



# COUNCIL MINUTES

## Ordinary Meeting of Council

7pm, Wednesday 18 October 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 Friday 27 October 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.



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

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

The Presiding Member declared the meeting open at 7.00pm.

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

### **Attendance**

The following members will be in attendance:

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

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Jake Whistler	Executive Manager Development Services
Fiona Leith	Graduate Planner
Denaye Kerr	Executive Assistant

Members of the General Public: 2

Media: 0

### **Apologies**

Nil

### **Approved leave of absence**

Nil

## **Announcements**

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

### **Cr Aaron King**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
6 October 2023 President and CEO Meeting  
11 October 2023 Councillor Information Session  
Agenda Forum  
14 October 2023 Bindoon Show

### **Cr Mary Angus**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
28 September 2023 Bindoon LG Election Candidate Public Meet & Greet  
29 September 2023 Lower Chittering LG Election Candidate Public Meet & Greet  
11 October 2023 Councillor Information Session  
Agenda Forum

### **Cr Kylie Hughes**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 September 2023 Wannamal LG Election Candidate Public Meet & Greet  
28 September 2023 Bindoon LG Election Candidate Public Meet & Greet  
29 September 2023 Lower Chittering LG Election Candidate Public Meet & Greet  
9 October 2023 Bindoon Sport & Recreation Association Annual General Meeting  
11 October 2023 Councillor Information Session  
Agenda Forum

### **Cr Carmel Ross**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
11 October 2023 Councillor Information Session  
Agenda Forum  
17 October 2023 Chittering Bushfire Advisory Committee Meeting

### **Cr John Curtis**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
5 October 2023 Meeting with Bindoon Bowling Club  
11 October 2023 Councillor Information Session  
Agenda Forum

### **Cr Mark Campbell**

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 September 2023 Wannamal LG Election Candidate Public Meet & Greet  
28 September 2023 Bindoon LG Election Candidate Public Meet & Greet

29 September 2023 Lower Chittering LG Election Candidate Public Meet & Greet  
5 October 2023 Meeting with Bindoon Bowling Club

*Cr David Dewar*

20 September 2023 Councillor Information Session  
Ordinary Meeting of Council  
27 September 2023 Wannamal LG Election Candidate Public Meet & Greet  
5 October 2023 Meeting with Bindoon Bowling Club  
9 October 2023 Wannamal Community Centre Meeting  
10 October 2023 Youth Krew Meeting  
11 October 2023 Councillor Information Session  
Agenda Forum  
17 October 2023 Chittering Bushfire Advisory Committee Meeting

### **ITEM 3. DISCLOSURE OF INTEREST**

Nil

### **ITEM 4. PUBLIC QUESTION TIME**

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

Nil

#### **Public question time**

Nil

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

#### **Petitions**

Nil

#### **Presentations**

Nil



## Deputations

DEP01 – 10/23 Emily Parker

Emily spoke for the officer recommendation of item DS01 – 10/23 in this agenda.

## ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

### MOTION / COUNCIL RESOLUTION 011023

Moved Cr Ross, seconded Cr Dewar

That leave of absence be approved as follows:

- Cr Carmel ROSS – Sunday 29 October through to Monday 6 November 2023 (inclusive).

CARRIED UNANIMOUSLY 7 / 0

TIME: 7:08PM

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 20 September 2023

### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021023

Moved Cr Ross, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 20 September 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7:10PM

## ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- On behalf of Council I would like to congratulate the Bindoon Agricultural Society on running a great Show and Rodeo.
- I would like to thank all of my fellow Councillors. This is the last Council meeting prior to the Elections being held on Saturday. I wish you every success in the upcoming election, I also wish Neva Harris every success.

## ITEM 9. REPORTS

**DEVELOPMENT SERVICES****DS01 – 10/23 Application for Development Approval – Rural Pursuit (Keeping of Horses) at Lot 203 (#45) Murray Grey Circle, Lower Chittering**

<b>Applicant</b>	Emily and Daniel Parker
<b>File ref</b>	A4106
<b>Author</b>	Graduate Planning Officer
<b>Authorising Officer</b>	Executive Manager of Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure <b>or</b> relevant details
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Site Plan 2. Property Management Plan 3. Schedule of Submission 4. Site Inspection Photos

	<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 a 'Rural Pursuit/Hobby Farm' and the keeping of two horses at Lot 203 (45) Murray Grey, Lower Chittering. The proposed is a variation to Local Planning Policy No. 24 – Stocking Rates. The application was advertised and received an objection from a nearby landowner with waste management and amenity concerns, and therefore requires Council determination.

