



# COUNCIL MINUTES

CONFIRMED: 18 SEPTEMBER 2024

## Ordinary Meeting of Council

7pm, Wednesday 21 August 2024

Council Chambers, 6177 Great Northern Highway, Bindoon

## PUBLIC QUESTION TIME

### 1. Time Permitted

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

### 2. Protocol

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

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

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

### 3. General Rules

The following general rules apply to Public Question Time:

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

## DEPUTATIONS

### 1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

### 2. Protocol

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

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

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

### 3. General Rules

The following rules apply when making a Deputation:

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

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

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### **Objective**

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

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

### **Recording of Proceedings**

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

### **Access to Recordings**

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

### **Retention of Recordings**

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

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

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

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

#### PREFACE

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

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

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

#### UNCONFIRMED MINUTES

These minutes were approved for distribution on 26 August 2024.



**Melinda Prinsloo**  
Chief Executive Officer

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 18 September 2024.



Signed \_\_\_\_\_

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

#### Disclaimer

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

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

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

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



## CONTENTS

<b>ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....</b>	<b>7</b>
<b>ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS..</b>	<b>7</b>
Attendance .....	7
Apologies .....	7
Approved leave of absence.....	7
Announcements .....	8
<b>ITEM 3. DISCLOSURE OF INTEREST .....</b>	<b>9</b>
<b>ITEM 4. PUBLIC QUESTION TIME .....</b>	<b>9</b>
Response to previous public questions taken on notice .....	9
Public question time .....	9
<b>ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS .....</b>	<b>9</b>
Petitions .....	9
Presentations .....	9
Deputations .....	9
DEP01 – 08/24 Jai Stokes.....	9
<b>ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>9</b>
<b>ITEM 7. CONFIRMATION OF MINUTES .....</b>	<b>10</b>
Ordinary Meeting of Council: 17 July 2024.....	10
<b>ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER .....</b>	<b>10</b>
<b>ITEM 9. REPORTS .....</b>	<b>10</b>
<b>DEVELOPMENT SERVICES .....</b>	<b>11</b>
DS01 – 08/24 Application for Development Approval – Mobile Egg Farm (Animal Husbandry – Intensive) – Lot 8 (RN 221) Pines Road, Wannamal .....	11
<b>TECHNICAL SERVICES .....</b>	<b>25</b>
TS01 – 08/24 Proposed Speed Reduction along a Portion of Great Northern Highway, Muchea.	25
<b>CORPORATE SERVICES .....</b>	<b>30</b>
CS01 – 08/24 List of Accounts Paid for the Period Ending 31 July 2024.....	30
CS02 – 08/24 Wildflower Ridge - Method of Valuation – Deposited Plan 422538.....	32
CS03 – 08/24 Maryville Estate - Method of Valuation - Deposited Plan 425766 .....	36
<b>CHIEF EXECUTIVE OFFICER .....</b>	<b>40</b>
CEO01 – 08/24 Work Health and Safety Statistics Report – July 2024.....	40
CEO02 – 08/24 WALGA Annual General Meeting 2024 Voting Delegates .....	43
CEO03 – 08/24 End of Year Corporate Performance Report 2023/24 .....	46
CEO04 – 08/24 Reconciliation Action Plan Roadmap 2024-2026.....	49

<b>ITEM 10. REPORTS OF COMMITTEES.....</b>	<b>52</b>
<b>ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>52</b>
<b>ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....</b>	<b>52</b>
QMWN01 – 08/24 Cr Mark Campbell .....	52
<b>ITEM 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .....</b>	<b>52</b>
<b>ITEM 14. MEETING CLOSED TO THE PUBLIC.....</b>	<b>53</b>
Matters for which the meeting may be closed .....	53
<b>ITEM 15. CLOSURE .....</b>	<b>53</b>

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

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

The Presiding Member declared the meeting open at 7.01pm.

## **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 David Dewar	
Cr Carmel Ross	
Cr Mark Campbell	
Cr Kylie Hughes	
Cr John Curtis	

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Leo Pudhota	Executive Manager Technical 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

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
9 August 2024 President & CEO Meeting  
14 August 2024 Councillor Information Session  
Agenda Forum

Cr Mary Angus

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
9 August 2024 President & CEO Meeting  
14 August 2024 Councillor Information Session  
Agenda Forum

Cr Kylie Hughes

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
12 August 2024 Muehea Recreation Centre User Group Meeting  
14 August 2024 Councillor Information Session  
Agenda Forum  
15 August 2024 Sandown Park User Group Meeting

Cr Carmel Ross

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
14 August 2024 Agenda Forum

Cr John Curtis

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
14 August 2024 Councillor Information Session  
Agenda Forum

Cr Mark Campbell

17 July 2024 Councillor Information Session  
Ordinary Meeting of Council  
14 August 2024 Councillor Information Session  
Agenda Forum  
15 August 2024 Sandown Park User Group Meeting  
19 August 2024 Chittering Tourism Advisory Group Meeting



*Cr David Dewar*

17 July 2024

Councillor Information Session  
Ordinary Meeting of Council

12 August 2024

Wannamal Community Centre Meeting

14 August 2024

Councillor Information Session  
Agenda Forum

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

Nil

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

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

Nil

#### **Public question time**

Nil

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

#### **Petitions**

Nil

#### **Presentations**

Nil

#### **Deputations**

**DEP01 – 08/24 Jai Stokes**

Speaking for Officer Recommendation DS01 – 08/24 Application for Development Approval – Mobile Egg Farm (Animal Husbandry – Intensive) – Lot 8 (RN 221) Pines Road, Wannamal.

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

Nil

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 17 July 2024

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010824**

Moved Cr Ross, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 17 July 2024, as published on the Shire website, be confirmed.

**CARRIED 7 / 0**

TIME: 7.13PM

*For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Dewar, Cr Curtis*  
*Against: Nil*

## ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- Congratulations to the Wannamal Volunteer Bushfire Brigade for winning this year's Hew Davies Trophy. Thank you to all the Brigades and Incident Support Brigades for participating in the event.
- The Taste of Chittering is being held this Sunday at Nesci Estate. This is an annual family friendly event that showcases our local producers and it would be great to see everyone there.
- Chief Executive Officer will be on leave from the 22 August through to 1 September (inclusive). Jake will be Acting in Melinda's absence.

## ITEM 9. REPORTS

**DEVELOPMENT SERVICES****DS01 – 08/24 Application for Development Approval – Mobile Egg Farm (Animal Husbandry – Intensive) – Lot 8 (RN 221) Pines Road, Wannamal**

<b>Applicant</b>	Jai Stokes (On behalf of Bushcrest Enterprises Pty Ltd – Landowners)
<b>File ref</b>	A11381
<b>Author</b>	Senior Planning Officer
<b>Authorising Officer</b>	Principal Planning 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. Site Plan</li> <li>2. Property Management Plan</li> <li>3. Schedule of Submissions</li> <li>4. DPIRD Stable Fly Management Plan</li> </ol>

