



# COUNCIL MINUTES

CONFIRMED: 16 OCTOBER 2024

## Ordinary Meeting of Council

7pm, Wednesday 18 September 2024

Council Chambers, 6177 Great Northern Highway, Bindoon

## PUBLIC QUESTION TIME

### 1. Time Permitted

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

### 2. Protocol

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

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

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

### 3. General Rules

The following general rules apply to Public Question Time:

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

## DEPUTATIONS

### 1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

### 2. Protocol

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

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

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

### 3. General Rules

The following rules apply when making a Deputation:

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

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

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### **Objective**

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

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

### **Recording of Proceedings**

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

### **Access to Recordings**

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

### **Retention of Recordings**

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

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

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

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

#### PREFACE

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

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

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

#### UNCONFIRMED MINUTES

These minutes were approved for distribution on 20 September 2024.



**Melinda Prinsloo**  
Chief Executive Officer

#### CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 16 October 2024



Signed \_\_\_\_\_

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

#### Disclaimer

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7.00pm.

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

**Attendance**

The following members will be in attendance:

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

The following staff will be in attendance:

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

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

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council  
23 August 2024 Avon Midland Zone Meeting  
25 August 2024 Taste of Chittering  
28 August 2024 Chittering Residents and Ratepayers Association Meeting  
6 September 2024 President & CEO Meeting  
11 September 2024 Councillor Information Session  
Agenda Forum

Cr Mary Angus

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council  
25 August 2024 Taste of Chittering  
6 September 2024 President & CEO Meeting  
11 September 2024 Councillor Information Session  
Agenda Forum

Cr Kylie Hughes

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council  
25 August 2024 Taste of Chittering  
South Midland Polo Cross Tournament  
26 August 2024 Ellen Brockman Integrated Catchment Group  
Chittering Landcare Meeting  
28 August 2024 Local Emergency Management Committee Meeting  
11 September 2024 Councillor Information Session  
Agenda Forum

Cr Carmel Ross

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council  
23 August 2024 Wheatbelt Avon Zone Seminar, Northam  
11 September 2024 Councillor Information Session  
Agenda Forum  
13 September 2024 Business After Hours, Chittering Tourism and Business Association

Cr John Curtis

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council  
28 August 2024 Chittering Residents and Ratepayers Association Meeting  
2 September 2024 Bindoon Historical Society AGM  
6 September 2024 Bindoon Sport & Recreation Association AGM  
11 September 2024 Councillor Information Session  
Agenda Forum

15 September 2024 Historical Vehicle Day

Cr Mark Campbell

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council

25 August 2024 Taste of Chittering

1 September 2024 Hello Spring! Long Lunch at Enderslea Farm

11 September 2024 Councillor Information Session  
Agenda Forum

17 September 2024 Bridle Trail User Group Meeting

Cr David Dewar

21 August 2024 Councillor Information Session  
Ordinary Meeting of Council

25 August 2024 Taste of Chittering

11 September 2024 Councillor Information Session  
Agenda Forum

15 September 2024 Historical Vehicle Day

**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

Nil

## ITEM 7. CONFIRMATION OF MINUTES

### Ordinary Meeting of Council: 21 August 2024

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010924

Moved Cr Curtis, seconded Cr Angus

That the minutes of the Ordinary Meeting of Council held on Wednesday 21 August 2024, as published on the Shire website, be confirmed.

**CARRIED 7 / 0**

TIME: 7:03pm

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

*Against: Nil*

## ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- Since our last meeting, we had the Taste of Chittering at the end August. The event was a great success, despite some telecommunications issues on the day. Thank you to the organisers and volunteers who helped out this year.
- The Spring Fest has also attracted many visitors to all of the events set throughout the shire. Thank you to everyone involved in showcasing our beautiful shire this wildflower season.
- This past weekend we had the Tarmac West rally through Lower Chittering. We are currently conducting a community survey to seek feedback on the event. Please provide your inputs on our social media or website.
- On Sunday we had the historical vehicles day on the Bindoon Oval. Congratulations to the organisers for an enjoyable day with many enthusiasts traveling far and wide to attend.
- On Friday we have a citizenship ceremony, and we look forward to sharing the important moment with some of our residents.
- Tonight is the last meeting for Denaye, who is our council support officer. We would like to welcome Anna who will take care of the role until Denaye returns. Thank you, Denaye for your support and good luck with the arrival of the pink foot.

