



COUNCIL MINUTES

CONFIRMED: 18 OCTOBER 2023

Ordinary Meeting of Council

7pm, Wednesday 20 September 2023

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

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

2. Protocol

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

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

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

3. General Rules

The following general rules apply to Public Question Time:

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

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

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

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

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

3. General Rules

The following rules apply when making a Deputation:

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

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

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

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

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

Recording of Proceedings

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

Access to Recordings

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

Retention of Recordings

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

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

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

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

PREFACE

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

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

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

UNCONFIRMED MINUTES

These minutes were approved for distribution on 28 September 2023.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 18 October 2023.



Signed _____

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

Disclaimer

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7:01pm.

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

Attendance

The following members will be in attendance:

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

The following staff will be in attendance:

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

Members of the General Public: 2

Media: 0

Apologies

Nil

Approved leave of absence

Nil

Announcements

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

Cr Aaron King

16 August 2023 Councillor Information Session
Ordinary Meeting of Council
23 August 2023 Chittering Residents and Ratepayers Public Meeting
25 August 2023 Avon Midland Zone Meeting – Moora
27 August 2023 A Taste of Chittering
5-8 September 2023 2023 National Roads & Transport Congress - Canberra
13 September 2023 Councillor Information Session
Agenda Forum
14 September 2023 Chittering Scouts – CAGS presentation
15 September 2023 Australian Citizenship Ceremony – Council Chambers
17 September 2023 Historic Vehicle Day
17-19 September 2023 2023 WA Local Government Convention

Cr Mary Angus

16 August 2023 Councillor Information Session
Ordinary Meeting of Council
19 August 2023 Youth Krew Meeting
23 August 2023 Chittering Residents and Ratepayers Public Meeting
25 August 2023 Avon Midland Zone Meeting – Moora
27 August 2023 A Taste of Chittering
29 August 2023 Bringing Dowerin Downtown Luncheon
13 September 2023 Councillor Information Session
Agenda Forum
15 September 2023 Australian Citizenship Ceremony – Council Chambers
17 September 2023 Historic Vehicle Day
17-19 September 2023 2023 WA Local Government Convention

Cr Kylie Hughes

16 August 2023 Councillor Information Session
Ordinary Meeting of Council
17 August 2023 Muchea Recreation Centre User Group – Muchea Site Visit
23 August 2023 Local Emergency Management Committee Meeting
27 August 2023 A Taste of Chittering
28 August 2023 Ellen Brockman Integrated Catchment Council
Chittering Landcare Committee Meeting
29 August 2023 Bringing Dowerin Downtown Luncheon
31 August 2023 Chittering Chamber of Commerce AGM
11 September 2023 Muchea Recreation Centre User Group Committee Meeting
13 September 2023 Councillor Information Session
Agenda Forum
17-19 September 2023 2023 WA Local Government Convention

Cr Carmel Ross

16 August 2023 Councillor Information Session

26 August 2023 Ordinary Meeting of Council
Chittering Volunteer Bush Fire Fighters Huw Davies Competition
27 August 2023 A Taste of Chittering
31 August 2023 Chittering Chamber of Commerce AGM
10 September 2023 Chittering Landcare Wildflower Exhibition – Wannamal Hall
13 September 2023 Councillor Information Session
Agenda Forum
17-19 September 2023 2023 WA Local Government Convention

Cr John Curtis

16 August 2023 Councillor Information Session
Ordinary Meeting of Council
4 September 2023 Wheatbelt North Regional Road Group Meeting
11 September 2023 Bindoon and Districts Historical Society Meeting
13 September 2023 Councillor Information Session
Agenda Forum

Cr Mark Campbell

20 July 2023 Bindoon Mountain Bike Park Project Reference Group
16 August 2023 Councillor Information Session
Ordinary Meeting of Council
27 August 2023 A Taste of Chittering
13 September 2023 Councillor Information Session
Agenda Forum
14 September 2023 Chittering Tourism Advisory Group Meeting
17 September 2023 Historic Vehicle Day

Cr David Dewar

16 August 2023 Councillor Information Session
Ordinary Meeting of Council
13 September 2023 Councillor Information Session
Agenda Forum
17-19 September 2023 2023 WA Local Government Convention

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

Nil

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 010923

Moved Cr Campbell, seconded Cr Angus

That leave of absence be approved as follows:

- **Cr Mark Campbell - Wednesday, 11 October 2023**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7:03PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 16 August 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020923

Moved Cr Hughes, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 16 August 2023, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7:05PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- Acknowledged Electronic Signs and improved communication
- Chittering Spring Festival ongoing
- WALGA Conference 17 – 20 attended by Councillors
- Historical Vehicle Day
- Citizenship Ceremony 15 September 2023
- Scouts Presentation 14 September 2023
- ALGA Conference in Canberra
- Taste of Chittering 27 August 2023, well attended and well run.
- Chittering Ratepayers & Residents Association meeting
- Muchea Recreation Centre – taken possession of the facility
- Staying in Place Session
- Bindoon Show 14 October 2023
- Referendum on 14 October 2023
- Local Government Elections on 21 October, new Councillors sworn in at Special Council Meeting being held on 27 October 2023.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 09/23 Application for Development Approval – Extractive Industry (Gravel) – Lot 40 (21) Djarlma Road, Chittering**

