



COUNCIL MINUTES

CONFIRMED: 21 FEBRUARY 2024

Ordinary Meeting of Council

7pm, Wednesday 13 December 2023

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

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

2. Protocol

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

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

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

3. General Rules

The following general rules apply to Public Question Time:

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

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

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

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

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

3. General Rules

The following rules apply when making a Deputation:

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

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

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

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

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

Recording of Proceedings

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

Access to Recordings

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

Retention of Recordings

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

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

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

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

PREFACE

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

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

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

UNCONFIRMED MINUTES

These minutes were approved for distribution on 15 December 2023.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 21 February 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.



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

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

The Presiding Member declared the meeting open at 7:00pm.

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

Attendance

The following members will be in attendance:

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

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Jake Whistler	Executive Manager Development Services
Jodie Connell	Minute Secretary

Members of the General Public:

Media: 0

Apologies

Scott Clayton	Deputy Chief Executive Officer
Denaye	

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

15 November 2023 Councillor Information Session
Ordinary Meeting of Council
24 November 2023 Avon Midland Country Zone Meeting - Goomalling
29 November 2023 Community Forum - Muchea
1 December 2023 President / CEO Meeting
6 December 2023 Councillor Information Session
Agenda Forum
8 December 2023 CEO Meeting
Shire Christmas Party
9 December 2023 Thank A Volunteer Day

Cr Mary Angus

15 November 2023 Councillor Information Session
Ordinary Meeting of Council
24 November 2023 Avon Midland Country Zone Meeting – Goomalling
29 November 2023 Community Forum – Muchea
1 December 2023 President / CEO Meeting
6 December 2023 Councillor Information Session
Agenda Forum
8 December 2023 Staff Christmas Party
11 December 2023 Bindoon Primary Year 6 Graduation
12 December 2023 Bindoon Library Christmas Morning Tea

Cr Kylie Hughes

15 November 2023 Councillor Information Session
Ordinary Meeting of Council
22 November 2023 Local Emergency Management Committee Meeting
29 November 2023 Community Forum - Muchea
6 December 2023 Councillor Information Session
Agenda Forum

Cr Carmel Ross

15 November 2023 Councillor Information Session
Ordinary Meeting of Council
29 November 2023 Community Forum - Muchea
6 December 2023 Councillor Information Session
Agenda Forum
11 December 2023 Landcare Christmas Luncheon

Cr John Curtis

15 November 2023 Councillor Information Session
Ordinary Meeting of Council
20 November 2023 Chinkabee Meeting
27 November 2023 Museum Strategic Planning Meeting

29 November 2023 Community Forum - Muchea
 6 December 2023 Councillor Information Session
 Agenda Forum
 8 December 2023 Staff Christmas Party
 12 December 2023 Museum Monthly Meeting

Cr Mark Campbell

15 November 2023 Councillor Information Session
 Ordinary Meeting of Council
 29 November 2023 Community Forum - Muchea
 6 December 2023 Councillor Information Session
 Agenda Forum
 8 December 2023 Staff Christmas Party
 9 December 2023 Thank a Volunteer Day
 11 December 2023 Bindoon Primary School – Year 6 Graduation

Cr David Dewar

15 November 2023 Councillor Information Session
 Ordinary Meeting of Council
 29 November 2023 Community Forum - Muchea
 6 December 2023 Councillor Information Session
 Agenda Forum
 8 December 2023 Staff Christmas Party

ITEM 3. DISCLOSURE OF INTEREST

CEO04 – 12/23 Muchea Recreation Centre – Clay Removal and Clean Fill Reinstatement		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Kylie Hughes	Impartiality	Nature: Life member of the Muchea Netball Club who have been a regular user of the facility Extent: Regular user of the Muchea Recreation Centre

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

PQT01 – 11/23 Natalie Vallance

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

Response: *During the design phase of the Muchea Recreation Centre it was brought to our attention that Puff Balls have been a problem in the past on this site. Expert advice was sought to find the best solution to the problem.*

In correspondence on the matter, Porter Engineering who are the consultants engaged by Site Architecture stated "It is not possible to 100% eliminate the risk of Puff Balls. To minimise the risk of Puff Balls and if there are particular concerns, we have specified a Copper Sulphate solution to be mixed into the road base." He also stated "I am not aware of a Geo fabric being installed as a measure to prevent puff balls."

As Puff Balls are a species of Fungi they require a damp environment to survive. The primer coat and asphalt surface of the courts provide an impervious surface. The removal of reactive clay under the courts will prevent cracking of the courts and water penetration and the application of the Copper Sulphate will also inhibit the growth of the Puff Balls. This is an industry recognised response to the problem. Due to the delay to the project and the cost of installation it is not to recommend to install Geo Fabric to the Muchea Recreation Centre Multi-Purpose Courts.

Public question time

Nil

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 15 November 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 011223

Moved Cr Ross, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 15 November 2023, as published on the Shire website, be confirmed.

CARRIED 7 / 0

TIME: 7:06PM

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

Against: Nil

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- Thank you Council for a very busy year and the CEO and the staff for their work over the year, particularly given the increasing workload with fewer resources so that is greatly appreciated.
- As a personal note I am certainly respectful and appreciative of the open and collaborative relationship developed with the CEO and staff over the last two years, so thank you very much.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 12/23 Final Adoption Scheme Amendment No. 70**

Applicant	Statewest Planning
File ref	PLN.SA.70
Author	Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. EPA Advice 2. Schedule of Submissions 3. Modified Scheme Amendment 70 Document

	Authority / Discretion	Definition
<input checked="" 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 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 supporting, with modifications, proposed Scheme Amendment No. 70 to Local Planning Scheme No. 6 (LPS6) for the rezoning of Lots 30 and 202 Great Northern Highway and Lots 3 and 201 Muchea East Road, Muchea, following a completed period of advertising. Amendment 70 proposes to amend and insert provisions within LPS6 to support limited types of industrial development.