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

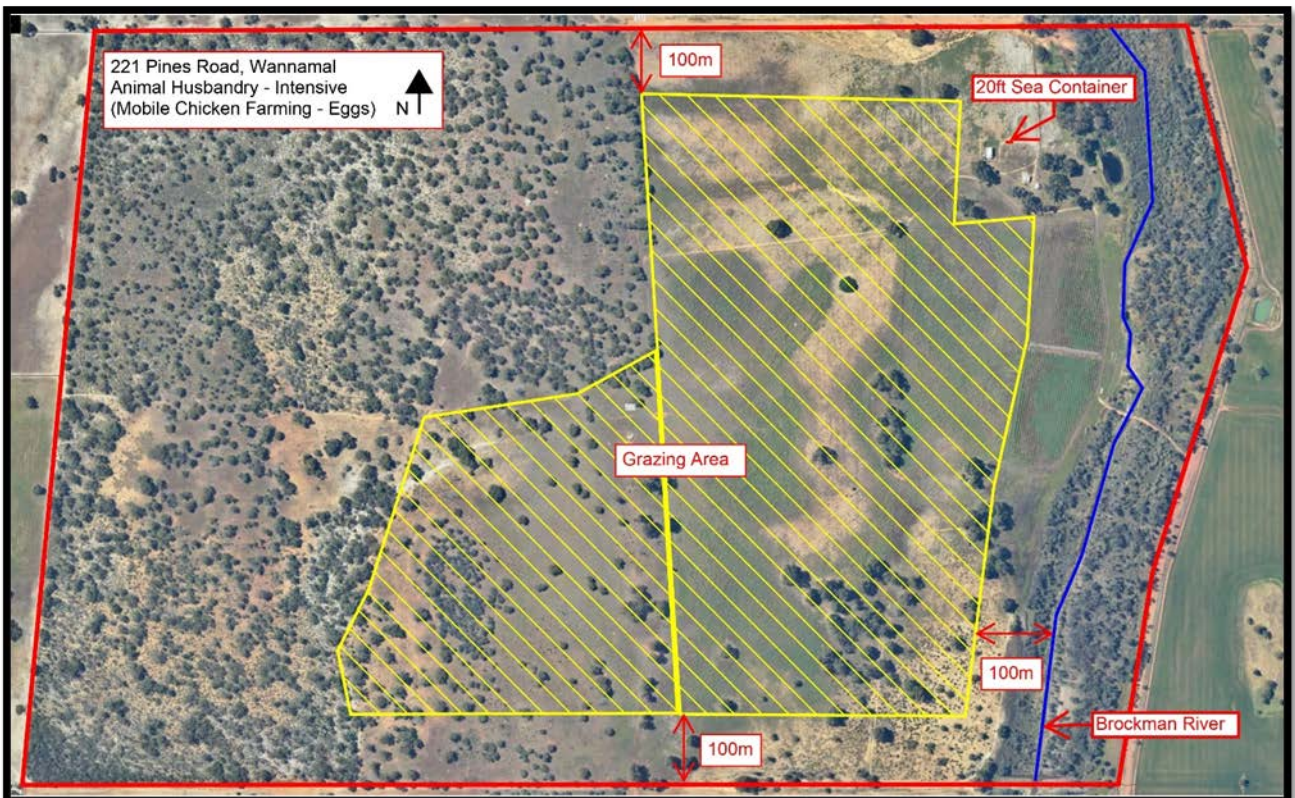
**Executive Summary**

Council is requested to consider an Application for Development Approval for the establishment of a mobile free-range egg farm (Animal Husbandry – Intensive) on Lot 8 Pines Road, Wannamal. The proposal consists of four mobile chicken caravans each capable of housing 500 chickens. This application is required to be determined by Council due to an objection to the application being received during the advertising period.

Location Plan



Site Plan



## **Background**

An Application for Development Approval was submitted to the Shire for the establishment of a free-range mobile egg farm on Lot 8 Pines Road, Wannamal. The proposal consists of mobile chicken housing units (chicken caravans) to house up to 2,000 chickens in total. Four chicken caravans are proposed, each having the ability to house 500 chickens. Eggs are to be collected from each caravan and then processed/packaged in a proposed 20ft sea container in the north-east portion of the property, next to the existing dwelling. No sale of eggs is proposed to occur directly from the property. The caravans are proposed to be restricted to no closer than 100m from the property's boundaries.

Following a period of mandatory advertising, an objection was received by an adjoining landowner (discussed below in the consultation period of this report) and therefore this report has been prepared and put forward for Council's consideration.

Lot 8 is approximately 185 hectares in size and the proposal will utilise approximately 43 ha of land to graze 2,000 chickens, with the chicken caravans proposed to be rotated every 2-3 days to allow the chickens to access new pastures. This will assist in reducing the risk of over-grazing and over-fertilisation of previous pasture areas. Attachments 1 and 2 outline the proposed site plan and the property management plan provided by the applicant to support the proposal.

Lot 367 is zoned as 'Agricultural Resource' under the Shire's Local Planning Scheme No. 6 (LPS6) and is located within the LPS6 Special Control Area for Landscape Protection. The proposal is categorised as an 'Animal Husbandry-Intensive' use class under LPS6 which has an 'A' permissibility in the Agricultural Resource zone (not permitted unless the Local Government grants Development Approval following a period of advertising).

## **Consultation Summary**

### Local

In accordance with Sch. 2, Pt. 8, Cl. 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), the application was advertised to surrounding landowners for a period of 21 days. A sign was also placed outside the entrance to the property in accordance with the Regulations. One submission was received, this submission objected to the proposal on the grounds of:

- Erosion;
- Dust concerns;
- Stable Fly concerns; and
- Increase of fox risk.

A copy of this adjoining landowner's submission is provided in Attachment 3 of this report, including the applicant's response to the concerns raised and the Shire officer's comment.

### State

In accordance with Sch. 2, Pt. 9, Cl. 66 of the Regulations, the application was referred to the following Government agencies for comment:

- Chittering Landcare (Landcare);
- Department of Primary Industries & Regional Development (DPIRD);
- Department of Water and Environmental Regulation (DWER); and
- Department of Health (DoH).

Responses from all three agencies were received with none objecting to the proposal, only matters for consideration were raised. These submissions are provided in the Schedule of Submissions provided in Attachment 3 of this report.



## Legislative Implications

### State

- *Planning and Development (Local Planning Scheme) Regulations 2015:*

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 matters of consideration relevant to the application have been discussed below:

*(c) any approved State planning policy*

State Planning Policy 2.5 – Rural Planning and associated guidelines and fact sheets are addressed later in this section of this report.

*(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

The development is proposed in a rural setting on ‘Agricultural Resource’ zoned land. The activities proposed are considered rural-type activities. All lots abutting Lot 367 are also zoned ‘Agricultural Resource’ and undertake rural activities. The appearance of the mobile chicken caravans is not considered to be out character for the area.

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

- (i) environmental impacts of the development;*
- (ii) the character of the locality; and*
- (iii) social impacts of the development*

The amenity of the locality can be described as a rural area in which rural activities are conducted in conjunction with rural living. The proposal can generally be categorised as consistent with these surrounding activities. Impacts that are typically associated with any poultry-based activity such as odour, waste and water contamination do however have the potential to cause adverse impacts on the amenity of the locality. These can in turn create social impacts and affect the character of the locality. The potential impacts of the development are proposed to be minimised through implementation of management plans. If the management plans are implemented effectively, these identified potential impacts are considered unlikely to adversely affect the amenity of the locality.

*(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resources.*

The proposed activity is expected to create an accumulation of a certain amount of waste product (chicken manure) which has the potential to adversely affect the health of the waterway of the Brockman River which traverses the eastern portion of the property, and the environment at large through excessive concentration of nutrients in the waste. The applicant has advised that a 100m setback from any tributary will be enforced and DWER has advised that this setback distance is deemed to be acceptable and should assist in mitigating in any risk. Additionally, a rotation of the chicken caravans as indicated in the application (and Property Management Plan) will reduce the accumulation and concentration of waste in any one location.

*(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk*

Lot 8 is currently used for the grazing of sheep. From the site visit conducted by Shire Officers, there does not appear to be any signs of land degradation through mismanagement, however this site visit was undertaken during the Winter months where erosion from poor land management may be difficult to witness. The heavy grazing of chickens in an area for a long period of time could create land degradation issues including reduction of grass coverage and subsequent erosion. The application includes a management plan for the rotation of the chicken caravans around the useable areas of the property. Adherence to the management plan is considered to be appropriate and a suitable measure to ensure that land degradation and erosion do not occur.