Location Plan



Site Plan



### **Background**

An application for Development Approval has been received for a 'Rural Pursuit' at Lot 203 (45) Murray Grey Circle, Lower Chittering. The need for development approval was brought to the attention of the Shire by a complaint from a neighbour in regards to concerns over waste management and the keeping of the amenity. The initial complaint which has triggered compliance action was received in March 2023.

Lot 203 is located within the Maryville Downs Estate and is 2ha in area. The property is zoned as Rural Residential under the Shires Local Planning Scheme No.6 (LPS 6). There are existing structures located on the property in relation to the keeping of horses including a shed, stables and horse arena (see Site Plan above). The horse arena itself has received Development Approval however, the keeping of the horses never received the required development approval from the Shire.

The application is for retrospective approval for the two horses which are currently housed at the property. The application includes a Property Management Plan which proposes the following to mitigate the impacts of keeping the horses:

- Irrigation of the paddocks from a bore located on the property;
- Rotation of horses between paddocks established on the property;
- Daily feeding of the horses with hay and chaff and additional feed depending on the season to reduce dependence on the paddock pasture;
- Stabling of horses for 12 hours a day, with horse bedding changed when required and stables treated with lime to neutralise any build-up of urea;
- Manure and bedding from stables to be composted on-site and used on grass and garden beds;
- Raking of paddocks with a 4WD ATV to even surface and spread manure piles left in paddocks.

A full copy of the Property Management Plan is provided in Attachment 2 to this report.

For the benefit of Council and for a better understanding of 'Rural Pursuit/Hobby Farm' development approvals issued

### **Consultation Summary**

#### Local

The application was advertised to the four adjacent landowners for 21 days in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes Regulations) 2015*.

One objection was received as a result of the advertising period with the full objection provided in Attachment 3 to this report. The main issues raised are:

- Manure from horses causing an increase in flies and smell; and
- Irrigation water flowing onto neighbouring property.

While only one objection was received by the Shire during the formal advertising period, the applicant has since provided letters of support from 3 surrounding landowners to the subject property. These letters of support are signed by the property owners, but were not received directly by the Shire, and were provided by the applicant. As these were not received by the Shire directly from the landowners, they have not been provided as an attachment and made publically available.

#### State

Nil

## Legislative Implications

### State

- Planning and Development (Local Planning Schemes) Regulations

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

(g) *any local planning policy for the Scheme area;*

Local Planning Policy No. 24 – Stocking Rates is applicable to this application and is addressed further in this report.

(n) *the amenity of the locality including the following –*

- The environmental impacts of the development;*
- The character of the locality;*
- Social impacts of the development.*

The proposal’s assessment against the amenity of the locality is included in the ‘officer comment’ section of this report.

- (y) any submissions received on the application;

The key matters of concern raised through the submission received during the consultation period for this application is addressed in the ‘officer comment’ section of this report.

### Local

- Shire of Chittering Local Planning Scheme No. 6 – Clause 4.8.10 ‘Livestock Management’

Clause 4.8.10 of LPS6 states the following:

*‘With the intention of preventing overstocking or other practices detrimental to the amenity of the area and to prevent land degradation and nutrient export, the keeping of livestock within the Rural Residential, Rural Smallholdings and Rural Retreat zones shall not be permitted without approval in writing from the local government.’*

The above Clause in LPS6 triggers the need for livestock being kept on a Rural Residential property to receive Development Approval from the Shire.

- Shire of Chittering Local Planning Scheme No. 6 – Zoning Table

The keeping of horses is considered to be categorised as a ‘Rural Pursuit/Hobby Farm’ under LPS6, which is defined as:

*‘means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier’s household –*

- The rearing, agistment, stabling or training of animals;*
- The keeping of bees;*
- The sale of produce grown solely on the premises.*

'Rural Pursuit/Hobby Farm' is listed as a 'D' permissibility in the LPS6 Zoning Table which means the land use is not permitted, unless the Shire has exercised its discretion by granting Development Approval.

The subject application can therefore be considered for approval by Council, under LPS6.