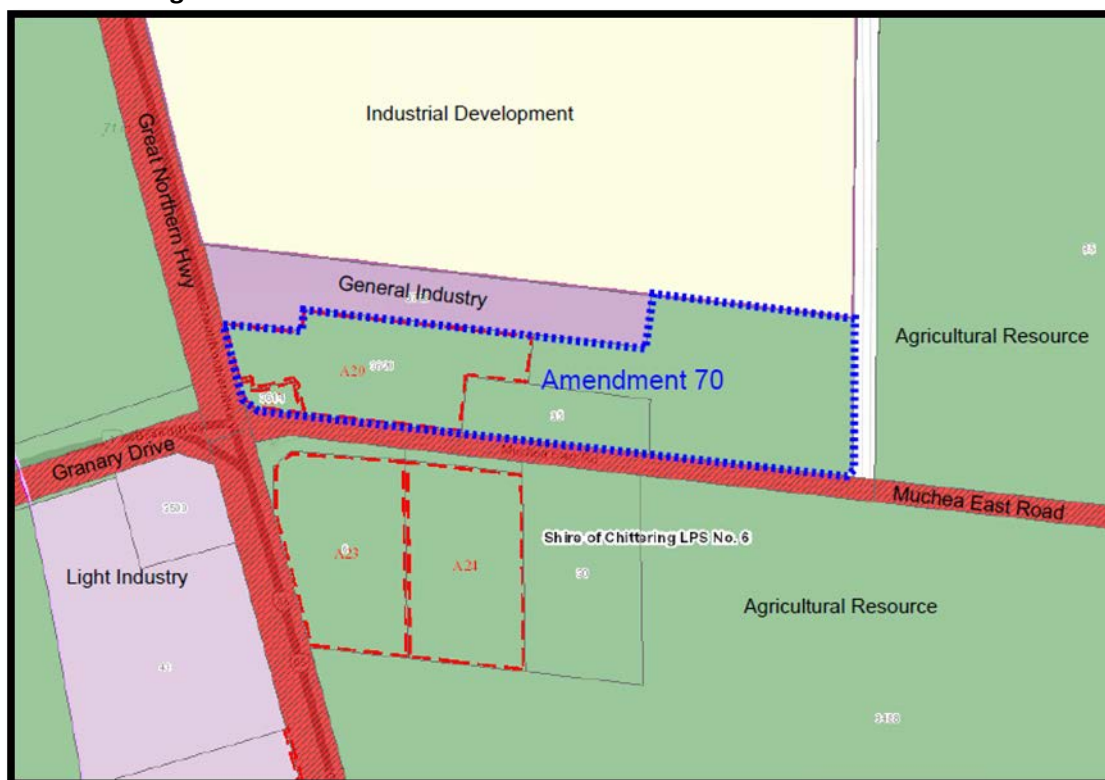
Location Plan



Site Plan



Current Zoning Plan



Background

The subject lots are located adjoining one another on the north-eastern corner of the Great Northern Highway and Mucea East Road and bordered by Gulliente Road at its eastern boundary. The lots have varied and historical existing uses ranging from residential to fuel station and plumbing shop to transport depot. Those sites with approved uses that are now non-permitted in the Agricultural Resource zone have been permitted on these lots through additional use rights (A20 and A7). These additional use rights will be extinguished should the lots be rezoned. Scheme Amendment 70 is identified in a central location within the strategically planned Mucea Industrial Park (MIP).

At the Ordinary Meeting of Council held on 17 August 2022, Council resolved:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040822

Moved Cr Campbell, seconded Cr Angus

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiates an Amendment to the Shire of Chittering Local Planning Scheme No. 6 by:
 - a. Rezoning Lots 30 on Deposited Plan 92433 & 202 on Deposited Plan 60290 Great Northern Highway and Lots 3 on Deposited Plan 20433 & 201 on Deposited Plan 60290 Mucea East Road, Mucea from 'Agricultural Resource' to 'General Industry';
 - b. Removing Additional Uses 7 & 20 from Schedule 3; and
 - c. Amending the Scheme Map accordingly.
2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that the amendment is a 'Standard Amendment' for the following reasons:
 - a. The amendment is consistent with the Shire of Chittering Local Planning Strategy (2019) which, in relation to the Mucea Industrial Park, within which this site is located, seeks to:
 - b. Promote industrial development within the Mucea Industrial Park; and

- c. *Encourage landowners to progress planning arrangements for the Muchea Industrial Park.*
- d. *The amendment is consistent with the Muchea Employment Node Structure Plan (2011).*
- e. *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
- f. *The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

*CARRIED UNANIMOUSLY 6 / 0
TIME: 7.33 PM*

Pursuant to the above Resolution and the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Scheme Amendment No. 70 was advertised after receiving advice from the Environmental Protection Agency that the amendment did not require formal assessment under *Environmental Protection Act 1986* (Attachment 1).

Consultation Summary

Advertising of Scheme Amendment No. 70 was conducted for the statutory minimum 42 days in the following ways:

- A notice was sent to landowners within a 1000m radius of the proposed Scheme Amendment area.
- A notice of the Scheme Amendment on the Shire's website.
- Notices sent to the following agencies inviting comment:
 - Chittering Landcare;
 - Department of Planning, Lands and Heritage (DPLH);
 - Department of Fire and Emergency Services (DFES);
 - Department of Mines, Industry Regulations and Safety (DMIRS);
 - Department of Primary Industries and Regional Development (DPIRD);
 - Department of Biodiversity, Conservation and Attractions (DBCA);
 - Department of Water and Environmental Regulation (DWER);
 - Main Roads Western Australia (MRWA); and
 - Department of Defence (DoD).

Responses to the advertising period for the Scheme Amendment are contained in a schedule of submissions appended to this report (Attachment 2). The responses are accompanied with the applicant's position of each response, and Shire officer's comment.

MRWA provided a late response to the proposal which is included in the Schedule of Submissions. They did not object to the proposal.

All agencies and surrounding landowners expressed no objections to the proposal, however DFES and MRWA have expressed concerns regarding the Bushfire Attack Level (BAL) ratings from the Bushfire Management Plan (BMP) and the access/egress issues for Lot 30. This will be further detailed in the Officer Comment section of this report.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*

As described above, the Scheme Amendment is to be processed in accordance with the Regulations. Part 5, Division 3, Regulation 50(3) directs local government to do one of the following three –

- a. to support the amendment without modification; or
- b. to support the amendment with proposed modifications to address issues raised in the submissions; or
- c. not to support the amendment.

The above three options are available to Council when making a resolution on this application.

Local

- Shire of Chittering Local Planning Scheme No. 6

While LPS6 does not guide the process of Scheme Amendments, it is important for Council to recognise that Scheme Amendment No. 70 not only proposes to rezone land from 'Agricultural Resource' to 'Light Industrial', it proposes to introduce new provisions and land use permissibility's into LPS6, that will affect how development occurs in this industrial area of the Shire.

- Clause 5.7.2.4 - Shire of Chittering Local Planning Scheme No. 6 (Structure Planning)

Clause 5.7.2.4 makes special provision for certain lots within the MIP to be rezoned to an 'industrial' zoning without the need for structure planning. The lots the subject of Scheme Amendment No. 70 are identified under this clause and as such, no structure planning is required to enable development and subdivision applications to be considered for approval. This is due to the existing lot configuration and smaller lot sizes where structure planning would not create any benefits within the planning process.

- Clause 5.7.2.6 - Shire of Chittering Local Planning Scheme No. 6 (Reticulated Water)

Clause 5.7.2.6 of LPS6 requires that reticulated water is provided for at the first stage of any subdivision within the MIP. As the connection to reticulated water is unlikely to be feasible for such development of a small land area, the subject Scheme Amendment has made special provision that land uses permitted are restricted until such time that a reticulated water service becomes available. These restrictions have been proposed within Schedule 11 of LPS6 which all development is required to comply with in accordance with the preceding Clause 5.7.2.5 of LPS6.

Policy Implications

State

- Government Sewerage Policy 2019

All new lots associated with this proposal will be required to treat and dispose of wastewater in accordance with the Government Sewerage Policy 2019 (GSP). The documents submitted with the application did not confirm that the site is within the requirements of the policy, however adjustments were made to the Amendment that would require any future development to demonstrate compliance with the GSP, meaning wastewater will be required to be disposed of in an environmentally safe manner. These adjustments are captured within the modified Schedule 11 of the Scheme Amendment and require that any development application is accompanied with an appropriate level of reporting to demonstrate that the proposed uses will be compliant with the GSP.

Local

- Local Planning Policy No. 33 – Muchea Industrial Park Design Guidelines

Local Planning Policy No. 33 establishes the design requirements for all subdivision and development within the Muchea Industrial Park. While it does not have impact on a rezoning such as the subject Amendment, it is important to note that any future development applications over the subject land will be required apply the provisions of this Policy.

Financial Implications

The proposed rezoning to 'Light Industrial' has the potential to broaden the employment opportunities of the community, and businesses alike.

