



# COUNCIL MINUTES

CONFIRMED: 20 MARCH 2024

## Ordinary Meeting of Council

7pm, Wednesday 21 February 2024

Council Chambers, 6177 Great Northern Highway, Bindoon

## PUBLIC QUESTION TIME

### 1. Time Permitted

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

### 2. Protocol

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

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

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

### 3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be take 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 make 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 28 February 2024.



**Melinda Prinsloo**  
Chief Executive Officer

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 20 March 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
Scott Clayton	Deputy Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Denaye Kerr	Executive Assistant

Members of the General Public: 7

Media: 0

### **Apologies**

Leo Pudhota	Executive Manager Technical Services
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### **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**

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
30 January 2024 Special Meeting of Council  
7 February 2024 Annual General Meeting of Electors  
14 February 2024 Councillor Information Session  
Agenda Forum

**Cr Mary Angus**

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
22 January 2024 Zoom Lecture WALGA  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
29 January 2024 Zoom Lecture WALGA  
30 January 2024 Special Meeting of Council  
1 February 2024 Joint Development Assessment Panel Training Seminar  
7 February 2024 Annual General Meeting of Electors  
12 February 2024 Zoom Lecture WALGA  
14 February 2024 Councillor Information Session  
Agenda Forum  
16 February 2024 Community Engagement at WALGA  
19 February 2024 Zoom Lecture WALGA

**Cr Kylie Hughes**

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
15 December 2023 Chittering Volunteer Bush Fire Brigade Presentations & Appreciation Dinner  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
30 January 2024 Special Meeting of Council  
7 February 2024 Annual General Meeting of Electors  
12 February 2024 Muchea Recreation Centre User Group Meeting  
14 February 2024 Councillor Information Session  
Agenda Forum  
21 February 2024 Local Emergency Management Committee Meeting

**Cr Carmel Ross**

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
15 December 2023 Chittering Volunteer Bushfire Fighters farewell to Dave Carroll  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
30 January 2024 Special Meeting of Council  
1 February 2024 Joint Development Assessment Panel Training Seminar  
Chittering Tourism Advisory Group Meeting  
7 February 2024 Annual General Meeting of Electors



14 February 2024 Councillor Information Session  
Agenda Forum

Cr John Curtis

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
30 January 2024 Special Meeting of Council  
7 February 2024 Annual General Meeting of Electors  
14 February 2024 Brockman Centre User Group Meeting  
Councillor Information Session  
Agenda Forum  
19 February 2024 Bindoon Mountain Bike Park Reference Group Meeting  
19 February 2024 Moora Rural Road Group Meeting – Zoom

Cr Mark Campbell

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
14 December 2023 Chittering Tourism Advisory Group Christmas Party  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
27 January 2024 Wannamal Long Table Dinner  
30 January 2024 Special Meeting of Council  
1 February 2024 Chittering Tourism Advisory Group Meeting  
14 February 2024 Councillor Information Session  
Agenda Forum  
17 February 2024 Immaculate Heart College  
19 February 2024 Bindoon Mountain Bike Park Project Reference Group Meeting

Cr David Dewar

13 December 2023 Councillor Information Session  
Ordinary Meeting of Council  
26 January 2024 Australia Day Breakfast and Awards Ceremony  
30 January 2024 Special Meeting of Council  
7 February 2024 Annual General Meeting of Electors  
14 February 2024 Councillor Information Session  
Agenda Forum

**ITEM 3. DISCLOSURE OF INTEREST**

DS01 – 02/24 Application for Development Approval – Single House – 777 (Lot 101) Teatree Road, Bindoon		
Councillor	Type of Interest	Nature / Extent of Interest
Cr Carmel Ross	Impartiality	<p><b>Nature:</b> Carmel’s husband, Nick Humphry, is the Chair of Chittering Landcare, which is one of the entities invited to provide an expert opinion on the application.</p> <p><b>Extent:</b> Carmel has no knowledge of the deliberations of Chittering Landcare about this or any other Development Approval.</p>

**ITEM 4. PUBLIC QUESTION TIME**

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

Nil

**Public question time**

Nil

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

**Petitions**

Nil

**Presentations**

Nil

**Deputations**

**DEP01 – 02/24 NXT TEC LTD, on behalf of Chittering Resort Pty Ltd**

Spoke against the officer recommendation in item DS01 – 02/24 Application for Development Approval – Single House – 777 (Lot 101) Teatree Road, Bindoon.

## ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

### MOTION / COUNCIL RESOLUTION 010224

Moved Cr Campbell, seconded Cr Angus

That Council approve the following leave of absence:

- Cr Mark CAMPBELL – Wednesday 28 February 2024 through to Thursday 21 March 2024 (inclusive).

**CARRIED 7 / 0**

TIME: 7.18PM

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

*Against: Nil*

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 13 December 2023

### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020224

Moved Cr Ross, seconded Cr Campbell

That the minutes of the Ordinary Meeting of Council held on Wednesday 13 December 2023, as published on the Shire website, be confirmed.

**CARRIED 7 / 0**

TIME: 7.19PM

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

*Against: Nil*

### Special Meeting of Council: 30 January 2024

### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030224

Moved Cr Curtis, seconded Cr Ross

That the minutes of the Special Meeting of Council held on Tuesday 30 January 2024, as published on the Shire website, be confirmed.

**CARRIED 7 / 0**

TIME: 7.20PM

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

*Against: Nil*

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

- As this is the first official meeting of Council for 2024, I would like to take a moment to acknowledge the tremendous work of the Bushfire Brigades, the community and the Shire Staff in the recent fires and storm. It is not a good way to start the year but it was a fantastic example of what being in a community represents, working together and helping each other.
- We held the Annual Electors meeting here in Bindoon on the 7th of February. These meetings are an opportunity for members of the public to interrogate to annual report and to engage with Council on the implementation of our strategic objectives. It was disappointing to see only 7 members of the public attending this meeting even though it has been broadly advertised for quite some time. It would be great to see more people taking a keen interest in reading our annual report and asking questions.
- In an effort to have broader engagement with our community, Council has implemented specific time slots to engage registered community groups within our Shire to share their role in the community and engage with Council. Invitations will be sent to group in the coming weeks.

## **ITEM 9. REPORTS**

**DEVELOPMENT SERVICES**

**DS01 – 02/24 Application for Development Approval – Single House – 777 (Lot 101) Teatree Road, Bindoon**

**Applicant** NXT TEC LTD  
**File ref** A1205  
**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**

1. Plans
2. Schedule of Submissions
3. Environmental Management Plan
4. Bushfire Management Plan revised
5. Madalyn Manor, Chittering – Flora, Vegetation and Fauna Survey

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

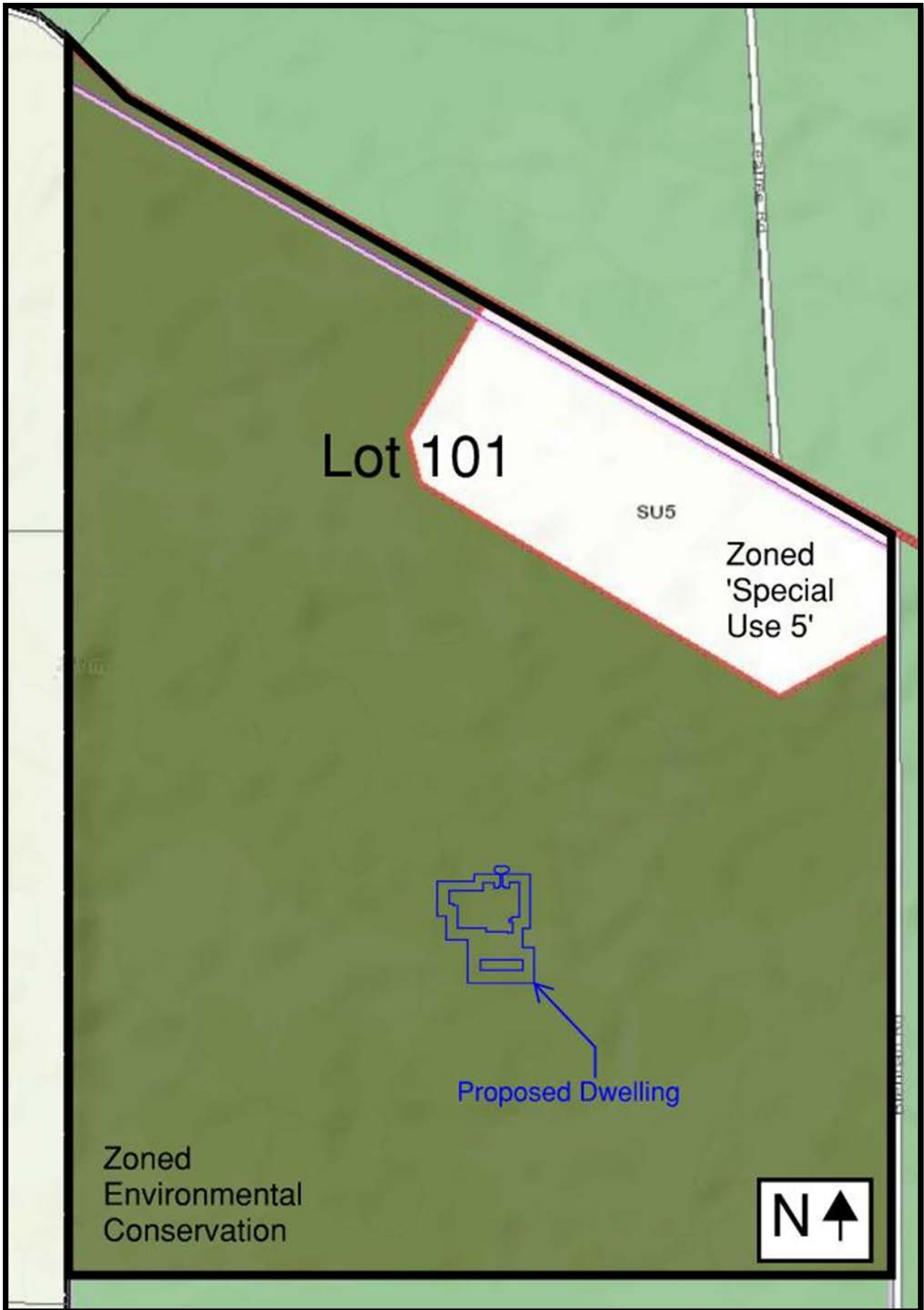
**Executive Summary**

Council is requested to consider an application for Development Approval for a single house at Lot 101 Teatree Road, Bindoon. This proposal is requested to be considered by Council due to Shire Officers not supporting the application due to significant amount of clearing of high conservation value vegetation that will occur if the development is approved.

