



# COUNCIL MINUTES

CONFIRMED: 20 SEPTEMBER 2023

## Ordinary Meeting of Council

7pm, Wednesday 16 August 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 23 August 2023.



**Melinda Prinsloo**  
Chief Executive Officer

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 20 September 2023.



Signed \_\_\_\_\_

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

#### Disclaimer

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

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

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

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



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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
Denaye Kerr	Executive Assistant

Members of the General Public: 1

Media: 0

### **Apologies**

Nil

### **Approved leave of absence**

Nil

**Announcements**

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

Cr Aaron King

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
4 August 2023 President & CEO Meeting  
9 August 2023 Councillor Information Session  
Agenda Forum

Cr Mary Angus

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
4 August 2023 President & CEO Meeting  
9 August 2023 Councillor Information Session  
Agenda Forum

Cr Kylie Hughes

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
9 August 2023 Councillor Information Session  
Agenda Forum

Cr Carmel Ross

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
14 August 2023 Wannamal Community Centre Committee Meeting

Cr John Curtis

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
21 July 2023 Bindoon Mountain Bike Park Reference Group Meeting  
14 August 2023 Rural Road Group Meeting - Moora

Cr Mark Campbell

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
20 July 2023 Bindoon Mountain Bike Park Reference Group Meeting  
9 August 2023 Councillor Information Session  
Agenda Forum

Cr David Dewar

19 July 2023 Councillor Information Session  
Ordinary Meeting of Council  
9 August 2023 Councillor Information Session  
Agenda Forum  
14 August 2023 Wannamal Community Centre 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

##### **PQT01 – 08/23 John Nagel, Chittering Residents and Ratepayers Association**

Question: Has the Council got a policy on mining in the Shire?

Response: *The President advised that Council have a position statement where we are opposed to mining within the Shire.*

Question: I found it a little bit unusual that the Shire is sending out these applications for Chalice Mining for grant funding and yet the Shire has a policy against mining?

Response: *The President advised that the Shire is opposed to mining, we are not opposed to sponsorship. We are looking at entering into a memorandum of understanding or an agreement with Chalice about how they may or may not provide funding for community events or other initiatives but we are still working on that structure. It doesn't change the fact that our position statement is against mining.*

Question: Back two or three years ago there was a committee formed for watching out for mining is that still in operation?

Response: *The President advised that he was a delegate for this group which hasn't met in some time. The Group is still in existence, however they are not currently active.*

### ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

#### Petitions

Nil

#### Presentations

Nil

**Deputations**

Nil

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

**MOTION / COUNCIL RESOLUTION 010823**

Moved Cr Curtis, seconded Cr Ross

That leave of absence be approved as follows:

- Cr Curtis – 21 August 2023 through to 30 August 2023 (inclusive)

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.09PM

**ITEM 7. CONFIRMATION OF MINUTES**

**Ordinary Meeting of Council: 19 July 2023**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020823**

**Moved Cr Campbell, seconded Cr Ross**

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

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.10PM**

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

Nil

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES****DS01 – 08/23 Adoption of Shire of Chittering Public Health and Wellbeing Plan 2023 - 2027**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	GOV.REP.OSH
<b>Author</b>	Principal Environmental Health 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>	1. Draft Shire of Chittering Public Health and Wellbeing Plan 2023 - 2027 2. Shire of Chittering Public Health and Wellbeing Survey 2022

	<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**

In August 2022, Whithers & Associates were engaged to develop the Shire's first Public Health Plan, to set the future direction for when planning for better public health outcomes for the community.

The Shire's Public Health Plan has been developed which is in turn to be integrated into the Shire's Strategic Community Plan 2022 – 2032.

**Background**

Whithers and Associates were engaged to develop the Shire's Public Health Plan as required under the *Public Health Act 2016*.

Part 5 of the *Public Health Act 2016* (transitioning from the *Health (Miscellaneous Provisions) Act 1911*) has been designed to complement the integrated planning process required under section 5.56 of the *Local Government Act 1995* to support and drive ongoing improvements to the health and wellbeing of local communities.

*Public Health Act 2016* part 5 requires the preparation of two types of public health plans:

- State public health plan prepared by the Chief Health Officer; and
- Local public health plans prepared by each local government district.

The State Public Health Plan has been developed by the Chief Health Officer of the WA Department of Health in collaboration with the Mental Health Commission and numerous WA public health experts.

The plan provides high level strategic directions focusing on prevention, health promotion and health protection strategies that aim to prevent disease, illness, injury, disability and premature death in WA.

The Shire's Public Health Plan has been developed, which is in turn to be integrated into the Shire's Strategic Community Plan 2022 – 2032 under the existing strategic outcome S2: 'A Safe and Healthy Community'

## **Consultation Summary**

### Local

The Shire of Chittering residents were consulted in through an online Public Health and Wellbeing Survey conducted in 2022. The results of the survey are included in the Shire of Chittering Public Health and Wellbeing Survey document provided in Attachment 2.