Strategic Assessment / Implications

Local

The Shire’s Local Planning Strategy 2019 (the Strategy) and the Muchea Industrial Park Structure Plan provides the strategic basis for the rezoning of the subject lots and identifies the lots as accommodating industrial uses. Clauses 3.4.2 and 3.5.5 of the Strategy seek to consolidate industrial development within the MIP through consolidating all industrial zonings.

State

The Muchea Industrial Park Structure Plan (MIPSP) sets the planning framework to coordinate future development of the industrial park. The MIPSP identifies the subject lots as part of Precinct 1 and provides for predominantly ‘General Industry’ uses in the centre of the MIP. Despite these lots being identified for General Industry, officers consider that a Light Industry zoning is still appropriate and meets the broader strategic objectives of the MIPSP.

Site Inspection

Site inspection undertaken: Yes

The sites subject of this application can be identified as being improved with two dwellings fronting Great Northern Highway, a transport depot that fronts both Great Northern Highway and Muchea East Road, a now vacant former service station on the corner of Great Northern Highway and Muchea East Road, a dwelling facing Muchea East Road, and a vacant lot to the rear and east of the dwelling fronting Muchea East Road and Guiliente Road.

Environmental Consideration

Provision has been made within the Scheme amendment for environmental and water management reports to be prepared and approved through the development application process.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: The risk that a development has an adverse impact on the environment.	Rare	Minor	Low	N/A
Opportunity: To facilitate for environmental reports to be provided through future development applications to ensure future development on this land is environmentally sustainable.				

Officer Comment/Details

This application is for the rezoning of four lots within the Muchea Industrial Park Precinct from ‘Agricultural Resource’ to ‘Light Industrial’. The following planning matters are those which have been raised through the consultation period, or through policy/legislative requirements and require further consideration in the context of the subject proposal.

Bushfire

Through the public consultation progress, DFES expressed concerns in relation to the BAL ratings provided for the subject lots within the supplied BMP for the Scheme Amendment. DFES was concerned with the validity of these BAL ratings and the ability for development to safely occur on this property in regards to the risk of bushfire.

As this Scheme Amendment is simply to rezone the subject lots to ‘Light Industry’, any further bushfire risk will be addressed when an individual lot owner applies to obtain Development Approval for a future use of

the lot. A future BMP will be specific to the type of development that is proposed and will contain bespoke requirements that address any additional bushfire risk on the development. Shire Officers are satisfied with this approach to addressing the risk of bushfire.

Access/Egress

Whilst MRWA expressed no objections to the proposal, they identified a concern in regards to Lot 30 (the historical service station) due to the size of the lot.

Lot 30 is 50m wide from east to west and 32m long from north to south. This lot does not have sufficient room for a heavy vehicle and/or the future development that the lot will be utilised for.

Shire Officers are satisfied that any issues regarding access/egress for the site will be addressed when a future development application is submitted for Lot 30. Any development application would need to suitably demonstrate how traffic movements can successfully coordinate with the surrounding road network. In a practical sense, development on this lots will be limited to uses that do not require the calling or use of heavy vehicles with a length that cannot be contained within the lot or cannot interact safely with the surrounding network. Additionally, given Lot 30 has frontage to Great Northern Highway, it is likely that any development application received for this lot will be referred to MRWA to ensure it is comfortable with any future development proposed.

Reticulated Water

One major issue that was identified is the lack of reticulated water to the subject lots. Unlike other lots within the MIP, which have or will have access to a reticulated water supply, the subject lots of this Scheme Amendment do not have access to a reticulated water supply and as such, the potential for industrial land uses to occur on the lots is limited.

This concern was raised with the applicant and Department of Planning, Lands and Heritage. Discussions between all parties were held and it was agreed to limit the 'permitted' uses for these four subject lots to the following land uses:

- Transport Depot;
- Warehouse/Storage; and
- Landscape Supplies.

By reducing the permitted land uses to those of a 'dry Industry' nature, it reduces the risk of further development occurring on the subject lots which would typically require access to a high volume of water (which is not available on these lots). Should water be required for particular developments, it will be incumbent on the applicant that a suitable supply of water can be supplied (i.e rain water collection, bore water etc.).

If the subject sites are to gain access to a reticulated water supply in the future, the restrictions for the permitted land uses can be varied through the development approval process.

As the subject lots will be restricted to land uses that typically don't require a large amount of water, Shire Officers are satisfied with this aspect of the proposal.

Contaminated Sites

Concerns were also expressed in relation to a potentially contaminated site of Lot 30, the historical service station. DWER were contacted during the public consultation period in regards to the potential for the Lot to be listed as a contained site, however DWER confirmed to their knowledge that the lot is not listed as a contaminated site on any State register.

Shire Officers still hold a level of concern over the historical use of Lot 30, however the applicant has agreed that it will be a condition of this Scheme Amendment that prior to Development occurring on Lot 30, a site contamination assessment will be prepared by a suitably qualified professional to ensure that no contamination exists on the site.

Shire Officers are satisfied with this approach to address the concerns regarding a contaminated site, and have confidence that any future development will not occur until a full assessment of any potential historical contamination has been undertaken, and suitable remediation measures applied.

Recommendation

It is recommended that Council resolve to support Scheme Amendment No. 70 with the modifications as listed above and contained within a modified Scheme Amendment 70 document (Attachment 3). It is noted that the modifications recommended have been agreed by the applicant and have also gained the in-principle support of the Department of Planning, Lands and Heritage.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021223

Moved Cr Ross, seconded Cr King

That Council:

1. Pursuant to Part 5, Division 3, Regulation 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*, advises the Western Australian Planning Commission that it supports a modified Scheme Amendment No. 70 to the Shire of Chittering Local Planning Scheme No. 6 (LPS6) as per the following:

a) Rezoning Lots 30 on Deposited Plan 92433 & 202 on Deposited Plan 60290 Great Northern Highway and Lots 3 on Deposited Plan 20433 & 201 on Deposited Plan 60290 Muchea East Road, Muchea from ‘Agricultural Resource’ to ‘Light Industry’;

b) Inserting development provisions into Schedule 11 as follows:

No.	Description of Land	Conditions
3	Precinct 1 North A of the Muchea Industrial Park Structure Plan– Lots 30 & 202 Great Northern Hwy and Lots 3 & 201 Muchea East Rd, Muchea	<p>General planning matters applicable to the Muchea Industrial Park are set out in clause 4.9, 4.20 and 5.7 of the Scheme. The purpose of this schedule is to identify more detailed planning matters relevant to the subject lots.</p> <p>1.0 Development</p> <p>1.1 Notwithstanding the provisions of Schedule 2 – Zoning Table, in the event that a reticulated water supply provided by a licensed provider is not available, land uses shall be limited to the following permitted (P) uses:</p> <ul style="list-style-type: none"> • Transport Depot • Warehouse / Storage • Landscape Supplies <p>1.2 Development applications are required to demonstrate that:</p> <ul style="list-style-type: none"> • The proposed use / development has an adequate and sustainable water supply to service the day to day operational needs of the land use on an ongoing basis. • Wastewater can be disposed of in a manner consistent with the requirements of the Government Sewerage Policy 2019;

		<ul style="list-style-type: none">• Traffic impacts of the proposal can be accommodated on the surrounding road network;• Stormwater can be suitably managed on site to the Shire's Policy requirements and specifications. <p>1.3 Prior to development on Lot 30 a site contamination assessment conducted by a suitably qualified professional shall be undertaken to the relevant standards of the Department of Water and Environmental Regulation. Should this assessment demonstrate that contamination exists, evidence is to thereafter be provided that the site has been decontaminated prior to approval being granted for any development on the property.</p>
<p>c) Remove Additional Uses 7 & 20 from Schedule 3; and</p> <p>d) Amending the Scheme Map accordingly.</p> <p style="text-align: right;">CARRIED 7 / 0 TIME: 7:10PM</p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Ross, Cr Hughes, Cr Campbell, Cr Dewar, Cr Curtis</i></p> <p style="text-align: right;"><i>Against: Nil</i></p>		

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 12/23 List of Accounts Paid for the Period Ending 30 November 2023**

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

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

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 November 2023.