Figure 1: Location Plan



Figure 2: Site Plan



## **Background**

An application for Development Approval has been received for a 'Single House' at Lot 101 Teatree Road, Bindoon (the Application). The property is 474.9 hectares and zoned as Environmental Conservation under the Shire of Chittering Local Planning Scheme No. 6 (LPS 6). This application was received by the Shire due to the zoning of the lot and the land use of 'Single House' is listed as a 'D' use (meaning discretionary) within the LPS 6 Zoning Table, meaning the development is not permitted unless Council exercises its discretion by granting Development Approval.

Lot 101 was subject to Amendment No. 61 to LPS 6 in 2019 to rezone the majority of the property to Environmental Conservation and to rezone a portion of the north-east of the lot to 'Special Use'. This Scheme Amendment resulted in a 50-hectare portion of the north-eastern area of the lot to be utilised for a form of tourist development (pending all future planning approvals that will be required to be obtained) and the remaining 425Ha was to be rezoned to 'Environmental Conservation' to protect the pristine vegetation on the remainder of the lot.

LPS 6 places greater restrictions on development on 'Environmental Conservation' zoned land than in other zones to protect high conservation value vegetation. Under the zoning table in LPS 6, no uses are designated as 'permitted' uses, with the 'Single House' and 'Holiday House' land uses listed as a discretionary 'D' use and 'Bed and Breakfast' and 'Home Business' listed as discretionary 'A' uses after giving special notice in accordance with Sch. 2, Pt. 1, Cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The proposed dwelling, workshop and associated asset protection zone (APZ) will require 4.83 hectares of vegetation to be cleared. This is because the application is for a dwelling with sixteen bedrooms (six for direct family and a further 10 for 'immediate' and 'extended' family), a Japanese kitchen (Teppanyaki), Swedish kitchen, Italian kitchen, and a French kitchen over four-storeys. The house includes a range of recreational amenities including a private cinema, squash courts, indoor basketball/volleyball courts, a bowling alley and indoor shooting range. The house features 12 collection rooms, designed to display curated collections of antiques, paintings and other fine items in purpose designed rooms through the home. The house features a garage for car maintenance and a car museum to display the owner's vehicles.

Whilst the proposed structures and APZ total 4.83 hectares of clearing, the total amount of vegetation clearing proposed is 15.9 hectares. This is due to the extensive firebreaks which have been proposed. A 12m wide firebreak has been proposed for this Application, the Shire's Firebreak and Hazard Reduction Notice 2023/24 allows a 3m wide firebreak to be installed. As only a 3m wide firebreak can be exempted, the remaining 9m width of the firebreak has been included within the total amount of vegetation to be cleared as it is larger than the minimum firebreaks required and is significant enough to be constituted as development. It is important to note that the external firebreaks of 12m have already been implemented without the Shire's approval.

Shire Officers held significant concerns in regards to whether or not the proposal could be considered as a 'Single House' due to the large number of rooms which could potentially be utilised for habitation purposes. The proposal identifies sixteen bedrooms for use by the land owner and family relatives, and a further 12 rooms to house the landowner's various collections.

This proposal meets the definition of a 'Single House' in accordance with State Planning Policy 7.3 – Residential Design Codes (the R-Codes), the definition of a single house is:

*'A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.'*



However, due to the unique nature of the proposed development, Shire Officers sought legal advice from the Shire's solicitors, McLeods Lawyers (McLeods), to determine if the proposal could be considered under the land use of 'Single House'. McLeods confirmed that the proposal did indeed meet the definition of a 'single house' and should be allowed to be considered for determination.

Based on advice obtained by McLeods, Shire Officers proceeded with the application as per the standard operating process for a Development Approval and the application is now at a stage which requires the proposal to be determined by Council.

### **Consultation Summary**

#### Local

Nil

#### State

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

- Chittering Landcare;
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH); and
- Department of Water and Environmental Regulation (DWER).

Responses were received from all agencies except DoH regarding the application.

Chittering Landcare objected to the proposal and DBCA expressed concerns of the application due to the extent of clearing that is proposed to accommodate for the proposed single house.

DWER advised that any clearing of greater than 5 hectares within a financial year will require a clearing permit to be obtained.

DFES did not support the Bushfire Management Plan provided as part of the application due to the bushfire risk of the proposal, however a revised Bushfire Management Plan was provided which Shire Officers deems acceptable should the application be approved.

### **Legislative Implications**

#### State

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

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

- (m) The compatibility of the development with its setting;
- (o) environmental impacts; and
- (w) history of the site.

These matters are addressed further throughout the Officer Comment section of this report.

#### Local

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.11 – Environmental Conservation Zone Objectives*

Lot 101 is zoned as 'Environmental Conservation' and the Application must be consistent with the objectives for the Environmental Conservation zone within Clause 3.2.11 of the Scheme. The objectives of the Environmental Conservation zone and officers' assessment against each are:

a) *Identify land set aside for environmental conservation purposes.*

This lot was approved to be rezoned to Environmental Conservation as part of Scheme Amendment 61 in order to protect the high conservation value vegetation that covers the majority of the lot, with 50 ha in the north-eastern corner to be utilised for a of tourist development at a later date. Due to the zoning of the lot, this objective of the Environmental Conservation zone is satisfied.

b) *Provide for the preservation, maintenance, restoration or sustainable use of the natural environment.*

The Application does not align with this objective as approximately 15.9 ha of land would be cleared for the dwelling footprint and Asset Protection Zone (for bushfire protection purposes) if approved. Whilst it is acknowledged that a level of clearing of native vegetation is required to accommodate development on the lot, and that the landowner has a right to apply to develop the lot as permissible under the planning framework, Shire officers consider the proposed amount of clearing for a single house to be excessive in the Environmental Conservation zone and in conflict with the zone intent to preserve, maintain, restore and sustainably use the natural environment.

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 4.21 – Development Provisions - Environmental Conservation Zone*

Any proposed development on Lot 101 must adhere to all requirements within Clause 4.21 of LPS 6. These are listed below, with Officers' comments against each requirement:

a) *Adjustments to Environmental Conservation zone boundaries may be considered as 'basic' scheme amendments, subject to environmental surveys and supported by the agency responsible for biodiversity and conservation;*

Not relevant to this application.

b) *Subdivision in the Environmental Conservation zone will not be supported:*

Not relevant to this application.

c) *Development within the Environmental Conservation zone is to be in accordance with the zone objectives and is not to disturb vegetation*

A significant amount of vegetation will be disturbed as a result of this proposal if it is approved. As detailed above, the Application is also not considered to be consistent with the zone objectives. Please refer to the Officer Comment section of this report for more information.

d) *Where development is proposed that would affect Environmental Conservation zoned land, the proponent is to prepare an Environmental Management Plan at the time of structure planning, subdivision or development (as relevant), in consultation with the State government department responsible for biodiversity and conservation. The plan is to be approved by the local government with arrangements made for the implementation of the approved plan. The Environmental Management Plan is to address the requirements of clause 4.8.13;*

The applicant provided an Environmental Management Plan (EMP) as part of the application (**Attachment 3**). It will be required to be implemented if the development is approved. It is noted that the EMP largely refers to the ongoing management of the property after the clearing has occurred. This EMP outlines how the land will be managed in the future to protect the lot from a broader scale of concerns (such as dieback, weeds and pests). It also outlines how vegetation will be required to be cleared to construct the driveway tunnel and provides a four year management plan for this land to be rehabilitated, with measures such as planting, infilling and maintenance protocols.

e) *The parking of a commercial vehicle is not permitted in an Environmental Conservation zone; and*

Not relevant to this application.

f) *The keeping of livestock is not permitted within an Environmental Conservation zone.*

Not relevant to this application.

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 5.5 - Military Considerations (RAAF) Special Control Area*

The site is located within the Shire's Special Control Area: Military Considerations (RAAF). The proposal satisfies the Special Control Area requirements, which relate to noise attenuation measures for dwellings and non-reflective building materials. These requirements are typically imposed as conditions of approval, in the event that approval is granted.

### **Policy Implications**

#### State

- State Planning Policy 2.0: Environment and Natural Resources Policy

This policy is relevant to the application as it outlines the objective of protecting, conserving and enhancing the natural environment to promote and assist the wise and sustainable use and management of natural resources. This is a high level document used to accompany land use planning and decision making when assessing an application. On a broader scale, the Application is not consistent with this State Planning Policy.

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

- Strategic Community Plan 2022-2032

Focus area: Retaining Rural Amenity

Objective: S3.1 Retaining Rural Amenity

Strategy: S3.1.1 Balance development with natural environment and open spaces.

The proposal has the potential to significantly alter the natural environment and create an imbalance between development and the natural environment and open spaces.

### **Site Inspection**

Site inspection undertaken: Yes

Several site visits have been undertaken, however only drive-by site visits have occurred as vegetation on

the lot is extremely dense.

Images of one site visit from May 31<sup>st</sup> 2023 can be seen below. These images illustrate that clearing has already occurred along the verge (on Shire land) and within the border of Lot 101. The Shire's Technical Services Department gave approval for the applicant to clear vegetation within the verge, however extensive clearing has occurred within the applicant's lot which is larger than the minimum firebreak requirements as per the Shire's Firebreak and Bushfire Hazard Reduction Notice 2023/24. This will be further explained in the Officer Comment section.



**Figure 3: Northern Boundary of Lot 101**



**Figure 4: Eastern Boundary of Lot 101**



**Figure 5: North-Eastern Boundary of Lot 101.**

### **Environmental Consideration**

Environment consideration given: Yes

Environmental concerns are a key factor in the assessment of this Application. The lot has been identified as containing high conservation value vegetation, which is reflected in the zoning of the lot. The Application proposes to clear 15.9 hectares of high-quality vegetation to accommodate a single house. DBCA, DWER and Chittering Landcare do not support the application on the basis that such a large amount of vegetation is proposed to be cleared for a single dwelling on a plot of land which has been identified as land of high environmental value. Further details in regards to the vegetation clearing are explained in the Officer Comment section of this report.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment: Vegetation Clearing</b>	Almost Certain	Moderate	High	Environmental Management Plan provided by applicant to for ongoing management of property after clearing has occurred.
<b>Opportunity:</b> There is no opportunity to regain the high quality vegetation once it is cleared.				

The above assessment is based on the risk to the environment from the Application being approved by Council. If the application is not approved, there will be no risk to the natural environment as the vegetation and environment will remain untouched.