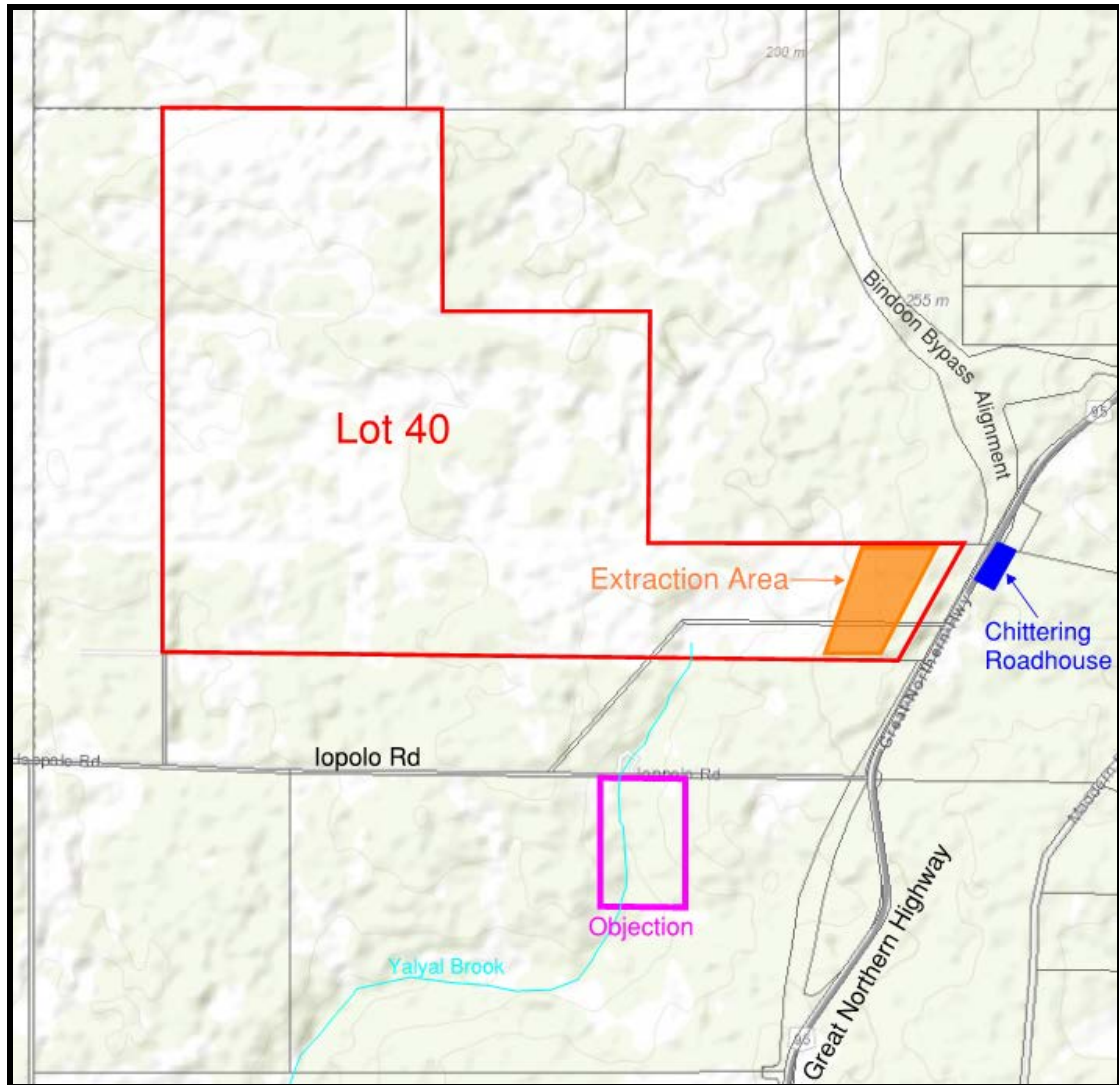
Applicant	Landform Research (on behalf of Hall-All Contracting)
File ref	A12024
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Excavation Management Plan 2. Assessment of Vegetation and Clearing 3. Schedule of Submissions

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

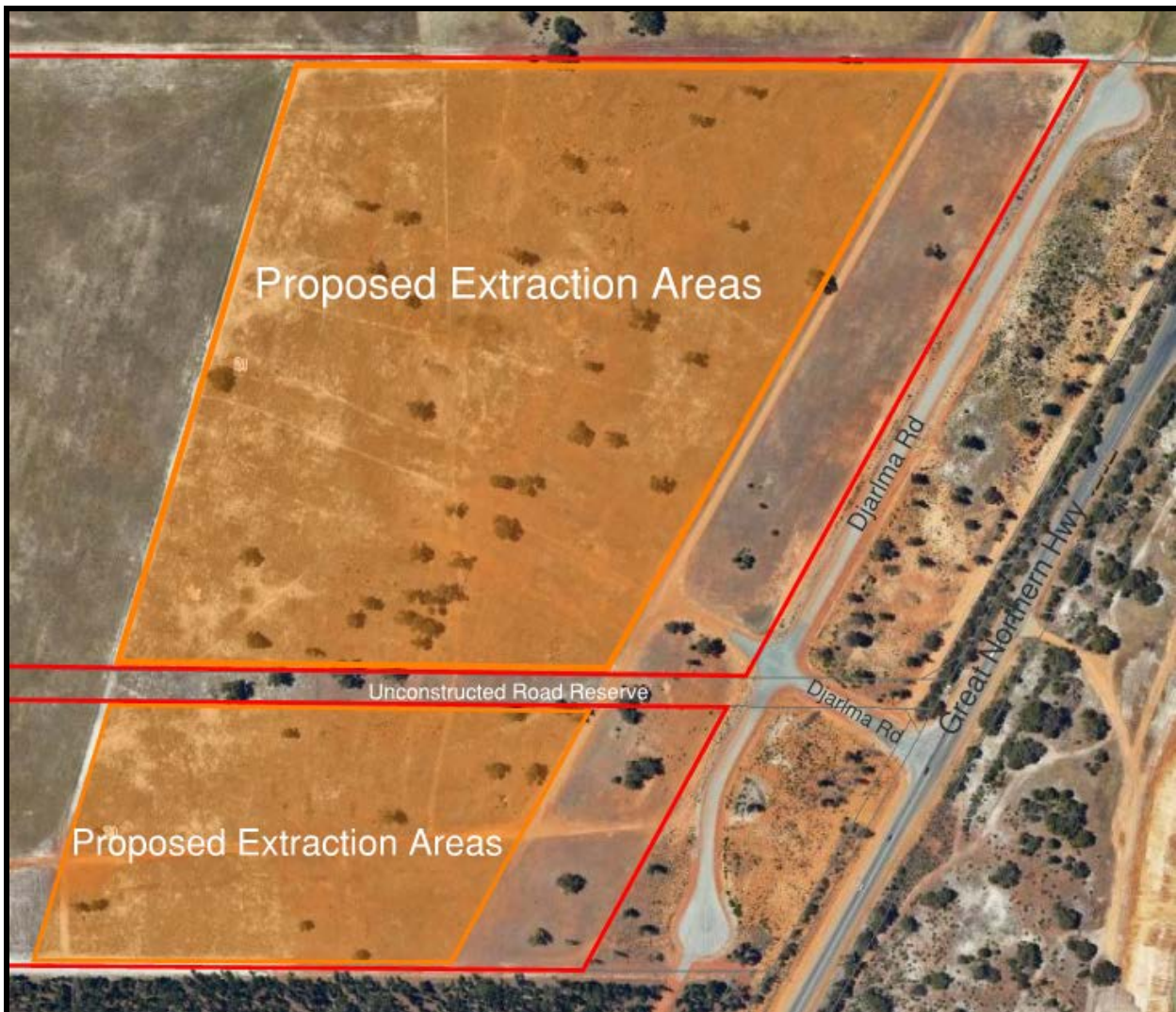
Executive Summary

Council is requested to consider an application for development approval for gravel extraction to occur on Lot 40 Djarlma Road, Chittering. The application received an objection from a nearby landowner and as such, the application is required to be determined by Council.