## ITEM 9. REPORTS

**DEVELOPMENT SERVICES****DS01 – 09/24 Endorsement of the Bushfire Risk Management Plan 2024 - 2026**

<b>File ref</b>	SOCR-1845402348-45900
<b>Author</b>	Development Services Support Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Bushfire Risk Management Plan 2024-2026

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

**Executive Summary**

Council is requested to endorse the Bushfire Risk Management Plan 2024-2026.

**Background**

The Bushfire Risk Management Plan 2024-2026 (BRMP) sets out the strategic direction the Shire takes towards bushfire risk and mitigation. The BRMP provides contextual information to inform a structured approach to identifying, assessing, prioritising, monitoring and treating bushfire risk.

Department of Fire & Emergency Services require an updated BRMP to be in place for the Shire to be eligible for Mitigation Activity Funding. Historically, the Shire has successfully received \$250,000 - \$500,000 under this scheme. The BRMP informs the approach we take to bushfire mitigation which is further refined through our Bushfire Risk Mitigation Strategy which provides the site-specific treatment details.

The Shire of Chittering engaged a consultant to complete a full review of the current Bushfire Risk Management Plan as the Shire's current plan is out of date. A draft version was workshopped with Council on 10 July 2024 with no objections. The BRMP was then finalised and forwarded to the Office of Bushfire Risk Management (OBRM) and was subsequently approved on 19 August 2024.

As the BRMP forms part of the Shire's suite of strategic documents, it is recommended that Council endorse the updated BRMP.

### Consultation Summary

#### Local

Nil

#### State

The Office of Bushfire Risk Management (Department of Fire & Emergency Services) was provided a draft version of the BRMP and ultimately endorsed the Plan.

### Legislative Implications

#### State

Nil

#### Local

Nil

### Policy Implications

#### State

- State Hazard Plan

The State Emergency Management Committee's State Hazard Plan (SHP) identifies the Shire of Chittering as having a 'high' or 'extreme' bushfire risk. Section 2.2.8 of the SHP indicates that those local governments identified as having the 'high' or 'extreme' bushfire risk are required to have a BRMP, and recommends that the BRMP should be approved by the local government's Council, in addition to endorsement from OBRM.

#### Local

Nil

### Financial Implications

The endorsement of a new BRMP for the Shire of Chittering will allow the Shire to apply and receive future grant funding under the Mitigation Activity Funding Grant Program as administered by the Department of Fire & Emergency Services.

### Strategic Assessment / Implications

#### Local

- Strategic Community Plan 2024-2034

Focus area: Community Aspiration 1 – Inclusive, Active, and Resilient Community.

Strategy: Strategy 1.2 – Safety and well-being

#### State

Nil

### Site Inspection

Not applicable

### Environmental Consideration

Achieving a more sustainable and environmentally responsible future, while preserving natural resources and ecosystems for current and future generations, requires a concerted effort across multiple fronts:

- Promoting Sustainable Practices
- Conservation and Preservation
- Environmental Education and Awareness
- Resource Management & Planning
- Conservation and Habitat Preservation

**Risk Assessment / Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequences</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Reputation:</b> Without a BRMP in place, the Shire may be seen as not proactively protecting the community by addressing the bushfire risk in its area	Likely	Moderate	High	Endorsing the BRMP will ensure that a proactive, strategic approach is adopted by the Shire to mitigate bushfire risk in its area.
<b>Opportunity:</b> Reducing bushfire risk in its area ensures that the community are not impacted by risks they cannot control themselves.				

