



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

**7:00pm, Wednesday, 16 April 2025
Council Chambers
6177 Great Northern Highway, Bindoon**

PUBLIC QUESTION TIME

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.

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.

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

Time Permitted

A minimum of 10 minutes is permitted for Deputations.

Protocol

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

Members of the public who 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.

General Rules

The following rules apply when making a Deputation:

Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.

Deputations must not exceed 10 minutes without the agreement of the Council.

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

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.

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.

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

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

Retention of Recordings

- 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 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 22 April 2025



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 21 May 2025



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

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
Anna Bateman	Executive Assistant

Members of the General Public: 22

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

19 March 2025	Councillor Information Session Ordinary Meeting of Council
2 April 2025	CEO Performance Review Meeting
4 April 2025	President and CEO Meeting Northern Growth Alliance Meeting Audit Entrance Meeting
9 April 2025	Councillor Information Session Agenda Forum
11 April 2025	Avon-Midland Zone Meeting CEO and President 25/26 Performance Criteria Review

Cr Mary Angus

2 April 2025	CEO Performance Review Meeting
4 April 2025	President and CEO Meeting Northern Growth Alliance Meeting Audit Entrance Meeting
9 April 2025	Councillor Information Session Agenda Forum

Cr Kylie Hughes

19 March 2025	Councillor Information Session Ordinary Meeting of Council
2 April 2025	CEO Performance Review Meeting
9 April 2025	Councillor Information Session Agenda Forum

Cr Carmel Ross

19 March 2025	Councillor Information Session Ordinary Meeting of Council
2 April 2025	CEO Performance Review Meeting
9 April 2025	Councillor Information Session Agenda Forum
14 April 2025	Wannamal Community Committee

Cr John Curtis

19 March 2025	Councillor Information Session Ordinary Meeting of Council
2 April 2025	CEO Performance Review Meeting
9 April 2025	Councillor Information Session Agenda Forum

Cr Mark Campbell

2 April 2025	CEO Performance Review Meeting
9 April 2025	Councillor Information Session Agenda Forum

Cr David Dewar

19 March 2025	Councillor Information Session Ordinary Meeting of Council
2 April 2025	CEO Performance Review Meeting
9 April 2025	Councillor Information Session Agenda Forum
14 April 2025	Wannamal Community Committee

ITEM 3. DISCLOSURE OF INTEREST

Councillors must declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

CEO03 – 04/25 Chief Executive Officer Performance Review		
Individual	Type of Interest	Nature / Extent of Interest
Melinda Prinsloo – Chief Executive Officer	Financial	Nature: Relates to employment Extent: Could affect employment
Declaration pursuant to <i>Section 5.51</i> of the <i>Local Government Act 1995</i>		

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 04/25 Jenny Hall, Muchea

Question 1: How many cases, on a similar scale to 99 Polinelli Rd Lower Chittering, relating to clearing prior to approval have been followed up or referred to DWER in the last 5 years where any action was taken by DWER or Shire of Chittering?

Response: Question taken on notice

Question 2: I refer back to council meeting of February 2024, agenda item 101 Teatree Rd Bindoon in regard to clearing 12m wide firebreaks without approval, of pristine bush zoned as conservation, what action was taken by DWER & Shire of Chittering if any & were they required to rehabilitate or preserve another area on the property to offset what was cleared with no approval

Response: Question taken on notice

PQT02 – 04/25 Chris Waldi, Representing the Bindoon Museum and Chittering Tourist Association Group

Question 1: Regarding item CEO04 – 04/25 Dissolution of CTAG, I believe that the item should be laid on the table until a meeting of that group is held to discuss some of the matters. So, when it comes to that item can you please look at laying that item on the table.

Response: Response not required

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

Nil

Deputations

DEP04 – 04/25 Bailey Hall

Speaking to the Officers Recommendation for DS02 – 04/25 Application for Development Approval - Building Envelope Relocation – 99 (Lot 201) Polinelli Road, Lower Chittering.

DEP05 – 04/25 Colin McLennan

Speaking to the Officers Recommendation for DS03 – 04/25 Application for Development Approval – Outbuilding with Reduced Setback – 74 Devon Way, Lower Chittering.

DEP06 – 04/25 Jess Keeble-Jenkins

Speaking to the Officers Recommendation for DS03 – 04/25 Application for Development Approval – Outbuilding with Reduced Setback – 74 Devon Way, Lower Chittering.

Presentations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE**COUNCILLOR MOTION / COUNCIL RESOLUTION 010425**

Moved Cr Hughes, seconded Cr Angus

That Council approve the following leave of absence:

- Cr Kylie Hughes - Saturday, 10 May 2025 through to Monday, 9 June 2025 (inclusive).

CARRIED UNANIMOUSLY: 7 / 0

TIME: 7.35pm

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 19 March 2025

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020425

Moved Cr Ross, seconded Cr Dewar

That the minutes of the Ordinary Meeting of Council held on Wednesday 19 March 2025, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 7.36pm

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

- **ANZAC Day Ceremony** – The service will be held at the Bindoon War Memorial, located at the Chinkabee Sporting Complex, commencing at 11:00am. Those wishing to join the march are asked to gather at the cricket nets by 10:50am. Following the ceremony light refreshments will be served, please bring a plate of morning tea to share, these can be dropped off at the Chinkabee Complex before the service.
- **BFB Tin Rattle** - This year's BFB Tin Rattle in the City, scheduled for Friday, 16th May 2025. Allan has extended an invitation to brigades within the Shire of Chittering to take part in the event, so we have encouraged our brigades to participate as it is generally well supported by the public and a good source of donations through a coordinated event. Please be sure to support them if you see them out and about. Alternatively, you can always make donations to your local brigade at any other point in time. They work very hard during the high threat season to keep us all safe from fires.
- **Emergency WA app** – A quick reminder for everyone, please download the new Emergency WA app onto your devices. It is a simple but powerful way to stay alert, receive warnings, and keep safe during emergencies. Stay informed and stay safe!
- **CEO on leave** – The CEO will be on leave 28 April to 17 May, Deputy CEO Scott Clayton will be acting in her place.

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 04/25****Proposed Amendment to Local Planning Policy 1 – Sea Containers**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-69281
Author	Principal Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Local Planning Policy 29 – Sea Containers 2. Draft Local Planning Policy 1 – Sea Containers

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

Executive Summary

Council is requested to consider proceeding with the amended Local Planning Policy 29 – Sea Containers (LPP 29) for final adoption.

Background

The draft Local planning Policy No. 1 – Sea Containers was last considered at the Ordinary Council Meeting in November 2024 (Item DS01 - 11/24) where Council resolved:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021124

Moved Cr King, seconded Cr Angus

That Council, pursuant to Clause 4 (1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend Local Planning Policy 29 – Sea Containers as per Attachment 2, and commence the required public advertising.

CARRIED UNANIMOUSLY: 6 / 0

TIME: 7.20 PM

The changes to the updated LPP 29 are summarised as follows:

1. Updated to be consistent with legislation and guidelines introduced for local planning policies by WALGA and the Department of Planning, Lands and Heritage;
2. Re-formatted for clarity;
3. New provisions introduced for the keeping of sea containers in particular zones (i.e. introducing restrictions for the Residential zone);
4. Further guidance on situations where sea containers may be stored on a property without approval;
5. Further guidance on what information needs to be provided with any application for a sea container; and
6. Removal of differing requirements and provisions for temporary versus permanent keeping of sea containers and the keeping of different sized sea containers in favour of a more streamlined, consistent approach.

A copy of the proposed amended Policy is attached (Attachment 2) for reference. Through this process, a renumbering of the Policy can also occur to commence a more coherent structure of the Shire's LPPs and as such, the proposed amended Policy will assume the No. 1.

Consultation Summary

Local

The draft Local Planning Policy No. 1 – Sea containers was advertised in accordance with Part 2, Division 2 Clause 4 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

This included:

- Notification on the Shire's Website for a period of 21 days.

This period concluded on 12 February 2025 and the Shire received no submissions.

State

Nil.

Legislative Implications

Local

- Local Planning Policy No. 29 – Sea Containers

LPP 29 is required to be consistent with Local Planning Scheme No. 6. If there is any inconsistency between a local planning policy and the Local Planning Scheme, the Scheme provisions prevail. In preparing the draft updated LPP 29, it has been ensured that there is no inconsistency between the Policy and the Scheme.

State

- Planning and Development (Local Planning Schemes) Regulations 2015

Local planning policies are prepared and amended under Part 2, Division 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

In amending a local planning policy, the local government is to follow the same procedure as for the preparation of a new policy. This includes the following steps:

1. If the local government resolves to amend a local planning policy; publishing the proposed policy and inviting comments and feedback for a period of at least 21 days;
2. Review the policy in light of any submissions made, and resolve to proceed with the policy with or without modification, or not to proceed with the policy;
3. Publish the policy.

Policy Implications

Local

Updating LPP 29 will result in a more fit-for purpose policy that provides greater guidance and clarity to members of the public in understanding the Shire's position on the keeping of sea containers and approval requirements. Further, Shire officers will be able to apply the Policy more consistently, which overall will better protect the visual amenity and rural character of the Shire by limiting the inappropriate use and placement of sea containers.

State

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Built Environment
Community Aspiration:	Balance Between Development and Conservation
Strategy:	3.4 – County Charm and Rural Design
Strategic Objective:	Achieve a balance between development and conservation while enhancing infrastructure and town aesthetics.

State

Nil

Site Inspection

Site Inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Yes

New provisions for sea containers establish that the Shire does not generally support the placement of sea containers in areas that will require the clearing of native vegetation, and that any application approved that

will require clearing may be accompanied with a condition of approval that requires revegetation to be undertaken in other areas of the lot.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
People: Community resistance to the further controls placed on the use of sea containers.	Possible	Minor	Moderate	The new Policy provides opportunities for temporary use of sea containers to accommodate members of the community who are transitioning to the Shire.
Opportunity: Improved visual amenity and protection of landscape and rural character of the Shire through improved control of sea container placement and use.				

Officer Comment / Details

The review of LPP 29 is part of a broader review of the Shire's local planning policies being undertaken by the Shire's Planning team. The review seeks to ensure all LPPs are relevant, facilitate appropriate community and built form outcomes, and are up to date with current legislative requirements.

The policy measures within LPP 29 have not been substantially modified. The main change is a new provision that states the Shire does not permit sea containers within the Residential zone (i.e. Wildflower Ridge Estate and other Residential zoned areas) unless they are kept on a temporary basis in accordance with the policy provisions, or fully enclosed within a shed. This is to address the visual amenity issues that have arisen with the keeping of sea containers in residential areas due to the typically smaller lot sizes, meaning that sea containers and their industrial and utilitarian appearance have an overall greater negative impact on the character and visual amenity of the area.

The updated LPP also seeks to streamline the policy to provide greater clarity to the community on the Shire's position on sea container, including when approval is and is not required, what information is required to apply, and what standards and requirements need to be met to obtain approval for a sea container. The new format is consistent with WALGA and the Department of Planning, Lands and Heritage's LPP template. Overall, the updated LPP 29 will provide greater protections for visual amenity and preservation of the Shire's rural and landscape character, and allow for easier implementation and compliance.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030425

Moved Cr Curtis, seconded Cr Campbell

That Council, pursuant to Schedule 2, Part 2, Clause 4 (3)b)i) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with Local Planning Policy No. 1 – 'Sea Containers', without modifications.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 7.40pm

DS02 – 04/25

Application for Development Approval - Building Envelope Relocation – 99 (Lot 201) Polinelli Road, Lower Chittering

Applicant	Bailey Hall
File ref	A12001
Author	Senior Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Plans 2. Schedule of Submissions 3. Structure Plan – Lot 8 Buckthorn Drive, Lower Chittering

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

Executive Summary

Council is requested to consider an application for Development Approval for a building envelope relocation at 99 (Lot 201) Polinelli Road, Lower Chittering. The applicant has requested to relocate the building envelope to the rear of the property and has already cleared the vegetation from the rear of the lot prior to any approvals being granted.

Background

The Shire received an application for development approval at 99 (Lot 201) Polinelli Road, Lower Chittering (subject site) for a building envelope relocation. The applicant has applied for this relocation of the building envelope as it was their preference to build at the rear of the property. The property currently has an approved building envelope at the front of the property as per the plans in Attachment 1. Attachment 1 also shows the location of the proposed building envelope.

The applicant has already undertaken clearing of the vegetation at the rear of the property where they wish to place the new building envelope. This clearing has been done prior to obtaining any relevant Council approvals.

Lot 201 was created during the subdivision of Lot 8 Buckthorn Drive, Lower Chittering, which was approved in 2020. The subdivision was approved in accordance with an endorsed structure plan (Attachment 3), which was provided included environmental reporting for the estate. Within this structure plan, the vegetation that has

been removed at the rear of Lot 201 was identified as being of 'Excellent' or 'Very Good' quality. This structure plan stated that:

'no building or works, with exception to the establishment of asset protection zones as shown on the indicative plan of subdivision, is permitted in areas where 'excellent' or 'very good' vegetation exists, as shown on the indicative subdivision plan'.

This will be discussed further in the Officer Comment section of this report.

Lot 201 is 2.5903Ha in size and is zoned as 'Rural Residential' under the Shire of Chittering Local Planning Scheme No. 6 (LPS6). Whilst a building envelope relocation does not constitute a land use, it does permit for future building works and therefore development approval is required to be obtained for any change to the building envelope, as identified on the structure plan for the estate.

When assessing an application for a building envelope relocation, it is at the Shire's discretion whether or not the application is advertised to surrounding properties. As this application has the potential to impact on neighbouring properties, Shire officers decided to advertise the application to all four neighbouring properties, along with the relevant agencies. The results of the advertising period will be discussed below, however as an objection was received, Shire officers no longer have delegated authority to determine the application. Therefore, this report has been prepared for Council to determine the application.

Consultation Summary

Local

In accordance with Sch. 2, Pt. 8, Cl. 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), the application was advertised to surrounding landowners for a period of 21 days. One response was received in support of the application.

State

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

- Chittering Landcare;
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Department of Water and Environmental Regulation (DWER).

No response was received from DBCA regarding the application, whilst Chittering Landcare have objected to the application on the following grounds:

- Setting a precedent that landowners can clear high quality vegetation without obtaining the relevant approvals;
- Soil degradation concerns; and
- Removal of highly valued vegetation.

Whilst DWER did not specifically object to the application, they have advised that an offence has likely occurred under the *Environmental Protection Act 1986* (EP Act) and that they have begun conducting their own investigation into the suspected illegal clearing. This will be further discussed in the 'officer comment' section of this report.

Legislative Implications

Local

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.8 – Objectives of the Rural Residential zone

Clause 3.2.8 of LPS6 relates to the objectives of the Rural Residential zone. These objectives are:

“The objectives of the Rural Residential zone are to:

- a) Designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- b) Meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- c) Maintain and enhance the rural character and amenity of the locality.”*

This application is not consistent with the objectives of the rural residential zone as the natural environment has been significantly impacted as a result of this unauthorised vegetation clearing.

- Shire of Chittering Local Planning Scheme No. 6 – Clause 4.8.2

Clause 4.8.2 of LPS6 relates to the requirements for building envelopes and setbacks for properties zoned Rural Residential (such as the subject site), Rural Retreat, Rural Smallholdings and Rural Conservation.

There are two sections of this clause which are relevant to this application, which are:

“Development will only be permitted in the areas identified as building envelopes provided that local government may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.”

“Clearing of remnant vegetation for the construction of buildings within the defined envelope shall not exceed 2000m2 without prior approval of local government.”

Based on the above excerpts of Clause 4.8.2 from LPS6, this application is not considered compliant with this clause of LPS6 and will be discussed further in the ‘Officer Comment’ section of this report.