### State

The Department of Health Epidemiology Directorate was consulted in order to obtain data on the health of residents within the Shire.

## **Legislative Implications**

### State

- Public Health Act 2016
- Health (Miscellaneous Provisions) Act 1911

### Local

Nil

## **Policy Implications**

### State

Nil

### Local

Nil

## **Financial Implications**

The Public Health Plan prepared by Whithers & Associates cost \$14,437.00 inc GST. There are no further direct financial implications with the adoption of this Plan.

## **Strategic Assessment / Implications**

### Local

- Strategic Community Plan 2022-2032

Focus area:	Our community
Objective:	S1.1 An active and supportive community
Strategy:	S1.1.1 Strengthen aged, youth and children service access through partnerships and advocacy
Focus area:	Our community
Objective:	S2.1 A safe and health community
Strategy:	S1.2.1 Improve education, health, disability and aged services

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Public Health	Unlikely	Minor	Low	Undertaking public health promotion through the identified community public health outcomes
<b>Opportunity:</b> to promote healthy lifestyle choices to influence the health determinants of community members.				

**Officer Comment/Details**

The factors that determine a person’s health are considered to be the conditions in which a person is born, grows up, lives, works and ages and in turn influences their opportunity to be healthy, their risk of illness and life expectancy. Influencing these determinants of health is considered to be a shared responsibility and is beyond the scope of any one agency or level of government.

Local governments are often considered to be ‘closest to the people’ not only because of the range of services they provide to various local community groups, but also because of the effect of these services on community health and wellbeing. Collectively, these services impact on the determinants of health of residents

The purpose of public health planning is about taking a proactive approach to preventative health, with a focus on achieving public health outcomes for a healthier active community.

The plan is to be integrated into the Strategic Community Plan which can be amended accordingly by inclusion of the recommended public health outcomes.

To influence the residents health determinants the strategies that have been identified in the plan include the following:

- Harm minimisation:
  - Prevent harm from unsafe use of alcohol, drugs, solvents and tobacco;
  - Support education to reduce alcohol and drug consumption and family violence; and
  - Encourage safe sale and service of alcohol and tobacco, and support no/low alcohol and smoke free community venues and events and at Shire facilities.
- Access to recreation facilities and healthy lifestyle choices:
  - Adequate recreation facilities and healthy lifestyle choices;
  - Support community recreation activities and provision of free age- appropriate exercise equipment, programs and classes;
  - Support Livelighter or similar as a community campaign to raise community awareness in healthy eating and living; and

- Measure the adverse health impacts of inactivity and obesity and encourage weight reduction.
- Relevant health services for all demographics:
  - Access to relevant health services for all demographics;
  - Support health and wellbeing initiatives to improve mental and physical health, particularly for young people;
  - Create accessible spaces and encourage disabled, indigenous and other cultural participation; and
  - Encourage personal health screening services such as prostate and cervical cancer, blood pressure and mammograms.
- Environmental health protection to reduce community health risks:
  - Planning a COVID safe and healthy outcome;
  - Keep the community informed with COVID 19 updates, including indigenous and other cultural groups;
  - Implement COVID19 Safety Plans in consultation with emergency authorities and develop risk management guidelines for public events; and
  - Provide community education for personal hygiene, safe sex, home and workplace hygiene, including cleaning and disinfection.

The strategies are intended to mirror the work already underway with all the different programs and services provided to the community. There is more need to collaborate with other agencies to help promote healthy choices and lifestyles within Shire.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030823**

**Moved Cr Angus, seconded Cr Campbell**

**That Council adopt the Shire of Chittering Public Health and Wellbeing Plan 2023 -2027 as provided in Attachment 1.**

**CARRIED UNANIMOUSLY 7 / 0**

**TIME: 7.13PM**

**TECHNICAL SERVICES****TS01 – 06/23 Containers for Change Program – Expression of Interest**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	
<b>Author</b>	Leo Pudhota, Executive Manager Technical Services
<b>Authorising Officer</b>	Melinda Prinsloo, Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Nil

	<b>Authority / Discretion</b>	<b>Definition</b>
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<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)

**Executive Summary**

Following Council Resolution 050223 to advertise an "Expression of Interest", Shire staff have progressed with the expression of interest and the outcome is presented to Council for consideration.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050223</b>  Moved Cr Hughes, seconded Cr Ross  That Council instruct the Chief Executive Officer to advertise an "Expression of Interest" to receive submission to manage and operate Container for Change services within the Shire of Chittering with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The facility would be managed and operated by any community groups, individuals or business organisation.</li> <li>2. A report is brought back to Council with a recommended community group or individual or business organisation for the Council to make a final decision.</li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 7.45PM</small></p>
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**Background**

In 2017, the State Government announced the introduction of the container deposit scheme. As well as diverting waste from landfill, the schemes intent was to boost employment with as many as 500 jobs created at new container sorting and processing facilities, and refund points across metropolitan and



regional Western Australia. The Western Australia Return Recycle Renew (WARRRL) which is a not-for-profit organisation was created to run the Containers for Change scheme in Western Australia.