**Officer Comment/Details**

The updated BRMP provides direction on the following:

- Asset identification
- Risk evaluation
- Risk Treatment
- Monitoring and review.

The BRMP is a strategic approach that will inform the development of the BRMS which further refines the site-specific bushfire mitigating treatment across the Shire. The BRMP is a requirement of DFES in order for the Shire to be eligible for the MAFGP.

The BRMP is required to be reviewed and updated every two years, with a full review to occur every five years and as such, there will be further opportunities for Council to influence the priorities and treatment methods in future years.

It is recommended that Council endorse the BRMP.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020924</b>  <b>Moved Cr Ross, seconded Cr Campbell</b>  <b>That Council endorse the Bushfire Risk Management Plan 2024-2026.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 7:09pm</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Dewar, Cr Curtis</i></p> <p style="text-align: right;"><i>Against: Nil</i></p>
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**DS02 – 09/24 Road Closure Request – Referral to Department of Lands – Lot 1104 Gray Road, Bindoon**

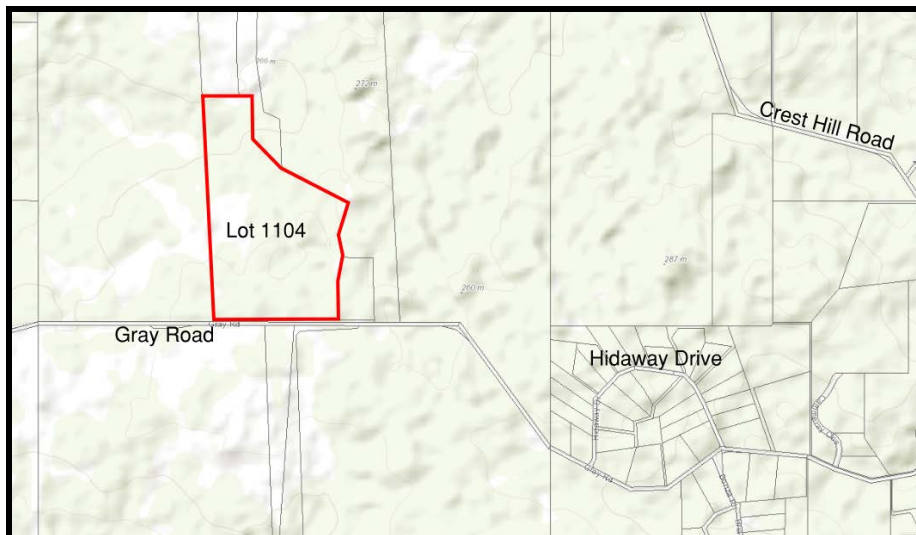
**Applicant** Main Roads WA  
**File ref** A10263  
**Author** Executive Manager Development Services  
**Authorising Officer** Chief Executive Officer  
**Disclosure of interest** Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure  
**Voting requirements** Simple Majority  
**Attachments** 1. Main Roads WA Request  
 2. Road Closure Advert

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

**Executive Summary**

Council is requested to resolve on a request to close a portion a road reserve identified as Lot 1104 Gray Road and to communicate this resolution with the Department of Lands. Lot 1104 was incorrectly dedicated as road reserve when its intended use was for revegetation and environmental offsets.

**Location Plan**



## **Background**

The Shire received a written request from Main Roads WA (MRWA) for the closure of Lot 1104 Gray Road, Bindoon. It was requested that once the road has been formally closed, it can be held in freehold by MRWA and used for environmental offsets following a period of revegetation. The request from MRWA is contained in Attachment 1 to this report.

Lot 1104 was formerly owned by the Shire of Chittering, but as part of the land requirements for the Bindoon Bypass, was sold to MRWA in 2020. MRWA reportedly had intentions of using approximately half of this lot for road reserve, and the other half for environmental offsets, once a revegetation programme had been commenced.