- Shire of Chittering Local Planning Scheme No. 6 – Schedule 12

Schedule 12 within LPS6 relates to specific areas in the Shire which have conditions specific to that portion of land. The following provisions relate to the subdivision and development of the Lot 8 Buckthorn Drive Structure Plan area:

- 1. These conditions are to be read in conjunction with the Scheme requirements for the Rural Residential zone. Where conflicts exist, these conditions prevail.*
- 2. The minimum lot size shall be 2 hectares.*
- 3. The structure plan is to respond to the significant environmental features of the site and is to contain the following:*
 - a) the provision of a lot layout that minimises impact on areas of remnant vegetation in excellent and very good condition;*
 - b) the identification of building envelopes in locations that minimise the need for clearing of vegetation including for asset protection zones, access, firebreaks and fencing;*
 - c) the identification of measures for the protection and retention of existing and potential Black Cockatoo habitat trees and priority flora species;*
 - d) lot boundaries that do not dissect areas of remnant vegetation that are in excellent*

condition.

4. *The structure plan is to provide for a road network that connects Buckthorn Drive and Navelina Drive.*
5. *The structure plan is to be supported by a Bushfire Management Plan prepared to the specifications and satisfaction of the local government and the Department of Fire and Emergency Services.*
6. *All lots are to be provided with a demonstrated sustainable fit-for-purpose water supply in accordance with Scheme requirements, including the provision of a 120,000L tank.*

Condition 3(b) identified above applies to this application as it is the mechanism for which the current building envelope has been identified. The building envelope location for Lot 201 was strategically identified in the structure plan to avoid unnecessary native vegetation removal, particularly to avoid the removal of high quality vegetation.

State

- Planning and Development (Local Planning Scheme) Regulations 2015

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The matters of consideration relevant to the application have been identified and discussed below:

(h) any structure plan or local development plan that relates to the development;

This property is one of several which was created under a subdivision occurring in 2020, informed by the ‘Lot 8 Buckthorn Drive’ structure plan. This structure plan has been included as Attachment 3 and is the mechanism that defines the building envelopes for this subdivisional area. As mentioned previously, the building envelopes identified in the structure plan were strategically positioned to avoid the unnecessary removal of native vegetation.

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

Many of the surrounding properties are densely vegetated lots, with minimal clearing having occurred. The proposal is not considered to be compatible with the adjoining land as no other adjoining properties have conducted illegal clearing and have remained within their allocated building envelope.

(n) the amenity of the locality including the following;
(i) environmental impacts of the development;
(ii) the character of the locality; and
(iii) social impacts of the development

This proposal has had significant environmental impacts as a result of the unapproved development that has occurred. This impact will be discussed further in the ‘Officer Comment’ section of this report

Policy Implications

Local

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Natural Environment
Community Aspiration:	Sustainable and Environmentally-Responsible Future
Strategy:	2.2 – Conservation and Preservation
Strategic Objective:	Preserve natural resources and ecosystems for current and future generations by promoting sustainability and environmental stewardship

State

Nil

Site Inspection

Site Inspection undertaken: Yes

Site inspection undertaken: A site visit was undertaken on 25 March 2025, which Shire officers (Isaac Parfrey and Hugo de Vos), DWER officers (Jaren Hart and Amy-May Pointer) and the landowner in attendance. The property is completely cleared of vegetation where the applicant wishes to place the envelope at the rear of the property, with approximately 50mm of gravel that has been brought in and compacted. There are also several rock piles neatly placed on the property, which were relocated from the rear of the property.

The applicant made the Shire and DWER aware at the site visit that they have placed three cockatoo nesting tubes within trees that are located in the front half of the property.



Figure 1: *Rear of the subject site where the vegetation has been removed (Senior Planning Officer, 2025)*



Figure 2: *Rear of the subject site where the vegetation has been removed (Senior Planning Officer, 2025)*



Figure 3: Vegetation at the front of the property within the current envelope (Senior Planning Officer, 2025)



Figure 4: Rock pile on the subject site that has been removed from the rear of the lot (Senior Planning Officer, 2025)



Figure 5: Carnaby cockatoo tubing nest that has been installed in a tree at the front half of the property (Senior Planning Officer, 2025)

Environmental Consideration

Environment consideration given: Yes

Environmental consideration has been given by Shire officers, as the vegetation that was illegally removed was identified as being of 'Excellent' and/or 'Very Good' quality as part of the structure plan reporting provided for the structure plan of Lot 8 Buckthorn Drive, Lower Chittering. This reporting is available in Attachment 3.

As the vegetation was of significant value and illegally removed, DWER were made aware of this matter, and are subsequently conducting their own investigation and exploring potential punitive measures. These options range from an educational warning, to enforcing revegetation via a Vegetation Conservation Notice (placed on the Certificate of Title), or prosecution. DWER will conclude their investigation after this application has been determined by Council, as the approval or refusal of the building envelope application may influence DWER's course of action.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment	Certain	Major	High	To refuse the application and investigate compliance options.
Opportunity: To prevent further unapproved clearing occurring on similar lots by establishing a precedent set by Council that unauthorised clearing is not condoned.				

Officer Comment / Details

As mentioned in the Consultation Summary section of this report, one objection was received from Chittering Landcare, who raised several areas of concern with the proposal. The main concerns were in relation to the high value vegetation being removed prior to obtaining the relevant approvals, the potential for soil degradation to occur as a result of runoff occurring, and the precedent that this would set (should Council decide to approve the application).

Shire officers also share these concerns expressed by Chittering Landcare, with each of these concerns being addressed below.

Removal of Vegetation / Soil Degradation

The key element of this application is that approximately 10,000m² of vegetation has been removed since the applicant purchased the lot in March 2022. Figure 6 is from where the applicant purchased Lot 201, and Figure 7 is the present state of the site.



Figure 6: Aerial Screenshot of Lot 201 from February 2022 (Landgate)



Figure 7: Aerial Screenshot from September 2024 (Landgate)

These two figures illustrate that a significant amount of vegetation clearing has occurred, both in and outside of the proposed building envelope. Whilst some of this vegetation was required to be removed along the fence line to be compliant with the Shire's Firebreak Notice, a substantial amount of vegetation has been cleared without obtaining any of the relevant approvals.

The Shire can only permit vegetation clearing to occur in accordance with the Shire's Firebreak Notice, under exceptional circumstances (if vegetation is posing a significant safety risk), or if an approved building requires vegetation to be cleared. For properties zoned as Rural Residential (such as Lot 201) they are also required to comply with Clause 4.8.2 of LPS6, which restricts clearing to a maximum of 2,000m² inside a building envelope, for an approved building. As these circumstances have not occurred and/or been approved, the vegetation has been removed without obtaining the necessary approvals from the Shire or DWER.

Lot 201 is also within an estate where subdivision and development is guided by an approved structure plan (which was approved in 2019). This structure plan and all associated reporting can be viewed in Attachment 3. This structure plan provided environmental reporting which was completed in 2016, which identified the vegetation which has been removed as being of either a 'Excellent' or 'Very Good'. As a result, the structure plan designated building envelopes for each property in the estate, with a specific focus on retaining this vegetation. Figure 8 below is an extract from the endorsed Structure Plan which outlines the location of the 'excellent' vegetation on the subject site

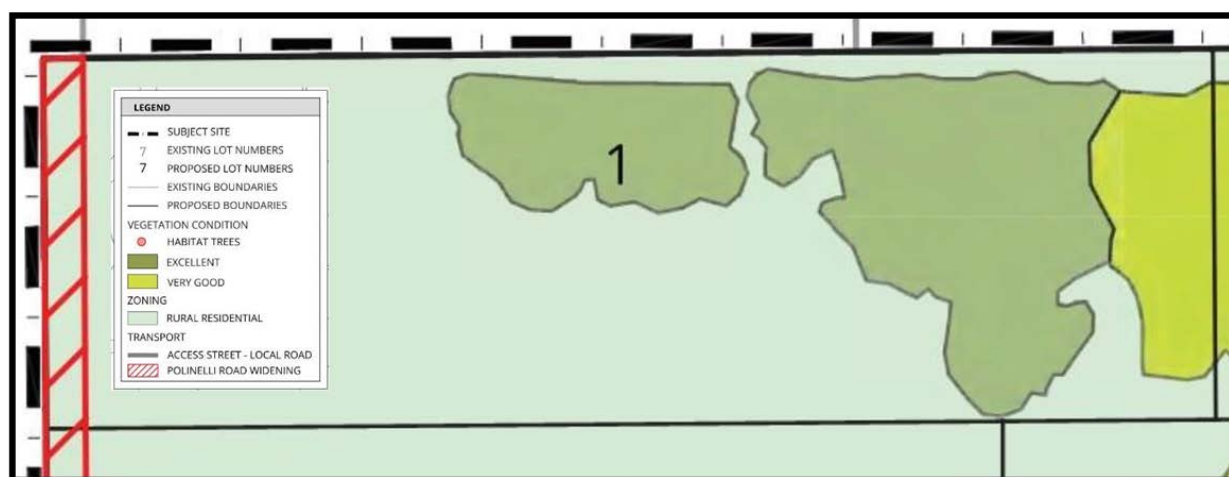


Figure 8: Extract from the endorsed Structure Plan

As previously mentioned in the Legislative Implications section of this report, the structure plan was approved under the conditions embedded within Schedule 12 of LPS6.

These conditions dictated that the building envelope for each lot is to be designed to minimise the clearing of native vegetation. This principle also needs to be taken into account when considering the relocation of an existing building envelope. The subject application to relocate the building envelope to a position that will (and already has) require the removal of native vegetation, should not be supported.

Alongside the removal of vegetation, there are concerns regarding the potential soil degradation that could occur as a result of this clearing. The applicant has also brought in approximately 50mm of fill (which has been compacted) to the rear of the property. As this clearing and fill is at the top of a ridge, it can lead to soil degradation downslope of Lot 201 and the possible further salinisation of waterways, such as the Muchea East Creek and the Marbling Brook.

Potential for Precedent

A significant concern of Shire officers is the precedent that this application could set should Council decide to approve the application. The Shire has appropriate approval procedures in place to ensure that a proper and orderly planning process is adhered to when assessing all planning applications. It should not be encouraged for landowners within the Shire of Chittering to clear remnant vegetation in the first instance and then make an application to the Shire after the clearing has occurred. It is important to note, that for this application specifically, it is unlikely that the Shire would have been supportive of the application even if the vegetation was not removed, due to the environmental reporting that was done for the structure plan at the time.

If Council were to approve this application, it may set a precedent that unapproved clearing is considered acceptable in the Shire if an application is made after the unapproved activity has occurred. The structure plan that was prepared for the estate, along with the associated legislative measures within LPS6 clearly state that this remnant vegetation on Lot 201 should not be interfered with. If this application is approved by Council, there is little discouragement for landowners within the Shire from doing a similar activity as there would then be a precedent set by Council, which does not discourage unapproved clearing to occur, prior to approvals being obtained.

Landowner Notification

As part of the process for purchasing a property in the Shire of Chittering, a settlement agent will request a 'Rates and Property Enquiry' to alert any new purchaser of any outstanding issues or encumbrances with the land, that could be inherited by a new landowner. The Shire's Planning Department use this as an opportunity to inform a new purchaser of any restrictions on the land including the presence of a building envelope. The process is that this request is completed by relevant Shire staff, and then provided back to the settlement agent for distribution to the new owner.

In the instance of the applicant's purchase of Lot 201 Polinelli Road (March, 2022), Shire records indicate that the presence of a building envelope was confirmed on the 'Rates and Property Enquiry', and the location of the building envelope was even illustrated on this form. An extract from the 'Rates and Property Enquiry' form for the applicant's purchase of the lot is provided below:

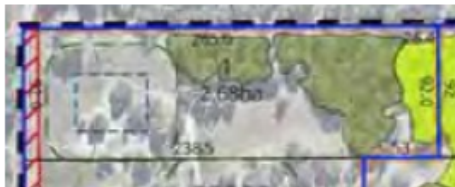
PLANNING			
1	Property Zoning	Rural Residential	SR
2	Statutory legislation in relation to Town Planning which may impact the property	<ul style="list-style-type: none"> Local Planning Scheme No. 6 (Gazetted 10 December 2004) <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 	SR
3	Is there a building envelope or setbacks?	Building Envelope: 	SR
4	Are there any buildings on this property listed on the Local Heritage Survey a.k.a. Municipal Inventory of Heritage Places?	No	SR
5	Is the property in a Special Control Area? (If yes, see below note)	Yes - Military Considerations	SR
6	Relevant Local Structure Plan	Buckthorn Drive (Lot 8)	SR
7	Any known outstanding planning requirements considered advisable to the purchaser?	No	SR
NOTES: <ul style="list-style-type: none"> In respect of easements, other encumbrances, proposals and special conditions, the property Certificate of Title is required to be checked by the Purchaser or Agent. Please refer to the Local Planning Scheme for specific controls and/or conditions if the property is located within a Special Control Area Please be advised there are various policies which may impact upon the development of this property. Please refer to the Shire of Chittering website www.chittering.wa.gov.au for further information. 			

Figure 9: Extract from 'Rates and Property Enquiry' from purchase of Lot 201 in March 2022

Compliance Options

As part of the consultation period, DWER were also made aware of this unapproved clearing. DWER are running their own investigation alongside the application which has been made to the Shire. Once the application for the building envelope relocation has been determined by Council, DWER will then make their decision on how they wish to address the matter. They have advised that an offence has likely occurred under the *Environmental Protection Act 1986* (EP Act) and that compliance action can be undertaken in the form of educational warning, a Vegetation Conservation Notice (VCN), or prosecution.

A VCN is a statutory notice given under Section 70 of the EP Act when the Chief Executive Officer (of DWER) suspects on reasonable grounds that unlawful clearing of native vegetation is likely to take place, is taking place or has taken place on the land. A person bound by a VCN must ensure that no unlawful clearing, or further unlawful clearing, takes place and must comply with any specified measures. These measures can include rehabilitation of the land and ongoing management measures to ensure the success of the rehabilitation, which are tied to the land parcel should the property ever be sold.

As noted above, DWER will not commit any compliance action until such time that Council have made a determination on the application to relocate the building envelope. Should Council determine to approve the application, it is likely that DWER will not take any compliance action. Should Council determine to refuse the application, DWER will then have the ability to undertake the compliance action that is deemed suitable, under the EP Act.

In conjunction with the above, should Council determine to refuse the application for the building envelope relocation, Council itself has potential options to undertake compliance action under the *Planning and Development Act 2005* (P&D Act). The clearing of vegetation is likely to be regarded as 'development', and therefore the clearing of the vegetation can be considered unauthorised 'development', which is an offence under the P&D Act. Shire officers are uncertain of the potential outcomes of compliance actions under the P&D Act and how they may compare to the actions of DWER under the EP Act.

It is therefore suggested that should Council resolve to refuse the application for a building envelope relocation, that the Shire's administration seek further legal advice. The legal advice to be sought will include the options for compliance action, prosecution and/or remediation of the site. This advice should be sought in parallel to obtaining information from DWER about its resolved punitive action. It would then be considered appropriate for this legal advice and information about DWER's actions to be presented back to Council, for a further decision to be made on Council's preferred compliance action.