Following this, an expression of interest process was undertaken, inviting submissions from organisations interested in hosting and managing container receipt points. The Containers for Change program commenced operation in October 2020 and has since recycled over 214 million containers across 214 depots state-wide.

### **Consultation Summary**

#### Local

Executive Manager Technical Services  
Consultation with Landfill Staff and Stakeholders

#### State

Nil

### **Legislative Implications**

#### State

- *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*  
The primary objectives of this Act under Section 5 (1) are to: *“contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste free society by—*
  - a) promoting the most efficient use of resources, including resource recovery and waste avoidance;*  
*and*
  - b) reducing environmental harm, including pollution through waste; and*
  - c) the consideration of resource management options against the following hierarchy—*
    - i. avoidance of unnecessary resource consumption;*
    - ii. resource recovery (including reuse, reprocessing, recycling and energy recovery);*
    - iii. disposal.”*

#### Local

- *Shire of Chittering Waste Local Law 2018*  
Purpose of the local law: To make provisions about the regulation of storage, collection and disposal of waste and recyclable materials in the Shire of Chittering.  
Effect of the local law: To control storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.
- *Under Section 3.14 the Local Government Act 1995, leases for commercial purposes on Council land are considered disposal of property and a legislated process would need to be followed. Exemptions may apply depending on the consideration value and whether a not-for-profit entity is the lessee, amongst other things. In terms of land tenure, the Council owns the Shire Depot/landfill property in freehold with no limitations on the ability to lease.*

### **Policy Implications**

#### State

- *Waste Avoidance and Resource Recovery Strategy 2030*  
The ‘Waste Avoidance and Resource Recovery Strategy 2030’ (the Strategy) sets the objectives, targets and strategies with a vision for Western Australia to become a sustainable low-waste, circular economy, in which human health and the environment are protected from the impacts of waste. The

Strategy has set targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly. It is the task of government, the community and industry to meet the necessary targets through improved technology, procedures and practices. The key strategy elements are shown below:

## Key strategy elements

<b>VISION</b>	Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.			<b>Supporting documents</b> Other documents which align with or support this strategy Waste Avoidance and Resource Recovery Strategy 2030 include the: <ol style="list-style-type: none"> <li>1. Waste Avoidance and Resource Recovery Strategy 2030 Action Plan</li> <li>2. Waste Authority position and guidance statements</li> <li>3. State Waste Infrastructure Plan</li> <li>4. Annual Business Plan</li> <li>5. Waste Data Strategy</li> </ol>
<b>OBJECTIVES</b>	<b>Avoid</b> Western Australians generate less waste.	<b>Recover</b> Western Australians recover more value and resources from waste.	<b>Protect</b> Western Australians protect the environment by managing waste responsibly.	
<b>TARGETS</b>	<ul style="list-style-type: none"> <li>2025 – 10% reduction in waste generation per capita</li> <li>2030 – 20% reduction in waste generation per capita</li> </ul>	<ul style="list-style-type: none"> <li>2025 – Increase material recovery to 70%</li> <li>2030 – Increase material recovery to 75%</li> <li>From 2020 – Recover energy only from residual waste</li> </ul>	<ul style="list-style-type: none"> <li>2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled.</li> <li>2030 – All waste is managed and/or disposed to better practice facilities</li> </ul>	
<b>HEADLINE STRATEGIES</b>	<ol style="list-style-type: none"> <li>1. Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.</li> <li>2. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.</li> <li>3. Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.</li> <li>4. Implement local government waste plans, which align local government waste planning processes with the Waste Avoidance and Resource Recovery Strategy 2030.</li> <li>5. Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.</li> <li>6. Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.</li> <li>7. Review the scope and application of the waste levy to ensure it meets the objectives of Waste Avoidance and Resource Recovery Strategy 2030 and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.</li> <li>8. Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials.</li> </ol>			

6 Waste Avoidance and Resource Recovery Strategy 2030 Western Australia's Waste Strategy

### Local

Nil

### Financial Implications

Fencing a portion of the land at Muchea Landfill or Bindoon Landfill for lease and providing a farm gate - \$20,000.

Initial Peppercorn lease of at least 10 years must be offered to the organisation, to establish a refund point with the option the infrastructure be left for the Shire at no cost.

If infrastructure is provided by Shire; a Shed, fencing and toilet facilities, Shire needs to budget \$300,000 per site.