**Officer Comment/Details**

This application is for a Single House located at Lot 101 Teatree Road. The following matters are those which have been raised throughout the consultation period, or through policy/legislative requirements and require further consideration in the context of the subject proposal.

Single House Classification

As mentioned in the background section of this report, Shire Officers initially held concerns about whether or not the proposal could be considered as a ‘Single House’ due to the significant number of rooms within the proposed dwelling. There are sixteen bedrooms proposed for family members and extended family relatives. This is in line with the definition of a ‘Single House’ as per the R-Codes, however Shire Officers held concerns regarding the remaining 12 ‘Collection Rooms’ which could be potentially used as additional rooms for habitation purposes and whether or not this would place the building over the threshold of what is considered a single house.

Legal advice obtained from McLeods Lawyers indicates that the proposal is in fact in line with the definition of a single house, regardless of the size of the building or the number of bedrooms. As the proposal is in line with the definition of a single house (refer to the background section of this report for the definition), it should not be refused on the basis that Shire Officers were concerned that the proposal was not a single house.

Based on this legal advice, Shire Officers are accepting of the fact that the proposed building is indeed a ‘Single House’ and have proceeded to assess the application against the objectives of the Environmental Conservation zone within LPS 6.

Environmental Conservation Zone

Whilst the proposal is considered to be a ‘Single House’, this land use is a discretionary ‘D’ land use within LPS 6, which means that approval or refusal can be granted for the development at Council’s discretion.

One of the most important aspects of this Application is assessing the Application against the objectives of the Environmental Conservation under Clause 3.2.11 of LPS 6.

As mentioned in the ‘Legislative Implication – Local’ section of this report, Shire Officers do not believe that the application is consistent with the second objective of this zone.

The second objective aims to ensure the land is preserved, maintained and restored or that the natural environment be sustainably used. The proposal will require 15.9ha of pristine vegetation to be cleared for the proposed development and Shire Officers do not believe that this is in line with this objective as the clearing of a such a significant amount of vegetation is not a sustainable use of the natural environment and is in direct contradiction of preserving and maintaining the natural environment.

Taking into consideration the objectives of the zone and the emphasis they place on the preservation of the natural environment, Shire officers still hold concern over the extent of clearing that is proposed as part of this development. It is considered that the intent of LPS 6 allowing discretion towards a 'Single House' being approved in the Environmental Conservation zone, was not for the size of the single house proposed that would result in the extent of clearing required. The aspect of clearing will be further discussed below.

#### Vegetation Clearing & Bushfire

Through the agency consultation period, Chittering Landcare and DBCA expressed concerns regarding the amount of vegetation clearing required for the proposed development. Shire officers share the same concerns.

As mentioned throughout the report, the proposal will result in 15.9Ha being cleared if the development is approved. An additional 4.3Ha of clearing is required for the minimum 3-metre external and internal firebreaks if the development is approved or not, so Shire Officers consider the 4.3Ha of clearing acceptable and have excluded this clearing from this assessment.

Whilst the proposed development is consistent with the definition of a single house, Shire Officers do not believe it fits within the scale of what is considered an acceptable amount of clearing within the Environmental Conservation zone, which is aimed at preserving as much vegetation as possible.

A typical 'Single House' would consist of a four bedroom, two bathroom dwelling, along with driveway, shed and water tanks associated with the dwelling. Taking into account an Asset Protection Zone on a heavily vegetated lot such as this lot, the level of vegetation clearing required could be expected to be approximately 3,000sqm, significantly less than the proposed 15.9Ha (159,000sqm for comparison). It is considered that this was the intent of the Scheme when considering a 'Single House' that could be approved in the Environmental Conservation zone.

As part of the application, a flora, fauna and vegetation survey was conducted in 2022 for the property to assess the quality of the vegetation on Lot 101. It was found that the vegetation was rated between 'Pristine' and 'Excellent' condition (the two highest levels of quality possible in the report) due to the vegetation remaining untouched for a significant amount of time. Shire Officers believe that the proposed development would pose a significant risk to the existing wildlife and environment on the property due to the large footprint of vegetation clearing that would be required.

#### Recommendation

The application as presented is not considered to be in line with the objectives of the Environmental Conservation zone and is not recommended for approval.

Lot 101 is appropriately zoned as Environmental Conservation to preserve and protect the high quality environment and Shire Officers believe that the proposed development will have a significant negative impact on the surrounding flora, fauna and vegetation.

It is recommended that Council refuse the application for Development Approval for a single house at Lot 101 Teatree Road, Bindoon.

OFFICER RECOMMENDATION

Moved Cr Hughes, seconded Cr Ross

That Council refuse to grant approval to the application for Development Approval for a single house on 777 (Lot 101) Teatree Road, Bindoon for the following reason:

- The proposal is inconsistent with the objectives of the Environmental Conservation zone of the Shire of Chittering Local Planning Scheme No.6 as it would result in a significant amount of high quality vegetation being cleared.

LOST 3 / 4

TIME: 7.39PM

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

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

FORESHADOWED MOTION / COUNCIL RESOLUTION 040224

Moved Cr King, seconded Cr Angus

That Council approve the application for development approval for a Single House on Lot 101 Teatree Road, Chittering subject to the following conditions:

- All development shall be in accordance with the approved plans.
- Prior to the occupation of the approved dwelling the Environmental Management Plan report dated 24/06/2022 shall be implemented to the satisfaction of the Shire and thereafter maintained for the life of the development.
- Prior to the occupation of the approved dwelling, a vehicle crossover shall be constructed to the specification and satisfaction of the Shire.
- Prior to the commencement of any works on site the Bushfire Management Plan dated 20/02/2023 shall be suitably updated to the satisfaction of the Shire.
- Prior to the occupation of the approved dwelling, all management measures listed in Section 6 of the updated Bushfire Management Plan shall be implemented and the property thereafter maintained in accordance with this Plan to the satisfaction of the Shire.
- A notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of the lot stating the following:  
*"This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. The management measures within the Bushfire Management Plan are required to be implemented at all times."*  
The notification shall be placed on the Certificate of Title of the lot prior to occupation of the proposed dwelling, at the full cost of the proponent.
- The roofing material of the proposed dwelling shall be constructed of non-reflective material to the satisfaction of the Shire.
- The proposed dwelling shall be constructed to comply with any noise attenuation measures required by *Australian Standard AS 2021-2015 'Aircraft Noise Intrusion – Building Siting and Construction'* in accordance with the Shire of Chittering Local Planning Scheme No. 6.
- Prior to occupation of the approved dwelling a conservation covenant (restrictive covenant) to the benefit of the Department of Biodiversity, Conservation and Attractions shall be placed on the certificate of title of Lot 101 Teatree Road, Bindoon, restricting the use and protecting the natural environment of Lot 101, with the exclusion of the approved dwelling and firebreak/access roads footprint, and the area of Lot 101 zoned Special Use Zone 5 under the Shire of Chittering Local Planning Scheme No. 6, to the satisfaction of the Shire.



- j) The approved dwelling shall only be used for the purpose of a 'Single House' as defined by State Planning Policy 7.3 – Residential Design Codes, at any time to the satisfaction of the Shire.

**Advice Notes:**

- i. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- ii. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- iii. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- iv. This approval does not constitute a building permit. You are to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.
- v. With regard to Condition c), the application is advised that a crossover application is required to be submitted to the Shire and approved, prior to the commencement of construction of the crossover.
- vi. With regard to Condition d), the Bushfire Management Plan shall be updated to reflect the comments provided by the Department of Fire and Emergency Services, which includes concerns in relation to access to the dwelling through the proposed tunnel for firefighting vehicles.
- vii. With regard to Condition f), the applicant is advised to contact Landgate for further information on lodging a Section 70A Notification on the Title of the lot.
- viii. With regard to Condition h), at the time of approval, the land is outside the Australian Noise Exposure Forecast (ANEF) 20 area for Gingin and Pearce RAAF bases, and therefore no additional construction requirements apply to the subject lot. However, the ANEF boundaries are subject to change, and the applicant must ensure that the building is compliant with AS 2021-2015 at the time of construction.
- ix. With regard to Condition i), the applicant is advised that a covenant is required to be applied pursuant to Section 129BA of the *Transfer of Land Act 1893* and should be applied in consultation with the Department of Biodiversity, Conservation and Attractions.
- x. The applicant is advised of the requirement to obtain a clearing permit from the Department of Water and Environmental Regulation (DWER) should the extent of clearing for the approved development exceed 5ha within a financial year. The applicant is encouraged to contact DWER to clarify its clearing permit obligations.

**CARRIED 5 / 2**

TIME: 8.04PM

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

*Note to Council Resolution:*

1. Council has the discretion to approve the construction of a single dwelling on an Environmental Conservation zoned property;
2. The Shire had obtained legal opinion that it was classified as a single dwelling, and

3. *The overall footprint is less than 5% of the total property size and was therefore considered consistent with the Local Planning Scheme No. 6 objectives for the Environmental Conservation zone.*

AMENDMENT

Moved Cr Hughes, seconded Cr Ross

That the Foreshadowed Motion be amended to include the following Advice Note:

The proponent is invited to consider setting aside 16ha of special use zone 5 to be retained with its existing vegetation and no development taking place on that parcel of land to offset the clearing from the conservation zone.

LOST 3 / 4

TIME: 8.01PM

*For: Hughes, Ross, Angus*

*Against:*

MOTION

Moved Cr King, seconded Cr Dewar

That Council suspend Standing Orders.

CARRIED 7 / 0

TIME: 7.44PM

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

*Against: Nil*

MOTION

Moved Cr King, seconded Cr Angus

That Council resume Standing Orders.

CARRIED 7 / 0

TIME: 7.49PM

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

*Against: Nil*

MOTION

Moved Cr King, seconded Cr Campbell

That Council suspend Standing Orders.

CARRIED 7 / 0

TIME: 7.53PM

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

*Against: Nil*

MOTION

Moved Cr King, seconded Cr Angus

That Council resume Standing Orders.

CARRIED 7 / 0

TIME: 7.55PM

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

*Against: Nil*

**TECHNICAL SERVICES****TS01 – 02/24 Containers for Change Program**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	FIN.EXOI.CONTAINERS
<b>Author</b>	Leo Pudhota, Executive Manager Technical Services
<b>Authorising Officer</b>	Melinda Prinsloo, Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Good Sammy's Proposal

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

**Executive Summary**

Following Council Resolution 040823, Shire staff have progressed liaising with Good Sammy's and the outcome is presented to Council for consideration.