According to the request from MRWA, an error has occurred during the preparation of the deposited plan (which is a surveyed plan of the area which allocates road reserves and purposes of the balance of land), and it is deduced that an environmental offset cannot be credited on land dedicated as road reserve. The request to close this portion of 'road' is a process under the *Land Administration Act 1997* that needs to be followed in order to convert dedicated road reserve, to freehold land. As part of this process, the Shire needs to resolve to do so (as the road reserve falls within the Shire of Chittering), and then conduct a period of advertising.

At its meeting held 15 May 2024, Council resolved:

### *That Council:*

- 1. Supports the closure of Lot 1104 Gray Road, Bindoon Pursuant to Section 58 of the Land Administration Act 1997;*
- 2. Instructs the Chief Executive Officer to advertise the supported closure of Lot 1104 Gray Road, Bindoon in the Northern Valley News; and*
- 3. Following a period of a minimum 35 days from the date the advertisement of the road closure is placed in Northern Valley News, makes a request to the Minister for Lands for this road to be closed.*

Following this resolution, the proposed road closure was advertised for submissions accordingly. However, during this advertising period further correspondence was received from the Department of Planning, Lands and Heritage (DPLH) confirming the correct statutory process. It was confirmed that following the period of advertising, a second resolution of Council was required addressing any submissions received, before a recommendation can be presented to DPLH.

As such this report is to provide Council an opportunity to resolve on the road closure request following the mandatory advertising period.

## **Consultation Summary**

### Local

An advertisement was placed in the Northern Valley News on 4<sup>th</sup> July 2024 (Attachment 2). The advertising period for submissions to be made extended for a 35-day period which ended on 9<sup>th</sup> August 2024.

At the end of the advertising period, no submissions were received.

### State

Nil

## **Legislative Implications**

### State

- *Land Administration Act 1997*

The *Land Administration Act 1997* dictates the regulatory process to undertake in order for a dedicated

road reserve to be formally closed. The local government plays a role in this process with the final decision-maker being the Minister for Lands.

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

The Shire has re-couped the costs of advertising the road closure request from MRWA.

**Strategic Assessment / Implications**

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

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

State

Nil

**Site Inspection**

Site inspection undertaken: No

**Environmental Consideration**

Environment consideration given: No

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Property – Land is not designated to freehold	Unlikely	Insignificant	Low	Resolve to close the road reserve
<b>Opportunity:</b> To improve the environmental values of the Shire by facilitating the environmental offsets to be developed.				

**Officer Comment/Details**

The request received from MRWA is to correct an error that has occurred during the road reservation process for the Bindoon Bypass.

The intended purpose of Lot 1104 is partially for the construction of the Bindoon Bypass and partially for the designation of environmental offset. Resolving to close the requested portion of road reserve will enable this portion of land to achieve its intended purpose.

Pursuant to Section 58 of the *Land Administration Act 1997*, the road closure request was advertised, with no submissions being received.

It is therefore recommended that Council supports the road closure request and advises the Minister for Lands accordingly.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030924**

Moved Cr Campbell, seconded Cr Ross

That Council:

1. Supports the closure of Lot 1104 Gray Road, Bindoon Pursuant to Section 58 of the Land Administration Act 1997; and
2. Instructs the Chief Executive Officer to make a request to the Minister for Lands for the closure of Lot 1104 Gray Road, Bindoon and include all relevant documentation associated with the road closure to support the request.

**CARRIED 7 / 0**

TIME: 7:11pm

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

**Against: Nil**



**DS03 – 09/24 Management Order Request – Lot 1235 on DP426544 (Wildflower Ridge Public Open Space)**

**Applicant** Department of Lands  
**File ref** WAPC162340  
**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** 1. Deposited Plan 426544  
 2. Lot 1235 Certificate of Title

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
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<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to ‘note’ only)</i>

**Executive Summary**

Council is requested to consider accepting the ongoing management responsibilities of Lot 1235 on DP 426544 (Wildflower Ridge Public Open Space).