#### Local

- *Shire of Chittering Local Planning Scheme No. 6 – Land Use Permissibility*

The activity of free-range egg farming is classified as 'Animal Husbandry-Intensive' under LPS6 which is defined as:

*'premises used for keeping rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens'.*

Pursuant to Schedule 2 – Zoning Table of LPS6, 'Animal Husbandry-Intensive' is an 'A' permissibility in the 'Agricultural Resource' zone and as such, can be considered for approval following the period of advertising.

- *Shire of Chittering Local Planning Scheme No. 6 – Special Control Area: Landscape Protection*

Lot 8 is located within a Special Control Area (SCA) for Landscape Protection as defined by the LPS6 Scheme map. Clause 5.2.4 of LPS6 lists the following planning requirements for the Landscape Protection Area:

#### *'5.2.4 Planning Requirements*

*In dealing with an application for Development approval, the local government will not support:*

- a) A dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- b) Land uses which are not related to the general objectives of the zone;*
- c) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- d) the removal of any natural vegetation from any ridgeline;*
- e) the removal or lopping of trees other than for –
  - I. fire fighting or fire protection purposes;*
  - II. the removal of dead or dying trees;*
  - III. clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
  - IV. if the vegetation is posing a risk to public safety;*
  - V. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;*
  - VI. in association with the establishment of a building envelope.**

*The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.'*

The proposed free-range egg farming activity is considered to be consistent with all of the above provisions, where relevant. The application does not propose to alter the landscape, add to the built form of the property (with the exception of a sea container next to the existing dwelling) or remove any natural vegetation. The vehicles associated with the proposal (chicken caravans) are regarded as agricultural vehicles due to their intended purpose, and as such if they are visible from a public road (Pines Road), will not contravene the provision of the landscape protection area requirements.

Further to the above, Clause 5.2.5 of LPS6 lists the following considerations that need to be given regard when determining this application:

*‘5.2.5 Relevant Considerations*

*In considering an Application for Development Approval, the local government shall have regard to:*

- a) the statement and the nature of the key elements of the landscape and its character;*
- b) the conservation and enhancement of the landscape values;*
- c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*
- d) the requirement for all roofing of any building to be of a non-reflective nature;*
- e) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

The above considerations place a focus on the preservation of the landscape values and the environment. The application is not proposing any physical alterations to the landscape, only the use of such land of which the potential environmental impacts can be appropriately managed through operational procedures. These have been presented in the form of management plans with the application and are considered to be sufficient to ensure the landscape and environmental values of the Landscape Protection Area are upheld.

**Policy Implications**

State

- *State Planning Policy 2.5 – Rural Planning (and Guidelines)*

State Planning Policy 2.5 – Rural Planning Guidelines (SPP 2.5) is a Western Australian Planning Commission (WAPC) Policy which provides broad guidance in preserving rural land assets whilst achieving compatibility with other land uses. It notes that a poultry farm is not a ‘prescribed premises’ under the *Environmental Protection Regulations 1987* and as such, their impacts are regulated entirely by the planning process. The Policy alerts the decision makers to the need to consider the potential off site impacts and protection of the amenity whilst supporting the establishment of ‘animal premises’ on rural land. One means of achieving these objectives is the implementation of buffers.

SPP 2.5 does not explicitly address the planning requirements for a ‘poultry farm’ however, the subsidiary Rural Planning Guidelines – Version 3 (SPP 2.5 Guidelines) provides guidance on acceptable buffer distances. It provides the industry standard and Environmental Protection Authority’s (EPA) recommended buffer distances both of which, state a minimum of 300 metres. A review of the EPA’s ‘Separation Distances between Industrial and Sensitive Land Uses’ document indicates that a range of 300m to 1000m can be applied to poultry industries, depending on the size. As provided in the EPA document, the buffer distance is to be applied from the boundary of the poultry industry to the boundary of the area that may be used by a sensitive land use.

In the context of Lot 8, there are no sensitive land uses within 300m of the proposed grazing area, with the closest structure being a shed 420m away on Lot 25 Pines Road, Wannamal. The closest residence is approximately 800m from the boundary of the nominated poultry grazing area (311 Pines Road, Wannamal). As such, the EPA recommended minimum 300m buffer is considered to be achieved.

- *State Planning Policy 2.5 – Rural Planning (Poultry Farm Fact Sheet)*

SPP 2.5 Poultry Farm Fact Sheet (fact sheet) was prepared by the WAPC to provide considerations relevant to the establishment of poultry farms. The fact sheet is geared towards the establishment of poultry operations that consist of a fixed built structure to house the birds and as such, not all the matters for consideration may be relevant to the subject application given the mobile and free-range nature of the proposal. Of relevance in the fact sheet is the importance placed on waste management including disposal of unwanted eggs, dead birds, manure, spent litter and wastewater. These aspects of a poultry operation are raised within the applicant’s property management plan which identifies the means of dealing with the



different wastes that are generated from the proposed operation, including the disposal of the dead birds and means of managing the manure from the birds.

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

• Strategic Community Plan 2024-2034

Focus area: Our community

Objective: S4.1 Support Local Business

Strategy: S4.1.1 Implementing programs and initiatives to support local businesses, including grants, mentorship programs, and networking opportunities. By providing resources and assistance, we can help businesses thrive, create job opportunities, and contribute to the local economy

State

Nil

**Site Inspection**

Site inspection undertaken: Yes

Shire officers attended the property in July 2024 to inspect the property and the proposed grazing areas. The property appeared to be in good condition and is currently used for the grazing of sheep. The applicant appears to have demonstrated a strong level of care for the current maintenance of the property and has already begun implementing mitigation risks to deal with reducing the fox population in the area, including the introduction of fox traps and also a livestock guardian dog who has been specially trained in the protection of poultry.



**Image 1:** Proposed Grazing Area (Senior Planning Officer, 2024)



**Image 2:** Proposed Grazing Area (Senior Planning Officer, 2024)





**Image 3:** Proposed Grazing Area (Senior Planning Officer, 2024)



**Image 4:** Proposed Additional Grazing Area (Senior Planning Officer, 2024)





**Image 5:** Proposed Additional Grazing Area (Senior Planning Officer, 2024)



**Image 6:** Brockman River at the front of the property (Senior Planning Officer, 2024)

**Environmental Consideration**

Environment consideration given: Yes

This application may have an environmental impact due to the chickens grazing on the land and the potential for land degradation to occur, along with concerns of stable fly, odour, foxes and water contamination. As these are the main focal points of this application, they are addressed in further detail in the ‘officer comment’ section below.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Natural Environment	Unlikely	Insignificant	Low	Property management plan has been created which provides detailed mitigation measures to address any environmental concerns.
<b>Opportunity:</b> Diversification of agricultural land.				

**Officer Comment/Details**

As mentioned in the Consultation Summary section of this report, one objection was received from an adjoining landowner, with several areas of concern with the proposal. The main concerns listed were increase of foxes to the area, stable fly, odour and water contamination. Each of these areas will be addressed below, along with comments from the Shire’s Principal Environmental Health Officer (PEHO) in relation to the property management plan included as part of this application.

**Principal Environmental Health Officer Comments**

- Odour from non-prescribed sources such as chicken farms is not regulated under the *Environmental Protection Act 1986*. All manure works is captured as an offensive trade under the *Public Health Act 2016* and is considered a low-risk activity. The management plan has addressed the concerns with odour to ensure that this is not a nuisance with surrounding properties. The specific measures to mitigate any odour risk are outlined below in the ‘Odour’ section of this report.
- The Shire of Chittering is one of the 14 designated Local Government’s in which the stable fly is a declared pest under the *Biosecurity and Agriculture Management Act 2007*. In the management plan the applicant has stated that the chicken manure will be managed in accordance with the stable fly management plan, which includes notifying the local government three days before manure is spread. The specific measures to mitigate any stable fly risk are outlined below in the ‘Stable Fly’ section of this report.