**Background**

In 2017, the State Government announced the introduction of the container deposit scheme. As well as diverting waste from landfill, the schemes intent was to boost employment with as many as 500 jobs created at new container sorting and processing facilities, and refund points across metropolitan and regional Western Australia. The Western Australia Return Recycle Renew (WARRRL) which is a not-for-profit organisation was created to run the Containers for Change scheme in Western Australia.

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

Council resolved the following at its August 2023 Ordinary Meeting of Council:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040823

Moved Cr Ross, seconded Cr Angus

That Council instruct the Chief Executive Officer to:

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

CARRIED 6 / 1

TIME: 7.32PM

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

Against: Cr Curtis

This process has now progressed to the point where Council needs to make a decision on the acceptance of Good Sammy's revised proposal as attached to this agenda item.

### Consultation Summary

#### Local

Executive Manager Technical Services  
Consultation with Landfill Staff and Stakeholders

#### State

Nil

### Legislative Implications

#### State

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

#### Local

- *Shire of Chittering Waste Local Law 2018*  
Purpose of the local law: To make provisions about the regulation of storage, collection and disposal of waste and recyclable materials in the Shire of Chittering.

Effect of the local law: To control storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.

- Under Section 3.14 the Local Government Act 1995, leases for commercial purposes on Council land are considered disposal of property and a legislated process would need to be followed. Exemptions may apply depending on the consideration value and whether a not-for-profit entity is the lessee, amongst other things. In terms of land tenure, the Council owns the Shire Depot/landfill property in freehold with no limitations on the ability to lease.

**Policy Implications**

State

- Waste Avoidance and Resource Recovery Strategy 2030  
 The ‘Waste Avoidance and Resource Recovery Strategy 2030’ (the Strategy) sets the objectives, targets and strategies with a vision for Western Australia to become a sustainable low-waste, circular economy, in which human health and the environment are protected from the impacts of waste. The Strategy has set targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly. It is the task of government, the community and industry to meet the necessary targets through improved technology, procedures and practices. The key strategy elements are shown below:

**Key strategy elements**

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

Local

Nil

**Financial Implications**

Shire contribution of 50% of the \$8,470.00 cost to readjust the existing fences at Muchea Landfill and Bindoon Landfill to delineate the portion of land to be leased.

**Strategic Assessment / Implications**Local

- *Strategic Community Plan 2022-2032*  
Focus area: Natural Environment  
Objective: S2.1 Sustainable lifestyle  
Strategy: S2.1.2 Improved waste management and recycling practices

**Risk Assessment / Implications**

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

**Officer Comment/Details**

This report was workshopped at the Council information session on 12 July 2023. Following direction from the Council, the Chief Executive Officer and Executive Manager Technical Services met with representatives on the process involved in running the Containers for Change deposit scheme.

Following Council Resolution 040823, Chief Executive Officer and Executive Manager Technical Services met with Good Sammy's representatives and showed various sites and locations within the Shire. Additional information was also requested and provided to Good Sammy's on the volumes of Collections and income to the Shire.

In consideration of the requirements to operate the Deposit Scheme, Good Sammy's have provided the following – Proposal for Containers for Change Recycling in the Shire of Chittering (**Attachment 1**).

Provision of additional collection points throughout the Shire as identified in the Good Sammy's proposal will be further investigated in consultation with Good Sammy's and existing community donation point operators.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050224**

Moved Cr Campbell, seconded Cr Hughes

That Council BY AN ABSOLUTE MAJORITY instruct the Chief Executive Officer to:

1. Accept Good Samaritan Enterprises trading as Good Sammy's, submission proposal for Containers for Change Recycling in the Shire of Chittering at Muchea and Bindoon Landfill sites.
2. Provide a 5-year Peppercorn lease agreement at \$100 per annum with a potential 5-years lease extension.
3. Accept the portion of Good Sammy's business model of having Container Refund Collection points initially limited to:
  - Muchea Landfill; and
  - Bindoon Landfill.
4. Include the amount of \$4,235.00 as a budget amendment in the Bindoon and Muchea landfill budgets to provide for the Shire's contribution to the fencing.

CARRIED BY AN ABSOLUTE MAJORITY 6 / 1

TIME: 8.13PM

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

*Against: Cr Curtis*

ALTERNATIVE MOTION

Moved Cr , seconded Cr, seconded Cr

That Council BY AN ABSOLUTE MAJORITY:

1. Changes Resolution 040823 to not accept Good Samaritan Enterprises trading as Good Sammy submission to manage and operate Containers for Change services within the Shire of Chittering at their chosen location, either at Muchea Landfill or Bindoon Landfill; and
2. Instructs the Chief Executive Officer to continue to provide Containers for Change Services through the Shire Administration through restructuring the operational practices to achieve better financial outcomes for the Shire.

**REASONING:**

*Good Sammy Industries (GSI) proposal of not offering a manned refund centre, which is in conflict with council's Strategic Objective 4 of a Thriving, sustainable and diverse economic investment and local employment opportunities from cottage to large scale industry.*

**OFFICER COMMENT:**

*The following resolutions made by Council regarding this matter:*

- 1) *Resolution 050223, 15 February 2023, where Council approved for Expressions of Interest to be advertised for Container for Change Services to be managed and operated within the Shire of Chittering – the officer recommendation was supported by a list of challenges faced by the Shire in rendering these services. The details are included below as **Picture 1***
- 2) *Resolution 040823, 16 August 2023, where Council approved the award to Good Sammys, including negotiation of a Peppercorn Lease, and instructed the CEO to report back to Council. The details are included in Picture 2 below. All the items in this resolution have been fully implemented up to the point where it has now been placed on the agenda for Council to adopt the agreement. Negotiations have been entered into with Good Sammy's in good faith, which means a process contract is in place. Changes at this point in time might have legal implications, should the Shire wish to cancel. Although this risk is low, Council needs to be aware of the possibility of Good Sammy's challenging the timing of such a decision. Should this decision be made, Council would need to include the provision for further legal advice to be obtained on this matter, should a cancellation of the process contract with Good Sammy's not be reached.*

**Picture 1**

Some of the challenges identified by the Shire are as follows:

- Attracting and retaining staff is difficult. Works staff are often required to relieve at a higher hourly rate.
- There are a significant number of Occupational Health and Safety issues to consider including
- Heavy lifting, noise levels, traffic management and container handling, cash handling, refund management, data processing and refund lodgement are other tasks involved.
- It has been a service where Shire staff are spending lot of time and resources, which could be better serviced by community groups, individuals or businesses, within Shire of Chittering.
- Container for Change service has not been efficient as it is restricted by hour of Container for Change operating hrs 3 days a week 10-3pm thereby unable to meet State Government strategic targets.
- Unable to provide mobile refund collection point facility due to lack of resources and staffing.
- Confusion and complaints from ratepayers as they turn up at Landfill to be sent back, as landfill operations are closed for Mulch, rubbish and recycle dropoff/pickup during Container for Change days and vice versa.
- Landfill core operations of receiving general and recycle waste, loading mulch, processing of waste, covering of waste, management and maintenance of landfill operations (hygiene and contamination) are halted during container for change operating hours.

WA Return Recycle Renew Ltd (WARRRL) have advised that same service can be provided by any community groups, individuals or business organisations, as being done in other Metro and Non Metro Councils and WARRRL will assist in setting up and organising Container for Change service.

*Picture 2*

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040823**

Moved Cr Ross, seconded Cr Angus

That Council instruct the Chief Executive Officer to:

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

**CARRIED 6 / 1**

TIME: 7.32PM

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

*Against: Cr Curtis*



**CORPORATE SERVICES****CS01 – 02/24 List of Accounts Paid for the Period Ending 31 December 2023**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 31 December 2023

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

**Executive Summary**

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

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060224</b>                  Moved Cr Campbell, seconded Cr Angus                  That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,203,118.91, for the period ending 31 December 2023:</p> <ol style="list-style-type: none"> <li>1. PR6527, PR6528, PR6537 ;</li> <li>2. EFT26166 – EFT26339 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.16PM</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</i>  <b>Against: Nil</b></p>
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**CS02 – 02/24 Monthly Financial Report for the Period Ending 31 December 2023**

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

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

**Executive Summary**

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

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**State

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

Local

Nil

**Policy Implications**

Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070224</b>  <b>Moved Cr Ross, seconded Cr Campbell</b>  <b>That Council receives the Monthly Financial Report for period ending 31 December 2023, as per Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.17PM</small></p> <p style="text-align: center;"><b>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</b>  <b>Against: Nil</b></p>
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## CS03 – 02/24 List of Accounts Paid for the Period Ending 31 January 2024

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

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

**Executive Summary**

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 January 2024.

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 31 January 2024" is presented to Council for endorsement.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080224</b>  <b>Moved Cr Campbell, seconded Cr King</b>  <b>That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$ 1,996,997.22, for the period ending 31 January 2024:</b></p> <ol style="list-style-type: none"> <li>1. PR66541, PR6547 ;</li> <li>2. EFT26340 – EFT26458 ; and</li> <li>3. Direct Debits, Cheques as listed.</li> </ol> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.19PM</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</i></p> <p style="text-align: right;"><b>Against: Nil</b></p>
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**CS04 – 02/24 Monthly Financial Report for the Period Ending 31 January 2024**

<b>File ref</b>	12/03/4
<b>Author</b>	Finance Manager
<b>Authorised by</b>	Executive Manager Corporate Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 31 January 2024

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

**Executive Summary**

Council is requested to consider the financial statement for the period ending 31 January 2024.

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**State

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

Local

Nil

**Policy Implications**

Local

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

**Financial Implications**

Nil

**Strategic Implications**

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Rare	Minor	Low	Quality Assurance prior to publishing

**Opportunity:** None

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Providing transparent, accurate financial records.	Unlikely	Minor	Low	Adequate training for all Finance Officers, to ensure balanced reports each month.

**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><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090224</b>  <b>Moved Cr King, seconded Cr Dewar</b>  <b>That Council receives the Monthly Financial Report for period ending 31 January 2024, as per Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.20PM</small></p> <p style="text-align: center;"><b>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</b>  <b>Against: Nil</b></p>
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**CHIEF EXECUTIVE OFFICER**

**CEO01 – 02/24 Work Health and Safety Statistics Report – December 2023 and January 2024**

<b>Applicant</b>	N/A
<b>File ref</b>	GOV.REP.OSH
<b>Author</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. WHS Statistics Report – December 2023 & January 2024

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

**Executive Summary**

Council is requested to receive the Shire of Chittering’s Work Health and Safety Statistics Report for December 2023 and January 2024.