Background

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

Consultation/Communication ImplicationsLocal

Deputy Chief Executive Officer

State

Nil

Legislative ImplicationsState

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
Opportunity: None				

Officer Comment/Details

The attached "List of Accounts Paid as at 30 November 2023" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031223 Moved Cr Campbell, seconded Cr Angus That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,310,816.22 , for the period ending 30 November 2023:</p> <ol style="list-style-type: none"> 1. PR6514 , PR6522 ; 2. EFT26060 – EFT26165 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED 7 / 0 <small>TIME: 7:11PM</small></p> <p style="text-align: center;">For: Cr King, Cr Angus, Cr Ross, Cr Hughes, Cr Campbell, Cr Dewar, Cr Curtis Against: Nil</p>

CS02 – 12/23 Monthly Financial Report for the Period Ending 30 November 2023

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

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

Executive Summary

Council is requested to consider the financial statement for the period ending 30 November 2023.

Background

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

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

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

Consultation/Communication Implications

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

Legislative ImplicationsState

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

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

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

Officer Comment/Details

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

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041223 Moved Cr Angus, seconded Cr Ross That Council receives the Monthly Financial Report for period ending 30 November 2023, as per Attachment 1.</p> <p style="text-align: right;">CARRIED 7 / 0 <small>TIME: 7:12PM</small></p> <p style="text-align: center;">For: Cr King, Cr Angus, Cr Ross, Cr Hughes, Cr Campbell, Cr Dewar, Cr Curtis Against: Nil</p>

CHIEF EXECUTIVE OFFICER**CEO01 – 11/23 Work Health and Safety Statistics Report – November 2023**

Applicant	N/A
File ref	GOV.REP.OSH
Author	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Report – November 2023

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

Executive Summary

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the quarter ending November 2023.

Background

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

<p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 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". 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"> a. Number of safety observations; b. Number of safety audits and inspections; c. Number of working hours (total, workforce and contractors) d. Number of training hours; e. Number of toolbox talks; f. Number of equipment breakdowns;
--

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 051223

Moved Cr Angus, seconded Cr Campbell

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

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

CARRIED 7 / 0

TIME: 7:15PM

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

Against: Nil

CEO02 – 12/23 New Delegated Authority – Disposing of Property

Applicant	Shire of Chittering
File ref	13/05/0001
Author	Deputy Chief Executive Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Draft 1.2.26 Disposing of Property

	Authority / Discretion	Definition
<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"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to adopt new delegation "1.2.26 Disposing of Property" to expedite the disposal of property process under specific conditions.

Background

Section 3.58 of the Local Government Act 1995 (Act) provides the legislative framework by which a Local Government must dispose of property.

Section 3.58(2)&(3) of the Act stipulates the three primary methods by which a Local Government must generally undertake in order to dispose of property being by:

- auction to the highest bidder.
- public tender.
- private treaty.

The Act also provides various exemptions where disposal of property can be undertaken via a method other than those mentioned above.

Providing delegation to the CEO and further sub-delegation of some of the functions contained within section 3.58 can expedite the process of disposing of property whilst maintaining adequate control.

Consultation Summary

Local

Chief Executive Officer

State

Nil

Legislative Implications

State

- *Local Government Act 1995*

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

(a) any power or duty that requires a decision of an absolute majority of the council;

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

(c) appointing an auditor;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;

(f) borrowing money on behalf of the local government;

(g) hearing or determining an objection of a kind referred to in section 9.5;

(ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;

(h) any power or duty that requires the approval of the Minister or the Governor;

(i) such other powers or duties as may be prescribed.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act

30. Dispositions of property excluded from Act s. 3.58

(3) A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000; or

(b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Local

Nil

Policy Implications

State

Nil

Local

Policy 2.5 Purchasing & Procurement

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: The Delegation Register provides for the efficient and effective running of the Shire while staying compliant with legislation and regulations	Rare	Insignificant	Low	The creation of and regular review of the Delegations Register reduces the risk of non-compliance.
Opportunity: Nil				

Officer Comment/Details

The delegation as drafted, delegates power to dispose of property up to the value of \$75,000 without reference to Council for resolution.

The controls placed on this draft delegation are, in the event of the disposals of land or buildings, the property must be identified in the adopted annual budget for disposal.

In addition, disposals under this delegation are limited to property with a value below \$75,000.

The draft delegation also delegates the power to dispose of property considered an excluded disposal by the Act.

An excluded disposal is a disposal that can be undertaken via a method other than those stipulated by Sections 3.58(2)&(3).

The two excluded disposals within this delegation are:

1. Sale of property under the value of \$20,000
2. Disposal as part of a trade-in where the value of the property being purchased is not more than \$75,000.

Specific other conditions are detailed in the draft delegation related to auctions, tenders and private treaty.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061223

Moved Cr Ross, seconded Cr Angus

That Council, in accordance with Section 5.42 of the Local Government Act 1995, and BY AN ABSOLUTE MAJORITY adopts the delegated authority - Disposing of Property attached to this item.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

TIME: 7:17PM

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

Against: Nil

CEO03 – 12/23 Chittering Tourist Advisory Group Nominations

Applicant	Shire of Chittering
File ref	ECDEV.TOUR.CTAG
Author	Tourism, Events & Marketing Officer
Authorising Officer	Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. CTAG Terms of Reference

	Authority / Discretion	Definition
<input checked="" 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 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 select members for the Chittering Tourism Advisory Group.

Background

CTAG officially became an advisory group to Council at the September 2020 Ordinary Council Meeting. The Terms of Reference can be found as an attachment.

OBJECTIVES OF THE TOURISM ADVISORY GROUP

To make recommendations and advise Council on select matters relating to tourism;

- To make recommendations on economic development strategies related to tourism
- To suggest targets and track the progress made by the Shire in undertaking tourism development activities.

The Advisory Group will advise Council all matters in tourism relating to:

- Stakeholder engagement
- Marketing
- Business support & development
- Investment attraction & infrastructure implementation
- Visitor satisfaction
- Undertaking major projects
- Shire-led tourism-focused events coordination

Membership is made up of:

- a) One Shire of Chittering Councillor as member and one Councillor as proxy
- b) One Chittering Tourism Association representative as a member
- c) Five tourism industry personnel from the Chittering local government area

The Terms of Reference states that:

“At each Ordinary Council Election, all positions will be declared vacant and; expressions of interest for committee positions will be advertised every two years in line with Council Elections, at the first meeting following the Elections”.

A period of advertising has been undertaken and several candidates have nominated for selection on the Chittering Tourism Advisory Group.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

If not applicable

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 - Objective: S4.3 Increased Visitors
 - Strategy: S4.3.1 Support and promote accommodation options
S4.3.3 Facilitate, promote and support ecotourism

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation	Unlikely	Insignificant	Low	Ensuring positive collaboration and partnerships with Tourism, Business and Council.
Opportunity: Nil				

Officer Comment/Details

A shortlist of candidates has been compiled after a period of advertising which can be viewed below. With all positions now declared vacant Council are requested to review the candidates below and select a group of five tourism industry personnel group members for the period until the next Ordinary Council Election. We have only received four nominations.