**Fox risk**

An ongoing issue for agricultural properties is the increase in foxes in the locality. Foxes pose a significant threat to the fauna on agricultural properties, such as sheep and chickens. By increasing the number of livestock in the area, there is also a risk that the amount of foxes in the area will increase, as there is more prey for these foxes to hunt. The applicant has demonstrated their willingness to address this issue through the property management plan and the site visit Shire officers conducted. Whilst foxes are likely to increase in population in the area, the proposal has significant measures in place to deal with this issue. The applicant has already begun baiting the property to catch foxes. The applicant has also obtained a livestock guardian dog that specialises in protecting poultry. It is also the expectation that surrounding properties are already undertaking their own measures to control foxes in the area as the risk remains regardless if this application is approved or not. Based on this reasoning, this is not considered a valid planning reason for

the application to be refused and that Shire officers are satisfied that these measures will be sufficient to assist in controlling the fox population in the area.

### ***Stable Fly***

The potential for the development to encourage and create breeding opportunities for stable fly was raised as an issue through the advertising process. Stable fly is a declared pest under the *Biosecurity and Agriculture Management Act 2007* and can cause health impacts on livestock and humans due to their tendency to bite and draw blood. It is understood that the collection of animal manure can create ideal breeding habitats for the stable fly, particularly in the warmer months.

The applicant has stated that they will comply with the requirements of the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019* at all times. The applicant has also identified measures within the property management plan to deal with stable fly, which are:

- No more than 10 tonnes of manure spread per hectare, evenly and thinly spread;
- Regular raking around housing units, water and feed troughs to be undertaken when the housing units are moved (at a minimum); and
- Compliance with the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019.

In conjunction with the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019* and the applicant's property management plan, Shire officers believe that the mitigation measures will be sufficient to reduce the risk of stable fly occurring and causing a nuisance. The Shire's PEHO has reviewed this property management plan and is confident that the measures within this plan will mitigate any risk of stable fly occurring. If stable fly is found on the property by Shire Officers, DPIRD would then be contacted to ensure that compliance is upheld, and the issue of stable fly is remedied.

### ***Odour***

Odour and the spreading of manure on the property was one of the main concerns from the objecting landowner, with the potential to cause a nuisance on neighbouring properties a particular concern. The collection and concentration of waste in one location and its proximity to odour sensitive receptors has the potential to cause a nuisance to people in the area, and impact on the amenity of the locality.

The Shire's PEHO has confirmed that odour from non-prescribed sources is not regulated by the Environmental Protection Agency. As manure works are captured under the *Public Health Act 2016* and are now considered a low-risk activity, the Shire's PEHO is confident that the measures outlined in the property management plan will successfully mitigate any concerns of odour causing a nuisance.

Within the applicant's property management plan, there is a specific section for managing odour, these measures include:

- Manure build up to comply with DPIRD recommendations (10 tonnes per hectare, evenly and thinly spread);
- Ground cover of 50% will be maintained at all times (in line with DPIRD advice). This will also keep dust levels low and reduce odour as odours are absorbed and carried by dust particles;
- Stocking density must not exceed 1500 hens per hectare. Lower density leads to freedom of movement and increased air ventilation;
- Daily inspections of housing and flocks to identify any odour issues that may arise;
- Deceased birds will be moved immediately upon discovery;
- Housing units will be designed accordingly to ensure that majority of manure will build up in pastures where it is easier to access;
- Housing units will be moved regularly and will not return to the same location for a minimum of 12 weeks.

Further measures to mitigate the risk of odour are identified within Attachment 2 of this report.

Odour, alongside water contamination, is one of the primary elements of this proposed development that has a potential to cause the greatest impact on the locality. Whilst odour can travel a significant distance and travel across lot boundaries, Shire officers are confident of the measures in place within the property management plan to ensure that odour does not become a nuisance to neighbouring properties and impact on the locality. The 100m lot boundary setback is believed to be sufficient to mitigate the risk of odour becoming a nuisance and as there is no sensitive receptor within 500m of the grazing areas (with the exception of the dwelling on Lot 8), it is unlikely that odour will cause a nuisance to neighbouring properties.

If Shire officers believe that odour is becoming a nuisance to neighbouring properties, the Shire's Health Local Law can be applied to ensure the issue is resolved. Based on the mitigation measures mentioned above, Shire officers are confident that any concerns surrounding odour will be addressed prior to an issue arising.

### ***Water Contamination***

Water contamination, and particularly the contamination of the Brockman River was highlighted as a potential issue by the objecting nearby landowner. There is a risk that excessive nutrients, primarily from the chicken manure, either washes directly into the waterway on the property (or infiltrates into the ground and leaches into the waterways). Excessive nutrients in waterways can have adverse impacts on the ecology of these environments and affects water users down-stream.

This application was referred to the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD) and both departments were satisfied that the proposed 100m buffer is appropriate and will be sufficient to protect the waterways.

Additionally, the measures outlined within the applicant's property management plan provides a sufficient opportunity to mitigate any excessive waste to be built up in one location and cause excessive nutrients to leach into the environment.

Due to the measures contained within the applicant's property management plan to mitigate any potential offsite impacts, it is recommended that the application be approved subject to appropriate conditions.

### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020824**

**Moved Cr Ross, seconded Cr Campbell**

**That Council grants Development Approval for a mobile egg farm (Animal Husbandry-Intensive) on Lot 8 Pines Road, Wannamal subject to the following conditions:**

- 1. All development shall be in accordance with the approved plans.**
- 2. Prior to the commencement of operations, a biosecurity management plan shall be prepared and submitted to the Shire for approval. The approved Biosecurity Management Plan shall be implemented for the life of the development to the satisfaction of the Shire.**
- 3. Operation of the proposed development shall be in accordance with the approved Property Management Plan at all times to the satisfaction of the Shire.**
- 4. Chicken caravans and chicken enclosures shall not be used outside of the designated 'boundary of grazing areas' as illustrated on the approved site plan at any time to the satisfaction of the Shire.**
- 5. Chicken caravans and chicken enclosures shall not be used within the designated '100m buffer from waterways' as illustrated on the approved site plan at any time to the satisfaction of the Shire.**
- 6. A maximum of four (4) chicken caravans and a maximum of 2,000 chickens are permitted on the property at any one time to the satisfaction of the Shire.**
- 7. The proposed development shall not create odours that become a nuisance to other landholders**

at any time to the satisfaction of the Shire.

**ADVICE NOTES:**

1. With regard to Condition No. 2, the applicant is advised that biosecurity management measures shall include the monitoring and management of bird flu and similar avian diseases.
2. With regard to Condition No. 5, the applicant is recommended to demarcate on the property the '100m buffer from waterways' with markers and/or fencing to assist with compliance of this condition.
3. A Food Business Registration Certificate under the *Food Act 2008* is required to be obtained from the Shire prior to the operation commencing. The applicant is recommended to contact the Shire's Principal Environmental Health Officer for further information.
4. The applicant is advised that the Department of Primary Industries and Regional Development (DPIRD) administer stock ownership requirements for operations such as the proposed. The applicant is encouraged to contact DPIRD to ensure the proposed operations are compliant with all relevant legislation administered by DPIRD.

**CARRIED 5 / 2**

TIME: 7.45PM

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

*Against: Cr Curtis, Cr Dewar*

**AMENDMENT**

Moved Cr Curtis, Seconded Cr Dewar

That the officer recommendation be amended to include the following condition:

8. Prior to the commencement of operations, contour bunding and cut-off drainage swales with plantings of appropriate nutrient-stripping vegetation shall be installed along the eastern and southern boundary of the approved development area to minimise the run-off of chicken manure entering into the nearby waterways, to the satisfaction of the Shire. The contour bunding, drainage swales and plantings shall be maintained for the life of the development to the satisfaction of the Shire.

