



# **ORDINARY COUNCIL MEETING MINUTES**

**7:00pm, Wednesday, 15 April 2026  
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 20 April 2026.



**Melinda Prinsloo**  
**Chief Executive Officer**

**CONFIRMED MINUTES**

These minutes were confirmed at a meeting held on

Signed: \_\_\_\_\_

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

**DISCLAIMER**

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

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

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

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

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

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

The Presiding Member declared the meeting open at 7.00pm

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

### **Attendance**

The following members were in attendance:

Cr David Dewar	President
Cr Mary Angus	Deputy President
Cr John Curtis	
Cr Kylie Hughes	

The following staff were in attendance:

Scott Clayton	Acting Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Hugo de Vos	Principal Planning Officer
Denaye Kerr	Executive Assistant

Members of the General Public: 1

Media: 0

### **Apologies**

Cr Beck Foulkes-Taylor	
Melinda Prinsloo	Chief Executive Officer
Jake Whistler	Executive Manager Development Services

### **Approved leave of absence**

Cr Nicholas Grayer

**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.*

<b>Cr David Dewar</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	In attendance	
Councillor Information Session Agenda Forum	8 April 2026	In attendance	
President & CEO Meeting	10 April 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
Citizenship Ceremony	15 April 2026		

<b>Cr Mary Angus</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	In attendance	
Councillor Information Session Agenda Forum	8 April 2026	In attendance	
President & CEO Meeting	10 April 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
Business After Hours – Visitors Centre	20 March 2026		
Bindoon Historical Society History Board Unveiling	27 March 2026		
Citizenship Ceremony	15 April 2026		

<b>Cr John Curtis</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	In attendance	
Councillor Information Session Agenda Forum	8 April 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

<b>Cr Beck Foulkes-Taylor</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	Approved Leave of Absence	
Councillor Information Session Agenda Forum	8 April 2026	Approved Leave of Absence	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

<b>Cr Nicholas Grayer</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	Approved Leave of Absence	
Councillor Information Session Agenda Forum	8 April 2026	Approved Leave of Absence	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Kylie Hughes			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	18 March 2026	In attendance	
Audit Risk and Improvement Committee – Audit Entry Meeting	8 April 2026	In attendance	
Councillor Information Session Agenda Forum	8 April 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
Citizenship Ceremony	15 April 2026		

### 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.*

CEO05 – 04/26 CEO Model Standards		
Individual	Type of Interest	Nature / Extent of Interest
Melinda Prinsloo – Chief Executive Officer	Financial	<b>Nature:</b> Relates to employment  <b>Extent:</b> Could affect employment
Declaration pursuant to <i>Section 5.51</i> of the <i>Local Government Act 1995</i>		

### ITEM 4. PUBLIC QUESTION TIME

#### Public question time

Nil

### ITEM 5. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### Petitions

Nil

#### Deputations

#### DEP01 – 04/26 Declan Creghan, Planning Solutions

Declan spoke in support of the Officers Recommendation for Item DS03 – 04/26.

**Presentations**

Nil

**ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE****MOTION / COUNCIL RESOLUTION 010426**

Moved Cr Angus, seconded Cr Curtis

That the following leave of absence be approved:

- Councillor David Dewar – Tuesday 5 May through to Tuesday 26 May 2026 (inclusive)

**CARRIED: 4 / 0**

TIME: 7.05

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes*

*AGAINST: Nil*

**ITEM 7. CONFIRMATION OF MINUTES**

**Ordinary Meeting of Council: 18 March 2026**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020426**

Moved Cr Angus, seconded Cr Curtis

That the minutes of the Ordinary Meeting of Council held on Wednesday, 18 March 2026, as published on the Shire website, be confirmed.

**CARRIED: 4 / 0**

TIME: 7.06PM

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes*

*AGAINST: Nil*

**ITEM 8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

- I had an interview with the Midwest ABC Radio this week regarding the larger trucks been authorised to come through the Bindoon townsite and argued the importance of the Bindoon Bypass.
- Today we were informed by the Office of the Auditor General that the Shire was recognised as one of the 2025 Best Practice Entities for financial reporting and controls. On behalf of myself and Council I would like to congratulate the CEO and her finance team for this strong achievement.
- This afternoon we held an Australian Citizenship Ceremony and welcomed 15 Chittering residents as our latest Australian Citizens. Congratulations to you all.

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES****DS01 – 04/26 Proposed Swimming Pool Barrier Inspection Change – Community Consultation**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	
<b>Author</b>	Principal Building Surveyor
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Extending pool safety barrier requirements Local Council 2. Extending pool safety barrier requirements info for Residents

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

**Executive Summary**

Council is requested to conduct community consultation concerning the removal of pool barrier exclusion areas from the Shire of Chittering, ultimately requiring 4-yearly barrier inspections across the entire Shire.

**Background**

Swimming pool barrier laws in Western Australia were historically phased in, with major changes including the requirement for local governments to inspect existing pools introduced in 1991, and the requirement for new pools to have isolation fencing introduced in 1992. Current legislation for pools require a compliant barrier to be installed at the time the pool is installed.

Due to the vast area of WA and the historical lack of Building Surveyors in regional areas, concessions were made through the *Building Regulations 2012* (Regulations) that exempted certain areas from the requirement for swimming pools barriers to be inspected on a 4-yearly basis. These exempted areas are contained within Part 8, Division 2, Schedule 5 of the Regulations and identify the Shire of Chittering as only needing to conduct barrier inspections within the designated townsites of the Shire (i.e. Bindoon, Muchea and Wannamal). Any swimming pool barriers that have been installed outside of the Shire's townsites are required to be maintained to a complaint standard by the pool owners, but are self-regulated and are not subjected to the 4-yearly inspection requirement of the Regulations.