Previous CTAG members Rene Van Eden and Kay McDonald have elected to not renominate. A third previous member, Mark Sparrow, is yet to provide comment on his intention to nominate.

Council have nominated Cr Carmel Ross and Cr Mark Campbell. As stated in the Terms of Reference the Council representative is required to chair Chittering Tourism Advisory Group meetings, unless nominating another group member as the Chair.

A member from the Chittering Tourist and Business Association (previously Chittering Tourist Association) is also required to delegate a member. The CTABA has delegated Tamiaka Preston. The candidates who have nominated for the tourism industry personnel positions are as follows:

Name: Natalie Vallance

Background: Proprietor at Muchea Tree Farm in Muchea. Previous member of the Chittering Tourism Advisory Group

Name: Chris Waldie

Background: Member of the Chittering Tourist and Business Association and Bindoon and Districts Historical Society.

Name: Evlyn Brown

Background: Proprietor at Alan & Eves Eden B&B; a Sustainable/Quality Tourist Accredited accommodation provider in Lower Chittering.

Name: Chris Evans

Background: RDA Wheatbelt Research Evaluation Project Support Officer, writer of Wheatbelt Tourism Economic Briefing Paper and researcher and evaluator of Wheatbelt tourism projects - activities and attractions in the Wheatbelt for the past two years, as well as proposing and supporting initiatives that are aimed at driving increased tourism.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071223

Moved Cr Campbell, seconded Cr Ross

That Council appoint the following community representatives to the Chittering Tourism Advisory Group:

- Natalie Vallance
- Chris Waldie
- Evlyn Brown
- Chris Evans

CARRIED 7 / 0

TIME: 7:19PM

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

Against: Nil

CEO04 – 12/23 Muchea Recreation Centre – Clay Removal and Clean Fill Reinstatement

Applicant	N/A
File ref	A9073
Author	Principal Building Surveyor
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Muchea Recreation Centre Monthly Report September 2023

	Authority / Discretion	Definition
<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	<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 requested is to consider the issuance of a purchase order to Geared Construction Pty Ltd (WA) for the removal of clay, backfill with clean fill and the application of copper sulphate to the area under the new multipurpose courts at the Muchea Recreation Centre.

Background

At its meeting held 17 August 2022, Council accepted a tender submitted by Geared Construction Pty Ltd (WA) for the construction of the MRC as per the below resolution:

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120822 <i>Moved Cr Angus, seconded Cr Ross</i> <i>That Council</i></p> <ol style="list-style-type: none"> <i>Accept the tender submitted by GEARED CONSTRUCTION PTY LTD (WA) of 29 Fortitude Bvd, Gnangara WA 6077, for Tender SC/22-002 CONSTRUCTION OF MUCHEA RECREATION CENTRE AT MUCHEA WA, in accordance with the tender documentation and for the fixed lump sum price of \$4,964,388 excluding GST;</i> <i>Enter into a contract with GEARED CONSTRUCTION PTY LTD (WA) of 29 Fortitude Bvd, Gnangara WA 6077, for Tender SC/22-002 CONSTRUCTION OF MUCHEA RECREATION CENTRE AT MUCHEA WA in accordance with the tender documentation and for the fixed lump sum price of \$4,964,388 excluding GST.</i> <p style="text-align: right;">CARRIED UNANIMOUSLY 6 / 0 <small>TIME: 8.49PM</small></p>
--

During the removal of the existing courts as part of the awarded contract for the Muchea Recreation Centre (MRC), it was discovered that there was a significant amount of clay soil that would have an adverse effect on the structural integrity of the resurfaced courts that would materially shorten the life of the resurfacing.

As demonstrated by the original court's failures, the movement of the clay creates cracking through to the to surface allowing water ingress which provides a perfect environment for puff balls to grow.

Geared Construction advised the Shire proposing that removal of all the clay soil under the proposed courts and replacing it with clean fill and applying copper sulphate to the base and surface layers, whilst initially costly, will far out way the cost incurred in having to resurface the courts with a significantly reduced useful life the clay under the courts would cause.

Geard Construction has quoted \$290,225.10 ex GST for the netball court excavation of clay, sub-straight backfill and application of copper sulphate.

Council was briefed by the Shire's administration in September 2023 before committing to the additional excavation and sub-straight fill works to the two netball courts. An updated report on the project was also circulated to Council on 29 September 2023 (report attached).

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Local Government (Functions and General) Regulations 1996

Regulation 11 (2) of the *Local Government (Functions and General) Regulations 1996* states;

11. When tenders have to be publicly invited

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

At the time Geared Construction identified the need for additional works for delivery of the Netball Courts, the overall MRC project was under the allocated budget, and it was forecasted that the adjustment to the

redevelopment of the two courts would not exceed the budget.

Whilst this is a significant item, the overall effect of authorising these works will be identified and accounted for during the annual budget review process.

Strategic Assessment / Implications

- Strategic Community Plan 2012-2032
 Focus area: Community
 Objective: S1.1 An Active and Supportive Community
 Strategy: S1.1.2 Social hubs to bring the community together
 Focus area: Built Environment
 Objective: S3.2 Improving Infrastructure
 Strategy: S3.2.3 Provision of community facilities to allow sport and recreation participation

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project Budget Exceeded	likely	Minor	Minor	Allocating further expenditure to the project that can be absorbed into Council's budget during the mid-year budget review.
Opportunity: The additional budget expense ensures that the MRC project is completed to a high standard and includes better facilities (netball courts) for the community than originally planned.				

Officer Comment/Details

The construction of the MRC is closing in on the final stages of construction, with the new courts being the final piece of the project.

Geared Construction as the awarded tendered for the project have exclusive access rights to the site during construction. Therefore, they are ideally positioned to undertake the additional works that are the subject of this item.

The additional costs for Geared Construction to remove the existing clay, replace it with clean fill and apply copper sulphate equates to \$290,225.10 ex GST and is identified as outside the scope of work awarded under Tender SC/22-002.

Geared Construction are a WALGA preferred supplier under the *Construction and Building Environments (PSP012)* contract and therefore are subject to the tender exemption prescribed under Functions and General Regulation 11(2)(b), as detailed above.

To keep this project on schedule, subject to Council having been advised in its September 2023 briefing, the CEO has authorised Geared Construction to undertake the netball courts excavation of clay, sub-straight fill and copper sulphate application additional works, as a separate contract under the Functions and General Regulation 11(2)(b) tender exemption.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081223

Moved Cr King, seconded Cr Ross

That Council:

- 1. Endorse the Chief Executive Officer's actions to contract Geared Construction Pty Ltd (WA) for additional works to the Muchea multi-use courts comprising excavation of clay, sub-straight backfill and application of copper sulphate, at a cost of \$290,225.10 ex GST, in accordance with Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996.**
- 2. Notes that contracting Geared Construction to undertake these additional works, is necessary for the timely completion of the Muchea Recreation Centre project and importantly for the long-term sustainability of the multi-use court infrastructure.**
- 3. Instruct the Chief Executive Officer to include the additional \$290,225.10 ex GST expenditure in the annual budget review.**

CARRIED 7 / 0

TIME: 7:22PM

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

Against: Nil

CEO05 – 12/23 Request for Proposal – Bindoon Accommodation and Ancillary Services

Applicant	N/A
File ref	ECDEV - PROJECT - MOUNTAIN BIKE
Author	Deputy Chief Executive Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Demarcated Area

	Authority / Discretion	Definition
<input checked="" 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 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 give authority to the Chief Executive Officer to seek Request For Proposals for accommodation and ancillary services to be offered in the vicinity of the lower trailhead at the Bindoon Mountain Bike Park.