Based on the environmental impact of the proposed building envelope relocation and its inconsistency with LPS6 and the endorsed structure plan over the land, it is recommended that Council refuse the application and instruct the Chief Executive Officer to seek legal advice on compliance options, for a further decision to be made by Council.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040425

Moved Cr Curtis, seconded Cr King

That Council:

- 1. Refuse the application for Development Approval for the building envelope relocation on Lot 201 Polinelli Road, Lower Chittering for the following reasons:**
 - a. The application is inconsistent with Clause 3.2.8 and the Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6 due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope;**
 - b. The application is inconsistent with the endorsed 'Local Structure Plan Lot 8 (No. 100 Buckthorn Drive, Lower Chittering' due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope.**
- 2. Instructs the Chief Executive Officer to seek legal advice regarding punitive options for the Shire to explore regarding the unauthorised clearing on Lot 201 Polinelli Road, Lower Chittering in conjunction with any other punitive measures that the Department of Water and Environmental Regulation has resolved to pursue, and report back to Council for a further decision on any compliance action to be taken.**

CARRIED: 4 / 3

TIME: 7.56pm

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

Against: Cr Dewar, Cr Campbell, Cr Hughes

DS03 – 04/25

Application for Development Approval – Outbuilding with Reduced Setback – 74 Devon Way, Lower Chittering

Applicant	CastleRock Pty Ltd
File ref	A4007
Author	Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Development plans 2. Neighbour Objection 3. Officer Site Visit Photos 4. Applicant Justification Against Submission Applicant

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

Executive Summary

Council is requested to consider an application for Development Approval for the construction of an outbuilding at 74 Devon Way, Lower Chittering that is reducing the side setback requirement, to the objection of the neighbour.

Location Plan**Site Plan**

Background

An application for Development Approval has been received for a proposed variation to the setback requirements under the Shire's Local Planning Scheme No. 6 (LPS6) and Local Planning Policy No. 18 – Setbacks (LPP18), for the construction of an outbuilding at 74 (Lot 108) Devon Way, Lower Chittering.

The subject site is located within the Maryville Downs Estate, comprises an area of 2.11 hectares, and is zoned Rural Residential under LPS6. The lot is moderately vegetated with mature trees and slopes gently from the rear to the front.

The proposed outbuilding has a total area of 300m², measuring 20 metres by 15 metres. It comprises a shed and lean-to, with a wall height of 4.15 metres and a ridge height of 5.03 metres. The structure is proposed to be constructed using non-reflective Colorbond in the colour 'Wallaby'. A copy of the application's development plans are provided in Attachment 1.

The outbuilding is proposed to be sited 7.5 metres from the eastern side boundary and 139.05 metres from the northern (front) boundary. As the property does not contain a designated building envelope, the applicable setback standards are those prescribed under LPS6 and LPP18. In the Rural Residential zone, the minimum required side setback is 15 metres. The proposed 7.5 metre setback represents a 50% variation to this requirement.

According to the applicant, the selected location for the outbuilding has been chosen due to ease of access, minimal earthworks, and to avoid the clearing of mature vegetation.

Shire officers have delegated authority to approve setback variations of this nature where no objections are received from affected landowners. However, as an objection has been submitted in this instance, the application is referred to Council for determination.

Consultation Summary

Local

The application was advertised to the adjoining landowner at 78 Devon Way for a period of 21 days, in accordance with Clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A submission was received from the landowner of 78 Devon Way objecting to the proposal. The concerns raised relate to potential impacts on privacy, visual amenity, and the enjoyment of their rural lifestyle. A copy of the submission is provided in Attachment 2 to this report.

Further justification in response to the submission made has been provided by the applicant and is provided in Attachment 4.

State

Nil

Legislative Implications

Local

- Shire of Chittering Local Planning Scheme No. 6 – Clause 4.8.2 ‘Building Envelope/Setbacks’

Clause 4.8.2 of the LPS6 provides the standard setback distances to relevant boundaries for development within the Rural Residential zone (in the absence of designated building envelopes:

- Front boundary – 20m setback
- Side boundaries – 15m setback
- Rear boundary – 20m setback

The subject application proposed to vary the 15m setback by 50%, reducing the proposed setback distance to the eastern boundary to 7.5m.

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.8 ‘Rural Residential Zone’

Clause 3.2.8 of the LPS6 provides the broad objectives of the Rural Residential zone, which is to be used to guide the type and form of development in this zone, and states:

The objectives of the Rural Residential zone are to:

- a) designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- b) meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- c) maintain and enhance the rural character and amenity of the locality.*

The above provisions and objectives of LPS6 are addressed in the ‘Officer Comment’ section of this report.

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 primary ‘matters of consideration’ relevant to the application that officers consider require attention are:

- (m) the compatibility of the development with its setting, including –*
 - (i) The compatibility of the development with the desired future character of its setting; and*
 - (ii) The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely affect of the height, bulk, scale, orientation and appearance of the development.*

The proposed outbuilding location is varying the setback requirements of LPS6. The setback requirements are necessary to control the location of development, to afford each property adequate separation from neighbouring built form. A variation of this setback can be considered for approval, however the built form on surrounding properties in the locality needs to be taken into consideration, and the potential impact the setback variation may have on neighbouring properties.

- (n) the amenity of the locality including the following –*
 - (ii) The character of the locality;*
 - (iii) Social impacts of the development.*

Setback requirements are necessary to control the location of development, to protect the amenity of an area that is trying to be achieved. The Rural Residential zone tries to achieve a residential outcome in a rural setting. The setbacks requirements in a rural residential zone prohibit landowners having a sprawling development across one allotment, which would create a visual environment that is contrary to the rural character trying to be achieved.

Policy Implications

Local

- Shire of Chittering Local Planning Policy No. 18 – Setbacks

Local Planning Policy No. 18 (LPP18) provides guidance as to when a reduction to a setback can be considered. It is noted that LPP18 was adopted in 2007, and many of the considerations have been duplicated by the inception of more contemporary planning legislation. Nonetheless, Clause 5.11 of LPP18 outlines the circumstances when a reduction to a setback may be permitted:

5.11

Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No. 6, in the following circumstances:

- (a) additions to an existing building*
- (b) reduced size or irregularly shaped lot*
- (c) commercial or industrial use*
- (d) temporary or minor structures*
- (e) heritage buildings*
- (f) other cases where it is reasonable to do so, as determined by Council.*

In the context of the subject application for an outbuilding on 74 Devon Way, it is considered that points (a) to (e) do not apply. The application can still be considered under point (f) if Council considers the reduction in setback is 'reasonable to do so'.

In determining whether or not the reduced setback is 'reasonable to do so', Council are directed to the other matters that have been raised in this report, that have been derived from contemporary planning legislation (i.e. Planning and Development (Local Planning Schemes) Regulations 2015).

State

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Built Environment
Community Aspiration:	Balance Between Development and Conservation
Strategy:	3.4 – Country Charm and Rural Design
Strategic Objective:	Achieve a balance between development and conservation while enhancing infrastructure and town aesthetics

State

Nil

Site Inspection

Site Inspection undertaken: Yes

A site inspection was undertaken by Shire officers on 10 February 2025. Officers met with the applicant and the objecting neighbour separately at their respective properties.

During the inspection, a series of photographs were taken to document the existing character and amenity of the area, including the vegetation located between the subject site and the neighbouring property from the perspective of the proposed outbuilding location.

These photographs are included in Attachment 3 to this report.

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Community dissatisfaction	Possible	Moderate	Medium	Clearly communicate planning rationale and provide guidance on compliant development options
Opportunity: To reinforce the importance of setback requirements of the Shire's Local Planning Scheme to maintain the amenity of the rural residential zone.				

Officer Comment / Details

The following planning matters have been identified through the consultation process and the assessment of the proposal against relevant policy and legislative requirements. These matters require further consideration in the context of the proposed development.

Variation to Required Setbacks

The proposed outbuilding seeks a variation to the minimum side boundary setback requirements applicable to the Rural Residential zone under Clause 4.8.2 of the LPS6 and LPP18. Specifically, the application proposes a side setback of 7.5 metres from the eastern boundary, representing a 50% reduction from the required 15 metre minimum.

While the Shire may consider setback variations through the development approval process, such variations should only be supported where there are site-specific constraints, such as topography, lot configuration, or vegetation that prevent compliance, and where the amenity and character of the locality are not adversely affected.

In this case, Shire officers do not consider that the subject site presents any exceptional circumstances to justify the proposed variation. The lot has a relatively flat topography and sufficient area to accommodate the outbuilding in a location that would comply with the required setbacks.

Amenity and Character

Clause 3.2.8 of LPS6 outlines the objectives of the Rural Residential zone, with which all development should be compatible. One of the key objectives is to:

‘Designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.’

An objection was received from the adjoining landowner, raising concerns that the proposed outbuilding would negatively impact visual amenity and detract from the rural character of the area. In particular, concerns were raised regarding the location of the structure and its visibility from the neighbouring property.

Shire officers concur with these concerns and consider that the proposed location is not consistent with the intent of the Rural Residential zone. The property is largely cleared of vegetation, and officers are of the view that there are multiple alternative locations on the lot where the outbuilding could be sited to minimise amenity impacts and better align with the zone’s objectives.

Based on the above assessment, Shire officers do not support approval of the application.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050425

Moved Cr Curtis, seconded Cr Hughes

That Council refuse the application for Development Approval for an outbuilding at Lot 108 (No. 74) Devon Way, Lower Chittering for the following reasons:

- **The proposed side setback distance of 7.5 metres is inconsistent with the 15 metre side setback requirement stipulated by Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6;**
- **The existing built form, vegetation and topography on Lot 108, does not present exceptional circumstances that prohibit the proposed outbuilding from being sited in a location that is compliant with the setback requirements of the Shire of Chittering Local Planning Scheme No. 6; and**
- **The proposed reduced setback is likely to have an adverse impact on the amenity and rural character of the locality, contrary to the objectives of the Rural Residential zone identified in Clause 3.2.8 of the Shire of Chittering Local Planning Scheme No. 6.**

Advice Note:

1. **If the applicant 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 for review must be lodged within 28 days of the date of this decision.**

CARRIED UNANIMOUSLY: 7 / 0

TIME: 8.02pm

DS04 – 04/25

Application for Development Approval – Building Envelope Expansion and Ancillary Accommodation– 99 (Lot 71) Ridgetop Ramble, Bindoon

Applicant	Jeff Blomfield
File ref	A1850
Author	Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Development Plans 2. Neighbour Objection 3. Site Inspection Photos

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

Executive Summary

Council is requested to consider an application for Development Approval to expand the existing building envelope at 99 Ridgetop Ramble, Bindoon to accommodate an ancillary dwelling, however there is an objection from a neighbour.

Location Plan



Background

An application for Development Approval has been submitted for a building envelope adjustment at 99 (Lot 71) Ridgetop Ramble, Bindoon. The application also includes the development of additional accommodation within the proposed expanded area of the building envelope. Development plans illustrating the proposal are included in Attachment 1 to this report.

The subject site is located within the Country Club Estate (East), comprises an area of 1.64 hectares, and is zoned Rural Residential under the Shire's Local Planning Scheme No. 6 (LPS6). The lot is sparsely vegetated and features a challenging topography, with a significant slope descending from the front (western boundary) to the rear (eastern boundary). Refer to Figure 1 for the elevation plan.

The applicant has cited the steep gradient as the primary reason for the proposed adjustment, noting that the existing building envelope offers limited suitable area for development without requiring substantial earthworks.



Figure 1: Elevation Plan

This application represents the third revision of the building envelope on the subject site, with previous applications approved under delegated authority by Shire officers in 2021 and 2022.

The first application was not advertised to the northern neighbour, as the proposed adjustment relocated the building envelope further away from the northern boundary, thereby reducing potential impacts. It is understood that this decision was made on the basis that the modification lessened any adverse effect; however, as the officers involved in the assessment are no longer employed by the Shire, this assumption cannot be verified.

The second application was advertised to the northern neighbour, who lodged an objection. In response, the Shire facilitated negotiations between the applicant and the neighbour in an effort to resolve the matter without referral to Council, as the applicant was keen to commence development.

Under the current proposal, the revised building envelope will total 2,332m² and be situated approximately 20 metres from the side (northern) boundary and 10 metres from the front (western) boundary. Refer to Figure 2 for the site plan.

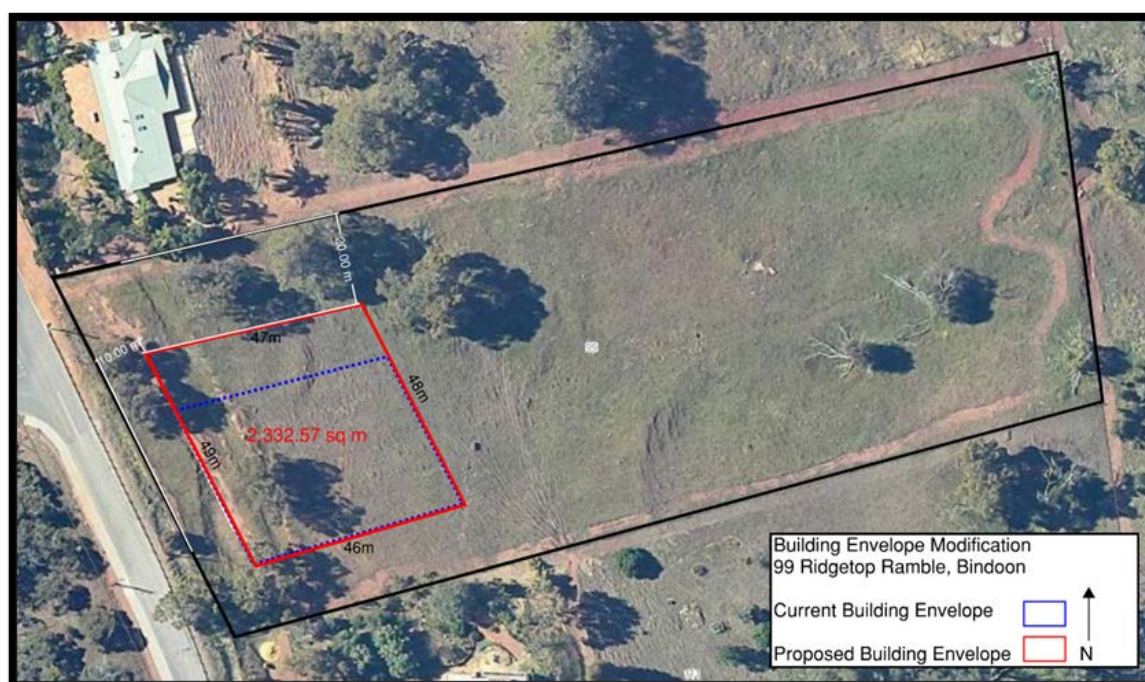


Figure 2: Advertised Plans for Proposed Building Envelope

It is noted that the previously approved building envelope plan under application P110/22 indicated a 35-metre setback to the northern boundary. However, upon further review using aerial imagery, officers have confirmed the actual setback was approximately 32.5 metres.

The subject application includes a minor variation to the LPS6 setback requirements in relation to the front (western) boundary (further elongation of the existing 10m setback reduction).

The ancillary accommodation component of this application is dependent on the requested expansion of the building envelope, but not a matter of contention in its own right. Should the building envelope expansion be approved, the additional accommodation can be constructed in its proposed location, along with other ancillary permitted development (i.e potentially without neighbour consultation or planning approval from the Shire).

The primary issue for Council's consideration is the reduction of the northern side boundary setback from 32.5 metres to 25 metres. While this represents a further reduced setback from the previously approved envelope, it is noted that the minimum required side setback for the Rural Residential zone is 15 metres. As such, the proposed envelope complies with the provisions of LPS6.

The application was advertised to the northern neighbour at the discretion of Shire officers, in the interest of transparency, due to the neighbour's prior objection to a similar proposal. It is noted that advertising is not mandatory where an application meets the LPS6 provisions and is not anticipated to result in a significant impact on adjoining properties.

While officers have delegated authority to determine applications involving building envelope relocations and minor setback variations, this discretion is generally only exercised where no objections are received from affected landowners. Given the unresolved objection in this case, the application is referred to Council for determination.

Consultation Summary

Local

In accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the application was advertised to the adjoining northern landowner at 83 Ridgetop Ramble for a period of 21 days, from 17 December 2024 to 10 January 2025.

During the consultation period, the owners of 83 Ridgetop Ramble requested a site visit and an extension of time to prepare their submission. Shire officers accommodated both requests, with a site visit conducted on 15 January 2025 and a formal submission received on 27 January 2025.