- Shire of Chittering Health Local Law 2017

The Shire of Chittering Health Local Law makes provision for the keeping of approved animals within the Shire of Chittering and provides conditions under which animals are to be kept. Of particular relevance to the subject application is the management of manure, with Part 5.18 of the local law stating:

***'5.18 Manure Receptacle***

*An owner or occupier of premises on which a stable is constructed shall –*

- a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;*
- b) keep the lid of the receptacle closed except when manure is being deposited or removed;*
- c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;*
- d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and*
- e) cause all manure produced on the premises to be collected daily and placed in the receptacle.*

The applicant has made provision for a composting bin receptacle and for soiled bedding material and manure of the stable to be removed daily. The Local Law provides at 'e)' that all manure produced on the premises to be collected daily and placed in the receptacle. The daily pick-up of waste from the property is not explicitly stated within the provided Property Management Plan. This is an aspect of the application that the adjacent neighbour has raised as a concern due to impact of increase fly numbers and odour.

It is therefore considered appropriate to impose a stand-alone condition of approval that requires the daily pick-up of horse manure from the property, which is a reiteration of the requirement of the Shire's Local Law.

## **Policy Implications**

### State

Nil

### Local

- Shire of Chittering Local Planning Policy No.24 – Stocking Rates

Local Planning Policy 24 – Stocking Rates (LPP 24) is the key guiding document that defines the number and type of stock that should be permitted on a property within the Shire. It has regard to protection of amenity and environmental values and is used to avoid overstocking of properties which can have detrimental effects on the environment and the local amenity. LPP 24 provides calculations that can be used for various stock animals (including horses) to determine a suitable number of animals that can be kept on a property.

With respect to horses, LPP 24 identifies that 1 horse can be kept on a 2ha property (that is mostly clear of vegetation) without the need for a property management plan. Lot 203 Murray Grey Circle is

approximately 2ha and is proposing to keep 2 horses. In this instance, LPP 24 identifies that this may be acceptable, subject to a property management plan being prepared and approved by the Shire which demonstrates that the method of management proposed is unlikely to result in degradation of the land and vegetation.

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Nil

**Site Inspection**

Site inspection undertaken: Yes

Shire officers inspected the property at a pre-arranged time with the applicant in September 2023. The two subject horses were on the property at the time of inspection with some horse manure piles witnessed on the ground. The grounds of the property were well irrigated and pastured. Shire officers consider the property at the time of inspection to be well-kept. Photos of this inspection are provided in Attachment 4

**Environmental Consideration**

The primary environmental consideration for this subject application is the appropriate management of waste, which has been addressed further in this report.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Natural Environment	Possible	Minor	Low	Imposition of appropriate conditions for management of the risks
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

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

Character and amenity of locality

The Shire of Chittering Local Planning Scheme No. 6 provides the following objectives of the Rural Residential zone:

- a) *designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- b) *meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- c) *maintain and enhance the rural character and amenity of the locality.*

The above objectives provide a broad overview of how the Rural Residential zone of the Shire can be developed and in what manner. One key element of these objectives is the direction for this zone to have a rural character and provide for a rural lifestyle. The keeping of horses is considered to be a suitable activity in this zone as it adds to the area’s rural character however, needs to be done in a manner that doesn’t cause a nuisance to neighbours.

The zone objectives also refer to the maintenance of the amenity. The amenity of the locality is characterised by semi-rural lifestyle properties where the predominant land use is residential, but within a natural and rural setting. The keeping of livestock on properties in the Rural Residential zone is not uncommon within the Shire of Chittering and aids in defining the amenity of the area that should be maintained. It is however necessary to understand that the primary role of the Rural Residential zone, is for residential use. As such, any stock being kept needs to be done in such a manner that does not adversely affect another person’s enjoyment of their residence and land.

As noted above, the keeping of stock on land zoned Rural Residential land is not uncommon. Historically, applications for development approval have been issued by the Shire officers under delegated authority from Council and as such, applications such as this may not be presented to Council before. The below table is to provide some historical context around the Shire’s issuance of development approvals for residents to keep livestock animals on their Rural Residential zoned properties, over the past 5 years:

Application Date	Property	Property Size	Approved Animal(s)
February 2023	Gray Road, Bindoon	1.6ha	3 x ponies, 2 x sheep, 1 Alpaca
September 2022	Zebu Road, Lower Chittering	2.8ha	2 x ponies, 1 x mini cow, 4 x alpacas, 7 x sheep, 3 x goats
June 2022	Holstein Loop, Lower Chittering	2.04ha	2 x alpacas
January 2022	Wisteria Way, Chittering	2.23ha	2 x sheep, 3 x horses, 2 x cows
September 2021	Chittering Road, Lower Chittering (Rural Residential)	9.77ha	117 x sheep
October 2020	Ellendale Drive, Lower Chittering	2.00ha	10 x sheep
November 2019	Ayrshire Loop, Lower Chittering	2.03ha	3 x horses
July 2019	Leschenaultia Dr, Chittering	3.20ha	2 x horses
June 2018	Meyer Close, Lower Chittering	2.00ha	2 x horses
January 2018	Gray Road, Bindoon	2.00ha	2 x horses

Rural Pursuit Development Approvals are also granted for the keeping of bees, however have not been captured in the above table as they present different impacts on the neighbours and locality compared to the keeping of livestock.