Location Plan



Site Plan



Background

An application for Development Approval has been received for the development of a gravel extractive industry on Lot 40 Djarlma Road, Chittering. This property is zoned ‘Agricultural Resource’ under the Shire of Chittering Local Planning Scheme No. 6 (LPS6) and is divided into two parts, dissected by an unconstructed road reserve that provides a link to Ipolo Road and Reserve Road further to the west. This application was lodged by Landform Research on behalf of Hall All Contracting.

A summary of the application details for Lot 40 is provided in the below table with a full copy of the application document provided in Attachment 1:

Lot 40 Djarlma Rd, Chittering	
Material	Gravel
Total area of excavation	25 ha
Mass of total material to be extracted	100,000-200,000 tonnes per year Additional extraction if contract to supply Main Roads for the Bindoon Bypass is won (amount unspecified).
Life of project	10 years (2031)
Maximum depth of excavation	3m
Stockpiling	Topsoil and over-burden will be stockpiled separately

	along the edges of the extraction area to screen the view of the extraction.
PROCESSING	
Equipment	A bulldozer will rip and blade material to a stockpile. A mobile crushing and screening plant will be used on site.
TRANSPORT	
Truck Movements	Between 11 and 22 laden truck movements each day over a 300-day operating year.
Access	Access is from Djarlma Road which connects directly to Great Northern Highway
WORKFORCE	
Hours of Operation	6am-6pm Monday-Friday 6am-1pm Saturday No work on Sundays or public holidays

The original application that was lodged with the Shire in September 2021 provided for all native vegetation on the property to be retained. Since this time, the application has been adjusted so that 40 native trees (Jarrah and Marri) are proposed to be removed in order to facilitate the extraction of gravel. This adjustment has meant an application to clear native vegetation needed to be lodged with the Department of Water and Environmental Regulation (DWER), which is currently on-hold pending the outcome of this development application.

Lot 40 is 743 hectares in area however, the proposed extraction area is contained to the eastern portion of the site and occupies 25 ha. The proposed extraction area was previously used as a pine plantation which has since been logged (circa 2016), and now contains isolated native vegetation (Jarrah and Marri trees) on relatively unvegetated, flat land. Some screening vegetation is provided to the east of the proposed extraction site within the Great Northern Highway and Djarlma road reserve. Lot 40 is within the upper catchment of the Yal-Yal Brook which is located approximately 800m to the west of the proposed extraction area (refer to location plan).

The application included an 'Assessment of Vegetation and Clearing' which is provided as an attachment to this report (Attachment 2). The Assessment indicates that 14 trees are of a size and type that have potential to be Black Cockatoo habitat trees and as such, will be retained. There are 40 trees on site that have not been reported to qualify as Black Cockatoo habitat trees due to their size and as such, are proposed to be cleared to cater for the extractive industry operations. These 40 trees are the subject of a clearing permit application which seeks to compensate the loss of trees by providing a 1.57ha revegetation offset within Lot 40. The location of the proposed offset is illustrated below:



Correspondence provided by DWER has indicated that the clearing permit application is supported in-principle inclusive of the suggested offset area, and is currently in abeyance until the Shire has made a determination on the extractive industry development application.

The application for development approval was also accompanied with the following management plans:

- Noise Management;
- Dust Management;
- Water Management (including fuel and spill management);
- Weed Management; and
- Dieback Management.

A copy of all the above management plans are provided in the application document (Attachment 1).

Further to above, the application includes proposed rehabilitation measures following the complete extraction of material from the land (Section 7 of application document). The land is ultimately proposed to be returned to pastured land that can be grazed for agricultural purposes.

Consultation Summary

Local

LPS6 identifies the use class of 'Industry – Extractive' as an 'A' permissibility within the 'Agricultural Resource' zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising.

The application was advertised to all nearby landowners within 1000m of the extraction area giving 21 days to provide a response, exceeding the 14 day minimum stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

One objection was received from the public which has been provided in a Schedule of Submissions contained in Appendix 3. The location from where the objection was received has also been illustrated on the location plan in the background of this report.

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:

- Department of Planning, Lands and Heritage;
- Chittering Landcare (Ellen Brockman Integrated Catchment Group);
- Department of Mines, Industry Regulation and Safety (Mines and Petroleum);
- Department of Biodiversity, Conservation and Attractions;
- Department of Primary Industries and Regional Development;
- Department of Water and Environmental Regulation;
- Main Roads WA; and
- Department of Health.

A response was received from each of the government agencies with the exception of Department of Biodiversity, Conservation and Attractions. All responses are listed in the schedule of submissions provided in Attachment 3 of this report.

Legislative Implications

State

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

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The matters that are significant and need closer consideration are provided in the officer’s comment section of the report.

Local

- *Shire of Chittering Local Planning Scheme No. 6*

Clause 4.15 of the LPS6 states the following:

- Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations.*
- Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission.*
- Appropriate buffer areas are to be applied to protect both extractive operations as well as the living or agricultural environment in nearby areas.*
- Local government will not support development within those buffer areas, which may be detrimental to the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.*

The above Scheme provisions facilitate extraction of basic raw materials, due to their importance in many large scale infrastructure projects, in a manner that can have the least possible impact on its surroundings.

The proposal for Lot 40 is considered to sufficiently address these requirements subject to suitable conditions being imposed for the protection of a nearby residential dwelling, the local amenity and environment. The proposal includes a rehabilitation plan which will return the affected areas back to usable pasture land in addition to a revegetated offset area of 1.57ha.

- *Shire of Chittering Extractive Industries Local Law 2014*

The Shire of Chittering Extractive Industries Local Law 2014 stipulates the requirement for an Extractive Industry Licence to be granted. The approval process for any extractive industry is gaining both development approval, and an Extractive Industry Licence.