**Location Plan**



**Background**

A request has been received from the Department of Planning, Lands and Heritage (Lands Division) for the Shire to accept ongoing management responsibilities for Lot 1235 on Deposited Plan 426544 (Attachment 1). Lot 1235 is located in the centre of the Wildflower Ridge Estate and is identified for the development of the public open space (POS).

Lot 1235 was created on the deposited plan as part of Stage 4B for the subdivision of the land (WAPC 162340). It was created with a purpose of 'Reserve for Recreation' as denoted on its Certificate of Title (Attachment 2). Additionally, this 3.4ha piece of land has been identified in the applicable Local Structure Plan for Wildflower Ridge Estate as the space dedicated for the required POS. Through the adoption of the Local Structure Plan, Council made a commitment to the development of the POS with certain infrastructure and landscaping and committed to the ongoing management responsibilities that would be associated with it.

During the ongoing subdivision of Wildflower Ridge Estate, the developer and the Shire have been engaging on the development of Lot 1235 as a local park and space for the community. Agreements have been drafted and are in their final stages of adoption, which detail how this space will be developed, with what infrastructure, and at what time. The draft agreements require the Shire of Chittering to have management responsibilities over this land to enable the infrastructure and landscaping to be installed and enable the Shire to have required ongoing control over this space into the future.

The management responsibilities of any active POS in an urban environment typically lies with local government.

### **Consultation Summary**

#### Local

No consultation with the community is required as extensive consultation was undertaken during the consideration and adoption of the Local Structure Plan for Wildflower Ridge Estate which included the provision of POS. Further community consultation was also undertaken to determine the type of infrastructure and facilities that should be included in the POS, with the outcome of such being incorporated into the draft POS designs, waiting to be finalised.

#### State

Nil

### **Legislative Implications**

#### State

- Land Administration Act 1997

The *Land Administration Act 1997* provides the statutory mechanism for Crown land to be officially managed by another authority.

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

The financial implications associated with this decision are the associated and ongoing management costs for the POS. However, as described in the Background of this report, the Council's endorsement of the Local Structure Plan was its commitment to the type of POS to be developed and acceptance of the ongoing management costs.

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034

Focus area: Community Aspiration 2 – Balance Between Development and Conservation

Strategy: Strategy 3.5 – Recreation Opportunities for All

#### State

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Property:</b> The risk of not managing this land and it remaining Unallocated Crown Land	Unlikely	Moderate	High	Accept management responsibility for the POS
<b>Opportunity:</b> To create an active community space for the Wildflower Ridge Estate residents and the broader community.				

**Officer Comment/Details**

The adoption of the Local Structure Plan for Wildflower Ridge Estate established a commitment from Council to administer the development of the POS and be responsible for its ongoing maintenance.

The request for the Shire to accept management responsibilities over Lot 1235 is part of the statutory process for the Shire of Chittering to have the ability to create an active, public space for the Wildflower Ridge Estate residents and broader community.

It is recommended that Council resolve to accept management responsibilities over Lot 1235 to enable the development of the Wildflower Ridge Estate POS.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040924</b>  <b>Moved Cr Hughes, seconded Cr Ross</b>  <b>That Council accepts ongoing management responsibilities over Lot 1235 on Deposited Plan 426544, and advises the Department of Planning, Lands and Heritage, accordingly.</b></p> <p style="text-align: right;"><b>CARRIED 6 / 1</b>  <small>TIME: 7:16pm</small></p> <p style="text-align: center;"><i>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis</i>  <i>Against: Cr Campbell</i></p>
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**TECHNICAL SERVICES**

Nil

**CORPORATE SERVICES****CS01 – 09/24 Monthly Financial Report for the Period Ending 31 July 2024**

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

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

**Executive Summary**

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

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**

State

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

Local

Nil

**Policy Implications**

Local

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

**Financial Implications**

Nil

**Strategic Implications**

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

Council adopted the Annual Budget for the 2024/25 financial year on 19 June 2024 (Resolution 070624). The figures in this report are compared to the Adopted Budget.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050924**

Moved Cr Ross, seconded Cr Angus

That Council receives the Monthly Financial Report for period ending 31 July 2024, as per Attachment 1.