### Strategic Assessment / Implications

#### Local

- Strategic Community Plan 2022-2032

Focus area: Natural Environment

Objective: S2.1 Sustainable lifestyle

Strategy: S2.1.2 Improved waste management and recycling practices

**Submission Summary**

Shire’s Containers for Change “Expression of Interest”, (along with a submission form on website) was advertised on Shire website from 13<sup>th</sup> April 2023, as well as in Local newspaper and Facebook.

Applicants were requested whether they would be able to meet minimum requirements (please note below) and preference options.

- Minimum requirements to manage and operate container for change, are as follows:
- Shed: 10 mt x 10 mts and storage area, 10 mts x 10 mts, Or, Shed: 20 mts x 10 mts
  - Toilets: Minimum 1 unisex.
  - Parking area.
  - Trucks access to pick up containers.
  - Power to the Shed to operate payments.
  - Tables for sorting containers.

At the close of submission period - at 4pm, on May 10, 2023, Shire received three submissions:

1. Bindoon & District Historical Society.
2. Bindoon Arts & Crafts Inc
3. Good Sammy Enterprises

The following are excerpts from the EOI submissions for each of the respondents:

**Submission 1 - Bindoon & District Historical Society.**

1. Does the community groups, individuals or business organisations have own premises for container for change operations?  
Yes  No
  
2. If yes does you premises have infrastructure (minimum requirements above) to operate Container for Change operations.  
Yes  No  Can install if successful (own cost)
  
3. If No, which location do you prefer to run your container for Change operations from:  
Bindoon Landfill  Muchea Landfill  Bindoon and Muchea
  
4. Will you be installing (own cost) the infrastructure (Minimum requirements above) at the Shire provided location.  
Yes  No
  
5. Would you be seeking Shire to install infrastructure (minimum requirement above) at the provided location.  
Yes  No

**Submission 2 - Bindoon Arts & Crafts Inc**

1. Does the community groups, individuals or business organisations have own premises for container for change operations?  
Yes  No
2. If yes does you premises have infrastructure (minimum requirements above) to operate Container for Change operations.  
Yes  No  Can install if successful (own cost)
3. If No, which location do you prefer to run your container for Change operations from:  
Bindoon Landfill  Muchea Landfill  Bindoon and Muchea
4. Will you be installing (own cost) the infrastructure (Minimum requirements above) at the Shire provided location.  
Yes  No
5. Would you be seeking Shire to install infrastructure (minimum requirement above) at the provided location.  
Yes  No

**Submission 3 - Good Sammy Enterprises**

1. Does the community groups, individuals or business organisations have own premises for container for change operations?  
Yes  No
2. If yes does you premises have infrastructure (minimum requirements above) to operate Container for Change operations.  
Yes  No  Can install if successful (own cost)
3. If No, which location do you prefer to run your container for Change operations from:  
Bindoon Landfill  Muchea Landfill  Bindoon and Muchea
4. Will you be installing (own cost) the infrastructure (Minimum requirements above) at the Shire provided location.  
Yes  No
5. Would you be seeking Shire to install infrastructure (minimum requirement above) at the provided location.  
Yes  No

All submissions were closely reviewed and evaluated by Shire officers and a summary for each of the submissions is as follows:

**Submission 1 - Bindoon & District Historical Society**

The Bindoon and Districts Historical Society was formed in 1997 primarily to research, foster and maintain heritage sites and memorabilia from within the Shire of Chittering. Located within the Shire. Bindoon & District historical society is represented by Bindoon Museum, Bindoon Mens Shed and Bindoon Arts and Crafts. They provide lot of services to local communities and are actively involved with all ages through Mens shed.

**Submission 2 - Bindoon Arts & Crafts Inc**

Located within the Shire. Bindoon Arts and Crafts has commenced non-for-profit services since 1988, volunteers at events for community and run a consignment-based shop. The Craft Shop enables members to sell their home-made crafts.

These above organisations, if successful request Shire to provide premises and infrastructure (Minimum requirements to manage and operate containers for Change).

**Submission 3 - Good Sammy Enterprises**

Good Sammy Enterprises are currently running two container for change refund points within the City, claim affiliation with the Shire as a couple of their staff reside within the Shire of Chittering and their organisation provides home donation services within the Shire boundaries.

Their mission is to provide employment to people with disabilities and are happy to take paid local staff/volunteers depending on the requirements.

If successful, this organisation requests Shire to provide premises and they are keen to invest in installing the infrastructure (Minimum requirements to manage and operate containers for Change) on Shire provided premises.

State

States strategic plan of reducing waste to landfill.

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Compliance</b>	Unlikely	Minor	Low	Ensuring compliance with landfill licence conditions, and the WAARL Act
<b>Opportunity:</b> Promoting waste reduction through community education using website and social media				

**Officer Comment/Details**

This report was workshopped at the Council information session on 12 July 2023. Following direction from the Council, the Chief Executive Officer and Executive Manager Technical services met with representatives of **Bindoon & District Historical Society** and **Bindoon Arts & Crafts Inc** on the process involved in running the Containers for Change deposit scheme, to ensure that there are no misconceptions to the requirements.