Waste Management

One of the key aspects of this application is waste management. As provided for in the submission received, concerns are held regarding the increase in flies and the smell that is caused from horse manure. The application as submitted has provided a Property Management Plan which details the proposed waste management measures. Shire officers reviewed the property management and were generally supportive of the measures proposed, however recommend that the requirement to pick-up horse manure daily is imposed as a condition of approval. This is already a requirement of the Shire’s Health Local Law 2017 and is also a recommendation of the Shire’s Environmental Health Department. It is also understood to be the preferred method of horse manure management from the Department of Primary Industries and Regional Development.

Imposing this requirement as a condition of approval will highlight the importance of complying with this aspect of waste management. The removal of horse manure daily will assist in reducing the occurrence of flies attracted to the area, and will help to reduce odour concerns. It will also ensure that should the



paddocks be raked, as proposed in the property management plan, the vast majority of the manure would have already been pick-up, reducing the occurrence of manure being mechanically disturbed and creating further smell.

Water Management

One of the concerns highlighted through the submission received was the escape of irrigation water from the subject property, and carrying manure with it. The irrigation of the paddocks is an important aspect of keeping horses to not only provide feed, but to ensure that ground has vegetation cover to avoid dust issues being created. As a symptom of irrigating paddocks on land with a gentle slope, the escape of water that could potentially contain manure should be controlled. The above waste management measures and the imposition of a condition that requires daily manure pick-up, should mitigate manure leaving the property in excess irrigation water.

In addition to the above, it is further recommended that a condition is imposed that irrigation water shall be contained on the subject property at all times. This could be achieved by installing simple cut-off drainage channels along the lower side of each paddock, to avoid excess irrigation water entering into neighbouring properties. It could also be achieved by closely monitoring the soil of the irrigation areas and adjusting the irrigation regime when the soils become saturated.

This application is retrospective in nature as the two horses are currently occupying the property. The submission received and the concerns need to be given due regard as these are concerns that are allegedly already being experienced. These concerns raised have been experienced prior to the owners of 45 Murray Grey Circle having an endorsed Property Management Plan in place that guides them to suitable management measures of the property that limits the off-site impacts of keeping horses. It is considered that the Property Management Plan, in addition to the recommended conditions of approval, creates a balance that allows horses to be kept at the property, but also takes into consideration the concerns held through the submission. It is officer's recommendation that the application to keep two horses is approved.

As an alternative, and should Council not be comfortable with granting approval, Council can issue a temporary approval for a nominal period (i.e. 2 years) that gives the applicant time to implement the Property Management Plan to mitigate the concerns raised through the submission. At the end of the nominal time period, a further application for development approval would be submitted, readvertised to the nearby landowners and the Shire can then determine if a permanent approval should be granted or not.

It is however, Shire officer's recommendation the subject application be given a permanent approval, subject to appropriate conditions. Any found non-compliance with the approval granted can be investigated and actioned as a compliance matter.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031023**

**Moved Cr Angus, seconded Cr Campbell**

**That Council Grant approval to the application for Development Approval for the keeping of two horses (Rural Pursuit/Hobby Farm) on 45 (Lot 203) Murray Grey Circle, Lower Chittering subject to the following conditions:**

- 1. This approval is for the keeping of a maximum of two horses at the subject property at any one time to the satisfaction of the Shire.**
- 2. The keeping of horses on the subject property shall be in accordance with the approved Property Management Plan and site plan at all times horses are kept on the subject property to the satisfaction of the Shire.**

3. All irrigation water shall be contained on the subject property at all times horses are kept on the subject property to the satisfaction of the Shire.
4. Horse manure shall be collected from the subject property on a daily basis and disposed of in the receptacle identified in the approved Property Management Plan or other approved waste receptacle to the satisfaction of the Shire.