**LOST 3 / 4**

TIME: 7.34PM

*For: Cr Hughes, Cr Dewar, Cr Curtis*

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

**AMENDMENT**

Moved Cr Curtis, Seconded Cr

That the officer recommendation be amended to include the following condition:

9. Prior to the commencement of operations, suitable netting shall be installed along all the boundaries of Lot 8 Pines Road, Wannamal to prevent neighbouring stock from entering Lot 8 Pines Road, Wannamal, to the satisfaction of the Shire. The netting shall be suitably maintained for the life of the development to the satisfaction of the Shire.

**LAPSED FOR WANT OF A SECONDER**

TIME: 7.36PM



**TECHNICAL SERVICES****TS01 – 08/24 Proposed Speed Reduction along a Portion of Great Northern Highway, Muchea**

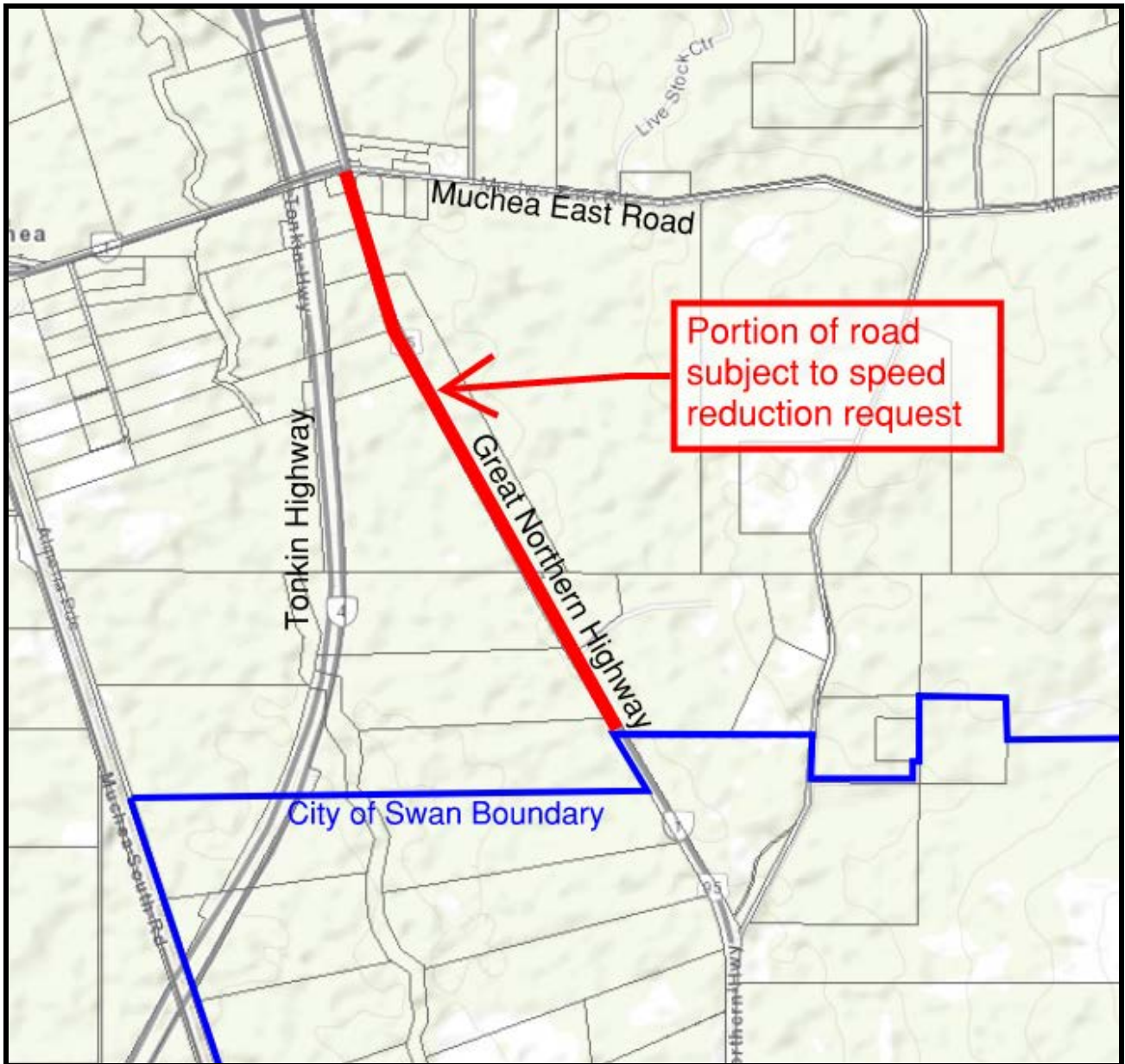
<b>Applicant</b>	Tomahawk Property Pty Ltd
<b>File ref</b>	SOCR-1845402348-122
<b>Author</b>	Executive Manager Technical Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Request from Tomahawk</li> <li>2. Transcore Technical Documents and Petition</li> <li>3. Excerpt from Muchea Industrial Park Structure Plan</li> </ol>

	<b>Authority / Discretion</b>	<b>Definition</b>
<input checked="" type="checkbox"/>	<b>Advocacy</b>	<b><i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i></b>
<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 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 to consider a request for the reduction of the current speed limit along the section of Great Northern Highway in Muchea, between its intersection with Muchea East Road and the City of Swan boundary.

Location Plan



**Background**

A request has been submitted by Tomahawk Property to the Shire for the reduction of the speed limit on Great Northern Highway in Muchea, between its intersection with Muchea East Road (at the traffic lights) and the Shire’s boundary with the City of Swan (Attachment 1).

At present, the majority of the section of Great Northern Highway the subject of this request has a speed limit of 110km/h, with a small 300m section immediately south of the traffic lights limited at 70km/h. The request that has been submitted proposes the entire length of the subject portion of Highway to be 70km/h.

The request has been submitted with an accompanying Traffic Impact Assessment and Technical Note prepared by Transcore. Additionally, a petition of 41 signatures accompanies the request which has been included as an attachment to this report (Attachment 2).

The catalyst behind the request for the speed reduction is its link to the further development of the Muchea Industrial Park (MIP) and specifically Precincts 2 and 3 (of which Tomahawk are representing the landowners through the planning process to allow for industrial development). Within the Muchea Industrial Park Structure Plan (district level plan), which provides a broad guide to the future development of the MIP, it was indicated that the intersection of roads from Precinct 2 and 3 with Great Northern Highway could be large roundabouts. The request that has been submitted to the Shire indicates that a speed reduction would create a safer outcome for future road users, and would allow for simpler, more cost-effective intersections to be constructed in lieu of the large roundabouts suggested in the MIP Structure Plan. An excerpt from MIP Structure Plan documents which identifies the various precincts (including Precinct 2 and 3) and the suggested higher order road network layout, with its interactions with the existing roads including Great Northern Highway, is provided as an attachment to this report to assist with the context of this request (Attachment 3).

Should Council support the request for the reduction of the speed limit, it is then incumbent on the Shire to provide this recommendation to Main Roads WA (MRWA) for consideration. Any amendments to a speed limit is to be ultimately determined by MRWA.

### **Consultation Summary**

#### Local

The request submitted by Tomahawk includes a petition that has 41 signatures. This petition is included in Attachment 2. No other local consultation undertaken by the Shire has occurred.

#### State

- Main Roads WA

Shire officers have made contact with MRWA to confirm the application process and requirements for any speed limit reduction request. It was confirmed that following a resolution by Council, the recommendation of the Shire is to be emailed to MRWA with any technical documents for its consideration. Main Roads will conduct the required audits to determine the appropriate speed, as it is a State Road.

### **Legislative Implications**

#### State

- Road Traffic Code 2000

The *Road Traffic Code 2000* provides the legislative means for speed limits to be applied to roads across Western Australia, and is administered by MRWA.