**Background**

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

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

- g. Average overtime per person by department.*
3. *Council requires the Chief Executive Officer to provide a monthly report to be tabled at each Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:*
- a. Number of Drug and Alcohol tests performed;*
  - b. Number of positive Drug test and BAC Exceedances;*
  - c. Number of worker compensation claims;*
  - d. Number of "current" worker compensation claims;*
  - e. Number of Near Misses;*
  - f. Number of Medically Treated Injuries;*
  - g. Number of Restricted Work Injuries;*
  - h. Number of Lost Time Injuries.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

### **Consultation Summary**

#### Local

Nil

#### State

Nil

### **Legislative Implications**

#### State

- *Work Health and Safety Act 2020*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

- *Shire of Chittering Policy 3.7 Work Health and Safety (WHS)*

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- *Strategic Community Plan 2022-2032*

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

#### State

Nil

### **Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100224**

**Moved Cr Angus, seconded Cr Ross**

**That Council receive the Shire of Chittering Work Health and Safety Statistics Report for December 2023 and January 2024 which includes:**

- 1. Monthly Statistics December 2023**
- 2. Incident Report and Training and Development for December 2023**
- 3. Site Inspections and Safety Observations for December 2023**
- 4. Quarterly report October 2023 – December 2023**
- 5. Monthly Statistics January 2024**

**CARRIED 7 / 0**

TIME: 8.21PM

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

***Against: Nil***

**CEO02 – 02/24 Muchea Recreation Centre Playground Design Plan**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A9073
<b>Author</b>	Community Development Coordinator
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. MRC Playground Project Plan 2. Quotes

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

**Executive Summary**

Council is requested to receive and approve the Muchea Recreation Centre (MRC) Playground Design Plan, and consider the allocation of funding to the project in the 2024/2025 Annual Budget.

**Background**

The Muchea Recreation Centre (MRC) Project is scheduled for completion in February 2024. As part of this project the playground on the site was removed and although a new playground was due to be constructed, it was not in the scope of the Recreation Centre build project.

The MRC User Group was consulted, and the Shire's Community Development Coordinator worked with suppliers to create a design which would provide all abilities access, multiple age-appropriate play spaces for children aged 2 to 12, safe flooring, and shade.

Originally an amount of \$50,000 was allocated to the playground portion of the MRC project. Additional funding has been requested from Lotterywest to construct a playground in the 2024/2025 financial year. Additional funding for the shade structure will be included in the 2024/2025 Annual Budget submission for consideration by Council.

**Consultation Summary**Local

Shire Building, and Community Development Teams.  
MRC User Group

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032
  - Focus area: S1 Connected Communities
  - Objective: S3 Improving Infrastructure
  - Strategy: S5 Accountable and Transparent Governance

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project / Time</b> – Council requests further development of the MRC playground design plan.	Unlikely	Minor	Low	Communication with Council, and the MRC User Group.
<b>Opportunity:</b> Ability to access additional funding to complete the MRC project.				

**Officer Comment/Details**

The Shire of Chittering have recently replaced their Community Hall in Muechea which required the removal of the existing playground on the site. No playground equipment was included in the project scope of the new Muechea Recreation Centre Development. Playgrounds at public venues are vital as they provide a space for physical activity for children, particularly those who are not able to access local sport or choose not to participate in formalised programs. In particular, the one at the Muechea Hall was extremely well used, and the lack of one at the Muechea Recreation Centre will detract from the user experience greatly.

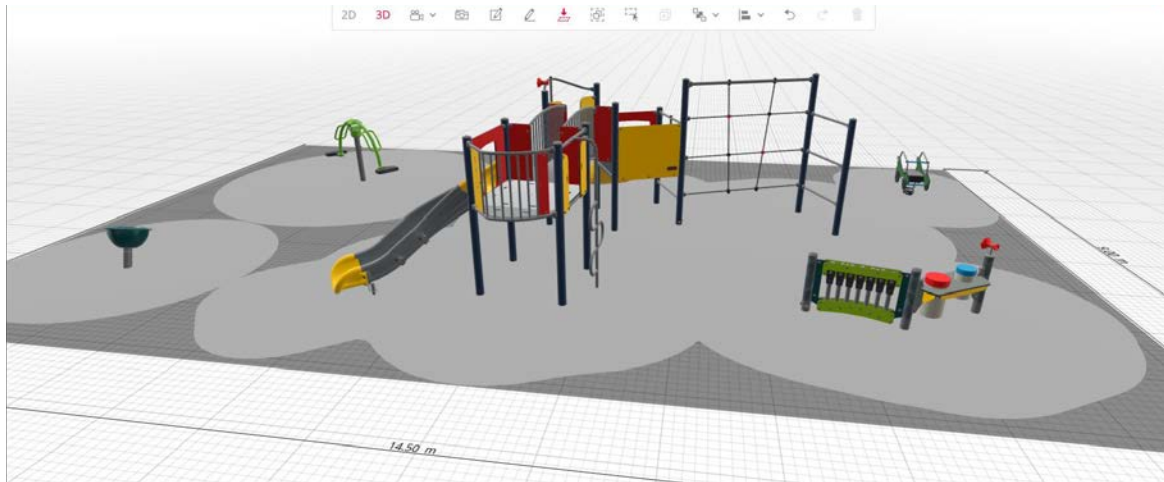
Additionally, access to all abilities playgrounds in our community is not consistent, with Muechea not having any at all. The redevelopment of the site has provided an opportunity for the Shire of Chittering to not only provide replacement play space for the community, but to ensure that the Muechea community has a space that is accessible for all.

This project is separate to, but aligned with, the Muechea Recreation Centre (MRC) Development which is

due for completion in February 2024. The MRC project is valued at around \$5.6 million dollars but did not include a replacement playground in the scope of works.

The Playground project will create:

1. A playground at the Muchea Recreation Centre that meets the needs and wants of the Muchea Community.
2. Fencing around the playground and a permanent shade structure over the playground to provide a safe play space for the children using the Muchea Recreation Centre.



The attached project plan outlines the risks, additional benefits, and timeline for the project.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110224**

**Moved Cr Angus, seconded Cr Campbell**

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

1. **Advertise the Muchea Recreation Centre Playground Project Plan for public comment for a period of two weeks across all media platforms.**
2. **Provide a report to Council on the public submissions received.**

**CARRIED 7 / 0**

TIME: 8.24PM

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

**Against: Nil**

**CEO03 – 02/24 Lower Chittering Community Centre Reflections Area Project Plan**

**Applicant** Shire of Chittering  
**File ref** RCS.PROJ. LWR CHIT HALL REPLACEMENT  
**Author** Community Development Coordinator  
**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. LCCC Reflections Area Project Plan standalone project  
 2. LCCC Reflections Area Project Plan combined with stage 1 LCCC

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

**Executive Summary**

Shire staff have created the project plan for the Lower Chittering Community Centre Reflections Area and Walk Trails. Council is requested to receive the project plan to be used to attract funding.

**Background**

In July 2022 the Schematic Design Report for the Lower Chittering Community Centre was received by Council with the request to create a project plan for the Reflections Area and Walk Path to be brought back to Council to facilitate the construction of the area before the Community Centre if funding was not available for Stage 1 of the centre. The resultant Council Resolution was:

<p><i>SUBSTANTIVE MOTION / COUNCIL RESOLUTION 080722</i>  <i>Moved Cr Hughes, seconded Cr Ross</i>  <i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Receive the Lower Chittering Community Centre Schematic Design Report produced by Site Architectural Studio, noting the design demands identified in the planning process;</i></li> <li><i>2. Consider the Lower Chittering Community Centre Project Plan, and Community Engagement Plan in the Long Term Financial Plan;</i></li> <li><i>3. Instruct the Chief Executive Officer to proceed with a project plan for the Reflections Area and Walk Path to be presented to Council at the Ordinary Meeting of Council as soon as practicable;</i></li> <li><i>4. Receive the minutes of the 22 February 2022 meeting of the Lower Chittering Hall Replacement Reference Group.</i></li> </ol> <p style="text-align: right;"><i>CARRIED UNANIMOUSLY 6 / 0</i>  <small>TIME: 8:41PM</small></p>
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**Consultation Summary**

Local

Community Development Review – 2019/2020  
 Sport and Recreation Plan Review – 2020/2021  
 Community Forums 2019-2021  
 LCHR Reference Group

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032
  - Focus area: S1 Connected Communities
  - Objective: S3 Improving Infrastructure
  - Strategy: S5 Accountable and Transparent Governance

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project / Time –</b> Council requests further development of the LCCC Reflections Area Project Plan.	Unlikely	Minor	Low	Council has requested the report be created and is aware of the requirements of the full project.
<b>Opportunity:</b> Ability to access additional funding for the full project.				

**Officer Comment/Details**

The Project Plan identifies further the positive social, psychological and historical impacts the Reflections Area will have for the community of Lower Chittering, the shire as a whole, and surrounding communities.

It will be used to attract funding from multiple organisations, which will contribute to the completion of the Stage 1 of the Lower Chittering Community Centre.



**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120224**

Moved Cr Angus, seconded Cr Ross

That Council:

1. Approves the Lower Chittering Community Centre Reflections Area Project Plan; and
2. Instructs the Chief Executive Officer to use the plan to apply for funding towards this project, in line with other applications for Stage 1 of the Lower Chittering Community Centre, or standalone as required.

**CARRIED 7 / 0**

TIME: 8.26PM

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

*Against: Nil*

## CEO04 – 02/24 Avon and Central Coast 2050 Cycling Strategy

<b>Applicant</b>	N/A
<b>File ref</b>	SOCR-1845402348-7564
<b>Author</b>	Deputy Chief Executive Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Avon 2050 Cycling Strategy – Final Draft for Endorsement

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

**Executive Summary**

Council is requested to endorse the principles of the Avon and Central Coast 2050 Cycling Strategy and receive the proposed action plan for future budget and planning consideration. Endorsement of the Avon and Central Coast Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Avon and Central Coast Cycling Strategy within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route or initiative within the Strategy. Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational Avon and Central Coast 2050 Cycling Strategy over the longer term.

**Background**

In 2014, the Department of Transport (DoT) published the Western Australia Bike Network (WABN) Plan 2014-2031. This plan included a key action to develop long term cycle strategies for Perth and Regional WA.

To achieve this DoT identified the need for twelve long-term cycling strategies across WA, including eleven Regional 2050 Cycling Strategies. The development of these strategies is aimed at creating a shared long-term vision for cycling in the regions and guide delivery of safe and interconnected bicycle networks, along with associated facilities and travel behaviour change initiatives.