**Advice Notes:**

- a) 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.
- b) 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.
- c) 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.
- d) The applicant is made aware of the Shire's *Health Local Law 2017* and the additional management requirements for the keeping of animals within the Shire of Chittering.
- e) With regard to Condition No. 3, the applicant is made aware that containment of excess irrigation water on the property could be achieved by adjusting and monitoring the irrigation regime or creating cut-off drainage channels (or similar) to ensure any excess irrigation water is contained and disposed of on Lot 203 Murray Grey Circle, Lower Chittering.
- f) With regard to Condition No. 4, the applicant is advised that a further waste receptacle with a greater volume may be necessary in order to dispose of all the waste produced on the property. The applicant should liaise with the Shire's Environmental Health Department if a further waste receptacle is required to ensure an appropriate receptacle is used.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.06PM

**TECHNICAL SERVICES**

Nil

**CORPORATE SERVICES****CS01 – 10/23 List of Accounts Paid for the Period Ending 30 September 2023**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 30 September 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 30 September 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 30 September 2023" is presented to Council for endorsement.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041023</b>                  Moved Cr Curtis, seconded Cr Ross                  That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,181,496.19 , for the period ending 30 September 2023:</p> <ol style="list-style-type: none"> <li>1. PR6457 , PR6465 ;</li> <li>2. EFT25719 – EFT25884 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 7.23PM</small></p>
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**CS02 – 10/23 Monthly Financial Report for the Period Ending 30 September 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 30 September 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 30 September 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.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051023**

**Moved Cr Angus, seconded Cr Campbell**

**That Council receives the Monthly Financial Report for period ending 30 September 2023, as per Attachment 1.**

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.24PM**



**CHIEF EXECUTIVE OFFICER****CEO01 – 10/23 Work Health and Safety Statistics Report – Quarter Ending September 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 – Quarter Ending September 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 September 2023.

**Background**

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

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

g. *Average overtime per person by department.*

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

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

### **Consultation Summary**

#### Local

Nil

#### State

Nil

### **Legislative Implications**

#### State

- *Work Health and Safety Act 2020*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

- *Shire of Chittering Policy 3.7 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 061023**

**Moved Cr Angus, seconded Cr Ross**

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

- 1. Quarterly Report ending September 2023.**
- 2. Monthly Report for September 2023.**
- 3. Incident Report and Training and Development for September 2023.**
- 4. Site Inspections for quarter ending September 2023.**

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.26PM

## CEO02 – 10/23 Review of Council Resolution 160822

Applicant	N/A
File ref	04/03/1
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 review and close Council Resolution 160822.

**Background**

At the Shire's Ordinary Meeting held 17 August 2022 the following motion was adopted:

*SUBSTANTIVE MOTION / COUNCIL RESOLUTION 160822*

*Moved Cr Campbell, seconded Cr Hughes*

*That, in line with Council's adopted position of becoming leaders in the areas of transparency, disclosure and public accountability, Council adopt the following Policy Position with the below wording to be included in Policy 4.10 – Transparency and Accountability:*

- 1. Councillors seeking information from the administration must state the purpose of seeking information and how it is relevant to the performance of their function;*
- 2. A register be kept containing the following information:*
  - a. The name of the Councillor making the request;*
  - b. The stated purpose;*
  - c. The number of hours required to fulfil the request;*
- 3. That once per quarter a report be presented to Council containing the information contained within the register with the report to be presented to the February, April, July and October Ordinary Meetings of Council.*
- 4. To be reviewed by Council in 12 months.*

*CARRIED 5 / 1*

*TIME: 9.50PM*

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

*Against: Cr Dewar*

**Consultation Summary**

Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

- Policy 4.10 – Transparency and Accountability

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational	Unlikely	Minor	Low (4)	Being Accountable and Transparent
<b>Opportunity:</b> None				

**Officer Comment/Details**

The practical implications of the Council Resolution have proved challenging, as it stifles the natural communication between the Chief Executive Officer and Council, and adds an administrative burden due to the lack of appropriate systems to easily track time taken to complete tasks.

A review of the impact of this resolution would reveal that it would add additional tasks and reports to the administration. The role of the Chief Executive Officer is to bring to Council’s attention areas where there might be an administrative burden on officers requiring additional administrative support, therefore the intent of the original motion will be achieved through an open and honest relationship between the Chief Executive Officer and the Councillors, without the need for additional detailed reporting.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071023</b>                  Moved Cr Curtis, seconded Cr Hughes                  That Council review and close resolution 160822 with no further action.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>                  TIME: 7.29PM</p>
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**CEO03 – 10/23 Reconciliation Action Plan**

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

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

**Executive Summary**

Council is requested to review Council Resolution 221020 to commence the preparation of a Reconciliation Action Plan.