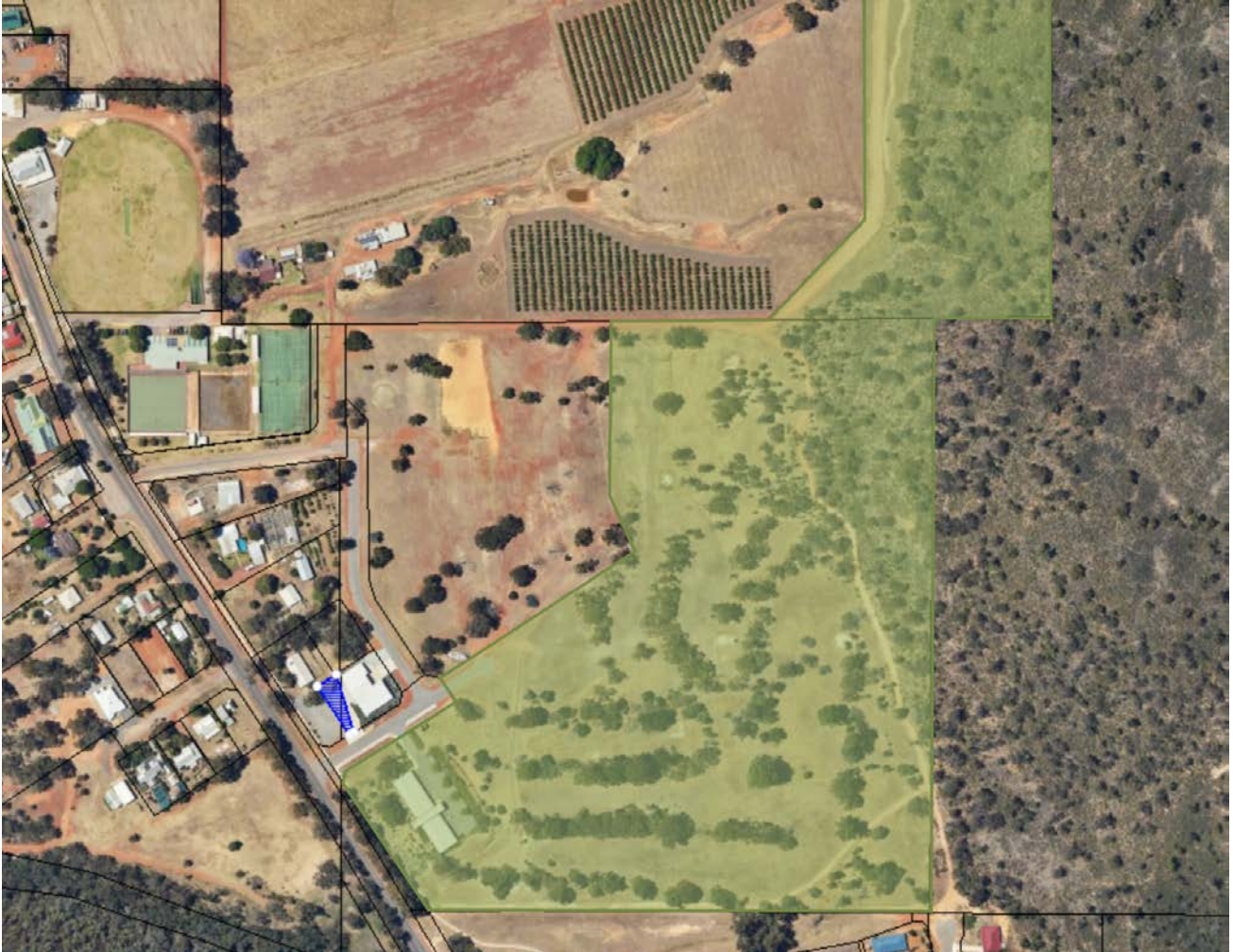
Background

The Shire of Chittering, as part of its planning for the Bindoon Mountain Bike Park and the expected demand for accommodation as a result of the park, commissioned a concept drawing of possible accommodation and ancillary services that could be established in the land near the lower trailhead of the mountain bike park.

The concept drawing as attached shows opportunities including, but not limited to:

- Caravan Park
- Camping sites
- Glamping tents
- Café/kiosk

The area earmarked for these developments is the old Bindoon Golf Course located at the base of the mountain bike park behind the Chinkabee Complex and the medical centre. The Shire of Chittering owns this land (Lot 801 on Deposited Plan 423293) freehold. Access to the land is via Wollah Rise, a sealed road.



Consultation Summary

Local

Significant public consultation has been undertaken with various stakeholders over the last several years in progressing the Mountain Bike Park project to this point.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

As a request for proposal is not a legislative function there is non-binding outcome as a result of seeking this information. Therefore, the financial implications will likely be limited to advertising and internal human resourcing costs. Both of which are adequately catered for in the existing budget.

Should Council wish to progress any of the proposals it receives then any financial implication as a result of this will be subject to a future Council report/decision.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Economy
 Objective: S4.1 Economic Growth
 Strategy: S4.1.1 Support investment which stimulates sustainable industries, business and job growth.

Focus area: Economy
 Objective: S4.2 Local Business Growth
 Strategy: S4.2.1 Encourage and support local businesses and new investments for the future

Focus area: Economy
 Objective: S4.3 Increase Visitors
 Strategy: S4.3.1 Support and promote accommodation options
 S4.3.2 Facilitate, promote and support visitation

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project (Time)	Unlikely	Minor	Low	Develop a detailed and stringent request for proposal document to be clear to prospective respondents of what the Shire expects as part of the process.
Opportunity: Nil				

Officer Comment/Details

The Shire of Chittering has various ways in which to progress accommodation options aligned to the attached concept plan, including, but no limited to;

- Shire built and operated.

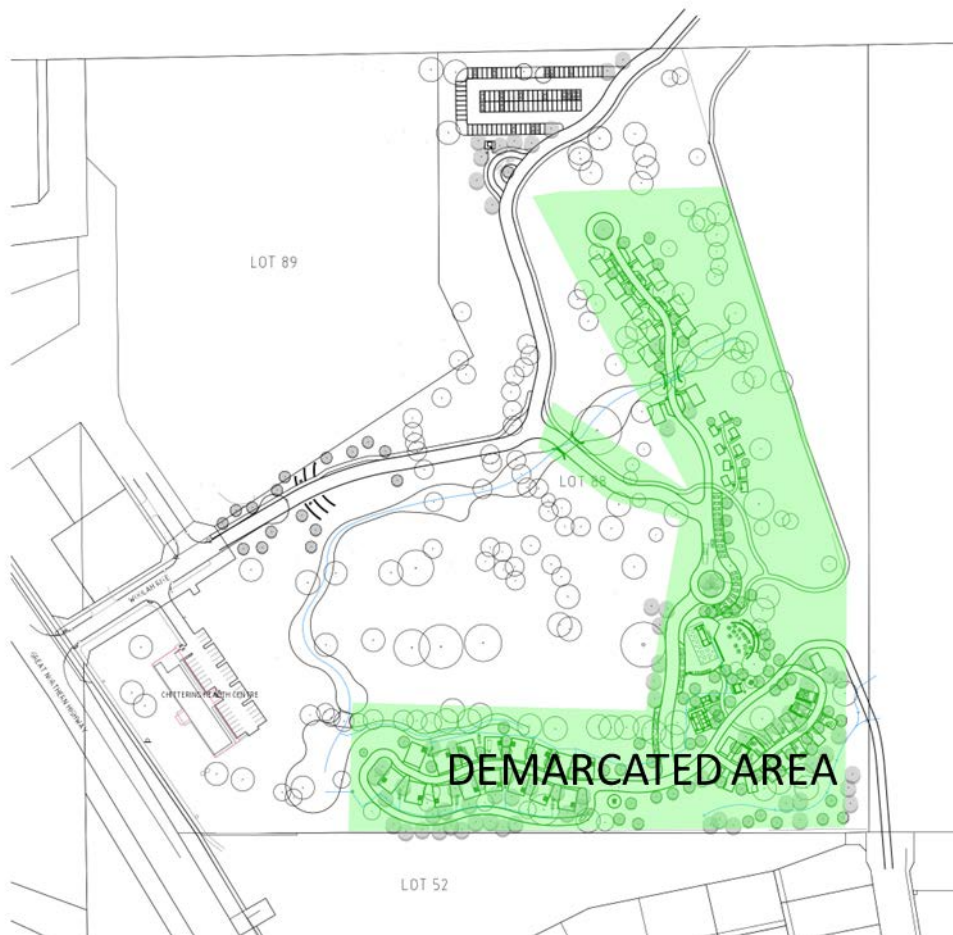
- Shire built and operated under management agreement.
- Shire build and subsequently lease the development to a private operator.
- Lease the land to a private operator to construct and operate the facility.

