to instruct the Chief executive officer to liaise with Main Roads WA for point-to-point speed monitoring in the Bindoon town site. Speed enforcement is, however, a WA Police matter, therefore the Chief Executive Officer amended the recommendation to reflect the appropriate agency.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091123**  
**Moved Cr Ross, seconded Cr Dewar**  
**That Council:**

1. Receive the ‘unconfirmed’ Chittering Bushfire Advisory Committee Minutes from the meeting held on 17 October 2023.
2. Endorse the Chittering Bush Fire Advisory Committee meeting dates for 2024 as follows:
  - a. Tuesday 12 March
  - b. Tuesday 11 June
  - c. Tuesday 8 October
3. Endorse that meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.
4. Request the Chief Executive Officer to hold discussions with WA Police about the possibility of installing a point-to-point speed camera in the town of Bindoon.

**CARRIED UNANIMOUSLY 6 / 0**  
TIME: 7.34PM

## COM02 – 11/23 Local Emergency Management Committee - Unconfirmed Minutes from Wednesday 23 August 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 23 August 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	<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 minutes from the Chittering Local Emergency Management Committee meetings held on Wednesday, 23 August 2023.

**Background**

The Local Emergency Management Committee met on Wednesday, 23 August 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, 22 November 2023.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101123</b>  <b>Moved Cr Hughes, seconded Cr Ross</b>  <b>That Council receives the unconfirmed minutes from the Local Emergency Management Committee meeting held on Wednesday, 23 August 2023.</b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 6 / 0</b>  <small>TIME: 7.36PM</small></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**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111123**

Moved Cr Ross, seconded Cr Dewar

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

- CON01 – 11/23 Offer to Purchase Commercial Property
- CON02 – 11/23 Community Citizen of the Year Awards 2024; and
- CON03 – 11/23 Education Scholarship Awards 2024.

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

*“(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:*

*(b) The personal affairs of any person.*

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

*(i) a trade secret; or*

*(ii) information that has a commercial value to a person; or*

*(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 UNANIMOUSLY 6 / 0**

TIME: 7.37PM

**CON01 – 11/23 Offer to Purchase Commercial Property**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A9542
<b>Author</b>	Chief Executive 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. Feasibility Assessment

**Reason for Confidentiality**

**Local Government Act 1995, Section 5.23(2)(e) Meetings generally open to public**

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), 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 –

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(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;

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</b>
<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)

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 121123**

Moved Cr King, seconded Cr Angus

That Council, authorise the Chief Executive Officer:

1. To seek a market valuation report and undertake a building condition assessment of the buildings situated at Lot 2 on Deposited Plan 14468, 6173 Great Northern Highway, Bindoon.
2. To submit an offer to purchase for the property located at Lot 2 on Deposited Plan 14468, 6173 Great Northern Highway, Bindoon:
  - a. up to the maximum amount identified in the attached feasibility assessment whilst giving due consideration to the information contained within the market valuation report and the building condition assessment; and

- b. subject to Council making a final decision to purchase the property; and
  - c. the Shire securing a loan for the purchase from WA Treasury Corporation.
3. In the event that the vendor accepts the offer:
- a. Obtain a market estimate of the rental value for the restaurant
  - b. Undertake an impact assessment on other hospitality venues in Bindoon, including Chinkabee, One Small Cottage, Locavore, Bindoon Bakehaus and the Scottalian Hotel
  - c. Develop a detailed risk assessment of the purchase
  - d. Identify the opportunity costs of the Shire undertaking this purchase
  - e. Prepare two drafts of the impact on the Long Term Financial Plan, assuming the accepted offer is at the higher level, with a leased restaurant and a vacant restaurant
  - f. Develop a business plan including staffing costs to the Shire, assuming both buildings are leased at market prices
4. Provide the above to Council as soon as practicable to enable an informed decision to be made about the possible purchase of this property.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 7.56PM

**CON02 – 11/23 Community Citizen of the Year Awards 2024**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/01/2
<b>Author</b>	Tourism, Events & Marketing Officer
<b>Authorising Officer</b>	Deputy 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. Community Development Policy 6.1 Australia Day Awards

**Reason for Confidentiality:****Local Government Act 1995, Section 5.23(2)(b) Meetings generally open to public**

“(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:

(b) The personal affairs of any person.

	<b>Authority / Discretion</b>	<b>Definition</b>
<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	<b>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</b>
<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)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131123**

Moved Cr Curtis, seconded Cr Angus

That Council adopt the recommendation as outlined in report ‘CON02 – 11/23’ Community Citizen of the Year Awards 2024.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 8.12PM

**CON03 – 11/23 Education Scholarship Awards 2024**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	15/01/4
<b>Author</b>	Community Development Coordinator
<b>Authorising Officer</b>	Deputy 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. Minutes of Chittering Education Scholarship Advisory Group – Wednesday, 8 November 2023.

**Reason for Confidentiality:****Local Government Act 1995, Section 5.23(2)(b) Meetings generally open to public**

“(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:

(b) The personal affairs of any person.

	<b>Authority / Discretion</b>	<b>Definition</b>
<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"/>	<b>Executive</b>	<b>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</b>
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<input type="checkbox"/>	Information	Includes items for information purposes only and do not require a decision of Council (to ‘note’ only)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141123**

Moved Cr Angus, seconded Cr Ross

That Council adopt the recommendation as outlined in report ‘CON03 – 11/23’ Education Scholarship Awards 2024.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 8.14PM

**PROCEDURAL MOTION / COUNCIL RESOLUTION 151123**

Moved Cr Ross, seconded Cr Angus

That Council come out from behind closed doors.

**CARRIED UNANIMOUSLY 6 / 0**

TIME: 8.15PM

**Public reading of resolution that may be made public**

As there were no public present the resolutions were not read aloud.

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 8.15pm