The submission raised objections to the proposed building envelope relocation, specifically citing concerns regarding privacy and potential impacts on amenity and the rural lifestyle enjoyed by the neighbouring property. The submission also cited a provision within Local Planning Policy 18 – ‘Setbacks’ that requires a 50-metre separation between dwellings on neighbouring lots. Shire officers note that this clause only applies where building envelopes have not been designated and is not a requirement under LPS6. A full copy of the submission is provided in Attachment 2.

Following the close of the formal advertising period, the applicant supplied additional plans of the proposed ancillary dwelling. These were forwarded to the objecting neighbour for information, however no further comment was received.

While Shire officers made efforts to mediate the concerns raised, a resolution acceptable to both parties could not be achieved.

State

Nil

Legislative Implications

Local

- *Shire of Chittering Local Planning Scheme No. 6 – Clause 4.8.2 ‘Building Envelopes / Setbacks’*

Clause 4.8.2 of the LPS6 states the following:

Development will only be permitted in the areas identified as building envelopes provided that local government may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

The importance of this provision is the restriction it places on the location of permitted development being only within an approved building envelope. It also provides the opportunity for building envelopes to be adjusted should there be no detrimental impact to the amenity of the area, and be consistent with the objectives of the Rural Residential zone.

Clause 4.8.2 of LPS6 also provides the standard setback distances to relevant boundaries for development within the Rural Residential zone in the absence of designated building envelopes:

- Front boundary – 20m setback
- Side boundaries – 15m setback
- Rear boundary – 20m setback

While Lot 71 does contain a building envelope (and therefore the above setback distances do not technically apply to built form development on the site), it does provide guidance on an acceptable location for a building envelope. It is typical that a building envelope on a Rural Residential zoned property will conform to the standard boundary setback distances stipulated by LPS6, as a minimum, unless there are site constraints. Officers note that the subject building envelope expansion (with respect to the northern boundary) is achieving the minimum side boundary setback of 15m. The current western boundary setback of 10m is proposed to be extended northwards with the building envelope expansion, but officers consider this element of the application to have minimal contention.

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.8 ‘Rural Residential Zone’

Clause 3.2.8 of the LPS6 states the following:

The objectives of the Rural Residential zone are to:

- a) designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- b) meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- c) maintain and enhance the rural character and amenity of the locality.*

The above provisions and objectives of LPS6 are addressed in the ‘Officer Comment’ section of this report.

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’, of which the relevant matters are provided below:

- (m) the compatibility of the development with its setting, including –*
 - (i) The compatibility of the development with the desired future character of its setting; and*
 - (ii) The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely affect of the height, bulk, scale, orientation and appearance of the development.*

The compatibility of the building envelope adjustment and subsequent ancillary accommodation to its surrounding setting and other development in the locality is addressed in the officer comment section of this report.

- (o) the amenity of the locality including the following –*
 - (ii) The character of the locality;*
 - (iii) Social impacts of the development.*

The amenity of the area takes into consideration the positioning and nature of built form and is part of the consideration within the Officer’s Comment section of the report.

Policy Implications

Local

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Community Aspiration 3
Community Aspiration:	Balance Between Development and Conservation
Strategy:	3.4 – Country Charm and Rural Design
Strategic Objective:	Achieve a balance between development and conservation while enhancing infrastructure and town aesthetics

State

Nil

Site Inspection

Site Inspection undertaken: Yes

A site inspection was conducted by Shire officers on 15 January 2025, during which officers met with the objecting neighbour at 83 Ridgetop Ramble.

Photographs were taken during the inspection to document the existing site conditions, including the topographical challenges of the subject property and the prevailing character and amenity as viewed from the road verge. These images are included in Attachment 3 of this report.

Environmental Consideration

Environment consideration given: Yes

The environmental implications of the proposal have been considered. The subject site features a steep topography, and extensive earthworks required to develop within the existing building envelope may result in adverse environmental impacts, including soil erosion, drainage complications, and potential alteration of the site's natural contours. The proposed relocation of the building envelope provides the opportunity to reduce the need for major earthworks, thereby minimising potential impacts on the local environment and assisting in the retention of the rural landscape character.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Community dissatisfaction due to perceived impact on amenity	Possible	Moderate	Moderate	Transparent consultation, detailed assessment justification in Council report, include neighbour's concerns in full.

Officer Comment / Details

The following planning matters have been identified either through the public consultation process or in accordance with relevant policy and legislative requirements and are presented for further consideration in the assessment of the proposal.

Compliance with Side Setback Requirements

The proposed building envelope complies with the 15m side setback requirement of LPS6. The amended envelope proposes a 20 metre setback from the northern side boundary, exceeding the 15 metre minimum required for lots within the Rural Residential zone.

Variations to building envelopes may be considered by the Shire through the development approval process. Such variations should be supported only where site-specific constraints exist (e.g. topography, limited developable area, vegetation), and where the change will not adversely affect the amenity or character of the area.

Building envelopes serve to consolidate development (e.g. dwellings, sheds, water tanks) in one location, preventing a sprawling-built form and supporting the rural character intended for the Rural Residential zone.

In this case, Shire officers consider the site's characteristics justify a flexible approach. The lot descends approximately 45 metres over a 250-metre length (an average gradient of 18%) presenting significant challenges for siting development elsewhere without major earthworks. The existing dwelling and on-site effluent disposal system further constrain available land, particularly south of the current envelope. It is considered that the proposed building envelope modification is responding to the challenging natural topography of the property.

Amenity and Rural Character

Clause 3.2.8 of LPS6 sets out the objectives for the Rural Residential zone, which emphasise development that is compatible with rural character and does not detrimentally affect the environment or amenity.

The northern neighbour has objected to the proposed amendment on the basis that it would negatively impact their privacy, amenity, and the rural character of the area. Shire officers have considered these concerns and are of the view that the proposed building envelope and intended development are consistent with the objectives of the zone. By adjusting the envelope to a more suitable area of the lot, the applicant is seeking to minimise earthworks and preserve the natural landscape, while maximising the development opportunities of the property.

Ancillary Dwelling

The plans submitted for the proposed additional dwelling structure indicate it to be 58m², with an eave height of 2.9 metres. The applicant has indicated that this proposed building will become the main dwelling for the property, and the existing dwelling (32m² dwelling) will become the ancillary dwelling (granny flat). From a planning perspective, the transition of the existing building on site from its current use as a 'single house' to 'ancillary accommodation' is what requires development approval.

The development of the future proposed 58m² dwelling is almost an incidental consideration to this report, as it will only have the ability to be constructed should the building envelope expansion be approved. However, should the building envelope expansion be approved, the landowner is not limited to only constructing the

proposed dwelling, or even not constructing the proposed dwelling at all. Further applications for structures can be submitted to the Shire in the future, and as long as they are located within the new building envelope position, it is likely that no neighbour consultation will be required, and that development approval may not even be required.

Given the dependency of the outcome of the building envelope expansion, the details and reporting that would ordinarily accompany an application for a new dwelling, are absent. As such, if the building envelope expansion is approved by Council, conditions will be recommended to be imposed relating to the proposed dwelling. Importantly, this will include a Bushfire Attack Level Assessment and associated Bushfire Management Plan, to ensure the building is constructed to the necessary standard of fire resistance, and management measures of the property can be applied and enforced.

Based on the above assessment, and having regard to the relevant planning framework, site constraints, and the nature of the proposed development, Shire officers support approval of the application.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060425

Moved Cr Angus, seconded Cr Curtis

That Council resolves to approve the application for Development Approval for a building envelope amendment and development of an ancillary accommodation at Lot 71 (No. 99) Ridgetop Ramble, Bindoon subject to the following conditions:

Conditions of Approval:

- 1. All development shall be contained within the approved building envelope unless otherwise approved by the Shire.**
- 2. Development of the proposed dwelling shall be carried out in accordance with the approved plans to the satisfaction of the Shire.**
- 3. A Bushfire Attack Level (BAL) Assessment shall be prepared by an accredited bushfire assessor for the proposed dwelling the subject of this approval, prior to the submission of a Building Permit for the proposed dwelling, to the satisfaction of the Shire.**

Should the BAL Assessment return a rating above BAL-Low, a Bushfire Management Plan shall be prepared by an accredited bushfire assessor and submitted to the Shire in accordance with State Planning Policy 3.7 – ‘Planning in Bushfire Prone Areas’, prior to the submission of a building permit for the proposed dwelling, to the satisfaction of the Shire.

- 4. A Bushfire Management Plan approved by the Shire in accordance with Condition No. 3 shall be implemented prior to the occupation of the proposed dwelling and thereafter maintained for the life of the development to the satisfaction of the Shire.**
- 5. Subject to a Bushfire Management Plan being required through Condition No. 3, a notification pursuant to Section 70A of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot stating the following:**

“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. The management measures within the Bushfire Management Plan are required to be implemented at all times.”

The notification shall be placed on the Certificate of Title of the lot prior to occupation of the proposed dwelling, at the full cost of the proponent.

- 6. The ancillary accommodation shall be connected to the services of the primary dwelling unless otherwise approved by the Shire.**

7. The ancillary accommodation shall share the same driveway access as the primary dwelling. No additional property access is permitted unless otherwise approved by the Shire.
8. The proposed dwelling shall be clad in non-reflective material 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. 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.
2. If the applicant 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 for review must be lodged within 28 days of the date of this decision.
3. This approval does not constitute a building permit. You are to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.
4. With regard to Condition No. 5, the applicant is advised to contact Landgate for further information on lodging a Section 70A Notification on the Title of the Lot.
5. The applicant is made aware that any vegetation on the property cannot be removed without the prior consent of the Shire.

CARRIED: 6 / 1

TIME: 8.07pm

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

Against: Cr Curtis

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 04/25****List of Accounts Paid for the Period Ending 31 March 2025**

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Deputy Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 31 March 2025, inclusive of payments made using credit, debit or other purchasing cards

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

Executive Summary

To present the list of accounts paid by the Chief Executive Officer under delegated authority for the period ending 31 March 2025.

To present the List of Payments made by authorised employees using credit, debit and other purchasing cards for the period ending 31 March 2025.

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 ImplicationsLocal

Nil

State

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 Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.2 – Responsible Financial Management
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders.

State

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 March 2025" is presented to Council, inclusive of payments made using credit, debit or other purchasing cards.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070425

Moved Cr Campbell, seconded Cr Dewar

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,496,787.04, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 March 2025:

1. PR 6796, PR 6799;
2. EFT28249 – EFT28379; and
3. Direct Debits, Cheques as listed.
4. Purchasing Card as listed.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 8.09pm

CS02 – 04/25

Monthly Financial Report for the Period Ending 31 March 2025

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Manager
Authorising Officer	Deputy Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 31 March 2025

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

Executive Summary

Council is requested to consider the financial statement for the period ending 31 March 2025.

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. From the 2021/22 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 2024/25 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation Summary

Local

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

State

Nil

Legislative Implications

Local

Nil

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.

Policy Implications

Local

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

State

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.1 – Enhancing Accountability and Transparency
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
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 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 080425

Moved Cr Angus, seconded Cr Ross

That Council receives the Monthly Financial Report for period ending 31 March 2025, as per Attachment 1.

CARRIED: 7 / 0

TIME: 8.10pm

CHIEF EXECUTIVE OFFICER**CEO01 – 04/25****Work Health and Safety Statistics Report – March 2025**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-258
Author	Human Resources Officer
Authorising Officer	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Monthly Report – March 2025 2. WHS Statistics Report – 3 rd Quarterly (January – March 2025)

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

Executive Summary

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the quarter ending 31 March 2025 and the 3rd Quarter, January – March 2025.

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

Local

Nil

State

- Work Health and Safety Act 2020

Policy Implications

Local

- Shire of Chittering Policy 3.3 Work Health and Safety (WHS)

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.1 – Enhancing Accountability and Transparency
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
Reputation: Sufficient OSH practices	Possible	Moderate	Moderate	Rare chance of there being an insignificant impact
Opportunity: Nil				

Officer Comment / Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090425

Moved Cr Campbell, seconded Cr Angus

That Council receives the Shire of Chittering Work Health and Safety Statistics Report for the month ending March 2025 which includes:

1. Monthly Report for March 2025
 - a. Statistics
 - b. Near miss, incident and damage report
 - c. WHS Training
 - d. Site Inspections
 - e. Safety Observations
2. 3rd Quarter Report January 2025 – March 2025
 - a. Working hours
 - b. Average overtime per person by department
 - c. Training hours
 - d. Toolbox talks
 - e. Equipment Breakdown

CARRIED UNANIMOUSLY: 7 / 0

TIME: 8.12pm

CEO02 – 04/25**Support for ALGA's 2025 Federal Election Priorities**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-61891
Author	Executive Assistant to the CEO
Authorising Officer	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

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

Executive Summary

Council is requested to consider supporting the Australian Local Government Association's (ALGA) national "Put Our Communities First" advocacy campaign ahead of the 2025 Federal Election. This campaign seek to secure formula-based federal funding to support local government in delivering place-based solutions to national priorities.

Background

The next federal Election will be held on 3 May 2025.

Working in conjunction with its member state and territory associations, the Australian Local Government Association (ALGA) has developed a framework and resources for a national advocacy campaign that will run in the lead up to this election.

Based around the tagline of "Put Our Communities First", the goal is to secure additional federal funding that will support every council to play a bigger role delivering local solutions to national priorities.

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

Discussion

The Put Our Communities First campaign will advocate for new federal funding to be distributed to all councils on a formula-basis, similar to the Commonwealth's Roads to Recovery Program, or the previous Local Roads and Community Infrastructure Program.

This will ensure that every council and community benefits, and support local decision making based on local needs.

ALGA has developed free campaign resources that can be adapted and used by all councils to ensure a consistent and effective approach.

Participating in a national advocacy campaign does not preclude this council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.

The five national funding priorities have been determined by the ALGA Board – comprised of representatives from each of Australia's state and territory local government associations – and align with key national priorities.

These five funding priorities are:

- \$1.1 billion per year for enabling infrastructure to unlock housing supply
- \$500 million per year for community infrastructure
- \$600 million per year for safer local roads
- \$900 million per year for increased local government emergency management capability and capacity, and
- \$400 million per year for climate change adaptation.

Further information on each of these priorities is listed below.

Housing enabling infrastructure

A lack of funding for enabling infrastructure – including roads, and water and sewerage treatment connections and facilities – is a significant barrier to increasing housing supply across the country.

Research from Equity Economics found that 40 per cent of local governments have cut back on new infrastructure developments because of inadequate enabling infrastructure funding.

This research also shows that achieving the National Housing Accord's housing targets would incur an additional \$5.7 billion funding shortfall on top of infrastructure funding gaps already being felt by councils and their communities.

A five year, \$1.1 billion per annum program would fund the infrastructure that is essential to new housing developments, and Australia reaching its housing targets.

Community Infrastructure

ALGA's 2024 National State of the Assets report indicates that \$8.3 billion worth of local government buildings and \$2.9 billion worth of parks and recreation facilities are in poor condition and need attention.

Introduced in 2020, the Local Roads and Community Infrastructure Program supported all councils to build, maintain and upgrade local facilities, with \$3.25 billion allocated on a formula basis.

This program had a significant impact, driving an almost \$1 billion improvement in the condition of local government buildings and facilities; and a \$500 million per year replacement fund would support all councils to build, upgrade and revitalise the community infrastructure all Australians rely on.

Safer Roads

Councils manage more than 75% of Australia's roads by length, and tragically more than half of all fatal road crashes in Australia occur on these roads.

In 2023 the Australian Government announced that it would double Roads to Recovery funding over the forward estimates, providing councils with an additional \$500 million per year.

However, recent independent research by the Grattan Institute highlighted a \$1 billion local government road maintenance funding shortfall, meaning there is still a significant funding gap.

Providing local government with \$600 million per year tied to road safety programs and infrastructure upgrades would support all councils to play a more effective role addressing Australia's unacceptable road toll.