Development of the Avon and Central Coast 2050 Cycling Strategy began in late 2019, with the shires of Beverley, Chittering, Dandaragan, Gingin, Northam, Toodyay and York, working with DoT.

Internal working groups for each shire provided input and guided the development of the document. These working groups included diverse representatives across engineering, works, planning, community

development, community safety, communications, sustainability, tourism, and economic development.

A scope of works was formulated, and DoT procured Cardno as the delivery contractor to assist on the project.

Stakeholder input was sought and received from government and non-government organisations, including (but not limited to) the Departments of Local Government, Sport and Cultural Industries (DLGSC), Planning, Lands and Heritage (DPLH), Biodiversity, Conservation and Attractions (DBCA), Main Roads Western Australia (MRWA), Department of Water and Environmental Regulation (DWER) and Tourism WA, as well as the WA Local Government Association (WALGA), and WestCycle.

DoT and Cardno visited all key centres across the region to undertake initial scoping in late 2019 and early 2020. A comprehensive review of relevant government and non-government policies and strategies was undertaken, alongside reviews of existing cycling networks, data analysis, and stakeholder meetings to discuss and identify opportunities for cycling across the region.

Outputs from the scoping work culminated in the production of information sheets and preliminary 2050 network maps for the project, which were used in community consultation. Information on the project was provided via the online My Say Transport engagement platform and in hard copy at drop-in sessions and Shire Administration Centres.

Feedback was gathered via direct comments, a survey, and interactive maps. Over 800 visits (including information downloaded) were made to the My Say Transport project page, with 139 people engaged online. Three drop-in sessions were held in 2020 in Jurien Bay, Gingin and York, as well as stalls held at community markets in Bindoon and Toodyay in September and October 2020.

The COVID 19 Pandemic impacted the progression of the Strategy, which was placed on hiatus in early 2021, but then recommenced in 2022.

Between late 2022 and mid-2023, DoT re-engaged with the LGAs and principal stakeholders to review mapping and outline the five-year action plan.

The final draft of the strategy is finished and DoT are seeking Councils endorsement of the principles contained within the strategy and to receive the proposed action plan contained in the document.

### **Consultation Summary**

#### Local

DoT consulted with the Shire of Chittering throughout the development of their strategy.

Local community consultation undertaken by DoT for the strategy included;

- Online feedback via the My Say Transport project page
- Stall at a community market held in Bindoon.

#### State

The DoT consulted with the following agencies in preparing this Strategy;

- ARC Infrastructure
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Local Government, Sport and Cultural Industries (DLGSCI);
- Department of Planning, Lands and Heritage;
- Tourism WA;
- Main Roads WA;

- WA Trails Reference Group;
- WA Bike Riding Reference Group;
- WALGA; and
- WestCycle.

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Endorsement of the principles contained within the strategy and the receiving of the action plan do not formally commit the Shire to the construction of any of the paths or trails identified in the document for the Shire of Chittering.

The funding of any project by the Shire of Chittering will be a decision of Council in future budget deliberations where the project will be considered with other competing projects for access to the Shire’s finite resources.

The endorsement of this document will, however, provide for grant funding opportunities to assist the Shire in funding these projects should the Council wish to pursue them.

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032  
 Focus area: Built Environment  
 Objective: S3.2 Improving Infrastructure  
 Strategy: S3.2.3 Provision of community facilities to allow sport and recreation participation

State

- The Western Australia Bike Network (WABN) Plan 2014-2031

**Site Inspection**

Site inspection undertaken: Not applicable.

**Environmental Consideration**

Environment consideration given: Not applicable.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Financial Impact Council unable to	Moderate	Possible	Moderate	Future Regional Bike Network Grants

access grant funding through the Regional Bike Network Grants Program funding stream for paths and trails.				Program funding for paths and trails will likely be linked to projects contained within this strategy. Therefore, endorsement of the strategy will provide opportunity for the Shire of Chittering to access funding for path and trail projects within the district.
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**Officer Comment/Details**

This Strategy, developed by DoT in consultation with local government, has been informed by multiple phases of stakeholder and community consultation. Positioned as an aspirational strategy to 2050, it highlights opportunities to encourage bike riding for transport, recreation and tourism across the region and proposes networks for regional centres and their surrounding areas. Five-year action plans prioritise the delivery of strategic infrastructure and initiatives and guide funding through DoT’s current Regional Bike Network (RBN) Grants Program (note: the program has been suspended for the 2024-25 financial year, with the future funding program to be determined).

The action plan contains the following projects for the Shire of Chittering;

Year	Project	Project type	Objective / Justification	Hierarchy
Short term	Muchea to Bindoon	Feasibility	Conduct a feasibility study of a trail between Muchea and Bindoon.	Primary, Transport trail
Short term	Muchea to Bindoon Stage 1	Design	Design Stage 1 of 3 of Muchea to Bindoon trail.	Primary, Transport trail
Short term	Granary Drive (Tonkin Highway to Edwards Place)	Construct	Collaborate with Main Roads WA to construct a path on Granary Drive between Tonkin Highway and Edwards Place to improve connection and create an ‘anchor’ between established Muchea town commercial area and Tonkin Highway / Great Northern Highway.	Local
Short term	Muchea to Bindoon Stage 1	Construct	Construct Stage 1 of 3 of Muchea to Bindoon trail.	Transport trail
Short term	Muchea to Bindoon Stage 2	Design	Design Stage 2 of 3 of Muchea to Bindoon trail.	Transport trail
Short term	East Lake Needoonga Path (Gray Road to Great Northern Highway after Casuarina Close)	Design and construct	Design and construct a path, east of Lake Needoonga between Gray Road and Great Northern Highway after Casuarina Close. This link will provide a link between the shopping area, health facility and Lake Needoonga.	Local
Medium	Muchea to Bindoon	Construct	Construct Stage 2 of 3 of Muchea to Bindoon	Transport

<b>term</b>	Stage 2		trail.	trail
<b>Medium term</b>	Muchea to Bindoon Stage 3	Design	Design Stage 3 of 3 of Muchea to Bindoon trail.	Transport trail
<b>Medium term</b>	Great Northern Highway (Binda Place to Learners Way)	Design and construct	Design and construct a path on Great Northern Highway between Binda Place and Learners Way to complete the missing link along the route and improving access between key destinations.	Secondary
<b>Medium term</b>	Muchea to Bindoon Stage 3	Construct	Construct Stage 3 of 3 of Muchea to Bindoon trail.	Transport trail
<b>Long term</b>	Muchea PSP to Muchea Bike Path	Design and construct	Construct a path from the PSP on Tonkin Highway / Great Northern Highway to Muchea BP stop and future growth area	Local
<b>Long term</b>	Chittering Street (Granary Drive to Carl Street)	Design and construct	Chittering Street between Granary Drive and Carl Street to improve access to recreational destination.	Local

It is important to note that this is an aspirational plan and DoT recognises that regional local governments with constrained funding may not have the capacity to deliver these projects. Beyond guiding available RBN funding, these strategies are also demonstrably effective in driving additional investment by opening additional funding sources and enabling Local Governments to build more of the network and deliver more local travel behaviour change initiatives.

Endorsing this strategy does not commit the Shire of Chittering to any specific project or timeline. The construction of these paths will still be decision of Council during its usual annual budget deliberations and formulation.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130224**  
**Moved Cr Campbell, seconded Cr Ross**  
**That Council:**

- 1. Endorses the principles of the Avon and Central Coast 2050 Cycling Strategy; and**
- 2. Receives the proposed Action Plan for future planning purposes.**

**CARRIED 6 / 1**  
TIME: 8.36PM

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

## CEO05 – 02/24 Memorandum of Understanding – Chinkabee Complex

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-7605
<b>Author</b>	Deputy Chief Executive Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. BSRA Suggested Tasks (SOCR-1845402348-7607)

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

**Executive Summary**

Council is requested to authorise the Chief Executive Officer to develop and enter into a Memorandum of Understanding (MOU) with the Bindoon Sport and Recreation Association (BSRA) for the purpose of creating a mutually beneficial management system for the Chinkabee Sports Complex.

**Background**

Since March 2023 staff and the executive committee of the BSRA have been discussing the current lease agreement for the Chinkabee Sports Complex and plans to help activate the centre and provide support for the current users of the facility. Various meetings have been held between Shire staff and BSRA where the topic of discussion has focused on responsibility for the various types of operational and maintenance activities.

BSRA met with council regarding the lease and the future of the space, and it was suggested that the BSRA consult with the entire membership/wider community as to what a new lease may look like, and work with staff to help to create a facility management/forward planning document which would be required before any changes to the lease/licence could occur.

A community meeting was held in the Council Chambers on the BSRA behalf to help assist with the forward planning document. Members of the BSRA executive in attendance were open to new ideas to ensure the future of the facility and building better relationships with the current users. Information gathered was forwarded on to the BSRA.

The lease was reviewed as requested, and no areas were found that could be amended, while still

maintaining equity with other sole users of Council facilities (Bindoon Hall, and Wannamal Community Centre).

In November, BSRA met with Shire staff to further discuss requirements. The outcome of the meeting was that the BSRA would send a letter outlining how they believed the roles and responsibilities for the centre should be structured. This letter (attached) was received in December 2023.

An extract from the letter is as follows:

*“As a committee we would be prepared to do the following;*

- Put in a third of funds for replacement of sporting facilities*
- Run the bar, which is very important part of the facility*
- Provide the cleaning of the Chinkabee Sports and Rec.*
- We would replace light globes, bas bottles, tap washers, put out the bins for collection each week*
- Maintaining the garden area around the veranda’s*
- Be responsible for all of the bookings and hiring of the complex*

*In our opinion this is more than enough for our committee to deal with, all other repairs, plumbing, general maintenance, lawn edges and pruning, gutter cleaning, painting the outside of the complex should all come under the shire.”*

### **Consultation Summary**

#### Local

Meetings between staff and BSRA

Meeting between Council and BSRA

#### State

Nil

### **Legislative Implications**

#### State

Nil

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2022-2032  
Focus area:           Accountable governance



Objective: S5.3 Accountable Governance  
Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

Focus area: Community  
Objective: S1.1 Connected Communities  
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**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

The most current lease agreement between the Shire and BSRA for the Chinkabee Complex was signed 1 July 2014.

The lease is over the entire premise located on Lot 2 on Certificate of Title Volume 1419, Folio 542. The lease is visually represented in the red shaded portion of figure 1 below.



Figure 1

The “premise” as referred to in the lease includes the building known as the Chinkabee Complex as well as the bowling greens, outdoor multipurpose courts, war memorial, car-parking, lawns and gardens, and playground.