Following these meetings which provided additional information to the groups, the Shire has received confirmation in writing from both Bindoon & District Historical Society and Bindoon Arts & Crafts Inc of their withdrawal, as follows:

“Thank you for taking the time to meet with our committee members and provide the detailed costs and processes required for the Containers for Change Deposit Scheme.

In consideration of the in-depth requirements to operate the Deposit Scheme the Bindoon & District Historical Society wish to advise you of the withdrawal of their Expression of Interest submission.”

And (from Bindoon Arts & Crafts Inc)...

“We appreciated the time taken to present the financial model to our groups but considering the amount of work that would have to be undertaken to run the scheme we will have to decline and withdraw our expression of interest.”

Given that Good Samaritan Enterprises currently have 2 container refund points and are looking to establish a third, they are fully *au fait* with the requirements of running such a facility. The risk of a failed operation is thus mitigated. Furthermore, the Shire would not need to fund the installation of infrastructure (minimum requirement to manage and operate a containers for change), an estimated saving of \$300,000, which is an investment in permanent infrastructure in the Shire by Good Samaritan Enterprises.

With Good Samaritan Enterprises being the sole remaining Expression of Interest, the recommendation is to commence negotiations with them to take over the Shire’s Containers for Change services, with the Shire providing an appropriate area (at a peppercorn lease) for the group to establish the necessary infrastructure.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040823**

**Moved Cr Ross, seconded Cr Angus**

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

- 1. Accept Good Samaritan Enterprises trading as Good Sammy submission to manage and operate Containers for Change services within the Shire of Chittering at their chosen location, either at Muchea Landfill or Bindoon Landfill;**
- 2. Negotiate a peppercorn lease with Good Samaritans Enterprises for the land where the facility will be constructed;**
- 3. Offer an initial 10 year lease agreement with a potential 10 years lease extension following mutual agreement between both parties;**
- 4. Inform Good Samaritans Enterprises of the minimum required infrastructure to be constructed by Good Samaritans Enterprises, and that all Infrastructure built on the premises will become the property of the Shire at the end of the lease period;**
- 5. Report to Council on the outcome of these negotiations, for final adoption of the agreement.**

**CARRIED 6 / 1**

TIME: 7.32PM

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

**Against: Cr Curtis**

**FORESHADOWED MOTION**

That Council defer item TS01 – 08/23 for six months to enable the Chief Executive Officer to address the challenges as stated in the officers report of item TS02 – 02/23, so that the Shire continues to operate the containers for change more efficiently.

**CORPORATE SERVICES****CS01 – 08/23 List of Accounts Paid for the Period Ending 31 July 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 July 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 July 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 2023/24 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

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

**Officer Comment/Details**

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050823</b>                  Moved Cr Campbell, seconded Cr Angus                  That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$2,211,253.95, for the period ending 31 July 2023:</p> <ol style="list-style-type: none"> <li>1. PR6088 , PR6095, PR6089 ;</li> <li>2. EFT25479 – EFT25605 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 7.33PM</small></p>
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**CHIEF EXECUTIVE OFFICER****CEO01 – 08/23 Work Health and Safety Statistics Report – July 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 – July 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 July 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 060823**

**Moved Cr Hughes, seconded Cr Angus**

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

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

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 7.35PM

**CEO02 – 08/23 Minutes with Recommendations to Council from the Bindoon Mountain Bike Park Project Reference Group Meeting held 21 July 2023**

<b>Applicant</b>	N/A
<b>File ref</b>	ECDEV – PROJECT – MOUNTAIN BIKE
<b>Author</b>	Scott Clayton, Deputy Chief Executive Officer
<b>Authorising Officer</b>	Melinda Prinsloo, Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Officer Recommendation 1 – Simple Majority Officer Recommendation 2 – <b>Absolute Majority</b>
<b>Attachments</b>	1. Bindoon Mountain Bike Park Project Reference Group Minutes 210723 2. PowerPoint Presentation

	<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 receive the unconfirmed minutes of the meeting of the Bindoon Mountain Bike Park Project Reference Group held 21 July 2023 and to consider endorsing recommendations made to Council during that meeting.