Climate adaptation

Local governments are at the forefront of grappling with climate impacts as both asset managers and land use decision makers.

However, funding and support from other levels of government has failed to keep pace, placing an inequitable burden on councils and communities to fund this work locally.

A \$400 million per year local government climate adaptation fund would enable all councils to implement place-based approaches to adaptation, delivering local solutions to this national challenge.

Emergency management

Fires, floods and cyclones currently cost Australia \$38 billion per year, and this is predicted to rise to \$73 billion by 2060.

Australian councils play a key role preparing for, responding to and recovering from natural disasters, but aren't effectively funded to carry out these duties.

The Government's \$200 million per year Disaster Ready Fund is significantly oversubscribed, especially considering the scale and cost of disaster mitigation projects.

Numerous national reviews – including the Colvin Review and Royal Commission into Natural Disaster Arrangements – have identified the need for a significant uplift in local government emergency management capability and capacity.

A \$900 million per year fund would support all councils to better prepare their communities before natural disasters, and more effectively carry out the emergency management responsibilities that have been delegated to them.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

Local

Nil

State

Nil

Policy Implications

Local

Nil

State

Nil

Financial Implications

Nil direct financial impact from participating in the campaign. However, successful advocacy may result in increased federal support for the Shire in future years.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Community
Community Aspiration:	Inclusive, Active, and Resilient Community
Strategy:	1.5 – Resilience and adaptability
Strategic Objective:	Foster a sense of inclusivity, activity and resilience where all members feel safe, valued, supported and empowered

State

Nil

Site Inspection

Site Inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Yes

Climate change adaptation funding supports environmental resilience.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Reputational impact from non-participation	Possible	Moderate	Moderate	Participation demonstrates leadership and alignment with sector priorities
Opportunity: Enhances the Shire's reputation as an engaged and proactive council.				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Financial impact: Missed federal funding opportunities	Likely	Major	High	Join collective advocacy to increase funding access
Opportunity: Improves access to external funding and reduces ratepayer burden.				

Officer Comment / Details

Supporting this campaign aligns with Council's strategic objectives to deliver infrastructure, enhance community wellbeing, and increase resilience to future challenges. ALGA's proposed formula-based funding ensures equitable access for all councils, including small and rural local governments like the Shire of Chittering.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100425

Moved Cr Ross, seconded Cr Angus

That Council:

1. Supports the national federal election funding priorities identified by the Australian Local Government Association (ALGA);
 - a. \$1.1 billion per year for enabling infrastructure to unlock housing supply
 - b. \$500 million per year for community infrastructure
 - c. \$600 million per year for safer local roads
 - d. \$900 million per year for increased local government emergency management capability and capacity, and
 - e. \$400 million per year for climate change adaptation.
2. Supports and participates in the Put Our Communities First federal election campaign.

CARRIED: 6 / 1

TIME: 8.16pm

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

Against: Cr Dewar

CEO03 – 04/25

Chief Executive Officer Performance Review

Applicant	Melinda Prinsloo
File ref	SOCR-1845402348-61891
Author	Executive Assistant to the CEO
Authorising Officer	Deputy Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	<ol style="list-style-type: none"> 1. CEO Performance Review (Confidential) 2. CEO Remuneration Package (Confidential)

Declaration of Interest		
Individual	Type of Interest	Nature / Extent of Interest
Melinda Prinsloo – Chief Executive Officer	Financial	Nature: Relates to employment Extent: Could affect employment
Declaration pursuant to <i>Section 5.51</i> of the <i>Local Government Act 1995</i>		

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

Executive Summary

Council is requested to endorse the outcomes of the previously performed Chief Executive Officer Performance Review for the 1 March 2024 to 28 February 2025 period.

Background

Under Section 5.38 of the *Local Government Act 1995* the performance of a Chief Executive Officer is to be review at least once in relation to every year of the Chief Executive Officers' Performance. A performance review took place in March/April 2025. Following the performance review, the Chief Executive Officer was informally informed of the outcome being satisfactory performance, however, a formal Council Resolution must be passed.

Consultation SummaryLocal

Council

State

Nil

Legislative ImplicationsLocal

Nil

State

- Local Government Act 1995

Section 5.38 of the *Local Government Act 1995* establishes a requirement for Council to perform an annual review of the CEO's Performance. Though not expressly mentioned, in order to do this Council would need to follow Human Resource management procedures, the foremost establishing Key Performance Objectives against which performance can be reviewed.

Policy ImplicationsLocal

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 – 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.1 – Enhancing Accountability and Transparency
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders.

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environmental consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Unlikely	Minor	Low	There is a requirement for the Council to conduct a performance review of the CEO annually. By endorsing this review, compliance will be met.
Opportunity: Nil				

Officer Comment / Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110425

Moved Cr Angus, seconded Cr Curtis

That Council BY AN ABSOLUTE MAJORITY:

1. Endorses the outcome of the review of the Chief Executive Officer's performance for the period 1 March 2024 to 28 February 2025 that resulted in the Chief Executive Officer's performance being rated as satisfactory as per Attachment 1 (*Confidential*).
2. Offer the Chief Executive Officer, an extension of Employment Contract for a further 5 years, commencing at the expiry date of the current contract on 28 February 2026.
3. Endorses the agreed remuneration package as per Attachment 2 (*Confidential*) and confirms that it is within the SAT band for a Band 3 Local Government.
4. Authorises the Shire President, in accordance with s9.49A(2) of the *Local Government Act 1995*, to execute the employment contract amendment on behalf of the Shire of Chittering, as per Attachment 2 (*Confidential*).
5. Endorse the Chief Executive Officer Key Performance Indicators for 2025/26, as per Attachment 3.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 8.24pm

CEO04 – 04/25**Chittering Tourism Advisory Group Dissolution**

Applicant	Shire of Chittering
File ref	ECDEV.TOUR.OPS
Author	Economic Development and Tourism Coordinator
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. Agenda Item CEO06 – 09/20 Tourism Advisory Group Establishment 2. Terms of Reference

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

Executive Summary

Council is requested to dissolve the Chittering Tourism Advisory Group and deliver and report on tourism activities in accordance with the Shire of Chittering Economic Development Strategy 2021-2031.

Background

In September 2020, Council established the Chittering Tourism Advisory Group (CTAG) to provide strategic recommendations on tourism activities delivered in the Shire. See Attachment 1.

At this time, the operations of the Visitor Centre were relinquished by the Chittering Tourism Association (CTA) and Council agreed to appoint an officer to deliver tourism and marketing services.

The CTAG consisted of 7 members including a Councillor and proxy, member of CTA and 5 members from local tourism businesses.

Due to the passage of time, several factors have impacted the potential value of advisory services provided by the CTAG including:

- Amalgamation of the CTA and Chittering Chamber of Commerce and Industry and subsequent duplication of members across the CTBA and CTAG
- Change of internal Shire staffing including the appointment of an Economic Development and Tourism Coordinator
- Council endorsement of the Shire of Chittering Economic Development Strategy 2021-2031
- Commencement of regular meetings with the CTBA Chair and Shire Economic Development and Tourism Coordinator, and Shire representation at the CTBA Committee meetings on an ad hoc basis.

Consultation Summary

Local

The Shire Economic Development and Tourism Coordinator meets with the Chair of the CTBA on a regular basis. During these meetings, the CTBA Chair has queried the Shire's approach to the CTAG, resulting in a detailed internal enquiry into the history the group and outcomes achieved through this mechanism.

In early March 2025, current members of the CTAG were invited to provide feedback on the perceived effectiveness of the CTAG and a suggested alternative approach as outlined below:

'For strategic input, it is suggested that the CTBA formally request Council to provide a delegate to the CTBA. This delegate would be a Councillor assigned to the committee to gather and provide information of a strategic nature. The delegates key role is to provide a conduit for the two-way flow of information between the CTBA and the Council.'

Three CTAG members responded and agreed with the suggested approach with an additional request for the Shire to make available tourism and visitor data on request.

State

Nil

Legislative Implications

Local

Nil

State

Nil

Policy Implications

Local

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 – 2034

Community Theme:	Economy
Community Aspiration:	Stimulate Sustainable Economic Growth
Strategy:	4.2 – Investing in Tourism Infrastructure
Strategic Objective:	Promote economic growth that is sustainable, inclusive, and supportive of local businesses and employment opportunities

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environmental consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Financial Impact: Tourism activities stagnate resulting in a decline in the number of tourists visiting the Shire of Chittering	Possible	Moderate	Low	Frequent meetings between the Shire Economic development and Tourism Coordinator, tourism business, industry representative bodies and tourism agencies including Destination Perth, Tourism WA
Opportunity: Nil				

Officer Comment / Details

The CTAG was formed in 2020 during the Covid-19 pandemic at a time of uncertainty for the Chittering Tourism Association.

The CTAG provided a mechanism to inform Council of tourism industry priorities from members that represented a broad range of tourism providers in the region.

The objectives of the groups as defined in the Terms of Reference (Attachment 2) were to make recommendations on economic development strategies related to tourism and to suggest targets and track progress made by the Shire in undertaking tourism development activities.

Since this time, the Chittering Chamber of Commerce and Industry and Chittering Tourism Association have amalgamated resulting in duplication of members across the CTAG and CTBA which no longer aligns with the groups 'Terms of Reference' and original intent of the group.

The Shire has subsequently developed Economic Development and Tourism Strategy, which Council endorsed in August 2021, providing direction on tourism activities to be delivered in the region. The progress on delivering on this strategy is reported on as part of the Shire's existing reporting processes including the Annual Report.

The recent appointment of the Economic Development and Tourism Coordinator and subsequent increase in capacity to manage external stakeholder relationships, marketing, tourism asset development and acquisition of funding at an Officer level is an opportunity to reconsider the necessity of this group.

Officer's will commence a review of the 2021-2031 Economic Development and Tourism Strategy, which include broad community and stakeholder engagement and focus on collaborative opportunities with industry. Officers recommend the CTAG be dissolved in favour of following the strategy as the guide to delivery of tourism activities. Officers have suggested the CTBA consider requesting the attendance of a Council delegate at their meeting to gather and provide information of a strategic nature.

OFFICER RECOMMENDATION

Moved Cr King, seconded Cr Dewar

That Council dissolve the Chittering Tourism Advisory Council and deliver tourism and report on tourism activities in accordance with the Shire of Chittering Economic Development and Tourism Strategy 2021-2031.

LOST: 3 / 4

TIME: 8.41pm

For: Cr King, Cr Dewar, Cr Hughes

Against: Cr Angus, Cr Curtis, Cr Campbell, Cr Ross

ALTERNATIVE MOTION / COUNCIL RESOLUTION 120425

Moved Cr Ross, seconded Cr Campbell

That Council:

- 1. Defers decision-making about the future of the Chittering Tourism Advisory Group until the planned review of the 2021-2031 Economic Development and Tourism Strategy is completed, and endorsed Council;**
- 2. Requires the above review to include consideration of consultation processes relating to the tourism industry, including reviewing the Terms of Reference of the Chittering Tourism Advisory Group.**
- 3. Directs the Chief Executive Officer to continue to convene meetings (usually three per year) of the Chittering Tourism Advisory Group until points 1 and 2 of this decision have been completed and recommendations are made to Council concerning the value of continuing or disbanding the Chittering Tourism Advisory Group.**

CARRIED: 5 / 2

TIME: 8.54pm

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

Against: Cr King, Cr Dewar

CEO05 – 04/25

Facility Fees and Charges Review

Applicant	Shire of Chittering
File ref	SOCR-1845402348-402
Author	Community Development and Grants Coordinator
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. 2025/26 Suggested Facility Fees and Charges

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

Executive Summary

Council is requested to review current facility use fees and charges structure and value, approve the consolidation of the fees and charges documentation in regard to facility hire, and in order to provide a more aligned fee structure, acknowledging the immeasurable value of volunteer managed organisations to our community, council is also requested to approve the increase of Commercial User Fees, effective 1 July 2025.

Background

At the February Meeting of the MRC User Group, the issue of equity in fees and charges for the use of facilities was raised.

Upon direction from the Chief Executive Officer, the Community Development (CD) team investigated the current fees and charges and options for creating more equity for facility fees and charges.

The following items were considered:

- Should commercial users be charged the same rate as not-for-profit or Incorporated Community Groups?
- Should the amount of hours/days a user hires the facility for be reflected in their hire fee?
- Do we need to create an additional fee level for Schools, as they are not-for-profit but are neither an Incorporated Community Group or a commercial enterprise?
- Is there a more concise way to list the fees and charges for facilities?

Consultation SummaryLocal

Community Groups / Facility Users – MRC User Group Meeting – February 2025

State

Nil

Legislative ImplicationsLocal

Nil

State

Nil

Policy ImplicationsLocal

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Built Environment
Community Aspiration:	Balance Between Development and Conservation
Strategy:	3.3 – Infrastructure Investment and Enhancement
Strategic Objective:	Achieve a balance between development and conservation while enhancing infrastructure and town aesthetics
Community Theme:	Built Environment
Community Aspiration:	Balance Between Development and Conservation
Strategy:	3.5 – Recreational Opportunities for All
Strategic Objective:	Achieve a balance between development and conservation while enhancing infrastructure and town aesthetics
Community Theme:	Economy
Community Aspiration:	Stimulate Sustainable Economic Growth
Strategy:	4.6 – Empowering Small Business
Strategic Objective:	Promote economic growth that is sustainable, inclusive, and supportive of local businesses and employment opportunities

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.4 – Building Trust and Transparency
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
Reputation: Council changes fees and charges and makes access to facilities unviable for small businesses	Rare	Minor	Minor	Community Engagement with all users to communicate the reasoning behind the changes
Opportunity: Clarity and equity in fees and charges for facilities				

Officer Comment / Details

Community groups: Incorporated community and sporting groups are essential in bringing our facilities to life. They organise and host a wide range of activities that cater to diverse interests and needs within the community. These activities, whether they are sports events, workshops, cultural festivals, or social gatherings, are the culmination of countless hours of volunteer work and dedication.

Volunteers from these groups invest their time and energy to plan, coordinate, and execute activities that foster community spirit and engagement. Their commitment ensures that the facilities are not just physical spaces, but vibrant hubs of activity and interaction. This involvement also helps build a sense of ownership and pride among community members, as they see the direct impact of their contributions on the well-being and cohesion of their community.

Small business: Similarly, small businesses are key users of our facilities, and they play a crucial role in creating opportunities within the community. These businesses utilise the spaces to offer a variety of activities. By doing so, they not only contribute to the local economy but also enhance the vibrancy and utility of our facilities.

Small business' presence helps to create a dynamic and engaging environment, making the facilities more attractive and useful to a broader audience.

Educational institutions: In addition to serving community groups and small businesses, the Shire's facilities offer a valuable opportunity to support the education of children by providing access to modern infrastructure for schools. This collaboration can significantly enhance the learning environment and educational experiences for students. Modern infrastructure in the Shire's facilities includes state-of-the-art technology, and versatile

spaces that can be adapted for various educational purposes. By allowing schools to utilise these facilities, the Shire helps to bridge gaps in resources and provide students with access to tools and environments that may not be available within their own school premises. It is important to note, however, that under the Commonwealth Constitution, education in Western Australia is the responsibility of the State Government.

As a local government, the Shire plays a pivotal role in ensuring that the community has access to high-quality recreational and social infrastructure. This responsibility involves planning, developing, and maintaining a variety of facilities and spaces that cater to the diverse needs and interests of residents.

- **Recreational infrastructure** includes parks, sports fields, playgrounds, and community centres where people can engage in physical activities, enjoy nature, and participate in organised sports and fitness programs. These spaces are essential for promoting a healthy and active lifestyle, providing residents with opportunities to exercise, relax, and socialise.
- **Social infrastructure** encompasses facilities such as libraries, community halls, and cultural centres that serve as hubs for social interaction, learning, and cultural expression. These venues host a wide range of activities, from educational workshops and art exhibitions to community meetings and social events, fostering a sense of belonging and community cohesion.