While the subject application is for development approval, the Local Law is used as a guiding tool to ensure that the proposed operations will have the ability to be issued a licence, if development approval is granted. A development approval can be conditioned with requirements that need to be met prior to the Shire issuing a Licence. Such conditions typically include public liability insurance and a suitable rehabilitation bond. Officers will be recommending as conditions of approval that both these items are addressed by the applicant, prior to an extractive industry licence being issued.

In addition to the above, officers have reviewed the application against the restrictions of the local law and consider that the proposed extraction could be compliant, subject to the boundary setbacks of the proposal being adjusted. At present, the application indicates a 'nil' setback to the northern property boundary and the unconstructed road reserve dissecting the property. A 75m setback is indicated to be provided to the eastern boundary of Lot 40 which is adjacent to the newly constructed Djarlma Road.

With respect to the proposed 'nil' setback to the unconstructed road reserve, the Local Law dictates a 50m setback should be achieved to any thoroughfare. However, given that this thoroughfare is an unconstructed road reserve, the Shire simply needs confidence that extractive activities and the remediation of the site is not going to adversely impact any future road that could be constructed within this road reserve. As such, it is recommended that a reduced setback of 20m is applied to any extractive activities from this unconstructed road reserve.

With regard to the setback of the extractive activities to the northern boundary, the Local Law requires a 50m setback to lot boundaries. At present, the owner of the property to the north of Lot 40 (Lot 803) is the same owner as Lot 40. As such, it is considered appropriate to allow a reduction of the required setbacks for extractive activities adjacent to this boundary to 20m.

The Local Law also makes provision for any extractive activities to not occur within 500m of a residence unless written permission has been received from the owner of the affected residence. There exists a residence at the rear of the Chittering Roadhouse which is approximately 340m from the edge of the proposed extraction area. As such, it is considered appropriate that a 500m separation distance is imposed on extractive activities, unless written permission can be provided by the affected residence owner and provided to the Shire.

Given the adjustments that will be required to the extraction area boundaries, it is considered appropriate to impose a condition of approval that a revised extraction plan to be prepared and submitted to the Shire for approval that incorporates the setbacks provided above.

Policy Implications

State

- *State Planning Policy 2.4 – Basic Raw Materials*

State Planning Policy 2.4 – ‘Basic Raw Materials’ (SPP2.4) guides the development of extractive industries with an aim to avoid land use conflict and the sterilisation of basic raw material resources. It also offers Guidelines that highlight matters for a local government to consider when assessing an extractive industry application. These matters include the effects on nearby sensitive land uses, effect on water resources, road access, environment and other similar considerations.

SPP2.4 and the guidelines have been reviewed against the details of the proposal, with the proposal considered to be contextually acceptable. It is however, considered necessary that the operation of the extractive industry should be subject to conditions that ensure the proposal can operate without having detrimental harm or effect on the surrounds. These recommended conditions form part of the officer recommended resolution and are typically guided by SPP2.4, in addition to other elements of the planning framework.

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

- Strategic Community Plan 2017-2027

Focus area: Economic Growth

Objective: S4.2 Protective environment

Strategy: S4.2.1 Ensure the protect on of our local biodiversity

The proposal may increase local employment in the area and will provide a valuable resource to necessary infrastructure in the State. There will be impacts on local biodiversity, however these are proposed to be offset with a revegetation planting required by DWER.

Site Inspection

Site inspection undertaken: Yes

A site inspection was undertaken in August 2023. The following photos illustrate a sample of the trees that are identified for retention:



The following photos illustrate a sample of the 40 trees that have been identified for removal:



Environmental Consideration

Environment consideration given: Yes

The major environmental consideration needing to be given to this application is the proposed clearing of 40 native trees. This is aspect of the application is requiring a further approval from DWER under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. As noted in the background of this report, the applicant has submitted an application to clear native vegetation with DWER which is currently in abeyance, waiting for the Shire to make a decision on the development application.

DWER have provided in-principle support to the clearing application subject to a 1.57ha revegetation offset being provided on Lot 40.

As DWER are the lead agency for matters relating to clearing of native vegetation, the Shire can take a level of comfort that this aspect of the application has been adequately assessed.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Natural Environment	Possible	Minor	Low	Applying conditions of approval to mitigate environmental impacts of development
Opportunity: To permit a necessary resource to be extracted and used in the construction industry for necessary infrastructure.				

Officer Comment/Details

The following are elements of the application that officers consider warrant closer attention and review:

Visual Amenity

The location of the proposed extractive industry is in close proximity to the Great Northern Highway. While there exists road side vegetation in between the extraction site and Great Northern Highway, there are still windows of visibility as viewed from the highway where the extractive operations will be visible. The below photo was taken from the eastern side the highway looking west (along Djarlma Road) at the location of the proposed extraction area:



The photo illustrates that extractive operations could be visible to passing traffic using Great Northern Highway, having an adverse impact on the visual amenity of the area. In order to address this aspect, an earth bund is recommended to be installed along the eastern portion of the extraction area to offer visual relief from the Highway. The earth bund can be created from the overburden of the extraction site and should contain enough top soil that can support some grass and vegetation growth that will present a more natural looking screen as viewed from the highway. It is recommended that this requirement is imposed as a condition of approval.

Acid sulfate soils – proximity to Yalyal Brook

The advertising period resulted in one objection being received from a nearby landowner who raised concerns about the proposal impacted on the health of the Yalyal Brook. The specifics of the concerns were centred towards the risks of acid sulfate soils being disturbed and runoff from these soils contaminated the Yalyal Brook which is used for irrigation of farms.

A review of DWER's acid sulfate soil risk mapping for the Swan Coastal Plain does not identify Lot 40 at being at risk for acid sulfate soils. Furthermore, DWER have previously provided advice on nearby extractive industries on Lot 41 and Lot 42 Eatha Road (Donnington's Quarry) and advised the risk of acid sulfate soils is low. Notwithstanding, concerns for acid sulfate soils in this immediate locality have been taken into consideration previously by the Shire for extractive industries on the eastern side of Great Northern Highway. The potential impacts of acid sulfate soils being encountered on this site are significant, given the proximity of the site to the Yalyal Brook. To ensure all environmental risks associated with the proposed extraction are minimised and to apply a consistent approach with the risks associated with acid sulfate soils in this locality, it is recommended that a condition of approval is imposed that requires an acid sulfate soil monitoring and management plan be developed and implemented. The Shire can utilise the expertise of

DWER to assist in determining the appropriateness of any submitted acid sulfate soil monitoring and management plan for Lot 40, as it has relied on DWER in previous instances.