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2022-2032

Focus area: Built Environment  
 Objective: S3.2 Improving Infrastructure  
 Strategy: S3.2.1 Maintenance and construction of safe roads

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<p><b>People</b> – Road Users of Great Northern Highway are at risk if the speed limit is not appropriate.</p>	Rare	Insignificant	Low	<p>The decision for any modifications and intersection treatments to Great Northern Highway as part of the MIP development will be considered by MRWA based on their (MRWA) safety audits and analysis of traffic conditions at the time.</p>
<p><b>Opportunity:</b> To ensure the safety of the subject portion of Great Northern Highway for its users in the future.</p>				

**Officer Comment/Details**

The Shire has been presented with a request from Tomahawk to consider reducing the speed limit of a section of Great Northern Highway within a future expansion area of the Muchea Industrial Park.

The request to reduce the speed limit is not considered to be a matter addressing an immediate safety concern of road users or the community. It is understood that the request to reduce the speed limit is to assist the future development of Precinct 2 and Precinct 3 within the MIP in conjunction with the expected traffic volumes and types to be using this part of the road network. The reduced speed limit would be one element of the Precinct 2 and 3 developer’s justification to support the creation of T-intersections connecting from the landholdings to Great Northern Highway, instead of large roundabouts that are anecdotally more expensive and require more private land to be relinquished for road reserve.

The Shire is supportive of the further development of the MIP in a safe and coordinated manner. While the Shire is unaware of any immediate need to reduce the speed limit along the subject section of Great Northern Highway, it is supportive of this reduction being applied at the appropriate time should it assist with the further development of Precinct 2 and Precinct 3 of the MIP. It needs to be noted that that the Shire bares no responsibility for the Great Northern Highway, and cannot, therefore make an informed recommendation on an appropriate speed, as an audit would have to be conducted by Main Roads to determine the appropriate speed.

It is therefore recommended that Shire supports the request from Tomahawk for the speed limit reduction in principle, and at the appropriate time in the future when Precinct 2 and Precinct 3 are further developed. This support may assist MRWA deliberations with the developers of these Precincts with regard to

appropriate traffic treatments for new subdivisional roads connecting to the existing Great Northern Highway.

**OFFICER RECOMMENDATION**

Moved Cr Angus, seconded Cr Ross

That Council:

1. Receives the speed limit reduction request from Tomahawk Property Pty Ltd with accompanying Traffic Impact Assessment, Technical Note and petition with 41 signatures; and
2. Instructs the Chief Executive Officer to request Main Roads WA to consider a speed limit reduction in accordance with the request from Tomahawk Property Pty Ltd during investigations towards the further development of Precinct 2 and Precinct 3 of the Mucnea Industrial Park, with due consideration of the fact that this support is in principle only and not immediate requirement based on an official road safety audit.

**FORESHADOWED MOTION**

Moved Cr Hughes

That Council:

1. Notes the speed limit request from Tomahawk Property Pty Ltd with accompanying Traffic Impact Assessment, Technical Note and petition with 41 signatures; and
2. Instructs the Chief Executive Officer to redirect Tomahawk Property Pty Ltd directly to Main Roads as this is their jurisdiction.

**AMENDMENT**

Moved Cr King, seconded Cr Ross

That the officer recommendation be amended at condition 2 to read:

2. Instructs the Chief Executive Officer to request Main Roads WA to consider the speed limit during investigations towards the further development of Precinct 2 and Precinct 3 of the Mucnea Industrial Park, with due consideration that this is not an immediate requirement.

CARRIED 5 / 2

TIME: 8.11PM

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

*Against: Cr Campbell, Cr Dewar*

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 030824**

Moved Cr Angus, seconded Cr Ross

That Council:

1. Receives the speed limit reduction request from Tomahawk Property Pty Ltd with accompanying Traffic Impact Assessment, Technical Note and petition with 41 signatures; and
2. Instructs the Chief Executive Officer to request Main Roads WA to consider the speed limit during investigations towards the further development of Precinct 2 and Precinct 3 of the Mucnea Industrial Park, with due consideration that this is not an immediate requirement.

CARRIED 4 / 3

TIME: 8.13PM

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

*Against: Cr Hughes, Cr Campbell, Cr Dewar*

**CORPORATE SERVICES****CS01 – 08/24 List of Accounts Paid for the Period Ending 31 July 2024**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 31 July 2024

	<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**

To present the list of accounts paid by the Chief Executive Officer under delegated authority for the period ending 31 July 2024.

To present the List of Payments made by authorised employees using credit, debit and other purchasing cards for the period ending 31 July 2024.

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 31 July 2024" is presented to Council, inclusive of payments made using credit, debit or other purchasing cards.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040824**  
**Moved Cr Curtis, seconded Cr Campbell**  
**That Council receive the List of Accounts Paid as per Attachment 1 totalling \$979,130.27, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 July 2024:**

1. PR 6618 & PR 6626;
2. EFT27165 – EFT27264;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

**CARRIED 7 / 0**  
TIME: 8.19PM

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

**Against: Nil**

**CS02 – 08/24 Wildflower Ridge - Method of Valuation – Deposited Plan 422538**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	25/03/2
<b>Author</b>	Rates Officer
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Approved Deposited Plan 422538</li> <li>2. Wildflower Ridge Property Spreadsheet</li> <li>3. Sample Initial Mail Out Letter</li> <li>4. Schedule 2 – Zoning Table (extract from Local Planning Scheme No. 6)</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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
<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 accordance with section 6.28 of the *Local Government Act 1995* (the Act), Council is requested to authorise the Chief Executive Officer to seek approval from the Minister for Local Government for a change in the method of valuation used for the basis of a rates for 19 properties located within the Wildflower Ridge development, as identified on Deposited Plan 422538 (Attachment 1).

**Background**

The Shire of Chittering have reviewed the valuation method currently applied to 19 properties within Wildflower Ridge Estate, as identified on Deposited Plan 422538. Currently, these parcels of land are valued using the unimproved method of valuation as the basis of rates.

The Act states:

**6.28. Basis of rates**

- (1) *The Minister is to —*
- determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - publish a notice of the determination in the Government Gazette.*



- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

The Wildflower Ridge Estate is zoned 'Residential' under the Shire's Local Planning Scheme No. 6 (LPS6). Pursuant to this zoning and the provisions of LPS6, permitted activities are restricted to those of a residential nature, or associated with the residential use of the land. LPS6 does not permit any agriculture or rural pursuits of any kind and additionally prohibits the keeping of any livestock within the Residential zone, as documented in Schedule 2 – Zoning Table contained in LPS6 (attached).

Such restrictions suggest that the subject parcels of land are "used predominantly for non-rural purposes" and therefore, the gross rental method of valuation should apply.

### **Consultation Summary**

#### Local

Correspondence has been sent to all affected property owners requesting they contact the Shire with any objections to the notice of the change of rating valuation method changed from Unimproved Value (UV) to Gross Rental Value (GRV). Property owners were given 21 days to respond. Refer to Attachment 2 and 3.

Of the 19 affected property owners, only one response was received seeking clarification only.

#### State

Nil

### **Legislative Implications**

#### State

Section 6.28 Local Government Act 1995

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Local Planning Scheme No. 6

Policy 2.6 Rating Policy Relating to Change in Predominant Use of Rural Land

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034

Aspiration: Council Accountability and Transparency  
 Strategy: 5.2 Responsible Financial Management

**Site Inspection**  
 Not applicable

**Environmental Consideration**  
 Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Compliance:</b> Properties rated based on incorrect method of valuation	Possible	Minor	Moderate	Council Policy requiring ongoing monitoring of predominant land use of rural properties.

**Officer Comment/Details**

The “Local Government Operational Guidelines, Number 02 – March 2012. Changing Methods of Valuation of Land” was utilised throughout this process:

*“2.1 Step 1 – Identifying Land Use Changes that may Affect Predominant Use”*

All properties that have been identified were within the Wildflower Ridge Estate.

*“2.2 Step 2 – Reviewing Predominant Use”*

The majority of this process has been done using method (c) By subdivision. It is recommended that this method may be a suitable option where:

- The majority of lots within a subdivision are used for a purpose that is not consistent with the purpose for which the subdivision is valued; or
- Land within an approved subdivision can only be used for a purpose that is not consistent with the purpose for which the land is valued.