**Background**

At the Ordinary Meeting of Council held 15 March 2023, the following resolution was made:

<p><b>SUBSTANTIVE MOTION / COUNCIL RESOLUTION 160323</b>  Moved Cr King, seconded Cr Ross  That Council:</p> <ol style="list-style-type: none"> <li>Approve the Bindoon Mountain Bike Park Project Reference Group as an Advisory Group of Council.</li> <li>Appoint Cr Campbell as Council Delegate and Cr Curtis as Deputy to the Bindoon Mountain Bike Park Project Reference Group, with the Council Delegate responsible to chair the User Group Meetings.</li> <li>Approve the Terms of Reference, confirming the content, but separating the Roles and Responsibilities to improve clarity.</li> <li>Instructs the CEO to seek public nominations of two community members to serve on the Mountain Bike User Group.</li> </ol>
--

5. *Delegate the authority to the CEO to appoint the two community members according to the selection criteria in the event that more than two applications are received.*

*CARRIED UNANIMOUSLY 7 / 0*  
*TIME: 8.00PM*

At the following Ordinary Meeting of Council held 19 April 2023 a further Council Resolution was made:

*SUBSTANTIVE MOTION / COUNCIL RESOLUTION 240423*

*Moved Cr Campbell, seconded Cr Ross*

*That Council:*

- 1. Note that Ashlee Young and Paul Groves have been appointed to the Bindoon Mountain Bike Park Project Reference Group; and*
- 2. Approve the inclusion of one representative from the Chittering Tourism Association and one representative from the Chittering Chamber of Commerce to be added to the Bindoon Mountain Bike Park Project Reference Group.*
- 3. Instruct the Chief Executive Officer to invite each group to nominate one delegate and a substitute to serve on the Reference Group.*

*CARRIED UNANIMOUSLY 7 / 0*  
*TIME: 8.39PM*

Subsequent to this decision the Chittering Chamber of Commerce declined to participate in the working group.

As per its Terms of Reference the group is to make recommendations on:

- The Bindoon Mountain Bike Park official name along with considerations from community consultation.
- The Bindoon Mountain Bike Park logo design.
- Trail names for all stages of proposed trail development.
- Designs and concept plans for the development of the parks trails and infrastructure.
- Provide valuable input into considerations in regard to the Mountain Bike Park's operational activities.

### **Consultation Summary**

#### Local

Bindoon Mountain Bike Park Project Reference Group

#### State

Nil

### **Legislative Implications**

#### State

*Local Government Act 1995*

*Section 6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Should sponsorship be unsuccessful for the additional portion of trail that requires construction an additional cost of \$20,000 will be incurred that is currently not included in the annual budget.

**Strategic Assessment / Implications**

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

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

Local

- Strategic Community Plan 2022-2032

Focus Area: Economy

Objective: S4.1 Economic Growth

Strategy: S4.1.1 Support investment which stimulates sustainable industries, business and job growth

Objective: S4.2 Local Business Growth

Strategy: S4.2.1 Encourage and support businesses and new investments for the future

Objective: S4.3 Increase Visitors

Strategy: S4.2.1 Support and promote accommodation options

S4.3.2 Facilitate, promote and support visitation

S4.3.3 Increase in nature based tourism and agritourism

Focus Area: Administration and Governance

Objective: S5.1 An engaged Shire

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

Objective: S5.2 Accountable and Transparent Governance

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

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

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

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

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

**Officer Comment/Details**

Prior to the establishment of this Reference Group administration at the Shire regularly liaised with both the Chittering Mountain Bike Club (CMBC) and a Bindoon Mountain Bike User Group in the development of the park to date.

File notes show that communications were thorough between all these parties. The requests for Council endorsement contained within this agenda item were previously discussed in detail amongst these stakeholders and reflect decisions previously made at these meetings albeit no formal minute records exist.

Therefore, the primary purpose of this first meeting of the working group was to formalise these requests to Council to further progress the project. There were three items on the agenda that resulted in formal requests to Council for endorsement.

Firstly, the official name of the Mountain Bike Park. The reference group was briefed with regard to the history of the previous user group and the CMBC involvement in identifying a preferred name for the park.

File notes showed that the CMBC undertook community consultation on a park name.

Following this consultation, the user group met (inclusive of the CMBC) and proposed that the name of the park be "Bindoon Mountain Bike Park".

There was some discussion about alternative options for names, but ultimately a succinct name that clearly identified the location of the park to visitors was preferred.

Secondly, the trail names. File notes stated that the CMBC consulted on proposed trail names. Following the consultation, the User Group met and recommended the following names:

Trail No	Type	Trail Name Suggestion	Reasoning
1	Green Loop	Chinkabee Trail	Hill is known locally as Chinkabee Hill
2	Green Link	Shearing Shed Link	Links to the trailhead with the "Shearing Shed" shelter
3	Green Downhill	Dirt Drags	Reference to Bindoon Dirt Drags - suggestion from trail builder
4	Blue Downhill	Flock Yes	Flowy fun blue trail, sheep reference
5	Black Downhill	Black Sheep	Black trail through the sheep paddock
6	Blue XC	Ewe-Turn	Trail takes you back up the hill, sheep reference
7	Blue Downhill	Ten 80	Referring to the poison peas / 1080 poison found in this area
8	Black Downhill	DoonHill	Sam Hill designed trail

In addition to suggesting names for the 8 stage one trails, there is also a need to complete a small section of another trail to allow for the park to be opened. Therefore, this also required a name suggestion.