Road Access and maintenance

As part of the advertising requirements for this application, Main Roads WA (MRWA) were given the opportunity to comment on the application. MRWA provided advice that Great Northern Highway should be protected from damage, mud and debris and dust from the extraction area should be minimised to not create a traffic hazard for users of Great Northern Highway. These concerns are recommended to be addressed through appropriate conditions of approval and advice notes. It is noted that the Shire will have difficulty enforcing conditions of road maintenance, on a road that is not under the Shire's management responsibilities (i.e. Great Northern Highway). As such, maintenance of Great Northern Highway is recommended as an advice note to the recommended approval.

Further to these comments, the proposed extractive industry will gain access directly to Djarlma Road, which is a new road created by Main Roads as part of the Great Northern Highway upgrade. It is expected that the maintenance responsibilities of Djarlma Road will be transferred to the Shire in the near future. It is also reasonable to expect that the haulage trucks of the extractive industry will be the predominant (if not the only) users of Djarlma Road. As such, it is considered that if Council approve the subject application, a condition is imposed that requires a deed of agreement established between the Shire and the applicant for the ongoing maintenance of Djarlma Road, for the life of the extractive industry. This will ensure that any maintenance requirements of Djarlma Road caused from the haulage vehicles will be repaired at the applicant's expense.

Operating Hours

The application as submitted proposes operating hours of 6am to 6pm Monday to Friday, and 6am to 1pm on Saturdays, with no operation on Sundays and public holidays. It has been standard practice within the Shire of Chittering for extractive industries permitted start times to be no earlier than 7am. A 7am start time aligns to the *Environmental Protection (Noise) Regulations 1997* where the permitted level of noise that can be emitted from an activity markedly increases at 7am, compared to the hours before. This is essentially a measure to protect the amenity of the surrounding area. It is therefore considered reasonable to impose a condition on any development approval granted that restricts operating times to commence no earlier than 7am.

Protection of Trees

As noted in the background of the report, the proponent is seeking to clear approximately 40 native trees, but to retain 14 that have the potential to be Black Cockatoo habitat trees. In order to ensure the survival of the 14 trees identified for retention, it is recommended that a 10m buffer around the drip zone (outer edge of the tree's canopy) of each tree be established on a new extraction plan. This would ensure that the root zone of each tree is less likely to be disturbed and the risk of accidental damage and death of the tree is minimised. This is a standard approach that the Shire has applied to other extractive industry applications in the past few years, and has been based on previous advice received from the Department of Biodiversity, Conservation and Attractions. It is recommended that a suitable condition be imposed on a development approval granted to ensure these trees are provided with a buffer.

Shire officers consider that the proposed extractive industry can occur safely on the subject site without having detrimental risks to the local amenity or environment, subject to appropriate conditions being imposed. It is recommended that the subject application is approved by Council subject to conditions.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030923 Moved Cr Hughes, seconded Cr Angus That Council approve the application for development approval for an extractive industry on Lot 40 Djarlma Road, Chittering subject to the following conditions:</p>
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1. Prior to the issue of an extractive industry licence, a current public liability insurance policy shall be taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum not less than \$10,000,000 in respect of any one claim relating to any of the extractive industry operations, to the satisfaction of the Shire.
2. Prior to the issue of an extractive industry licence, a cash bond or bank guarantee shall be submitted to the Shire as security for the restoration and rehabilitation of the extraction site in accordance with the *Shire of Chittering Extractive Industries Local Law 2014*.
3. Prior to the issuance of an extractive industry licence, revised extraction plans shall be submitted to and approved by the Shire, which illustrates the extraction area having the following minimum setbacks:
 - a. 20 metres from the Lot 40 northern boundary;
 - b. 20 metres from the unconstructed road reserve that dissects Lot 40;
 - c. 500 metres from the residence on 5066 (Lot 1) Great Northern Highway, Chittering or other setback distance as approved by the Shire; and
 - d. 10 metres from the 'drip zone' of any tree identified for retention within Lot 40 in the 'Assessment for Vegetation and Clearing'.
4. Prior to the issuance of an extractive industry licence, revised extraction plans shall be submitted to and approved by the Shire, which illustrates 2 metre high earth bunds being located adjacent to the eastern edge of the proposed extraction area to offer visual relief from Great Northern Highway. The earth bunds shall be installed prior to the extraction of gravel from the site and maintained for the life of the extractive industry to the satisfaction of the Shire.
5. Prior to the issuance of an extractive industry licence, an acid sulfate soil monitoring and management plan shall be provided to the Shire for approval. The approved Acid Sulfate Monitoring and Management Plan shall be implemented at all times extraction activities are occurring on site for the life of the extractive industry to the satisfaction of the Shire.
6. This approval is for a term of 10 years, commencing from the date of issue of an extractive industry licence for the subject site.
7. Prior to any extraction activities occurring, the extraction boundaries as illustrated on the approved extraction plans shall be suitably demarcated on-site to the satisfaction of the Shire. Demarcation is to ensure that excavation does not encroach any closer than 10 metres to the 'drip zone' of any tree outside and within the approved extraction areas.
8. Prior to any gravel being exported from the subject site, warning signage relating to haulage trucks entering and exiting the subject site shall be installed within the Great Northern Highway road reserve to the specifications of Main Roads WA and to the satisfaction of the Shire. The warning signage shall be installed at the full cost of the proponent and shall be maintained in good condition for the life of the extractive industry.
9. Prior to any gravel being exported from the subject site, a deed of agreement shall be entered into between the proponent and the Shire of Chittering for the ongoing maintenance of Djarlma Road for the life of the approved extractive industry and during the time the Shire has management responsibilities over Djarlma Road. The Deed must be prepared to the requirements of the Shire by the Shire's solicitors at the full cost of the proponent.