The following criteria were considered when assessing properties:

- a) The activity conducted on the land
- b) The development of the land
- c) Income derived from rural activities on the land
- d) Any applicable Town Planning Scheme restrictions
- e) Use of surrounding land

As part of this review, lots contained on Deposited Plan 422538 currently valued using the rural Unimproved Value (UV) method are proposed to change to Gross Rental Value (GRV).

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050824**

**Moved Cr King, seconded Cr Ross**

**That Council, pursuant to Section 6.28 of the Local Government Act 1995, authorise the Chief Executive Officer to seek approval from the Minister for Local Government for a determination to change the method of valuation as the basis of rates for the 19 properties identified on Deposited Plan 422538 (Attachment 1.) from Unimproved Value (UV) to Gross Rental Value (GRV) as the subject land is used predominantly for non-rural purposes.**

**CARRIED 7 / 0**

TIME: 8.21PM

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

***Against: Nil***

**CS03 – 08/24 Maryville Estate - Method of Valuation - Deposited Plan 425766**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	25/03/2
<b>Author</b>	Rates Officer
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Approved Deposited Plan 425766</li> <li>2. Property Spreadsheet</li> <li>3. Sample Initial Mail Out Letter</li> <li>4. Schedule 2 – Zoning Table (extract from Local Planning Scheme No. 6)</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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
<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 accordance with section 6.28 of the *Local Government Act 1995* (the Act), Council is requested to authorise the Chief Executive Officer to seek approval from the Minister for Local Government for a change in the method of valuation used as the basis of rates for 11 properties located within the Maryville Estate development, as identified on Deposited Plan 425766 (Attachment 1).

**Background**

The Shire of Chittering has reviewed the valuation method currently applied to 11 properties within Maryville Estate, as identified on Deposited Plan 425766. Currently, these parcels of land are valued using the unimproved method of valuation as the basis of rates.

The Act states:

**6.28. Basis of rates**

- (1) *The Minister is to —*
- determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - publish a notice of the determination in the Government Gazette.*

- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

The Maryville Estate is zoned 'Rural Residential' under the Shire's Local Planning Scheme No. 6 (LPS6). Pursuant to this zoning and the provisions of LPS6, permitted activities are restricted to those of a residential nature, or associated with the residential use of the land. LPS6 does not permit any agricultural activities, however a rural pursuit land use can be approved by the Shire if the landowner obtains the relevant planning approval, as documented in Schedule 2 – Zoning Table contained in LPS6 (attached). A rural pursuit can be considered for approval by the Shire provided the landowner does not exceed the stocking rates outlined within the Shire's Local Planning Policy 24 – Stocking Rates.

Such restrictions suggest that the subject parcels of land are "used predominantly for non-rural purposes" and therefore, the gross rental method of valuation should apply.

### **Consultation Summary**

#### Local

Correspondence has been sent to all affected property owners requesting they contact the Shire with any objections to the notice of the change of rating valuation method changed from Unimproved Value (UV) to Gross Rental Value (GRV). Property owners were given 21 days to respond. Refer to Attachments 2 and 3.

Of the 11 affected property owners, no responses were received.

#### State

Nil

### **Legislative Implications**

#### State

Section 6.28 Local Government Act 1995

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Local Planning Scheme No. 6

Policy 2.6 Rating Policy Relating to Change in Predominant Use of Rural Land

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034

Aspiration: Council Accountability and Transparency  
 Strategy: 5.2 Responsible Financial Management

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Compliance: Properties rated based on incorrect method of valuation</b>	Possible	Minor	Moderate	Council Policy requiring ongoing monitoring of predominant land use of rural properties.

**Officer Comment/Details**

The “Local Government Operational Guidelines, Number 02 – March 2012. Changing Methods of Valuation of Land” was utilised throughout this process:

*“2.1 Step 1 – Identifying Land Use Changes that may Affect Predominant Use”*

All properties that have been identified were within the Maryville Estate.

*“2.2 Step 2 – Reviewing Predominant Use”*

The majority of this process has been done using method (c) By subdivision.

It is recommended that this method may be a suitable option where:

- The majority of lots within a subdivision are used for a purpose that is not consistent with the purpose for which the subdivision is valued; or
- Land within an approved subdivision can only be used for a purpose that is not consistent with the purpose for which the land is valued.

The following criteria were considered when assessing properties:

- f) The activity conducted on the land
- g) The development of the land
- h) Income derived from rural activities on the land
- i) Any applicable Town Planning Scheme restrictions
- j) Use of surrounding land

As part of this review lots contained on Deposited Plan 425766 currently valued using the rural Unimproved Value (UV) method are proposed to change to Gross Rental Value (GRV).

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060824**

**Moved Cr Campbell, seconded Cr Angus**

**That Council, pursuant to Section 6.28 of the Local Government Act 1995, authorise the Chief Executive Officer to seek approval from the Minister for Local Government for a determination to change the method of valuation as the basis of rates for the 11 properties identified on Deposited Plan 425766 (Attachment 1.) from Unimproved Value (UV) to Gross Rental Value (GRV) as the subject land is used predominantly for non-rural purposes.**

**CARRIED 7 / 0**

TIME: 8.22PM

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

***Against: Nil***

**CHIEF EXECUTIVE OFFICER****CEO01 – 08/24 Work Health and Safety Statistics Report – July 2024**

<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 2024

	<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 2024.

**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 070824**

**Moved Cr Campbell, seconded Cr Angus**

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

- 1. Monthly Statistics July 2024;**
- 2. Near Miss, Incident and Damage Report;**
- 3. WHS Training;**
- 4. Site Inspections; and**
- 5. Safety Observations.**

**CARRIED 7 / 0**

TIME: 8.25PM

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

***Against: Nil***

## CEO02 – 08/24 WALGA Annual General Meeting 2024 Voting Delegates

<b>Applicant</b>	Western Australian Local Government Association (WALGA)
<b>File ref</b>	14/01/0004
<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	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	<b>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</b>
<input type="checkbox"/>	Legislative	When Council initiates or adopts a policy position, or a local law
<input type="checkbox"/>	Quasi-Judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal
<input type="checkbox"/>	Information	Includes items for information purposes only and do not require a decision of Council (to 'note' only)

**Executive Summary**

Council's consideration is requested to determine the voting delegates for the 2024 Annual General Meeting for the Western Australian Local Government Association (WALGA). The Annual General Meeting will be held on Wednesday, 9 October 2024 during the Local Government Convention at Perth Convention and Exhibition Centre.

**Background**

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Friday, 27 September 2024.

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**State

- Local Government Act 1995, s9.58

Local

Nil

**Policy Implications**

State

Nil

Local

- Elected Member Policy 4.3 – Elected Members’ – Entitlements and Training

**4. Professional conferences**

4.1 To enable members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire, the Chief Executive Officer is authorised to arrange, at the Shire’s cost, and at the request of an Elected Member:

a) registration at professional conferences and meetings referred to above are to be:

i) considered by the CEO to be directly relevant to the Shire’s affairs; or

ii) convened by the Western Australian Local Government Association (WALGA) including the Convention.

4.2 The type of conference that Elected Members attend will be related to a particular function or activity in which Council is involved rather than individual or personal development type conference/seminars.

4.3 An Elected Member who is funded by the council to attend a conference, seminar, forum, delegation or similar event, shall participate as a representative of the council, not as an individual.

4.4 Registration at conferences will include the dinner for the Elected Member.

4.5 Subject to the Section 4.1, a maximum amount (per Elected Member) is set annually for attendance at conferences in accordance with the Shire of Chittering Annual Budget.

4.6 For the purpose of Regulation 32(1)(a), the express authority by resolution of the Council is given to Elected Members to perform the following function – the attendance by an Elected Member at a professional conference, the registration for which is arranged by the Chief Executive Officer.