Other names shortlisted by the User Group for future trails were:

Trail Name Suggestion	Reasoning
Off to Market	Reference to previous land use as sheep farm
Mutton Busting Run	Reference to previous land use as sheep farm
Ewe-phoria	Could lead into Ewe Turn - e.g. trail 13 on the map
Xanthorrea Diarrhoea	Xanthorrhoea is the name for grasstree
Yandirt	Aboriginal name for Chittering Valley Could have the walk trail to the summit called the Yandirt Trail?
Lambs Leap	For kids trail?
Cowslip	Named after the orchid found there "Cowslip Orchid"
Ore-Shards	For a rocky trail
Pat and Ernie's Pass	Could be used instead of the Shearing Shed Link trail or for the Access Rd?

During discussion, it was pointed out that a trail in the proposed stage two may be better suited for the "Dirt Drags" name. It was suggested that this name be held over and a new name be chosen for trail 3.

General discussion settled on the name "Cowslip" for trail 3 and "Off to Market" for the small section of link trail to be constructed.

In relation to the additional section of trail to be constructed to allow for the park to be opened at the completion of stage of stage one, the intention is to seek sponsorship from third parties to assist in funding it. Any shortfall would need to be funded via a budget amendment.

During this undertaking, the Chief Executive Officer will also seek sponsorship for future trails that form part of stage 2 of the project.



Finally, the reference group were asked to decide on a park logo. Five different logo options that had previously been develop and discussed with the User Group were presented.

Options



There was a brief discussion, but overall, there was a clear preference for option 2.

**OFFICER RECOMMENDATION 1 / COUNCIL RESOLUTION 070823**

Moved Cr Campbell, seconded Cr Ross

That Council:

1. Receive the unconfirmed minutes of the Bindoon Mountain Bike Park Project Reference Group Meeting held 21 July 2023.
2. Officially name the Mountain Bike Park located across Lot 801 on Plan 423293 and Lot 3874 on Plan 175546 "Bindoon Mountain Bike Park".
3. Officially name the trails on the Bindoon Mountain Bike Park as follows:

Trail No	Trail Name
1	Chinkabee Trail
2	Shearing Shed Link
3	Cowslip
4	Flock Yes
5	Black Sheep
6	Ewe-Turn
7	Ten 80
8	DoonHill
21	Off to Market

4. Select Option 2 as identified in the Officer’s Comment of this item as the logo for the Bindoon Mountain Bike Park.

**CARRIED 6 / 1**

TIME: 7.54PM

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

*Against: Cr Dewar*

AMENDMENT

Moved Cr Ross, seconded Cr Hughes

That the name for Trail 7 be amended to Mutton Busting Run.

LOST 3 / 4

TIME: 7.44PM

*For: Cr Ross, Cr Hughes, Cr Dewar*

*Against: Cr King, Cr Angus, Cr Campbell, Cr Curtis*

AMENDMENT

Moved Cr Dewar, seconded Cr Ross

That the name for Trail 4 be amended to Merino.

LOST 2 / 5

TIME: 7.51PM

*For: Cr Dewar, Cr Ross*

*Against: Cr King, Cr Angus, Cr Campbell, Cr Curtis, Cr Hughes*

**OFFICER RECOMMENDATION 2 / COUNCIL RESOLUTION 080823**

Moved Cr Campbell, seconded Cr Hughes

That Council by an **ABSOLUTE MAJORITY**:

1. Instruct the Chief Executive Officer to seek sponsors for the connecting trail and other trails identified in the Stage 2 Concept Plan.
2. In accordance with section 6.8 of the Local Government Act 1995, authorise a budget amendment of \$20,000 to construct the link trail, should sponsorship applications be unsuccessful.

**CARRIED 6 / 1**

TIME: 8.01PM

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

*Against: Cr Dewar*

**CEO03 – 08/23 Corporate Performance Report – Quarter 4 (30 June 2023)**

<b>Applicant</b>	N/A
<b>File ref</b>	
<b>Author</b>	Corporate Performance 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>	<ol style="list-style-type: none"> <li>1. Corporate Performance Summary Report 2022/23 – Quarter 4</li> <li>2. Annexure 1: Corporate Performance Scorecard (detailed performance information) – Quarter 4</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 type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<b><i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i></b>

**Executive Summary**

Council is requested to receive the Shire of Chittering Quarter 4 Corporate Performance Report (CBP) 2022/23. The Report illustrates the Shire's performance results for the 2022/23 financial year and is aligned to the Shire of Chittering Corporate Business Plan that was adopted during the financial year.