Consolidation of Venue Fees

To simplify the fee structure across all Shire-managed facilities, it is proposed to consolidate all venue fees under a single heading, "SHIRE MANAGED FACILITIES" within the fees and charges.

Options for Equitable Fees

Three options are proposed for equitable fees:

1. Increase Annual User Fees for Commercial Entities.

- **Commercial Fees:** These would be set at double the community/sporting group fee, applicable to businesses like Carter Dance, LTD Studios, etc. This increase reflects the revenue potential of commercial entities.
- **Educational Fees:** These would be positioned between the community/sporting group and commercial fees, and is applicable to all schools within the Shire of Chittering district. This tiered approach acknowledges the educational value of providing modern facilities to students.
- **Community Group/Sporting Group Fees:** Fees would reduce slightly to half of the commercial fee, and apply to all incorporated community and sporting groups.
- **Rationale:** Despite potential concerns from small business users, the per week cost remains viable, especially for frequent users. It is lower than the casual 1-hour fee and is based on 48 weeks of use per year, accounting for a 4-week break over Christmas.

2. Apply an Incorporated Community/Sporting Group 50% Discount to current Annual User Fees

- **Current Practice:** The 50% discount is already applied to casual use hire fees, so extending it to annual user fees would align all fees and charges consistently. This approach simplifies the fee structure and makes it more predictable for all users.
- **Equity and Accessibility:** By applying the discount uniformly, it ensures that community and sporting groups continue to have affordable access to facilities, recognising and supporting the immeasurable contribution of volunteering to our community.

3. Maintain the Current Facility Fees and Charges Rates

- **Support of Local Small Businesses:** By maintaining the current fee levels, the Council would demonstrate its support for small businesses within the community. This approach helps to foster a thriving local economy by making it affordable for small businesses to access Shire-

managed facilities.

- **Simplification for Booking System**

- **Ease of Use:** Keeping the fees consistent for all annual users simplifies the fee application process within the online booking system. This consistency reduces the administrative burden on Shire staff, making it easier to manage bookings and apply fees accurately.
- **Error Reduction:** A simplified fee structure minimizes the risk of errors or confusion during the booking process. This ensures a smoother experience for both staff and users, enhancing overall efficiency and satisfaction.

This option aims to balance community support with operational simplicity, ensuring that Shire-managed facilities remain accessible and efficiently managed.

Additional Community/Sporting Group Benefits already in place.

- **Access to Multiple Facilities:** Community and sporting groups can access any Shire-managed facility without additional fees. For example, they could book both Lower Chittering Hall and Muchea Recreation Centre on the same weekend without incurring extra costs. This concession is not available to commercial or educational users, highlighting the Shire's support for community activities and events. If a 50% discount was applied to Community/Sporting group annual user fees, then this concession may need to be considered.

All options aim to balance revenue generation with equitable access, ensuring that all user groups can benefit from Shire-managed facilities while maintaining financial sustainability. In order to provide a more aligned fee structure, and acknowledge the immeasurable value of volunteer managed organisations to our community, the recommendation is that Option 1 – Increase to Commercial User Fees (details below) be approved by council effective 1 July 2025.

The below Facility Fees and Charges spreadsheet details the suggested changes to the fees and charges, and a calculated weekly fee (based on 48 weeks).

Fee/Charge	2024-25 Adopted Fees and Charges	2025-2026 Fee/Charge	Estimated Per Week \$ (48 weeks) for reference only
ALL SHIRE MANAGED FACILITIES - Building only			
Hire Cost per hour - casual users	50	50	
Hire Cost maximum daily - casual users	250	250	
Bond - with alcohol (minimum charge)	550	550	
Bond - no alcohol (minimum charge)	250	250	
Bond - key (minimum charge/replacement)	55	55	
Cancellation - 100% cancellation refund up to 14 days in advance of booking	100%	100%	
Cancellation - 50% cancellation over 14 days in advance	50%	50%	
Annual User Fee - Commercial (per facility)	0	600	12.5
Annual User Fee - Educational Institution (per facility)	0	400	8.33

Annual User Fee - Community/Sporting Group (use of all facilities included)	0	300	6.25
ALL SHIRE MANAGED FACILITIES (with oval or courts)			
Hire Cost per hour - casual users	60	60	
Hire Cost maximum daily - casual users	300	300	
Annual User Fee	450	0	
Annual User Fee - Commercial (per facility)	0	800	16.66
Annual User Fee - Educational Institution (per facility)	0	600	12.5
Annual User Fee - Community/Sporting Group (use of all facilities included)	0	400	8.33
ALL SHIRE MANAGED FACILITIES - Oval Only Hire (MRC per day / annual hire includes access to toilet corridor/changerooms only)			
Bond - low risk event	200	200	
Bond - high risk event	500	500	
Bond - gate key (minimum charge)	100	100	
Private Groups/Casual Users, eg personal training groups (per hour)	53	53	
Private Groups/Casual users (per day) - eg private market day	150	150	
Community Events (community groups)	0	0	
Annual Oval Only User Fee	290	0	
Annual User Fee - Commercial (per facility)	0	500	10.42
Annual User Fee - Educational Institution (per facility)	0	350	7.29
Annual User Fee - Community/Sporting Group (use of all facilities included)	0	250	5.21
Ferguson House - Shared Use Areas only			
Hire Cost per hour - casual users	50	50	
Hire Cost maximum daily - casual users	250	250	
Bond - with alcohol (minimum charge)	550	550	
Bond - no alcohol (minimum charge)	250	250	
Bond - key (minimum charge/replacement)	55	55	
Cancellation - 100% cancellation refund up to 14 days in advance of booking	100%	100%	
Cancellation - 50% cancellation over 14 days in advance	50%	50%	
Annual User Fee - Commercial (per facility)	0	500	10.42
Annual User Fee - Educational Institution (per facility)	0	350	7.29
Annual User Fee - Community/Sporting Group (use of all facilities included)	0	250	5.21
Muchea Recreation Centre - Court Only Hire (per day / annual hire includes access to toilet corridor only)			
Private Groups/Casual Users per court (per hour) et residents, social groups	10	10	
Private Groups/Casual Users per court (per day) et residents, social groups	50	50	

Commercial Casual hire per court per hour	20	20	
Commercial Casual hire per court per day	100	100	
Annual User Fee - Commercial	0	400	6.25
Annual User Fee - Educational Institution	0	300	4.17
Annual User Fee - Community/Sporting Group	0	200	3.12
Camping - Oval and Transit Parks			
Caravan Club Oval Hire - per van per night up to 3 nights	26	26	
Transit Park Site Fee - per night up to 3 nights	26	26	
Parks			
Bond - Gate key	100	100	

AMENDMENT

Moved Cr Campbell, seconded Cr Hughes

To change each Annual User Fee – Educational Institution (per facility) to be the same as the Annual User Fee – Community/Sporting Group (use of all shire managed building), as per below:

- a) ALL SHIRE MANAGED FACILITIES - Building only
 - Annual User Fee – Commercial (per facility) \$600 plus gst
 - Annual User Fee – Educational Institution (per facility) \$300 plus gst
 - Annual User Fee – Community/Sporting Group (use of all shire managed buildings) \$300 plus gst
- b) ALL SHIRE MANAGED FACILITIES - With oval or courts
 - Annual User Fee – Commercial (per facility) \$800 plus gst
 - Annual User Fee – Educational Institution (per facility) \$400 plus gst
 - Annual User Fee – Community/Sporting Group (use of all shire managed facilities) \$400 plus gst
- c) ALL SHIRE MANAGED FACILITIES – Oval only
 - Annual User Fee – Commercial (per facility) \$500 plus gst
 - Annual User Fee – Educational Institution (per facility) \$250 plus gst
 - Annual User Fee – Community/Sporting Groups (use of all shire managed ovals) \$250 plus gst
- d) Ferguson House – Shared Use Areas Only
 - Annual User Fee – Commercial (per facility) \$600 plus get
 - Annual User Fee – Educational Institution (per facility) \$300 plus gst
 - Annual User Fee – Community/Sporting Group (use of all shire managed facilities) \$300 plus gst
- e) Muchea Recreation Centre – Courts Only (per day/annual hire includes access to toilet corridor only)
 - Annual User Fee – Commercial \$400 plus gst
 - Annual User Fee – Educational Institution \$200 plus gst
 - Annual User Fee – Community/Sporting Group \$200 plus gst

LOST: 3 / 4

TIME: 9.08pm

For: Cr Dewar, Cr Campbell, Cr Hughes

Against: Cr King, Cr Angus, Cr Curtis, Cr Ross

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130425

Moved Cr Hughes, seconded Cr Angus

That Council supports the proposal described under “option 1” of this item and authorises the following changes to be made in the 2025/26 draft fees and charges for further consideration by Council when adopting the annual budget:

1. The deletion of the current annual user fees for all shire managed facilities, and creation of the following new shire managed facility annual user fee structure effective 1st July 2025:

- a) **ALL SHIRE MANAGED FACILITIES - Building only**

Annual User Fee – Commercial (per facility) \$600 plus gst

Annual User Fee – Educational Institution (per facility) \$400 plus gst

Annual User Fee – Community/Sporting Group (use of all shire managed buildings) \$300 plus gst

- b) **ALL SHIRE MANAGED FACILITIES - With oval or courts**

Annual User Fee – Commercial (per facility) \$800 plus gst

Annual User Fee – Educational Institution (per facility) \$600 plus gst

Annual User Fee – Community/Sporting Group (use of all shire managed facilities) \$400 plus gst

- c) **ALL SHIRE MANAGED FACILITIES – Oval only**

Annual User Fee – Commercial (per facility) \$500 plus gst

Annual User Fee – Educational Institution (per facility) \$350 plus gst

Annual User Fee – Community/Sporting Groups (use of all shire managed ovals) \$250 plus gst

- d) **Ferguson House – Shared Use Areas Only**

Annual User Fee – Commercial (per facility) \$600 plus gst

Annual User Fee – Educational Institution (per facility) \$400 plus gst

Annual User Fee – Community/Sporting Group (use of all shire managed facilities) \$300 plus gst

- e) **Muchea Recreation Centre – Courts Only (per day/annual hire includes access to toilet corridor only)**

Annual User Fee – Commercial \$400 plus gst

Annual User Fee – Educational Institution \$300 plus gst

Annual User Fee – Community/Sporting Group \$200 plus gst

CARRIED: 5 / 2

TIME: 9.11pm

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

Against: Cr Dewar, Cr Campbell

CEO06 – 04/25

Wear Ya Wellies Event Update

Applicant	Shire of Chittering
File ref	SOCR-1845402348-43314
Author	Community Development and Grants Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

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

Executive Summary

Council is requested to authorise the 2025 Wear Ya Wellies event to proceed and agree to delay the review of the event until after the 2025 Wear Ya Wellies has been held.

Background

In 2020 and 2021, the Wear Ya Wellies event was cancelled due to the COVID-19 pandemic, which caused widespread disruptions to public gatherings and events. During the preparations for the event, the Community Development (CD) Team conducted a comprehensive assessment of the event as part of their broader services review.

Following the review, a detailed report was presented to the Council at the June 2020 Ordinary Meeting of Council. Based on the findings and recommendations of the report, the Council resolved to issue an Expression of Interest (EOI) for a community organisation to take over the management and execution of the event. The intention was to establish a Memorandum of Understanding (MOU) between the Shire and the selected community organisation, ensuring that the event could continue to be held with community involvement and support.

9.4.10 RECOMMENDATION / COUNCIL RESOLUTION 210620**Moved Cr Gibson / Seconded Cr Angus****That the 2021 Wear Ya' Wellies event be the last in its current format, and that Council directs the Community Development Officer to:**

- 1. Advertise for Expressions of Interest from community groups to take over the running of the event, with a progressive handover of the event to take place over three events commencing with the 2021 event; and**
- 2. Should no group express an interest in running the event, continue to run the event with the following objectives:**
 - a. Becoming a profitable event;**
 - b. Raising awareness of the Shire of Chittering as a place for families to visit.**
- 3. Conduct a review of the event after the 2024 Wear Ya' Wellies.**

CARRIED 4/3**Cr Angus, Cr Davis, Cr Curtis and Cr Osborn voted for
Cr Hughes, Cr Gibson and Cr Ross voted against****9:22PM**

In 2022, the IHC Parents and Friends Association (P&F) signed a (MOU) with the Shire to take over the organisation and execution of the Wear Ya Wellies events for the years 2022 to 2024. At this time, the Shire announced that the 2019 event would be the final Wear Ya Wellies event managed by the Shire itself. According to the MOU, the event's future was to be reviewed at the end of the 2024 event, and a final decision would be made regarding its continuation.

However, after the MOU was signed and the P&F began planning for the event, they quickly realised that they were under-resourced to effectively manage the event. As a result, the planned events for 2022 to 2024 were never held.

Due to the cancellation of the 2024 event, the scheduled review of the event's future did not take place. In the 2023/2024 period, the Community Development (CD) Team underwent significant personnel changes. New team members joined with a renewed enthusiasm and excitement to revive the Wear Ya Wellies event. This renewed interest and energy from the new CD Team members will facilitate the long-overdue review of the event, as initially requested by the Council.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsLocal

Nil

State

Nil

Policy ImplicationsLocal

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Community
Community Aspiration:	Inclusive, Active, and Resilient Community
Strategy:	1.1 – Cultural Diversity and Heritage
Strategic Objective:	Foster a sense of inclusivity, activity and resilience where all members feel safe, valued, supported, and empowered
Community Theme:	Economy
Community Aspiration:	Stimulate Sustainable Economic Growth
Strategy:	4.3 – Promoting Tourism
Strategic Objective:	Promote economic growth that is sustainable, inclusive, and supportive of local businesses and employment opportunities
Community Theme:	Economy
Community Aspiration:	Stimulate Sustainable Economic Growth
Strategy:	4.7 – Enhancing Visitor Experience
Strategic Objective:	Promote economic growth that is sustainable, inclusive, and supportive of local businesses and employment opportunities

State

Nil

Site Inspection

Site Inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project Time: Council does not accept report at the April meeting and delays the advertising of 2025 Wear Ya Wellies	Rare	Minor	Minor	Ensure report goes to the April Ordinary Council Meeting, and provide information to Council
Opportunity: Provide update to Council who then assist with promotion of the event				

Officer Comment / Details

After the cancellation of the 2021 event and the subsequent promotion of the 2019 Wellies as the final Shire-run event, the Community Development (CD) Team at that time removed future Wellies events from their budget planning. In 2022, when the Memorandum of Understanding (MOU) with the IHC Parents and Friends Association did not materialise, a review of the event and guidance from the Council should have been sought. Unfortunately, this step was overlooked.

During 2023/2024, the CD Team experienced significant personnel changes, bringing in new members who were enthusiastic and eager to revive the Wear Ya Wellies event. Additionally, a substantial amount of merchandise from previous events remains in Shire storage and needs to be utilised.

For the 2024/2025 Annual Budget, a total of \$35,000 has been allocated for the event. This includes a \$5,000 contribution from the Shire, with the remaining funds expected to come from grants, cash or in-kind sponsorships, cash income, and merchandise sales. The CD Team plans to hold the event on 22 June 2025, as a trial to determine if it can be conducted at zero or minimal cost. Funding applications have been submitted to Lotterywest and Bendigo Bank.

Following the event, a comprehensive review will be conducted, and a report will be presented to the Council for their input in the second quarter of the 2025/26 financial year.

OFFICER RECOMMENDATION

Moved Cr Angus, seconded Cr Campbell

That Council:

1. Endorses the 2025 Wear Ya Wellies Event to proceed as budgeted for in the 2024/2025 annual budget, and;
2. Agrees to delay the review of the event until after the 2025 Wear Ya Wellies has been held.