In accordance with the terms of the lease the Lessee is responsible for the day-to-day maintenance and repair of the whole of the premise. The shire on the other hand is responsible for items of a structural nature.

After receiving the letter of request to alter the lease for the facility, discussions between all departments have identified that the Shire has always and is continuing to provide maintenance services at the Chinkabee complex that are solely the responsibility of BSRA.

Over time the Shire Parks and Gardens, and Building Maintenance teams, have progressively taken on most of the upkeep for the playground and surrounding lawn, courts, and war memorial at the Chinkabee Complex. This includes 4 x sand sifting per year to playground, repairs and maintenance to courts, fencing, and playground and flood light maintenance (globe replacements).

Budgeted items for 2023-2024 which are outside of the scope of the lease include:

- pest management;
- sanitary contract;
- court maintenance;
- playground maintenance;
- septic pump out;
- air conditioner maintenance; and
- testing and tagging of BSRA equipment.

Budget worksheets that form the basis for annual budgets include these items as ongoing expenses to the Shire, and this commitment flows through to the Long-Term Financial Plan.

Many of these maintenance items are for infrastructure that is important to the community and used for community events such as ANZAC day Services and the Bindoon Show, and as such maintenance need to be completed in a timely manner. In addition to this maintenance, there are upgrades to the furniture and feel of the facility which have been identified by the wider community as being simple changes that could make the space more welcoming.

Over time there has been growing discourse between the Shire and the BSRA stemming from the lack of clarity over who is responsible for what items of maintenance at the centre.

It’s clear that there is a significant disconnect between the specifics of the lease and what tasks each party actually undertakes at the premise.

The request for the Shire to formally take on more of the responsibilities at the premise would by and large be formalising activities the Shire already does.

However, there are other non-maintenance items and issues the Shire would like to see resolved in relation to the running of the facility. For example:

- all hours access to courts for general casual community use;
- kitchen access for non BSRA members;
- free hire for the Shire for community and civic events;
- tiered membership fees.

Rather than establish an entirely new lease with BSRA, staff consider formalising roles and responsibilities and incorporating the above listed non-maintenance items into a MOU for a period of two years would give an extended trial period for the new arrangement prior to negotiating and establishing an entirely new lease.

Given the current formal direction of Council is via a lease document, permission is sought to authorise the CEO to develop and establish an MOU with BSRA to capture existing maintenance roles and responsibilities that vary from those listed within the lease and to formalise non-maintenance items as a requirement of the MOU.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140224**

**Moved Cr King, seconded Cr Ross**

**That:**

- 1. Council authorises the Chief Executive Officer to draft a Memorandum of Understanding (MOU) for a period of two years with the Bindoon Sport and Recreation Association (BSRA) for the purpose of creating a mutually beneficial management system for the Chinkabee Sports Complex; and**
- 2. The drafted MOU be presented to Council for final endorsement.**

**CARRIED 7 / 0**

TIME: 8.39PM

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

***Against: Nil***

## CEO06 – 02/24 Local Government Risk Management Report for 2023

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/02/0002
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Risk Management Report for 2023

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

**Executive Summary**

The Council is requested to receive the Risk Management Report for 2023.

**Background**

Audit Regulation No. 17 of the *Local Government (Audit) Regulations* requires that the Chief Executive Officer review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

The review may relate to any or all of the matters referred to above, but each of those matters is to be the subject of a review not less than once in every 3 financial years. A copy of the Risk Management Report for 2023 is included as **Attachment 1**.

The Risk Management Report was noted by the Audit & Risk Committee at their meeting held 6 December 2023 with the resolution as follows:

<p><b>OFFICER RECOMMENDATION / COMMITTEE RESOLUTION</b>  <i>Moved Cr King, seconded Cr Campbell</i>  <i>That the Audit and Risk Committee note the Risk Management Report for 2023 and present to Council at the 21 February 2024 Ordinary Meeting.</i></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b></p>
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## Consultation Summary

### Local

Chief Executive Officer  
Executive Manager Corporate Services  
Executive Manager Technical Services  
Executive Manager Development Services

### State

Nil

## Legislative Implications

### State

Regulation 17 of the *Local Government (Audit) Regulations 1996* states:

### **17. CEO to review certain systems and procedures**

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

### Local

Nil

## Policy Implications

### State

Nil

### Local

Nil

## Financial Implications

Nil

## Strategic Assessment / Implications

### Local

- Strategic Community Plan 2022-2032

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

### State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputational:</b> Loss of reputation by no longer doing things that have been done in the past	Possible	Insignificant	Low	Being Accountable and Transparent.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

The Chief Executive Officer and extended Executive Management Team conducted a Risk Assessment workshop during July 2023, where risks were identified and mitigating actions with deadlines determined. This report will now form part of the Integrated Performance and Reporting system that is being implemented, and will provide regular updates.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150224</b>  <b>Moved Cr Angus, seconded Cr Campbell</b>  <b>That Council receives the Risk Management Report for 2023.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.40PM</small>  <b>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</b>  <b>Against: Nil</b></p>
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**CEO07 – 02/24 Mid-Year Corporate Performance Report 2023/24**

<b>Applicant</b>	N/A
<b>File ref</b>	
<b>Author</b>	Corporate Performance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Corporate Performance Summary Report 2023/24 – Quarter 2</li> <li>2. Annexure 1: Corporate Performance Scorecard (detailed performance information) – Quarter 2</li> </ol>

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

**Executive Summary**

Council is requested to receive the Shire of Chittering Mid-Year Corporate Performance Report 2023/24. The Report illustrates the Shire's performance results as at 31 December 2023 (Quarter 2) and is aligned to the Shire's Corporate Business Plan that was adopted during the financial year.

**Background**

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

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

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

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

This report includes the following sections:

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

Some of the key results for quarter 4, include:

- **88%** of the annual actions were either completed or on target by 31 December 2023.
- The statement of financial activity shows a **surplus of \$5,475,940** as at 31 December 2023.
- The Shire has spent **80%** (\$4,000,707) of the YTD budget (\$4,988,458); and **44%** of the annual adopted budget (\$9,039,842), on capital works projects.

### **Consultation Summary**

#### Local

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

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

#### State

Nil

### **Legislative Implications**

#### State

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

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

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

#### Local

Nil

### **Policy Implications**

#### State

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



Local

Nil

**Financial Implications**

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

**Strategic Assessment / Implications**

- Integrated Planning and Reporting

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

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

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

**Officer Comment/Details**

That Council accepts the Mid-Year Corporate Performance Report 2023/24.

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

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160224</b>  <b>Moved Cr Ross, seconded Cr Dewar</b>  <b>That Council receives the Mid-Year Corporate Performance Report 2023/24 as per Attachment 1, and the detailed operational performance set out in Attachment 2.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 8.43PM</small></p> <p style="text-align: center;"><b>For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes</b>  <b>Against: Nil</b></p>
--

## CEO08 – 02/24 Annual General Meeting of Electors – Water Pressure at Wildflower Ridge

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

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

**Executive Summary**

Council has been requested to consider a motion passed at the Annual General Meeting of Electors, requesting consideration on advocating for community members in Wildflower Ridge regarding their reduced pressure for their reticulated water supply.

**Background**

At the Annual General Meeting of Electors held on Wednesday 7 February 2024, the following motion was carried:

<p><b>ELECTORS DECISION</b>  Moved Maxine Wright, seconded Tuarn Brown  That Council instruct the Chief Executive Officer to write to Muchea Water to bring the community's concerns to their attention.</p> <p style="text-align: right;"><b>CARRIED 7/0</b></p>
---

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

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

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Reputation	Rare	Insignificant	Low	The elector’s motion has been considered and the CEO has already draft a letter to be sent following Council approval to advocate for the community.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170224**

Moved Cr Hughes, seconded Cr Campbell

That Council:

1. Notes the decision of the Electors from the Annual Electors Meeting held 7 February 2024, passed by majority vote of 7 Electors;
2. Instructs the Chief Executive Officer to write to Muchea Water to bring the community's concerns to their attention; and
3. Instructs the Chief Executive Officer to write to the Economic Regulation Authority and local political representatives to bring the community's concerns to their attention.

**CARRIED 7 / 0**

TIME: 8.54PM

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

*Against: Nil*

**AMENDMENT**

Moved Cr King , seconded Cr Dewar

That point 2 be deleted from the officer recommendation.

**LOST 3 / 4**

TIME: 8.53PM

*For: Cr King, Cr Dewar, Cr Curtis*

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

## CEO09 – 02/24 Annual General Meeting of Electors – A Vote of Thanks

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

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

**Executive Summary**

Council has been requested to consider a motion passed at the Annual General Meeting of Electors for a vote of thanks to Shire Staff and Council.

**Background**

At the Annual General Meeting of Electors held on Wednesday 7 February 2024, the following motion was carried:

<p><i>ELECTORS DECISION</i>  <i>Moved Tuarn Brown, seconded Anne Elliott</i>  <i>A vote of thanks to the Shire Administration for assisting with arrangements of the new year's eve event.</i></p> <p style="text-align: right;"><i>CARRIED 7/0</i></p>
---

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

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**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180224**

Moved Cr Ross, seconded Cr Dewar

That Council notes the decision of the Electors from the Annual General Meeting held 7 February 2024, passed by majority vote of 7 Electors, "A vote of thanks to the Shire Administration for assisting with arrangements of the new year's eve event".

**CARRIED 7 / 0**

TIME: 8.57PM

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

**Against: Nil**

**CEO10 – 02/24 Annual General Meeting of Electors – Harvest and Vehicle Movement Bans**

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

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

**Executive Summary**

Council has been requested to consider a motion passed at the Annual General Meeting of Electors regarding Harvest and Vehicle Movement Bans.

**Background**

At the Annual General Meeting of Electors held on Wednesday 7 February 2024, the following motion was carried:

<p><i>ELECTORS DECISION</i>  <i>Moved Tuarn Brown, seconded Renay Bakker</i>  <i>That Council instruct the Chief Executive Officer to investigate the option of declaring harvest and vehicle movement bans earlier.</i></p> <p style="text-align: right;"><i>CARRIED 5 / 2</i></p>
---

**Consultation Summary**

Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

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**

Nil

**Officer Comment/Details**

Whilst the official data sources to be used when calculating a Fire Behaviour Index number cannot be altered, as suggested by Mr. Brown during the meeting, there are some options for the Shire to consider finding an amicable solution to the opposing views on the declaration of Harvest and Vehicle Movement Bans.