**Financial Implications**

Attendance at the WALGA Annual General Meeting is free of charge to all member of local governments; lunch is not provided. All Convention delegates must register their attendance in advance. Registration for the Opening Welcome Reception that evening must also be notified in advance and will incur a cost for those not registered as a Full Delegate.

Elected Members are allocated an individual amount in the Shire’s Annual Budget that is used for their professional development (i.e. training, conferences, seminars, etc).

**Strategic Assessment / Implications**

State

Nil

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

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Non-attendance could be perceived as not participating fully in local government lobbying and advocacy activities.	Rare	Insignificant	Low	By sending members along to represent Council.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

Council is requested to appoint two delegates and two proxy voting delegates for the 2024 Annual General Meeting for WALGA.

<b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080824</b>	
Moved Cr Hughes, seconded Cr Ross	
That Council instruct the Chief Executive Officer to advise the Western Australian Local Government Association that the voting delegates and proxy voting delegates for the 2024 Annual General Meeting are:	
<b>VOTING DELEGATES</b>	<b>PROXY VOTING DELGATES</b>
1. Cr Aaron King	1. Cr Carmel Ross
2. Cr Mary Angus	2. Cr Kylie Hughes
<b>CARRIED 7 / 0</b> TIME: 8.27PM <i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Dewar, Cr Curtis</i> <i>Against: Nil</i>	

**CEO03 – 08/24 End of Year Corporate Performance Report 2023/24**

<b>Applicant</b>	N/A
<b>File ref</b>	SOCR-1845402348-43755
<b>Author</b>	Manager Governance and Corporate Performance
<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. End of Year Corporate Performance Summary Report 2023/24 2. Corporate Business Plan Detailed 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 receive the Shire of Chittering End of Year Corporate Performance Report 2023/24. The Report illustrates the Shire's performance results as at 30 June 2024 (Quarter 4) and is aligned to the Shire's 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:

- **87%** of the annual actions were either completed or on target by 30 June 2024.
- The statement of financial activity shows a **surplus** of **\$1,523,052** as at 30 June 2024.
- The Shire has spent **78%** (\$7,180,877) of the YTD budget (\$9,182,828); and **79%** of the annual adopted budget (\$9,039,842), 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 End of Year Corporate Performance Report 2023/24.

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 090824</b>  <b>Moved Cr Angus, seconded Cr Ross</b>  <b>That Council accepts the End of Year Corporate Performance Report 2023/24 as per Attachment 1 and the detailed operational performance set out in Attachment 2.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.29PM</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Dewar, Cr Curtis</i>  <b>Against: Nil</b></p>
---

## CEO04 – 08/24 Reconciliation Action Plan Roadmap 2024-2026

<b>Applicant</b>	N/A
<b>File ref</b>	SOCR-1845402348-26502
<b>Author</b>	Alison Reliti, Community Development & Grants Coordinator
<b>Authorising Officer</b>	Melinda Prinsloo, CEO
<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 2024 Roadmap to Shire of Chittering Reflect RAP

	<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 endorse the Shire of Chittering Roadmap to a Reflect RAP 2024-2026 and directs the Chief Executive Officer to establish a Reconciliation Working Group to assist with the governance of the roadmap and development of a Reflect Reconciliation Action Plan.

**Background**

In early 2020 the first step was taken towards greater cultural sensitivity by renaming a reserve with a culturally offensive name to a name chosen by the Yued Working Party. At the time this decision was made, it was also decided to commence the process of developing a Reconciliation Action Plan from 1 July 2020.

During this time the allocation of staffing resources to the establishment of a RAP was limited, therefore no progress was achieved between July 2020 and May 2021.

At the May 2021 OCM Council was requested to consider a motion passed at the Electors General Meeting, requesting that the shire commence dual naming of public places.

The following resolution was reached.

*OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100521*

*Moved Cr Ross / Seconded Cr Foulkes-Taylor*

*That Council consider dual naming of public places within the Shire of Chittering to include the first people's language as part of the Reconciliation Action Plan process.*

*CARRIED 6 / 0*

*TIME 9:48PM*

In 2023, Cultural Awareness training was undertaken by all staff and councillors, facilitated by an Evolve Professional Development.

In 2024, connection with Yued elders Margaret Shaw and Charlie Shaw was made by our CEO Melinda Prinsloo through Uncle Jimmy Maher and as of June 2024, one in-person meeting and several electronic and phone conversations have been accomplished.

An introduction to Darryl Dawson, an additional Yued contact, and Margaret Drayton has been made and meetings are expected to be held as soon as they are available.

Staff are working to identify and engage with Whadjuk elders or people of importance to the local community.

The Shire is working towards engaging with the relevant elders from the Yued and Whadjuk people to bring an increased awareness and participation in relation to planning and implementing bushfire mitigation activities to ensure no harm will occur to Aboriginal cultural heritage sites. This engagement is in its early stages, with attempts still ongoing to identify the most appropriate Traditional Owner contacts. Much of the local history specific to Chittering is still to be discovered. Building relationships with the traditional owners is important and will assist in learning more about the Shire's Aboriginal heritage significance, it will also enable open efficient communication during bushfire response to further protect areas of importance.

**Consultation Summary**

Local

Aboriginal Elders Margaret Shaw and Charlie Shaw – in person, electronic and phone conversations.

State

Reconciliation WA / Australia – Templates from their online resources were used as part of the development of the roadmap. We also participated in workshops and training provided through numerous state organisations and have liaised with neighbouring LGA's.

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2024-2034  
 Community Aspiration: 1. Inclusive, Active, and Resilient Community.  
 Strategy: 1.1 Cultural Diversity and Heritage.

State

- Government of Western Australia – Reconciliation Action Plan 2022-2024

**Site Inspection**

Not applicable

**Environmental Consideration**

Environment consideration given: Not Applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project Time:</b> Council does not endorse current Roadmap document and additional time is required to review and resubmit	1	1	1	Council has received the document for review and input.
<b>Opportunity:</b> Endorsement of the plan will provide a starting point for further engagement and conversation to encourage cultural awareness in our community.				

**Officer Comment/Details**

The Roadmap to a Reflect Reconciliation Action Plan (RAP) will provide the opportunity for the shire to engage as widely as possible and include historical learning in to direct project management into the future. Little is known about our First Nations history and further investigation opportunities will come from the direction of the roadmap, and future Reflect RAP.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100824</b>                  Moved Cr Ross, seconded Cr Curtis                  That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the Shire of Chittering Roadmap to a Reflect Reconciliation Action Plan 2024-2026; and</li> <li>2. Instructs the Chief Executive Officer to establish a Reconciliation Working Group to assist with the governance of the roadmap and development of a Reflect Reconciliation Action Plan.</li> </ol> <p style="text-align: right;"><b>CARRIED 6 / 1</b>                  TIME: 8.37PM</p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Curtis</i>  <i>Against: Cr Dewar</i></p>
---

**ITEM 10. REPORTS OF COMMITTEES**

Nil

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

Nil

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

**QMWN01 – 08/24 Cr Mark Campbell**

Question 1: Are the roadworks finished, where the Shire has widened the road at Wandena Road and Muchea East?

*Response: The Executive Manager of Technical Services advised that the roadworks are not yet complete.*

Question2: When will the roadworks at Wandena Road and Muchea East be completed?

*Response: The Executive Manager of Technical Services advised that it would be completed by the end of the year.*

Question 3: Are the new owners of Lot 109 Wandena Road, Muchea aware of the original Council Resolution changing the zoning of the property prior to their ownership?

*Response: The Chief Executive Officer advised that the Shire will be writing to the new landowners to advise them of the original Council Resolution.*

Question 4: Is the new owner of Lot 109 Wandena Road, Muchea allowed to be living in a caravan on that property?

*Response: The Chief Executive Officer advised that the Shire are dealing with the owner from a compliance perspective.*

**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 8.44pm.