**Background**

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

The purpose of the Corporate Performance Report is to provide Council with regular updates on how we are progressing towards achieving the outcomes and strategies that were adopted by Council and set out in the Strategic Community Plan (SCP) and CBP. These strategic documents are respectively 10-year and 4-year plans, illustrating our long and medium term goals.

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

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

This report includes the following sections:

1. **Strategic Performance:** provides a strategic overview of quarter 4 performance against the community aspirations (Strategic Objectives) and desired outcomes set out in the SCP; and Council adopted strategies outlined in the CBP - (**Attachment 1**);
2. **Financial performance:** summary of results against the Annual Budget as at the end of quarter 4 - (**Attachment 1**);
3. **Operational performance:** outlines a detailed overview of quarter 4 performance against the annual actions, set out in the AOP (year 1 of the CBP) (**Attachment 2**).

Some of the key results for quarter 4, include:

- **81%** of the annual actions were either completed or on target by the end of June 2023.
- The statement of financial activity shows a **surplus of \$4,261,976** as at 30 June 2023.
- The Shire has spent **67%** (\$10,385,946.66 of the YTD budget of \$15,669,207) on capital works projects.

### **Consultation Summary**

#### Local

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

Administration has implemented a Corporate Performance Reporting Process that are aligned to the Integrated Planning and Reporting Framework. This is the first year of implementing a Corporate Performance Reporting Process. The process has been implemented through various workshops and feedback sessions with the Executive Management Team and staff members.

#### State

Nil

### **Legislative Implications**

#### State

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

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

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

#### Local

Nil

### **Policy Implications**

#### State

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

Local

Nil

**Financial Implications**

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

**Strategic Assessment / Implications**

- Integrated Planning and Reporting

Focus area: Administration and Governance  
 Objective: S5.2 Accountable and Transparent Governance  
 Strategy: S1.1.1 Become a leader in the areas of transparency, disclosure and public accountability.

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

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

**Officer Comment/Details**

That Council accepts the Quarter 4 Corporate Performance Report 2022/23.

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090823</b>  <b>Moved Cr Angus, seconded Cr Ross</b>  <b>That Council accepts the Quarter 4 Corporate Performance Report 2022/23 as per Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 8.05PM</small></p>
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**CEO04 – 08/23 Community Development Policy 6.7 – Community Assisted Transport Service (CATS)**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Author</b>	Executive Management 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. Community Development Policy 6.7 – Community Assisted Transport Service (CATS) Policy

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
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<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 adopted its Annual Budget in June of this year, which contained a change in the fee amount for the Community Assisted Transport Service (CATS). It is requested to endorse the amendments to the Community Development Policy 6.7 – Community Assisted Transport Service (CATS) Policy as per the attachment, to reflect the new “Fees and Charges” schedule.

**Background**

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act and must come back to Council to be altered and/or changed.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;

- to enable electors to obtain immediate advice on matters of Council Policy.

So as to alleviate the need to “double-up” when new Fees and Charges are adopted, the policy will be amended to reference the most up to date information / fees and charges amounts.

### Consultation Summary

#### Local

- Chief Executive Officer
- Community Development Co-ordinator

#### State

Nil

### Legislative Implications

#### State

Section 2.7(2)(b) of the *Local Government Act 1995* states:

#### **2.7. Role of council**

- (1) The council —
  - (a) governs the local government’s affairs; and
  - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s policies.

Section 5.41 of the *Local Government Act 1995* states:

#### **5.41. Functions of CEO**

The CEO’s functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance  
 Objective: S5.2 Outcome: Accountable and Transparent Governance  
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

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

**Officer Comment/Details**

The newly adopted Fees and Charges have already been adopted by Council, at the June Ordinary Council Meeting and this is just an administrative update of the current policy, so as to reflect current, and correct, information to the general public; as delineated in attachment 1.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100823</b>  <b>Moved Cr Angus, seconded Cr Campbell</b>  <b>That Council adopt the amended Community Development Policy 6.7 – Community Assisted Transport Service (CATS) Policy, as provided in Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY 7 / 0</b>  <small>TIME: 8.06PM</small></p>
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**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 – 08/23 Cr John Curtis**

Question 1: Have we got a map of the heritage sites in the Shire available?

*Response: Available of the Department of Planning Lands and Heritage website.*

Question 2: Can the Shire assist or subsidise public liability for community groups?

*Response: No the local government cannot.*

Question 3: What is the scope of what is covered in those grants?

*Response: Taken on notice.*

**QFM01 – 08/23 Cr Aaron King**

Question: Can the CEO please provide at the September 2023 Ordinary Council Meeting, an itemised cost breakdown of ALL costs for the Bindoon Mountain Bike Park against the previously endorsed Council Resolutions and other approved budgets (inclusive of all land purchase costs)?

*Response: Yes*

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

Nil

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

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 8.13pm.