The geographically dispersed and disparate land-uses within the Shire necessitates an alternative approach to the timeliness of which these bans are communicated. The denser population of the lower areas of the Shire where residents are more comfortable with having bans declared sooner rather than later, directly opposes the views of the broadacre farmers in the northern areas of the Shire, where every hour available to conduct works make a difference to their operations.

An appropriate solution can be found and implemented within the provisions of the *Bush Fires Act 1954*, and would be considered an administrative matter.



OFFICER RECOMMENDATION

Moved Cr Ross, seconded Cr Campbell

That Council:

1. Notes the decision of the Electors from the Annual General Meeting held 7 February 2024, passed by majority vote of 5 Electors.
2. Instructs the Chief Executive Officer to investigate options for declaring harvest and vehicle movement bans earlier.
3. Instructs the Chief Executive Officer to workshop the options with Council prior to 30 June 2024 and bring back to an Ordinary Meeting for final approval.

MOTION

Moved Cr King, seconded Cr Ross

That Council suspend Standing Orders.

CARRIED 7 / 0

TIME: 9.01PM

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

*Against: Nil*

MOTION

Moved Cr Ross, seconded Cr King

That Council resume Standing Orders.

CARRIED 7 / 0

TIME: 9.07PM

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

*Against: Nil*

AMENDMENT

Moved Cr Ross, seconded Cr Angus

That the officer recommendation be amended to include:

2. That Council instructs the Chief Executive Officer to conduct concurrent community awareness campaign through our social media channels to inform the community of the restrictions imposed by total fire bans and harvest vehicle movement bans.

CARRIED 7 / 0

TIME: 9.08PM

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

*Against: Nil*

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 190224**

**Moved Cr Ross, seconded Cr Campbell**

**That Council:**

- 1. Notes the decision of the Electors from the Annual General Meeting held 7 February 2024, passed by majority vote of 5 Electors.**
- 2. Instructs the Chief Executive Officer to conduct concurrent community awareness campaign through our social media channels to inform the community of the restrictions imposed by total fire bans and harvest vehicle movement bans.**
- 3. Instructs the Chief Executive Officer to investigate options for declaring harvest and vehicle movement bans earlier.**
- 4. Instructs the Chief Executive Officer to workshop the options with Council prior to 30 June 2024 and bring back to an Ordinary Meeting for final approval.**

**CARRIED 7 / 0**

TIME: 9.10PM

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

***Against: Nil***

## CEO11 – 02/24 Annual General Meeting of Electors – Bins in Public Spaces

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

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

**Executive Summary**

Council has been requested to consider a motion passed at the Annual General Meeting of Electors regarding the placement of publically accessible rubbish bins at strategic locations throughout the Shire.

**Background**

At the Annual General Meeting of Electors held on Wednesday 7 February 2024, the following motion was carried:

<p><i>ELECTORS DECISION</i>  <i>Moved Tuarn Brown, seconded Anne Elliott</i>  <i>That Council instruct the Chief Executive Officer to investigate adding collection points at public spaces where bins have been removed.</i></p> <p style="text-align: right;"><i>CARRIED 7/0</i></p>
--

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**

State

Nil

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

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**

Nil

**Officer Comment/Details**

The removal of the bins at the two locations in Lower Chittering has been an ongoing issue which was finally resolved through Council resolution 150323 where Council endorsed the strategic decision to remove the bins at the corner of Blue Plains Road and Great Northern Highway, and the corner of Chittering Road and Julimar Road, and to close the matter.

This decision was not only based on the financial impact of having the bins serviced, but also on the avoidance of littering at the two sites, as photographic evidence was presented of the littering around the area prior to the bins being removed, and the cleanliness of the areas since the removal.

For this motion to be considered, Council would also have to rescind Resolution 150323.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200224**

Moved Cr Curtis, seconded Cr Dewar

That Council:

1. Notes the decision of the Electors from the Annual General Meeting held 7 February 2024, passed by majority vote of 7 Electors, *“That Council instruct the Chief Executive Officer to investigate adding collection points at public spaces where bins have been removed”*.
2. Affirms Resolution 150323 *“That Council (1) Endorses the strategic decision to remove the bins at the corner of Blue Plains Road and Great Northern Highway, and the corner of Chittering Road and Julimar Road; and (2) Close out this matter”*.

**CARRIED 7 / 0**

TIME: 9.14PM

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

*Against: Nil*

**CEO12 - 02/24 CEO Performance Review Panel**

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

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

**Executive Summary**

Council is requested to form a CEO Performance Review Panel in accordance with section 5.8 of the *Local Government Act*.

**Background**

The Chief Executive Officer commenced on 1<sup>st</sup> March 2023. As it is coming up to 12 months, Council are required to form a performance review panel and proceed with the review. In preparation for the anniversary of the commencement date, now is the opportune time to commence discussions with Council on the KPI's and Performance criteria. This will provide Council with adequate time to deliberate on fast performance and determining future key performance indicators.

**Consultation Summary**

Local

President  
 Chief Executive Officer

State

WALGA

**Legislative Implications**

State

- *Local Government Act 1995 – Section 5.8*

5.8. Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* Absolute majority required.

Local

Nil

**Policy Implications**

State

Nil

Local

- Shire of Chittering Policy 3.9 Standards for Review of Performance of CEO's

**Financial Implications**

Nil

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 An active and supportive community

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

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Compliance	Likely	Minor	Moderate	By bringing this item to Council to form a CEO Performance Review Panel and commencing the review process compliance is being met.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

That:

1. Council form a CEO Performance Review Panel in accordance with section 5.8 of the Local Government Act; and
2. All Councillors are appointed to the Panel.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 210224**

**Moved Cr King, seconded Cr Campbell**

**That:**

1. Council form a CEO Performance Review Panel in accordance with section 5.8 of the *Local Government Act*; and
2. All Councillors are appointed to the Panel.

**CARRIED BY AN ABSOLUTE MAJORITY 7 / 0**

TIME: 9.16PM

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

***Against: Nil***



## ITEM 10. REPORTS OF COMMITTEES

### COM01 – 02/24 Chittering Tourist Advisory Group February Meeting Minutes

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	ECDEV.TOUR.CTAG
<b>Author</b>	Tourism, Events & Marketing Officer
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. February 2024 Meeting Minutes 2. Terms of Reference

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

#### Executive Summary

That Council review the Minutes of the Chittering Tourist Advisory Group (CTAG) held 1 February 2024.

#### Background

CTAG officially became an advisory group to Council at the September 2020 Ordinary Council Meeting. New members were elected in November 2023 as per the Terms of Reference (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 – Cr Mark Campbell & Cr Carmel Ross, respectively.
- b) One Chittering Tourism Association representative as a member – Tamieka Preston
- c) Five tourism industry personnel from the Chittering local government area – Chris Evans (RDA), Evelyn Brown (Alan & Eves B&B), Natalie Vallance (Muchea Tree Farm) and Chris Waldie (Bindoon & Districts Historical Society).

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”.*

The CTAG meeting held in February 2024 was the first meeting with the newly elected members.

### **Consultation Summary**

#### Local

Nil

#### State

Nil

### **Legislative Implications**

#### State

Nil

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- *Strategic Community Plan 2017-2027*
  - 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.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

Nil

OFFICER RECOMMENDATION  
 Moved Cr Campbell, seconded Cr Ross  
 That Council receive the minutes of the Chittering Tourism Advisory Group held 1 February 2024.

AMENDMENT  
 Moved Cr Ross, seconded Cr Campbell  
 That the following advice note be added to the officer recommendation:

- That item 9 in the minutes should refer to the Brockman Centre rather than the Cultural Centre.

CARRIED 7 / 0  
TIME: 9.27PM  
*For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes*  
*Against: Nil*

AMENDMENT  
 Moved Cr Ross, seconded Cr Campbell  
 That the following point be included in the officer recommendation:  
 That the CEO requests the CTAC to meet as soon as practicable to develop their recommendation for the location of Taste of Chittering including costs.

CARRIED 7 / 0  
TIME: 9.29PM  
*For: Cr King, Cr Angus, Cr Campbell, Cr Dewar, Cr Curtis, Cr Ross, Cr Hughes*  
*Against: Nil*

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 220224**

Moved Cr Campbell, seconded Cr Ross

That Council:

1. Receive the minutes of the Chittering Tourism Advisory Group held 1 February 2024.
2. Instruct the Chief Executive Officer to request the Chittering Tourism Advisory Group to meet as soon as practicable to develop their recommendation for the location of Taste of Chittering including costs.

Advice Note:

- That item 9 in the minutes should refer to the Brockman Centre rather than the Cultural Centre.

**CARRIED 7 / 0**

TIME: 9.30PM

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

*Against: Nil*

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

MWN01 – 02/24 Cr John Curtis

**MOTION**

Moved Cr Curtis, seconded Cr Dewar

That Council reviews Policy 6.4 Community Assistance Grant Scheme to consider a new grant stream dealing specifically with community group insurance grants.

LOST 3 / 4

TIME: 9.38PM

*For: Curtis, King, Dewar*

*Against:*

### Reasoning

The current policy provides for financial support from the Shire in relation to insurance for new community groups up to a maximum of two years. Many of the groups cannot afford ongoing cost of insurance, and it would be to the benefit of the community if the shire contributed towards these costs, especially given the important work these groups do for our community.

If these groups falter financially because of insurance costs their activities or projects they provide would be a sad loss for the Chittering community.

## ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

**MOTION**

Moved Cr King, seconded Cr

That Council suspend Standing Orders.

CARRIED 7 / 0

TIME: 9.41pm

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

*Against: Nil*

QFM01 – 02/24 Cr David Dewar

1. Can the CEO investigate and report back options to reduce pedestrian injuries from the wheel stops in Binda Place?
2. Can the CEO write to the communications ombudsman raising a complaint on the health of the community of the Shire of Chittering with the extended delays in reestablishing communication services following the Shire of Chittering fires?
3. Can the CEO write to the economic regulation authority raising a complaint on the health of the community of the Shire of Chittering with the extended delays in reestablishing power services following the Shire of Chittering storm?
4. Can the CEO log a work request to ensure the Bindoon oval and surrounds are adequately prepared for the imminent South Midlands Cricket Grand Final?

The CEO undertakes to comply with these requests and report back to Council.

**QFM02 – 02/24 Cr John Curtis**

1. Can we notify ratepayers before the Shire takes them to court?

The CEO advised that we always notify ratepayers before we take them to court. It is a legal requirement to advise in writing.

**MOTION**

Moved Cr King, seconded Cr Ross

That Council resume Standing Orders.

CARRIED 7 / 0

TIME: 9.53pm

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

*Against: Nil*

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

Nil

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

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 9.58pm.