10. All extractive operations shall be in accordance with the approved extraction plans to the satisfaction of the Shire.
11. All extractive operations shall at all times and to the satisfaction of the Shire be in accordance with the following management plans provided in the application document dated May 2023:
 - a. Weed Management Plan;
 - b. Water Management Plan;
 - c. Noise Management Plan;
 - d. Dust Management Plan; and
 - e. Dieback Management Plan
12. Rehabilitation and decommissioning of the extractive industry sites shall be in accordance with Section 7 of the application document dated May 2023 to the satisfaction of the Shire and shall be commenced within 12 months of the cessation of the extractive industry or cancellation of the Extractive Industry Licence, whichever occurs first.
13. The hours of operation including vehicle movements within the site shall be limited to:
 - a. Monday to Friday - 0700 to 1800 hours;
 - b. Saturday - 0700 to 1300 hours; and
 - c. Sunday and public holidays not permitted.
14. Extractive operations shall not occur less than two (2) metres from the highest known water table level at any time to the satisfaction of the Shire.
15. A progress report/annual report shall be submitted to the Shire every 12 months from the date of issue of an Extractive Industry Licence for the life of the Extractive Industry Licence to the satisfaction of the Shire that identifies the following:
 - a. The progress of excavation;
 - b. The progress of rehabilitation; and
 - c. Community complaints and responses/actions.
16. All haulage vehicles exiting the subject lot shall have the gravel loads fully covered at all times to avoid gravel, dust and debris spilling from the vehicles onto the road network to the satisfaction of the Shire. Any mud or debris that is transported onto the road network from the haulage vehicles shall be suitably removed within 14 days at the request of, and to the satisfaction of the Shire.

Advice Notes:

1. 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.
2. 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.
3. 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.

4. With regard to Condition No. 2, the 2023/2024 adopted Fees and Charges requires a security sum of \$18,813 per hectare. This rate may change depending on the timing of the extractive industry licence being issued.
5. With regard to Condition No. 3, iii) the extraction boundaries may encroach closer than 500 metres to the residence on 5066 (Lot 1) Great Northern Highway, Chittering if the proponent can provide written consent for such from the landowner of 5066 (Lot 1) Great Northern Highway, Chittering.
6. With regard to Condition No. 3, iv), the Shire considers the use of clearly visible posts and string (or other material) sufficient to achieve protection within 10 metres of the 'drip zone' of trees outside and within the extraction boundaries. The 'drip zone' is the outermost periphery underneath the canopy of a tree.
7. The applicant is advised to ensure that an appropriate Works Approval is in place from the Department of Water and Environmental Regulation, for the crushing and screening activities proposed.
8. The applicant is advised to ensure that a valid clearing permit is obtained from the Department of Water and Environmental Regulation for the clearing of native vegetation, prior to any earthworks or vegetation removal commences.
9. With respect to the haulage vehicles using Great Northern Highway, Main Roads WA have advised the following:
 - a. Access from the gravel extraction quarry onto the Great Northern Highway shall only be via Djarlma Road;
 - b. There shall be no damage to the Great Northern Highway pavement surface due to the increase in truck movements from the proposed gravel quarry. Any damage is to be reported immediately to the Wheatbelt region and repaired to Main Roads WA satisfaction, at the quarry owner's expense.

CARRIED 6 / 1

TIME: 7:21PM

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

Against: Cr Curtis

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 09/23 Monthly Financial Report for the Period Ending 31 July 2023**

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

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

Executive Summary

Council is requested to consider the financial statement for the period ending 31 July 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
Opportunity: None				

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

Officer Comment/Details

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040923

Moved Cr Ross, seconded Cr Angus

That Council receives the Monthly Financial Report for period ending 31 July 2023, as per Attachment 1.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7:23PM

CS02 – 09/23 List of Accounts Paid for the Period Ending 31 August 2023

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

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

Executive Summary

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

Background

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

Consultation/Communication ImplicationsLocal

Deputy Chief Executive Officer

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

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

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

Officer Comment/Details

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

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050923 Moved Cr Curtis, seconded Cr Campbell That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$1,561,705.59, for the period ending 31 August 2023:</p> <ol style="list-style-type: none"> 1. PR6414 , PR6435, PR6437, PR3449 ; 2. EFT25606 – EFT25718 ; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7:24PM</small></p>

CS03 – 09/23 Monthly Financial Report for the Period Ending 31 August 2023

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

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

Executive Summary

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

Background

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

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

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

Consultation/Communication Implications

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

Legislative ImplicationsState

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

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

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

Officer Comment/Details

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

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060923 Moved Cr Angus, seconded Cr Ross That Council receives the Monthly Financial Report for period ending 31 August 2023, as per Attachment 1.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 7:25PM</p>

CHIEF EXECUTIVE OFFICER**CEO01 – 09/23 Work Health and Safety Statistics Report – August 2023**

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

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

Executive Summary

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

Background

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

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

g. *Average overtime per person by department.*

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

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Work Health and Safety Act 2020*

Local

Nil

Policy Implications

State

Nil

Local

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

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2022-2032*

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070923

Moved Cr Angus, seconded Cr Campbell

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

- 1. Monthly Report for August 2023**
- 2. Near Miss, Incident and Damage Report for August 2023**
- 3. Training and Development for August 2023**

CARRIED 6 / 1

TIME: 7:31PM

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

Against: Cr Dewar

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080923
 Moved Cr Hughes, seconded Cr Angus
 That Council by an ABSOLUTE MAJORITY adopt the following Officer Recommendations En Bloc:

- CEO02 – 09/23 Changes to Shire of Chittering Dogs Local Law 2023
- CEO03 – 09/23 Changes to Shire of Chittering Local Government Property and Public Places Local Law 2023
- CEO04 – 09/23 Changes to Shire of Chittering Standing Orders Local Law 2023
- CEO05 – 09/23 Changes to Shire of Chittering Keeping Control of Cats Local Law 2023

CARRIED UNANIMOUSLY 7 / 0
TIME: 7:33PM

CEO02 – 09/23 Changes to Shire of Chittering Dogs Local Law 2023

Applicant Shire of Chittering
File ref 19/04/0001
Author Executive Management Officer
Authorising Officer Chief Executive Officer
Disclosure of interest Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements **Absolute Majority**
Attachments 1. Correspondence from Legislative Council re changes
 2. Amended Dogs Local Law 2023

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

Executive Summary

Council is requested to consider the amendments to the Shire of Chittering Dogs Local Law 2023 following instructions from the Legislative Council.