**CARRIED 7 / 0**

TIME: 7:18pm

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

*Against: Nil*



## CS02 – 09/24 List of Accounts Paid for the Period Ending 31 August 2024

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

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

**Executive Summary**

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

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

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 2024-2025 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**

State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060924**  
**Moved Cr Curtis, seconded Cr Ross**  
**That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,381,737.46, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 August 2024:**

1. PR 6644, PR6657 & PR 6676;
2. EFT27265 – EFT27316;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

**CARRIED 7 / 0**  
TIME: 7:21pm

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

**CS03 – 09/24 Monthly Financial Report for the Period Ending 31 August 2024**

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

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

**Executive Summary**

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

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**State

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

Local

Nil

**Policy Implications**

Local

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

Council adopted the Annual Budget for the 2024/25 financial year on 19 June 2024 (Resolution 070624). The figures in this report are compared to the Adopted Budget.

<p><b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070924</b>  <b>Moved Cr Angus, seconded Cr Campbell</b>  <b>That Council receives the Monthly Financial Report for period ending 31 August 2024, as per Attachment 1.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b>  <small>TIME: 7:22pm</small></p> <p style="text-align: center;"><b>For: Cr King, Cr Angus, Cr Hughes, Cr Ross, Cr Campbell, Cr Dewar, Cr Curtis</b>  <b>Against: Nil</b></p>
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**CHIEF EXECUTIVE OFFICER**

**CEO01 – 09/24 Work Health and Safety Statistics Report – August 2024**

**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 2024

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

**Executive Summary**

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

**Background**

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

*MOTION / COUNCIL RESOLUTION 231121*  
*Moved Cr King, seconded Cr Angus*  
*That:*

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:*
  - 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 080924**

**Moved Cr Angus, seconded Cr Ross**

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

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

**CARRIED 7 / 0**

TIME: 7:24pm

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

***Against: Nil***

## ITEM 10. REPORTS OF COMMITTEES

Nil

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

Nil

## ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

### QMWN01 – 09/24 Cr John Curtis

Question: Was there ever a bylaw banning cats and horses (hooved animals) at Ghost Gum Drive when it was originally subdivided?

Response: *The Chief Executive Officer advised that this would be taken on notice.*

*The following response was sent to Cr Curtis on 25 September 2024:*

*We could not find any evidence of a bylaw (Local Law) relating to the keeping of animals in the Chittering Rise Estate.*

*There were often restrictive provisions placed on the Development Plans (similar to Structure Plans or Subdivision Plans) where the land was originally rezoned and subdivided, which restricted such things as animals being kept on the properties. These are now no more than suggestions as other legislation controls the keeping of animals on properties (i.e. Cat Local Law, Local Planning Scheme provisions etc).*

### QMWN02 – 09/24 Cr Mark Campbell

Question: The Lower Chittering Community digital sign has been a year without power, can we move it so there is power?

Response: *This is an ongoing battle with Western Power, they have not sent out the team to set up the dome, the EMT team have been following up, and will continue to do so. Western Power have not yet given us an estimated date.*

### QMWN03 – 09/24 Cr David Dewar

Question: Can we spend some money to improve the overall outlook of the cemetery, put up a fence and fix the road into the cemetery?

Response: *The Shire is not responsible for the neighbours fence to keep their cattle out; therefore we will not be spending money on their fence. Regarding the improvements to the cemetery, the CEO has twice previously brought budget line items to Council, which were both deferred, and taken out the budget. It*



*has been the plan to improve the cemetery when we have the funding. Our team have spent a lot of time and effort in cleaning the cemetery after the fire that went through, and within our means we are beautifying with additional plants.*

**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 7.29pm.