Local Government has limited internal expertise and resources to build and operate a facility such as that attached to this item.

Therefore, Council is requested to authorise the Chief Executive Officer to conduct an obligation free Request for Proposal process seeking experienced tourist accommodation developers and operators with the necessary skills, design experience and, financial resources to make submissions in relation to accommodation and ancillary service they may wish to provide adjacent to the lower trailhead of the Bindoon Mountain Bike Park on a portion of Lot 801 on Deposited Plan 423293.

It is intended that the concept drawing is provided as a guide only, and the Request for Proposal will not be overly prescriptive in relation to accommodation offerings and ancillary services to allow the respondents to provide options they deem financially viable. This will allow for more submissions from operators of varying size.

Lot 801 on Deposited Plan 423293 is a large piece of land with various possible competing and complementary uses for the site as a whole, therefore it is proposed that the submissions be limited to the general area shaded green in the attached “demarcated area” document as shown below:



OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091223

Moved Cr Campbell, seconded Cr Angus

That Council:

1. Authorise the Chief Executive Officer to conduct a Request for Proposal process to seek submissions from suitably qualified developers and businesses to develop and operate a sustainable tourist accommodation and ancillary tourist type businesses on part of Lot 801 on Deposited Plan 423293; and
2. Instruct the Chief Executive Officer, to stipulate that proposals should be limited to the general area as identified in green shading within the attached document entitled "Demarcated Area."

CARRIED 7 / 0

TIME: 7:28PM

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

Against: Nil

CEO06 – 12/23 Lower Chittering Community Centre (LCCC) Reference Group – Terms of Reference

Applicant	Shire of Chittering
File ref	RCS.PROJ. LWR CHIT HALL REPLACEMENT
Author	Alison Reliti, Community Development Coordinator
Authorising Officer	Scott Clayton, Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Lower Chittering Community Centre Reference Group Terms of Reference

	Authority / Discretion	Definition
<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	<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 requested to approve the reactivation of the of the Lower Chittering Hall Replacement (LCHR) Reference Group as the Lower Chittering Community Centre (LCCC) Reference Group and; to approve the updated Terms of Reference for the group.

Background

The final Schematic Design Report, and the Business Plan were approved by Council at the February 2023 OCM, and as per the LCHR Reference Group Terms of Reference, the group was placed in recession.

In 2023/2024 Council allocated funding to the creation of Architectural Design plans for the facility which will include Cost Estimates, and drawings ready for a Tender for Construction when funding becomes available.

This stage of the project now requires the change of name of the LCHR Reference Group to the Lower Chittering Community Centre (LCCC) Reference Group, reactivation of the group and updated Terms of Reference.

Consultation SummaryLocal

In August 2021, an EOI for membership to the LCHR Reference Group was released, with 6 members elected to the group at the September 2021 OCM.

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

1.7 Asset Management – Infrastructure Assets

Financial Implications

Nil

Strategic Assessment / Implications

• Strategic Community Plan 2017-2027

- | | |
|-------------|--|
| Focus Area: | Our Community |
| Objective | S1.1 An active and supportive Community |
| Strategy: | S1.1.2 Develop and enhance existing recreation and social facilities for local communities |
| Objective: | S2 Outcome: Strong sense of community |
| Strategy: | S1.2.3 Activate our local centres and towns |
| Focus Area: | Our built environment |
| Objective: | S3 Outcome: Development of local hubs |
| Strategy: | S3.1.1 Plan for new and enhanced community facilities |
| Objective: | S3 Outcome: Improved infrastructure and amenities |
| Strategy: | S3.3.1 Improved asset management across all asset classes |
| Focus Area: | Strong leadership |
| Objective: | S5.1 An engaged community |
| Strategy: | S5.1.1 Encouraged and promote community engagement |
| Objective | S5.2 Strong partnerships and relationships |
| Strategy: | S5.2.1 Build effective partnerships with stakeholders |
| Objective: | Accountable Governance |
| Strategy: | S5.3.1 Good governance, which supports efficient and effective service delivery |

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project: Reference Group is not activated and consultation is not sufficient to create qualitative data for new facility design.	1	3	Low	Reference group has been updated on the stages of the project and is aware that they will be recalled soon to assist with the Architectural Design process.
Reputation: Reference Group is not activated and community feels their ideas and needs were not considered in the planning of the new facility.	1	3	Low	Reference group has been updated on the stages of the project and is aware that they will be recalled soon to assist with the Architectural Design process.
Opportunity: Reactivation will allow appropriate membership and representation.				

Officer Comment/Details

In July 2021 Council approved the creation of the Lower Chittering Hall Replacement Reference Group as an advisory group of council.

Site Architectural Studio were engaged in September 2022 to create a Lower Chittering Community Centre Schematic Design Report, through consultation with the Lower Chittering Hall Replacement Reference Group, which was endorsed along with the LCCC Business Plan developed by Whitney Consulting in February 2023.

Council has approved the allocation of funding to further develop the design of the new facility in the 2023/2024 budget. In order to consult on the Architectural Design Plans for the Lower Chittering Community Centre and ensure the final design meets the communities needs, it is recommended that the reference group be reactivated as the Lower Chittering Community Centre. New Terms of Reference have been created to reflect the current status of the project.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101223
Moved Cr Angus, seconded Cr King
That Council approve:

- 1. The reactivation of the LCHR Reference Group as the Lower Chittering Community Centre (LCCC) Reference Group and;**
- 2. The attached terms of reference for the group.**

CARRIED 7 / 0
TIME: 7:31PM

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

Against: Nil

CEO07 – 12/23 Shire of Chittering Annual Report 2022-2023

Applicant	Shire of Chittering
File ref	GOV.CM.2023
Author	Manager Governance and Performance Reporting
Authorising Officer	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	1. 2022 – 2023 Annual Report

	Authority / Discretion	Definition
<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	<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 requested to accept the 2022-2023 Annual Report and recommend the date for the Annual Meeting of Electors.

Background

The development of an annual report is a requirement of the Local Government Act 1995 (the Act). Section 5.53(1) of the Act requires local governments to develop and publish an annual report for each financial year with the required content specified in section 5.53(2). The Act further requires a local government to hold an Annual Electors Meeting not more than 56 days after the report is accepted by Council.