Background

Council resolved to adopt the following on 19 April 2023:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070423
 Moved Cr Angus, seconded Cr Campbell

That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:

1. *Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.*
2. *Determine that there are no proposed changes outlined in the report and included in the Dogs Local Law 2023 and that it is not significantly different to that which was originally advertised.*
3. *Determine to make the Dogs Local Law 2023;*
 - a) *The purpose of this local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*
 - b) *The effect of this local law is to extend the controls over dogs, which exist under the Dog Act 1976.*
4. *Publish the Dogs Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.*
5. *Give local public notice after gazettal of the local law advising the date on which the local law commences.*
6. *Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
7. *Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Dogs Local Law 2023.*

CARRIED UNANIMOUSLY 7/0

TIME: 7.29PM

Correspondence was received from the Legislative Council Committee Office on Wednesday 9 August 2023 instructing Council to resolve the following issues:

Undertakings

The Committee requests the following undertakings:

1. *Within 6 months:*
 - *Amend clause 3.3(1)(c)(v) to replace the full stop after the words 'stock management' with a semi-colon.*
 - *Amend clause 3.3(1)(d) to insert a full stop at the end of the clause.*
 - *Amend clause 4.3 to delete the reference to clause 4.4(a) and Schedule 1 clause 5(c).*
2. *All consequential amendments arising from undertaking 1 will be made.*
3. *Clauses 3.3(1)(c)(v), 3.3(1)(d) and 4.3 will not be enforced in a manner contrary to undertaking 1.*
4. *Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.*

Consultation Summary

Local

Chief Executive Officer

State

Legislative Council

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to –
 - (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice –
 - (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.

(7) The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

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

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Some temporary non compliances	Possible	Insignificant	Low	Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.
Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.				

Officer Comment/Details

This is a procedural process to rectifying typographical changes required by the Legislative Council Joint Standing Committee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090923
 Moved Cr Hughes, seconded Cr Angus
 That Council, by an ABSOLUTE MAJORITY, resolves to undertake to the Joint Standing Committee on Delegated Legislation for Shire of Chittering Dogs Local Law that:

1. Within 6 months:
 - Amend clause 3.3(1)(c)(v) to replace the full stop after the words ‘stock management’ with a semi-colon.
 - Amend clause 3.3(1)(d) to insert a full stop at the end of the clause.
 - Amend clause 4.3 to detect the reference to clause 4.4(a) and Schedule 1 clause 5(c).
2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Note:

- a. The purpose of the proposed local law is to amend the principal local law to remove previous provisions not permitted; and
- b. The effect of the proposed local law is to meet the undertakings provided by Council to the Joint Standing Committee on Delegated Legislation.

CARRIED BY EN BLOC 7 / 0
TIME: 7:33PM

CEO03 – 09/23 Changes to Shire of Chittering Local Government Property and Public Places Local Law 2023

Applicant	Shire of Chittering
File ref	19/04/0001
Author	Executive Management Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Correspondence from Legislative Council re changes 2. Amended Local Government Property and Public Places Local Law 2023

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

Executive Summary

Council is requested to consider the amendments to the Shire of Chittering Local Government Property and Public Places Local Law 2023 following instructions from the Legislative Council.

Background

Council resolved to adopt the following on 19 April 2023:

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090423 <i>Moved Cr Ross, seconded Cr King</i> <i>That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:</i></p> <ol style="list-style-type: none"> <i>Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.</i> <i>Determine that there are no proposed changes outlined in the report and included in the Local Government Property and Public Places Local Law 2023 and that it is not significantly different to that which was originally advertised.</i> <i>Determine to make the Local Government Property and Public Places Local Law 2023:</i> <ol style="list-style-type: none"> <i>The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.</i> <i>The effect of this local law is to provide for:</i> <ul style="list-style-type: none"> <i>The establishment of the requirements with which any persons using or being on local</i>

government and public property within the district must comply; and

- Some property to be set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited.*

- 4. Publish the Local Government Property and Public Places Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.*
- 5. Give local public notice after gazettal of the local law advising the date on which the local law commences.*
- 6. Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
- 7. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Local Government Property and Public Places Local Law 2023.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.32PM

Correspondence was received from the Legislative Council Committee Office on Wednesday 9 August 2023 instructing Council to resolve the following issues:

Undertakings

The Committee requests the following undertakings:

- 1. Within 6 months:*
 - Amend clause 3.1(1) to refer to Part 12 rather than Part 14*
 - Amend clause 7.10 to refer to clause 7.9*
 - Amend clauses 8.2(3)(a) and (d) and 8.3(1) to correct the clause references*
 - Correct the formatting error in clause 15.6(1).*
- 2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.*
- 3. Ensure all consequential amendments arising from the undertakings will be made.*
- 4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*

Consultation Summary

Local

Chief Executive Officer

State

Legislative Council

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to –
- (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- *Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.
- (7) The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

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

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Some temporary non compliances	Possible	Insignificant	Low	Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.

Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.

Officer Comment/Details

This is a procedural process to rectifying typographical changes required by the Legislative Council Joint Standing Committee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100923
 Moved Cr Hughes, seconded Cr Angus
 That Council, by an **ABSOLUTE MAJORITY**, resolves to undertake to the Joint Standing Committee on Delegated Legislation for Shire of Chittering Local Government Property and Public Places Local Law that:

1. Within 6 months correct the typographical errors in clause 3.1(1), 7.10, 8.2(3)(a) and (d), 8.3(1) and 15.6(1).
2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Note:

- a. The purpose of the proposed local law is to amend the principal local law to remove previous provisions not permitted; and
- b. The effect of the proposed local law is to meet the undertakings provided by Council to the Joint Standing Committee on Delegated Legislation.

CARRIED BY EN BLOC 7 / 0
TIME: 7:33PM

CEO04 – 09/23 Changes to Shire of Chittering Standing Orders Local Law 2023

Applicant	Shire of Chittering
File ref	19/04/0001
Author	Executive Management Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Correspondence from Legislative Council re changes 2. Amended Standing Orders Local Law 2023

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

Executive Summary

Council is requested to consider the amendments to the Shire of Chittering Standing Orders Local Law 2023 following instructions from the Legislative Council.