AMENDMENT

Moved Cr Ross, seconded Cr Hughes

To add the following

3. The review referred to in point 2, is to be conducted by an external facilitator, with its scope to include the purpose and objectives of the event, the intended audience profile and size, principles, total costs (including value of staff time) and options for funding;
4. Considers funding for this assessment in the upcoming budget deliberations.

LOST: 3 / 4

TIME: 9.28pm

For: Cr Campbell, Cr Ross, Cr Hughes

Against: Cr King, Cr Angus, Cr Curtis, Cr Dewar

AMENDMENT

Moved Cr King, seconded Cr Angus

To add the following

3. The review referred to in point 2, is to be conducted by a Shire Officer, with its scope to include the purpose and objectives of the event, the intended audience profile and size, principles, total costs (including value of staff time) and options for funding.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.32pm

PROCEDURAL MOTION

Moved Cr King, seconded Cr Angus

Suspend standing orders

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.37pm

PROCEDURAL MOTION

Moved Cr Angus, seconded Cr King

Resume standing orders

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.42pm

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 140425

Moved Cr Angus, seconded Cr Campbell

That Council:

1. Endorses the 2025 Wear Ya Wellies Event to proceed as budgeted for in the 2024/2025 annual budget;
2. Agrees to delay the review of the event until after the 2025 Wear Ya Wellies has been held; and
3. The review referred to in point 2, is to be conducted by a Shire Officer, with its scope to include the purpose and objectives of the event, the intended audience profile and size, principles, total costs (including value of staff time) and options for funding.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.43pm

CEO07 – 04/25

Superannuation for Council Members

Applicant	N / A
File ref	SOCR-1845402348-69245
Author	Deputy Chief Executive Officer
Authorising Officer	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Nil

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

Executive Summary

Recent changes to the *Local Government Act 1995 (Act)* have resulted in the ability for Western Australian Local Governments to pay superannuation to council members. Council is requested to authorise the payment of superannuation to council members effective 1 July 2025.

Background

In February 2025 various proposed changes to the Act were proclaimed and are now in-force. Section 5.99B of the Act, *Superannuation for council members: main provisions*, was added to the Act and is the topic of this item.

Section 5.99B(2) of the Act states;

- (2) A local government may decide* to pay superannuation contribution payments for its council members under this section.

** Absolute majority required.*

Section 5.99B(4) of the Act states;

- (4) Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.

Regulation 32A of the Local Government (Administration) Regulations 1996 states;

32A. Class 1 local governments and class 2 local governments required to pay superannuation contribution payments (Act s. 5.99B(4))

- (1) This regulation applies for the purposes of section 5.99B(4) on and after 19 October 2025.
- (2) A local government, for which no decision under section 5.99B(2) is in effect, must pay superannuation contribution payments for its council members under section 5.99B if the local government is a class 1 local government or class 2 local government.

As the Shire is a class 3 local government, it is not compulsory for superannuation to be paid to council members.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

Local

Nil

State

- Local Government Act 1995

5.99B. Superannuation for council members: main provisions

- (1) In this section and sections 5.99C to 5.99E —
remuneration has the same meaning that it has in the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) section 11(1)(e);
superannuation contribution payment, in relation to a council member, means —
 - (a) a payment of a prescribed type that is towards, or otherwise relates to, superannuation or retirement benefits for the council member; or
 - (b) in the absence of regulations made for the purposes of paragraph (a) — a payment that is a contribution to an account that —
 - (i) is nominated by the council member to the local government; and
 - (ii) is for superannuation or retirement benefits from a scheme or fund to which the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) applies.
- (2) A local government may decide* to pay superannuation contribution payments for its council members under this section.
* Absolute majority required.
- (3) A local government may revoke* a decision made by it under subsection (2).
* Absolute majority required.
- (4) Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.
- (5) Regulations may make provision for determining —
 - (a) when a superannuation contribution payment for a council member is payable; and
 - (b) the amount of a superannuation contribution payment for a council member.

- (6) Subsections (7) and (8) apply in the absence of regulations made for the purposes of subsection (5).
- (7) A superannuation contribution payment for a council member is payable with, and at the same time as, any remuneration of the council member paid by the local government.
- (8) The amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) as superannuation if —
 - (a) the council member were an employee of the local government for the purposes of that Act; and
 - (b) the remuneration were salary or wages of the council member for the purposes of that Act.
- (9) This section is subject to sections 5.99C and 5.99D.

5.99C. Superannuation for council members: opt outs

- (1) This section applies to a local government —
 - (a) for which a decision under section 5.99B(2) is in effect; or
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A council member may, by written notice to the CEO (an opt out notice), opt out of superannuation contribution payments.
- (3) An opt out notice remains in effect unless, and until, the council member, by written notice to the CEO, revokes the opt out notice.
- (4) If an opt out notice is in effect, the local government cannot pay a superannuation contribution payment for the council member under section 5.99B.

5.99D. Superannuation for council members: other exceptions

- (1) This section applies to a local government —
 - (a) for which a decision under section 5.99B(2) is in effect; or
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B at any time when the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12 45(1)(e) applies in relation to the local government.
- (3) Subsection (4) applies in the absence of regulations made for the purposes of paragraph (a) of the definition of superannuation contribution payment in section 5.99B(1).
- (4) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government as referred to in paragraph (b) of the definition of superannuation contribution payment in section 5.99B(1).
- (5) Regulations may prescribe circumstances in which a local government —
 - (a) cannot pay a superannuation contribution payment for a council member under section 5.99B; or
 - (b) can pay only a portion of the amount of each superannuation contribution payment for a council member under section 5.99B.
- (6) Regulations may make provision for determining the portion referred to in subsection (5)(b).

Policy Implications

Local

Nil

State

Nil

Financial Implications

This item proposes that the payment of superannuation to council members commence 1 July 2025. As such, there will be no impact on the 2024/25 budget as a result of this decision.

Should Council not endorse the officer recommendation and move an alternative motion implementing council member superannuation earlier than 1 July 2025, a budget amendment will be required and there would be a nominal negative impact on the 2024/25 budget.

The implementation of council member superannuation will require allocation of funds within the 2025/26 and future annual budgets.

The current rate of the Superannuation Guarantee is 11.5%, increasing to 12% effective 1 July 2025.

The Salary and Allowances Tribunal sets the range for councillor payments annually. This has not yet been published. However, as a guide, 12% superannuation on current fees and allowances eligible for superannuation would amount to \$16,990 annually for the Shire of Chittering.

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.2 – Responsible Financial Management
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
Reputation: Negative community sentiment toward Council due to current cost of living concerns	Possible	Insignificant	Low	By considering this matter now, rather than making the decision as part of the overall budget adoption, Council can not be accused of not being transparent in this matter
Opportunity: Additional benefits to Councillors could result in more nominations for Council at the October Local Government elections.				

Officer Comment / Details

With the recent changes to the Local Government Act 1995, there is now provision for a Local Government to pay superannuation to council members equivalent to the Superannuation Guarantee (SGC) as established under the *Superannuation Guarantee (Administration) Act 1992*.

The SGC is currently 11.5% (increasing to 12% on 1 July 2025) of the ordinary time earnings of employees. Council member are not employees, however, Section 5.99B of the Act requires payment to “the council member [as if they] were an employee of the local government for the purposes of that Act”

Meeting fees, President allowance and Deputy Presidents allowance, would all meet the definition of ordinary time earnings.

Payment of superannuation to council members is not compulsory for class 3 and 4 Local Governments. The Shire of Chittering is a class 3 Local Government and as such, the payment of superannuation is entirely discretionary.

The Act allows for individual Councillors to opt-out of receiving superannuation should they wish to do so.

Once a decision is made to pay council members superannuation, that decision remains in force until such time as Council chooses to revoke that decision.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150425

Moved Cr Dewar, seconded Cr Ross

That Council, by ABSOLUTE MAJORITY, and in accordance with section 5.99B(2) of the *Local Government Act 1995*, decide to commence superannuation payments for its council members effective 1 July 2025.

CARRIED: 6 / 1

TIME: 9.47pm

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

Against: Cr Campbell

CEO08 – 04/25

Electronic Signboard – Lower Chittering – Councillor Motion Response

Applicant Cr Mark Campbell
File ref SOCR-1845402348-61891
Author Deputy Chief Executive Officer
Authorising Officer Chief Executive Officer
Disclosure of Interest Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements **Simple Majority**
Attachments Nil

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

Executive Summary

Council is requested to note further information and update for Council Resolution 160225 from the Ordinary Council Meeting held on 19 February 2025.

Background

Cr Campbell tabled the following motion, which was carried unanimously, at the February Ordinary Council Meeting:

COUNCILLOR MOTION / COUNCIL RESOLUTION 160225

Moved Cr Campbell, seconder Cr Angus

That Council requests the Chief Executive Officer to investigate and report back to Council by no later than the April 2025 Ordinary Council Meeting, the following: -

1. The cause of the delay in power being connected to the electronic media signboard.
2. Alternative options and associated costs for connecting power to the signboard, including:
 - Relocating the signboard to an area where mains power is readily available, and/or
 - Utilising a solar and battery power supply.
3. Traffic data analysis to assess the effectiveness of the current location of the sign board, particularly in ensuring visibility to the majority of residents.
4. Costs associated with relocating the signboard to the corner of Great Northern Highway and Muchea East Road.
5. Costs to install a second electronic media signboard at the corner of Hereford Way and Muchea East Road.
6. Consider the outcomes of this investigation for inclusion in the FY 2025/26 budget planning process.

CARRIED UNANIMOUSLY: 6 / 0
TIME: 8.12PM

The motion was also followed by the subsequent officer comments, as noted in the minutes: -

1. **Delay** – A local electrician was contracted to connect power to the board during installation. During the installation process, a "green dome" was identified just inside the boundary of an adjacent property. The electrical contractor immediately commenced the application process with Western Power to access this dome for the purpose of powering the board. The delay in connecting power has been entirely due to the Western Power approval process. In preparation for the expected approval, the electrical contractor has laid the required cable to the dome and has prepared an appropriate switch board. However, on 11 January 2025, the application was declined by Western Power. The electrical contractor has now lodged a new application for an unmetered service to power the board. It is once again in the hands of Western Power to process the application.
2. **Alternative power connection options** –
 - (a) Mains power is readily available at the current location; however, the delay is due to the approval required to access that power source. It is assumed that relocating the board to another intersection within a road reserve would experience the same delays. Nevertheless, indicatively, relocation would be in the vicinity of \$10,000.
 - (b) To power the board by solar would cost approximately \$85,000. This would require a 40ft sea container (or similar structure) to house the batteries and equipment.
3. **Traffic Data Analysis** - The Shire only owns 4 road counters. Operationally, these are required for the majority of the year to gather traffic data for applications to Main Roads for funding toward road works including, but not limited to Regional Road Group and Blackspot funding. Therefore, the Shire may not have an available window to collect meaningful data in relation to this request.

Consultation Summary

Local

- Local Electrician
- Compac

State

- Western Power
- Main Roads Western Australia

Legislative ImplicationsLocal

Nil

State

Nil

Policy ImplicationsLocal

Nil

State

Nil

Financial Implications

The cost of relocation is significant.

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.2 – Responsible Financial Management
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

State

Nil

Site Inspection

Site Inspection undertaken: Yes



Figure 1: *Electrical wiring*



Figure 2: *Proposed sign location*



Figure 3: Switch board

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Reputational impact from non-participation	Possible	Moderate	Moderate	Participation demonstrates leadership and alignment with sector priorities
Opportunity: Enhances the Shire's reputation as an engaged and proactive council.				

Officer Comment / Details

As of April 2025, the following update can be given: -

1. *Previously answered: and see images 2-4 in site inspection*
2. **Alternative power connection options** – Compac was approached to provide indicative costs to relocate the digital signage:
 - (a) To relocate the sign to another location with mains power would cost approximately \$10,000
 - (b) To relocate the sign to another location without mains power would cost approximately \$85,000 with a 40ft sea container being required to mount the solar panels and store the batteries.

3. **Traffic data analysis to assess the effectiveness of the current location of the sign board, particularly in ensuring visibility to the majority of residents** – As the residents of Lower Chittering are decentralised across various Rural Residential developments and due to the lack of a defined townsite or settlement in this area it is difficult to identify one specific location where the community can congregate. Given this, the current sign location was determined most appropriate due to its vicinity to the local school and church.

Traffic counters have been installed at the existing site and on Muchea East Road near the intersection with Great Northern Highway. This data will be forwarded to Council once collected.

Existing data from a previous road count on a different section of Santa Gertrudis Drive in 2023 showed that there were 69,369 vehicle movements over a 95 day period between September and December. This averages out to be 730 vehicle movements per day.

4. **Relocating the sign to the corner of Great Northern Highway and Muchea East Road** – As stated above, if power is available, cost would be approximately \$10,000, if not a solar powered system would cost approximately \$85,000. Relocating the sign to this location would present some difficulties and the following points would be relevant to any decision to relocate this sign:

- Main Roads WA (MRWA) are the custodian of Great Northern Highway and a portion of the road verge 240m along the southern side of Muchea East where it meets the highway (area shaded red in figure 4 - below). This portion of verge covers all the area to the southern side of Muchea Road right up to the edge of the road seal. Therefore, MRWA approval would be required to install a sign in any of these areas.
- The intersection has traffic control signals (TCS) which means that MRWA should approve any signage within 100m of the lights, irrespective of if it is installed on a local road that the Shire of Chittering is the custodian of. MRWA is responsible for ensuring TCS are not obscured or rendered difficult to read, and that light emitting devices do not cause a risk of danger.
- MRWA approval is required if the sign is within 500m of a state road and is visible from that road. This would happen if the sign was to be installed within 500m of the intersection viewable from traffic heading east along Muchea East Road from the intersection.
- MRWA may also intervene in any case where signage breaches road safety principles.
- MRWA assesses the location of signage when an application is lodged. Given the Shire does not have its own assessment criteria, it would be prudent to apply the same principles with signs being installed on local road verges. Some of these include:
 - A digital sign should have at least 6 seconds of uninterrupted visibility, as sporadic or short visibility can lead to undue distraction. Muchea East Road is 80km/h reducing to 70km/h as the vehicles near the intersection. Therefore, 6 second of visibility would be between 117 metres and 133 metres.
 - Digital signs must not obstruct a drivers view at a point where they may need to react.
 - Digital signs should be designed and located to preserve or improve visual amenity within the road reserve and adjoining areas visible from road or roadside vantage points.
- The following Western Power infrastructure is present within the vicinity of the intersection:
 - Streetlights.
 - Distribution poles.

- Distribution underground cables. However, these appear to be for the purpose of streetlighting only.
 - Distribution overhead powerlines.
 - There does not appear to be any green electrical domes present within the vicinity of this intersection.
 - A new application would need to be initiated with Western Power to determine what type of power may be available to operate the sign. This process would be similar to what is already underway at the existing site on Santa Gertrudis Drive.
5. **Cost to install a second electronic media signboard at the corner of Hereford Way and Muchea East Road** – There does appear to be distribution underground cable at this location, however, an application similar to the existing site would need to be lodged to determine whether the Shire could connect to this power source. Dependant on the power available, a new sign at this location would cost between \$26,000 (mains powered) and \$111,000 (solar powered).



Figure 4: Muchea Road East & Great Northern Highway Intersection

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 160425

Moved Cr Campbell, seconded Cr Ross

That Council

1. Receive the information in this item as the requested report;
2. Resolve to continue with the process of energising of the sign at the existing location (Santa Gertrudis and Muche East Rd); and
3. After consideration of the report, consider that no additional digital signage is required in Lower Chittering

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.49pm

CEO09 – 04/25

Local Government Ordinary Elections 2025

Applicant Western Australian Electoral Commission
File ref SOCR-1845402348-55382
Author Executive Assistant
Authorising Officer Chief Executive Officer
Disclosure of Interest Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements **Absolute Majority**
Attachments Nil

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

Executive Summary

Council is requested to endorse the Electoral Commissioner to be responsible for the conduct of the 2025 Local Government Ordinary Election and that the method of the election be as a postal election.