Section 5.54 of the Act requires that the Local Government accepts the Annual Report for a financial year no later than 31 December after that financial year. The exception being that if the Auditor's report is not available in time for the Annual Report for a financial year to be accepted by 31 December after that financial year, the Annual Report is to be accepted by the Local Government no later than two months after the Auditor's report becomes available.

The Shire is striving to improve the quality of reporting. The content of the report has changed quite significantly from being a statutory document to a key marketing, reporting and communication tool and enables the Shire to communicate in an open, honest and transparent way on financial and business information to external and internal stakeholders. This annual report has been developed through extensive benchmarking with other award-winning local governments and the development of a new template which was based on the criteria of the Australasian Reporting Awards (ARA). The ARA provides an opportunity for the Shire to benchmark its report against the ARA criteria, the Awards consider annual reports from across the globe, with the purpose being to improve the standards and quality of financial and

business reporting. The Annual Report 2022/23 will be entered into the Australasian Reporting Awards (ARA).

The Annual Report is the primary vehicle for reporting on achievements against the Shire's strategic objectives as set out in the Shire's Strategic Community Plan and details achievements and performance against the 2022/23 commitments made in the Corporate Business Plan and Annual Operational Plan.

The Audited Financial Statements and the Audit Report of the Financial Statements are listed as separate items for Council consideration at this meeting. Please note that in the branded version of the Annual Report that will be submitted to the AGM, these two items will be incorporated into the Report.

Consultation Summary

Local

An extensive consultation process was conducted with the Executive Management Team and various key staff members. The integrated approach was to ensure that all services delivered during 2022/23 and its relevant performance are captured within the report.

State

Nil

Legislative Implications

State

- Local Government Act 1995, Section 5.54(2)
 - (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.'*
- Local Government Act 1995, Section 5.55

That Council give local public notice of the availability of the Annual Report once adopted by Council.
- Local Government Act 1995, Section 5.27

Electors' general meetings

 - (1) *A general meeting of the electors of a district is to be held once every financial year.*
 - (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
 - (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*
- Local Government Act 1995 Section 5.29

Convening electors' meetings

 - (1) *The CEO is to convene an electors' meeting by giving—*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice of the date, time, place and purpose of the meeting.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

State

Nil

Local

- Strategic Community Plan 2017-2027
 Focus area: Strong leadership
 Objective: S5.1 An engaged community
 Strategy: S5.1.1 Encourage and promote community engagement

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Likely	Moderate	High	By bringing this through the Council this risk is being mitigated and compliance will be met.
Opportunity: Nil				

Officer Comment/Details

To meet the legislative requirements, the Annual Electors Meeting must be held by no later than 7 February 2024.

It is recommended that Council accepts the Annual Report and sets the date for the Annual General Meeting of Electors for Tuesday 6 February 2024 to be held at the Bindoon Hall, Great Northern Highway, Bindoon.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111223
 Moved Cr Ross, seconded Cr Dewar
 That Council BY ABSOLUTE MAJORITY:

1. Pursuant to Section 5.54 and 5.55 of the Local Government Act 1995, accepts the 2022-2023 Annual Report; and
2. Convenes the Annual Electors Meeting on Wednesday, 7 February 2024 at the Bindoon Hall, Great Northern Highway, Bindoon commencing at 7.00pm.

CARRIED BY ABSOLUTE MAJORITY 7 / 0
TIME: 7:37PM

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

ITEM 10. REPORTS OF COMMITTEES**COM01 – 12/23 Local Emergency Management Committee – Unconfirmed Minutes from Wednesday, 22 November 2023 & Scheduling of 2024 Meeting Dates**

File ref	ES.MEET.LEMC.2023
Author	Development Services Support Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. "Unconfirmed" minutes from Local Emergency Management Committee meeting held on 22 November 2023.

	Authority / Discretion	Definition
<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	<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 requested to endorse the meeting dates for 2024 and receive the minutes from the Chittering Local Emergency Management Committee meetings held on Wednesday 22 November 2023.

Background

The Chittering Local Emergency Management Committee meeting met on Wednesday 22 November 2023 where the following formal recommendation was made and carried:

OFFICER RECOMMENDATION

Moved Kylie Hughes / Seconded Jude Seivwright

That:

1. *The Local Emergency Management Committee meeting dates for 2024 are as follows:*
 - a. *Wednesday 21 February*
 - b. *Wednesday 22 May*
 - c. *Wednesday 28 August*
 - d. *Wednesday 27 November*
2. *The Local Emergency Management Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10am.*

CARRIED UNANIMOUSLY

Consultation Summary

Local

Local Emergency Management Committee

State

Nil

Legislative Implications

State

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

38. Local emergency management committees

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

39. Functions of local emergency management committees

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

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

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be charge for advertising the 2024 Local Emergency Management Committee meeting dates in the local newspapers. These charges have been included for in the 2023/24 Annual Budget.

Strategic Assessment / Implications

- Strategic Community Plan 2017-2027
Focus area: Our natural environment

Objective: S2.3 Protection of life and property
 Strategy: S2.3.1 Improve bushfire preparedness and recovery

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

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

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

Officer Comment/Details

Following the meeting of the Local Emergency Management Committee, Council is requested to endorse the 2024 committee meeting dates. The dates will be advertised in the local newspaper following Council’s resolution.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121223

Moved Cr Hughes, seconded Cr Curtis

That Council:

1. Receives the unconfirmed minutes from the Local Emergency Management Committee meeting held Wednesday 22 November 2023.
2. Endorses the 2024 Local Emergency Management Committee meeting dates for:
 - a. Wednesday 21 February
 - b. Wednesday 22 May
 - c. Wednesday 28 August
 - d. Wednesday 27 November
3. Endorses that the Local Emergency Management Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 10am.

CARRIED 7 / 0

TIME: 7:39PM

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

Against: Nil

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

MWN01 – 12/23 **Cr John Curtis**

MOTION

Moved Cr Curtis, seconded

That Council instruct the Chief Executive Officer to arrange a council workshop to review the council donation policy 6.2.3 with an intent to preclude the Shire from accepting donations from mining companies and mining related companies.

LAPSED FOR WANT OF A SECONDER

Introduction

Council donation policy 6.2.3 as adopted at the OCM in December 2022, states that any services or products that are injurious to health, or conflict with shires policy and responsibilities to the community are unacceptable.

Mining enterprises might be injurious to the health of our community, and as such, all mining- and mining related groups should explicitly be excluded from making donations to the Shire, through a change in the Donations Policy.

Mining companies could have an impact on the Shire whether they operate from within Shire boundaries or not.

The good management of the environment is a primary task of the council and should be considered in all its decisions.

The acceptance of donations/sponsorship from mining or mining related companies creates the perception that Council is in support of such activities.

Conclusion

A workshop is required for Council to consider amending the policy to specify that the Shire will not accept donations from Mining or Mining related companies.

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

QWN01 – 12/23 **Cr John Curtis**

Question: What is the latest that we know of the Good Sammy's proposal?

Response: *The Chief Executive Officer advised that, due to the fact that there are several items that need to be included in their final proposal to us, it was too much of a rush to get it to this council meeting so we are letting it stand over until the February council meeting.*

Question: The Council can't get any information before that on what they are proposing?

Response: *The Chief Executive Officer advised no, the Council Resolution was that when we had a final proposal received that we would bring that back to Council, we don't have that as yet so the next meeting of Council will be February.*

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 7:42pm.