Background

Council resolved to adopt the following on 19 April 2023:

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100423 <i>Moved Cr Campbell, seconded Cr Ross</i> <i>That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:</i></p> <ol style="list-style-type: none"> <i>Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.</i> <i>Determine that there are no proposed changes outlined in the report and included in the Standing Orders Local Law 2023 and that it is not significantly different to that which was originally advertised.</i> <i>Determine to make the Standing Orders Local Law 2023;</i> <ol style="list-style-type: none"> <i>The purpose of this local law is to provide for the conduct of meetings of the Council, Committees and electors.</i> <i>The effect of this local law is to provide for:</i> <ul style="list-style-type: none"> <i>– Better decision-making at meetings;</i> <i>– The orderly and efficient conduct of meetings;</i> <i>– Greater community participation and understanding of the business of the Council; and</i>
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– *More open and accountable local government.*

4. *Publish the Standing Orders Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and other relevant Ministers.*
5. *Give local public notice after gazettal of the local law advising the date on which the local law commences.*
6. *Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
7. *Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Standing Orders Local Law 2023.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.33PM

Correspondence was received from the Legislative Council Committee Office on Wednesday 9 August 2023 instructing Council to resolve the following issues:

Undertakings

The Committee requests the following undertakings:

1. *Within 6 months:*
 - *Amend clauses 1.2, 1.6, 3.4, 4.13, 5.5, 5.6(1), 6.9(4)(c), 6.15(2), 7.2(3), 10.3 and 11.5.5(3)(b).*
2. *All consequential amendments arising from undertaking 1 will be made.*
3. *Clauses 1.2, 1.6, 3.4, 4.13, 5.5, 5.6(1), 6.9(4)(c), 6.15(2), 7.2(3), 10.3 and 11.5.5(3)(b) will not be enforced in a manner contrary to undertaking 1.*
4. *Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.*

Consultation Summary

Local

Chief Executive Officer

State

Legislative Council

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to –

- (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*Absolute majority required.

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice –
 - (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.
- (7) The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

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

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Some temporary non compliances	Possible	Insignificant	Low	Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.

Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.

Officer Comment/Details

This is a procedural process to rectifying typographical changes required by the Legislative Council Joint Standing Committee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110923

Moved Cr Hughes, seconded Cr Angus

That Council, by an ABSOLUTE MAJORITY, resolves to undertake to the Joint Standing Committee on Delegated Legislation for Shire of Chittering Standing Orders Local Law that:

1. Within 6 months amend the typographical errors in clauses 1.2, 1.6, 3.4, 4.13, 5.5, 5.6(1), 6.9(4)(c), 6.15(2), 7.2(3), 10.3 and 11.5.5(3)(b).
2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.

Note:

- a. The purpose of the proposed local law is to amend the principal local law to remove previous provisions not permitted; and
- b. The effect of the proposed local law is to meet the undertakings provided by Council to the Joint Standing Committee on Delegated Legislation.

CARRIED BY EN BLOC 7 / 0

TIME: 7:33PM

CEO05 – 09/23 Changes to Shire of Chittering Keeping Control of Cats Local Law 2023

Applicant	Shire of Chittering
File ref	19/04/0001
Author	Executive Management Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	<ol style="list-style-type: none"> 1. Correspondence from Legislative Council re changes 2. Amended Keeping Control of Cats Local Law 2023

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

Executive Summary

Council is requested to consider the amendments to the Shire of Chittering Cats Local Law 2023 following instructions from the Legislative Council.

Background

Council resolved to adopt the following on 19 April 2023:

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080423 <i>Moved Cr Angus, seconded Cr Campbell</i> <i>That Council by Absolute Majority, under section 3.12 of the Local Government Act 1995:</i></p> <ol style="list-style-type: none"> 1. <i>Note that no significant suggested drafting changes were required from the Department of Local Government, Sport and Cultural Industries.</i> 2. <i>Determine that there are no proposed changes outlined in the report and included in the Keeping and Control of Cats Local Law 2023 and that it is not significantly different to that which was originally advertised.</i> 3. <i>Determine to make the Keeping and Control of Cats Local Law 2023:</i> <ol style="list-style-type: none"> a) <i>The purpose of this local law is to provide for the management of cats throughout the Shire of Chittering.</i> b) <i>The effect of the local law is to promote responsible cat ownership and manage the control of cats within the Shire of Chittering.</i> 4. <i>Publish the Keeping and Control of Cats Local Law 2023 in the Government Gazette and provide copies of the local law to the Minister for Local Government, Sport and Cultural Industries and</i>
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other relevant Ministers.

5. *Give local public notice after gazettal of the local law advising the date on which the local law commences.*
6. *Submit a copy of the gazetted local law, explanatory memorandum and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
7. *Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to the Keeping and Control of Cats Local Law 2023.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.30PM

Correspondence was received from the Legislative Council Committee Office on Wednesday 16 August 2023 instructing Council to resolve the following issues:

Undertakings

The Committee requests the following undertakings:

1. *Within 6 months:*
 - *Delete clause 2.2, Schedule 3 and the definition of 'cat prohibited area' in clause 1.4.*
 - *Delete clause 3.9 (1)(b)*
 - *Correct the typographical errors in clause 1.4, 1.5, 2.1(5) and 3.4(2).*
2. *Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.*
3. *Ensure all consequential amendments arising from the undertakings will be made.*
4. *Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*

Consultation Summary

Local

Chief Executive Officer

State

Legislative Council

Legislative Implications

State

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

- (1) In making a local law a government is to follow the procedure described in this section, in the sequence which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to –

- (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*Absolute majority required.

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.
- (7) The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15 Local laws to be published

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

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

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Some temporary non compliances	Possible	Insignificant	Low	Reviewing Local Laws and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.

Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.

Officer Comment/Details

This is a procedural process to rectifying typographical changes required by the Legislative Council Joint Standing Committee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120923

Moved Cr Kylie Hughes, seconded Cr Mary Angus

That Council, by an ABSOLUTE MAJORITY, resolves to undertake to the Joint Standing Committee on Delegated Legislation for Shire of Chittering Keeping Control of Cats Local Law that:

1. Within 6 months:
 - Delete clause 2.2, Schedule 3 and the definition of 'cat prohibited area' in clause 1.4.
 - Delete clause 3.9 (1)(b)
 - Correct the typographical errors in clause 1.4, 1.5, 2.1(5) and 3.4(2).
2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Note:

- a. The purpose of the proposed local law is to amend the principal local law to remove previous provisions not permitted; and
- b. The effect of the proposed local law is to meet the undertakings provided by Council to the Joint Standing Committee on Delegated Legislation.

CARRIED BY EN BLOC 7 / 0

TIME: 7:33PM

ITEM 10. REPORTS OF COMMITTEES

Nil

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

QFM01 – 09/23 Cr John Curtis

Question 1: Enquiring about the wastewater system at the Bindoon Hall?

Response: The Chief Executive Officer advised that this would be major capital works that would need to be planned for in the Budget. In the meantime we will work with the groups that arrange functions, especially the bigger groups that hire out the oval for regular cleaning of the septic on those days. We will investigate options to eliminate the smell and report back to Council.

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 7:40pm.