**Background**

At the Shire's Ordinary Meeting held 21 October 2020 the following motion was adopted:

<p><b>SUBSTANTIVE / COUNCIL RESOLUTION 221020</b>  <i>Moved Cr Ross, seconded Cr Osborn</i>  <i>That Council instructs the Chief Executive Officer to commence the preparation of a Reconciliation Action Plan for the Shire in the next budget period:</i></p> <ul style="list-style-type: none"> <li><i>The Reconciliation Action Plan should be undertaken in stages, with ongoing development of the Plan over a three year period.</i></li> <li><i>Appropriate engagement with Indigenous people should be undertaken.</i></li> <li><i>One or two Councillors should be appointed to the working party/committee that develops the Reconciliation Action Plan.</i></li> </ul> <p style="text-align: right;"><b>CARRIED 7 / 0</b> TIME: 9.32PM</p>
--

**Consultation Summary**

Local

- Aboriginal Elders

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

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

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational	Rare	Minor	Low (2)	Being Accountable and Transparent
<b>Opportunity:</b> None				

**Officer Comment/Details**

The Chief Executive Officer has engaged with Aboriginal Elders on several occasions, and has met with some on two separate occasions with plans for future engagement to pursue a working relationship and gain insights for a Shire of Chittering Reconciliation Action Plan.



Shire Staff and some Council members have been involved in Cultural Awareness Training conducted on site earlier this year.

In line with Council Resolution 221020 preparation has commenced on this Plan, however, more time is needed to develop this Plan respectfully.

The Chief Executive Officer has made great progress in building relationships with Elders, but availability and full schedules hampers progress. The commitment has not wavered. The process is, however, more protracted than originally anticipated.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081023**

**Moved Cr Ross, seconded Cr Angus**

**That Council instruct the Chief Executive Officer to:**

- 1. Continue to engage with the Aboriginal Elders to identify appropriate local members of the Aboriginal community to engage in consultation.**
- 2. Prepare a Reconciliation Action Plan or other guiding document based on community engagement.**
- 3. Continue to work towards a timeframe of four years to develop and commence implementation of the plan.**

**CARRIED 6 / 1**

TIME: 7.36PM

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

***Against: Cr Dewar***

**CEO04 – 10/23 Council Resolution Action Register**

<b>Applicant</b>	N/A
<b>File ref</b>	
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Council Resolution Action Register – Closed CEO Actions 2. Council Resolution Action Register – Open CEO Actions

	<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 review and receive the report on Actions closed out by the CEO from the Council Resolution Action Register.

**Background**

In the interest of Transparency, the administration keeps a Register of all Council resolutions to track that resolutions have been fully implemented. Mostly a Council Resolution is made during an Ordinary Meeting of Council and the Administration is tasked with the implementation of the resolution. In some cases, however, the Chief Executive Officer is tasked with additional actions which may not necessarily need to be brought back to Council for further resolutions, for the CEO to complete after a decision was made by Council, is a record of all Council Resolutions that require action and a breakdown of steps taken to achieve these outcomes.

Attached to this agenda report it a copy of all resolutions with additional instructions to the CEO that have been closed out in the previous 12 months (*Attachment 1*), as well as a list of items currently open (*Attachment 2*).

**Consultation Summary**Local

- Council

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational	Rare	Minor	Low (2)	Being Accountable and Transparent
<b>Opportunity: None</b>				

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091023**

Moved Cr Hughes, seconded Cr Angus

That Council:

1. Receive the Council Resolution Action Register with the items closed by the Chief Executive Officer from October 2022 until end September 2023 as per Attachment 1.
2. Note that the resolutions listed in the report have been fully implemented and can be considered closed.
3. Receive the update on the Open items on the Council Resolution Action Register as listed in Attachment 2.

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.40PM

**ITEM 10. REPORTS OF COMMITTEES**

Nil

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

Nil

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

**QFM01 – 10/23 Cr John Curtis**

Question: If the Shire of Chittering had a policy to reimburse community organisations for their insurance, would that be legal?

Response: *The Chief Executive Officer responded that you cannot transfer risk to somebody else so somebody needs to take out a policy to insure their activities. What the Shire has done to accommodate groups that are new and have been newly established is to allow dispensation or a grant towards them to help cover the insurance. As per our Policy we cannot take out insurance on their behalf we can only give them in their first 2 years of a newly established group a financial contribution to assist them to buy their own insurance.*

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

Nil

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

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 7.43pm.