Background

The next local government ordinary elections are being held on Saturday 18 October 2025. The Western Australian Electoral Commission (WAEC) has written to the Shire advising that the Commission is again available to assume responsibility for these elections, should the Shire of Chittering wish to retain the postal voting method.

Postal elections have been available to Western Australian Local Government since 1995, and in a short period have become the preferred way that elections are conducted by many Councils.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

Local

- Local Government Act 1995

In accordance with Part 4, Division 3, cl4.5, a local government is to hold ordinary elections every two years.

As per Part 4, Division 3, cl4.7, ordinary elections are usually held on the third Saturday in October i.e. Saturday 18 October 2025.

In accordance with Part 4, Division 7, cl4.20(4), a local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

In accordance with Part 4, Division 9, cl4.61(2), a local government may decide to conduct the election as a postal election

** Absolute Majority Required*

State

Nil

Policy Implications

Local

Nil

State

Nil

Financial Implications

The estimated cost provided by the WAEC for them to conduct the postal election is \$35,708 (ex GST); which has been based on the following assumptions:

- The method of election will be postal;
- 3 Councillor vacancies;
- 4,900 electors;
- Response rate of approximately 35%;
- Appointment of a local Returning Officer; and
- Count to be conducted at the offices of the Shire of Chittering using Count WA.

Costs not incorporated in this estimate include:

- If a Returning Officer is selected that is not local to the area;
- If Council elect for Australia Post Priority Service for the lodgement of the election package;
- If casual staff are required for the issuing of Replacement Election Packages
- If casual staff are required to assist the Returning Officer on election day or night; or
- Unanticipated cost increases from WAEC suppliers.

These costs will be included in the 2025/26.

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.3 – Community Engagement and Participation
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
Reputation: By not having the WAEC conduct the election, transparency and non-bias decision making	Unlikely	Minor	Moderate	Have the WAEC conduct the election
Opportunity: Improve transparency and non-bias decision making				

Officer Comment / Details

There are two methods for conducting local government elections this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the WAEC.

There are two significant benefits for conducting elections by postal vote:

- It increases the voter turnout.
- It removes Shire of Chittering staff from the process (the Returning Officer is appointed by the WAEC), therefore creating independence and impartiality. Having an external person appointed by the WAEC as the Returning Officer creates separation and provides independence to the process.

Other benefits that have been quoted for postal elections are:

- It is easier for electors to vote
- It assists new candidates as all electors get the profile of all candidates
- There is a perception that the playing field is more level for sitting Councillors versus nominated candidates and that the success of being elected is not correlated to previous experience.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170425**Moved Cr Ross, seconded Cr Angus****That Council BY AN ABSOLUTE MAJORITY:**

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections together with any other elections or polls which may be required.**
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

CARRIED UNANIMOUSLY: 7 / 0**TIME: 9.51pm**

CEO10 – 04/25

Policies Review Process

Applicant	Shire of Chittering
File ref	SOCR-1845402348-61730
Author	Manager Governance and Corporate Performance
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. Register of Policies and Review Outcomes 2. Council Policy and Position Statement Framework (new) 3. Policies Recommended for Repeal 4. Policies Recommended for Conversion to an Operational Directive 5. Policies with Minor Changes (Track Changes) 6. Policies with Minor Changes (Updated Template)

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

Executive Summary

This report presents the outcomes of a comprehensive review of the Council's policies. The review ensures that policies align with legislative requirements, best practices, and operational efficiency. Key recommendations include:

- Repealing 11 policies deemed redundant or outdated.
- Amending 11 policies to ensure clarity, consistency, and compliance.
- Converting one policy to an Operational Directive for internal management purposes.
- Introducing a new Council Policy and Position Statement Framework to guide policy development, review, and rescission.

Council is requested to endorse the revised policies, framework, and proposed policy changes.

Background

Council policies guide decision-making and governance, with authority provided under section 2.7(2)(b) of the *Local Government Act 1995*. These policies offer guidance to Council, staff, and the community, ensuring alignment with legislation, best practices, and community expectations.

Key objectives of the Policy Manual include:

- Maintaining a formal record of policy decisions.
- Providing clear direction to staff.
- Assisting Councillors in handling community enquiries.
- Enabling ongoing policy review to reflect community needs.
- Ensuring transparency in Council decision-making.

Policies differ from operational directives and procedures, which are determined by the CEO for internal management and implementation. A full policy review occurs at least every three years, with some policies reviewed annually in line with legislative requirements.

Consultation Summary

Local

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Manager Technical Services
- Executive Manager Development Services
- Council Members

State

Nil

Legislative Implications

Local

Nil

State

- Local Government Act 1995, section 2.7(2)(b): Council determines local government policies
- Local Government Act 1995, section 5.41: CEO Functions, including advising Council and managing operations.

Policy Implications

Local

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Administration and Governance
Community Aspiration:	Council Accountability and Transparency
Strategy:	5.1 – Enhancing Accountability and Transparency
Strategic Objective:	Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders

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
Reputation: Misdirection and misinformation	Possible	Minor	Low	Regular policy reviews ensure consistency and transparency
Compliance: Non-compliance to section 5.41 of the <i>Local Government Act 1995</i>	Possible	Minor	Low	Updating policies ensures adherence to legislative requirements
Opportunity: <ol style="list-style-type: none"> 1. Provide clear governance direction to staff, Councillors, and the community 2. Ensure policies reflect current trends and best practices 3. Reinforce the distinction between Council and COE responsibilities under the <i>Local Government Act 1995</i> 				

Officer Comment / Details

A comprehensive review of the Shire of Chittering's Policy Register, containing 70 policies, has been conducted. Key outcomes include:

1. **Policy Register Reform** – Policies have been separated from the Policy Register and individually listed to improve transparency and accessibility.
2. **Council Policy and Position Framework** – A new framework has been developed to guide policy development, review, and rescission, following consultation with the Executive Management Team and Council Members.
3. **New Council Policy Template** – Policies have been reformatted for clarity and consistency.
4. **Minor Consistency Adjustments** – Standardised references and textual refinements have been applied across policies.
5. **Policies Recommended for Repeal** – 11 policies have been identified for deletion (Attachment 3).
6. **Policy Recommended for Conversion to Operational Directive** – One policy has been designated as an internal administrative directive (Attachment 4).
7. **Policies with Minor Amendments** – 11 policies have been revised for clarity and consistency (Attachments 5 and 6).
8. **Future Policy Review** – 47 additional policies will be reviewed with Council throughout the year.

The following tables provide detailed information of each proposed changes and feedback from the Council Members during the Council Forum held on 12 March 2025.

Policies recommended for deletion			
Policy Number	Policy	Executive decision	Council Feedback
Administration Policies			
1.1	Policy Register	Repeal and replace with a Council Policy and Position Statement Framework.	Agreed.
1.6	Contribution to the cost of dividing fences	Adding commitments not currently in the Dividing Fences Act. Suggesting to delete this policy. Shire to act in accordance with the provisions of the Dividing Fences Act.	Agreed to repeal.
1.13	Recording and Access Recordings of Council Meetings	Duplication of policy 1.11.	Agreed as superseded by policy: Recording and livestreaming of Council Meetings.
Staff Policies			
3.5	Christmas / New Year Closure of Council Facilities	Repeal. Inward facing administrative position.	Agreed.
3.6	Staff Superannuation	Repeal. Inward facing administrative position. Integrate with staff conditions of employment document.	Agreed.
3.7	Public Service Holidays In-Lieu	Repeal. Inward facing administrative position. Integrate with staff conditions of employment document.	Agreed.
Elected Member Policies			
4.11	Council Positions	Replaced with an updated Council Position Statements Register.	Agreed, as now a separate register that will be easier accessible on the website as stand-alone document in the Council policies section.

Engineering, Construction and Maintenance Policies			
7.4	Road Formation Widths / Clearing Widths – for new construction works	Repeal. Shire follows IPWEA standards.	Agreed.
Community Facilities and Recreation Policies			
8.1	Landscaping Policy for Industrial and Commercial Areas	Repeal. Redundant. Catered for in development process and State policy.	Agreed, aligned to the Local Planning Policy 2019.
Environmental and Health Policies			
9.1	Environment - Council Recognition	Repeal as included in our statutory documents.	Agreed. Suggested to consolidate with Position Statement regards to recycling.
9.4	Deep Drainage	Repeal. Managed under the Soil and Land Conservation Regulations 1992, not by Shire but by State Government. Do not have authority to comply with this policy.	Agreed.

Policies recommended to transfer to Operational Directive			
Policy Number	Policy	Executive decision	Council Feedback
Finance Policies			
1.1	Credit Cards	Repeal. Administrative internal facing.	Agreed.

Policies with minor changes		
Policy Number	Policy	Executive decision
Administration Policies		
1.2	Australian Citizenship Ceremonies	Minor update to terminology and format.
1.4	Political Electioneering Posters	Minor update to terminology and format. Remove information already available in the Local Government Property and Public Places Local Law 2023 Title change: Election Advertising Policy.
1.5	Record Keeping	Minor update to terminology and format. Remove procedural information.
1.8	Honorary Freeman of the Shire of Chittering	Minor update to terminology and format. Title change: Conferral of Title - Honorary Freeman of the Shire of Chittering.
1.1	Reimbursement of Volunteers for Damaged Personal Equipment	Minor update to terminology and format. Minor amendment to clarify requirements.
1.11	Recording and Access to Recordings of Council Meetings	Minor update to terminology and change to new template. Updates to reflect changes to legislation regarding livestreaming. Title change: Recording and Livestreaming of Council Meetings Policy
1.15	Social Media	Minor update to terminology and change to new template. Remove procedural information. Updated based on legislative requirements - Local Government (Model Code of Conduct) Regulations 2021 Title change: Communications and Social Media Policy.
Finance Policies		
2.1	Investment of Funds	Remove delegation from Policy - should be within the Delegated authority register. used City of Swan as a baseline. Title change: Investment Policy.
Staff Policies		
3.1	Bereavement Recognition	Minor update to terminology and format.
3.2	Equal Employment Opportunity	Minor update to terminology and format.
3.3	Work Health and Safety (WHS)	Minor update to terminology and format.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180425

Moved Cr Campbell, seconded Cr Angus

That Council BY AN ABSOLUTE MAJORITY:

1. Endorse the revised Policy Register as per Attachment 1.
2. Adopt the new Council Policy and Position Statement Framework as per Attachment 2.
3. Approve the deletion of 11 policies, as outlined in this report and Attachment 3:
 - a. Administration Policy 1.1 – Policy Register
 - b. Administration Policy 1.6 – Contribution to the Cost of Dividing Fences
 - c. Administration Policy 1.13 – Recording and Access Recordings of Council Meetings
 - d. Staff Policy 3.5 – Christmas/New Year Closure of Council facilities
 - e. Staff Policy 3.6 – Staff Superannuation
 - f. Staff Policy 3.7 – Public Service Holidays In-Lieu
 - g. Elected Member Policy 4.11 – Council Positions
 - h. Engineering, Construction & Maintenance Policy 7.4 – Road Formation Widths Clearing Widths – for new construction works
 - i. Community facilities & recreation Policy 8.1 – Landscaping Policy for Industrial and Commercial Areas
 - j. Environmental and Health Policy 9.1 – Environment – Council Recognition
 - k. Environmental and Health Policy 9.4 – Deep Drainage
4. Approve the conversion of Finance Policy 2.4 - Credit Cards, to change to an Operational Directive as per Attachment 4.
5. Endorse the following amended policies, as per Attachments 5 and 6:
 - a. Administration 1.1 Policy - Reimbursement of Volunteers for Damaged Personal Equipment
 - b. Administration Policy 1.2 – Australian Citizenship Ceremonies
 - c. Administration Policy 1.4 – Political Electioneering Posters
 - d. Administration Policy 1.5 – Record Keeping
 - e. Administration Policy 1.8 – Honorary Freeman of the Shire of Chittering
 - f. Administration Policy 1.11 – Recording and Access to Recordings of Council Meetings
 - g. Administration Policy 1.15 – Social Media
 - h. Finance Policy 2.1 – Investment of Funds
 - i. Staff Policy 3.1 – Bereavement Recognition
 - j. Staff Policy 3.2 – Equal Employment Opportunity
 - k. Staff Policy 3.3 – Work Health and Safety (WHS)

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.53pm

ITEM 10. REPORTS OF COMMITTEES**COM01 – 04/25****Local Emergency Management Committee**

Applicant Shire of Chittering
File ref SOCR-1845402348-61221
Author Support Officer – Bushfire, Emergency Services & Rangers
Authorising Officer Chief Executive Officer
Disclosure of Interest Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements **Simple Majority**
Attachments 1. “Unconfirmed” minutes from Local Emergency Management Committee Meeting held on 26 February 2025

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

Executive Summary

Council is requested to receive the minutes from the Chittering Local Emergency Management Committee meeting held on Wednesday, 26 February 2025.

Background

The Chittering Local Emergency Management Committee meeting met on Wednesday, 26 February 2025. No motions were made at this meeting.

Consultation SummaryLocal

Local Emergency Management Committee

State

Nil

Legislative ImplicationsLocal

Nil

State

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

38. Local emergency management committees

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

39. Functions of local emergency management committees

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

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

Policy ImplicationsLocal

Nil

State

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Natural Environment
Community Aspiration:	Sustainable and Environmentally – Responsible Future
Strategy:	2.5 – Conservation and Habitat Preservation
Strategic Objective:	Preserve natural resources and ecosystems for current and future generations by promoting sustainability and environmental stewardship

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

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

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

Officer Comment / Details

The next meeting of the Local Emergency Management Committee is on Wednesday, 28 May 2025.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 190425

Moved Cr Hughes, seconded Cr Ross

That Council receives the unconfirmed minutes from the Local Emergency Management Committee meeting held Wednesday, 26 February 2025.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.54pm

COM02 – 04/25**Chittering Bush Fire Advisory Committee**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-61267
Author	Support Officer – Bushfire, Emergency Services & Rangers
Authorising Officer	Chief Executive Officer
Disclosure of Interest	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. “Unconfirmed” minutes from Chittering Bush Fire Advisory Committee Meeting held on 11 March 2025

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

Executive Summary

Council is requested to receive the minutes from the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 11 March 2025.

Background

The Chittering Bush Fire Advisory Committee meeting met on Tuesday, 11 March 2025. No motions were made at this meeting.

Consultation SummaryLocal

- Chittering Bush Fire Advisory Committee

State

Nil

Legislative ImplicationsState

- Local Government Act 1995 – Sections 5.8 and 5.11
- Bush Fires Act 1954 – Section 67

Local

- Shire of Chittering Brigades Local Law 2012

In accordance with cl3.12 the Committee is to make recommendations to the local government on all motions received by the Committee from the bushfire brigades.

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

There will be a charge for advertising the 2025 Chittering Bushfire Advisory Committee meeting dates in the local newspaper. These charges have been included in the 2024/25 Annual Budget.

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2024 - 2034

Community Theme:	Natural Environment
Community Aspiration:	Sustainable and Environmentally – Responsible Future
Strategy:	1.2 – Safety and well-being
Strategic Objective:	Foster a sense of inclusivity, activity and resilience where all members feel safe, valued, supported, and empowered

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

Officer Comment / Details

The next meeting of the Chittering Bush Fire Advisory Committee is on Tuesday, 8 July 2025.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 200425

Moved Cr Ross, seconded Cr Angus

That Council receives the unconfirmed minutes from the Chittering Bush Fire Advisory Committee meeting held Tuesday, 11 March 2025.

CARRIED UNANIMOUSLY: 7 / 0

TIME: 9.56pm

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

ITEM 14. MEETING CLOSED TO THE PUBLIC

Public reading of resolution that may be made public

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 9.57pm.