While 4-yearly inspections are not required by legislation in the 'excluded areas' across the Shire, swimming pools and barriers are still obligated to meet all the requirements of the current legislation. This means that the Shire has the ability to enforce the installation of a compliant swimming pool barrier when the Shire is made aware of a swimming pool without such, as the pool is regarded as being in a 'dangerous state' as guided by the Regulations. This practically has been occurring in the following instances:

- Installation of new swimming pools – The Shire has been enforcing the installation of a compliant barrier when a new swimming pool is installed. The barrier is subject to inspection from the Shire’s Building Department and only receives a Compliance Certificate once it has been verified to meet the Australian Standard;
- Sale of property with swimming pool – Upon the sale of a property and upon receipt of an ‘account enquiry’ from a settlement agency, the Shire undertakes a review to ensure any swimming pools have a compliant barrier installed; and
- Action upon complaint – Upon receipt of a concern from an external party about a non-compliant or non-existent barrier, the Shire undertakes compliance action and ensure a compliant barrier is installed.

The Western Australian Department of Local Government, Industry Regulation and Safety (DLGIRS) actively promote and support Local Governments to remove excluded areas of 4-yearly swimming pool barrier inspection (see Attachments 1 & 2). The Shire received correspondence from the WA Building Commission sector of DLGIRS in 2025 encouraging the Shire to reconsider its current inspection regime and for the currently ‘excluded areas’ to be removed from the Regulations.

There are neighbouring local governments to the Shire of Chittering that currently have no ‘excluded areas’ and mandate 4-yearly inspections across their entire Shire, and include Shires of Gingin, Toodyay, Northam, York, Beverly, Koorda, Wyalkatchem, Wongan-Ballidu and Quairading.

The Shire has historical encountered issues with the current application of the inspection regime, with some of these listed:

- As townsites have expanded past the Gazetted townsite boundaries, some neighbouring swimming pool barriers are not inspected while others are required to be inspected (i.e. Bindoon and Muchea Townsite boundaries as gazetted under the *Land Administration Act 1997* do not align to the actual built residential areas;
- There is a misconception for some members of our community that because a 4-yearly inspection is not required, that a swimming pool barrier is therefore not required;
- The Shire of Chittering is wrongly viewed as negligent because inspections in some areas are not carried out;
- Regardless of the ‘excluded areas’, the Regulations allow a swimming pool without a barrier to be regarded to be in a ‘dangerous state’, creating confusion in the community.

It is noted, that the exercise of considering removal of the Shire’s ‘excluded areas’ was previously conducted in 2017. This process involved a period of community consultation which resulted in 245 responses being received. 109 responses supported the removal of the ‘excluded areas’, while 136 objected to the proposal on the general grounds of:

- Rural properties have dams and creeks therefore pools in a regional setting should be treated the same;
- The supervision of children is a more effective means for protecting kids against drowning; and
- There would be a cost implication on the ratepayer to fund the 4-yearly inspection and potentially for the installation of a barrier that is not already installed.

Ultimately, the Council of 2017/18 determined not to mandate the requirement for Shire-wide barrier inspections.

While acknowledging the position of Council in 2017, DLGIRS, through the Building Commission have been more active in promoting regional local governments to reconsider their current position in an effort to mitigate the risks of children drowning in swimming pools. This has been instigated from a 2017 report produced by the Ombudsman Western Australia (‘Investigating into ways to prevent or reduce deaths of children by drowning’), which recommended the Building Commission further support local governments in making barrier inspections mandatory across the entirety of a local government.

As such, this report provides Council with an opportunity to re-assess the current community’s sentiment regarding barrier inspections, and to then determine whether it wishes to make a request to the WA Building

Commission to change the Regulations to have the 'excluded areas' within Chittering removed, and commence a program for all swimming pool barriers in the Shire to be inspected on a 4-yearly basis.

### **Consultation Summary**

#### Local

Should Council resolve to initiate community consultation, it is anticipated that community feedback will be sought through an online survey, which will be advertised via:

- Shire's Facebook page;
- Shire's website;
- Direct correspondence to pool owners registered with the Shire.

It is expected that this period of consultation will be undertaken for a minimum of 28 days to allow registered pool owners and the broader community to submit their feedback.

#### State

Nil

### **Legislative Implications**

#### State

- Building Regulations 2012

Part 8, Division 2, Schedule 5 of the Regulations mandates that 4-yearly swimming pool barrier inspections are required in the townsites of the Shire of Chittering. It is this part of the Regulations that is currently being explored to amend, to require inspections across the entire Shire.

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

There will be an associated administrative cost with the community consultation. As it is intended to contact all the registered pool owners in the Shire directly. If an email address is not supplied on the Shire's system for a property, then a letter can be mailed to the landowner. The cost is expected to be minimal (circa \$500) and can be absorbed into the current budget allocated for administrative exercises such as this.

Should Council ultimately decide (at a future Council meeting) to enforce the inspection of barriers across the entire Shire, a fee charged on all registered pool owners is expected to cover all costs associated with the 4-yearly inspections. At present, there is a fee in the Shire's 2025/26 adopted fees and charges requiring a \$78 annual fee to be paid by every pool owner within the Townsites. This fee would be imposed on all pool owners across the Shire should Council wish to mandate Shire-wide barrier inspection, with the fee charged at the commencement of the financial year following the Regulation change.

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034  
Community Aspiration: Community Aspiration 1  
Strategy: Strategy 1.2 – Safety and Wellbeing

Prioritise the safety and well-being of all community members by investing in measures to prevent crime, address social issues, and support vulnerable populations. Collaborate with law enforcement agencies, social service organisations, and community groups to create a safe and supportive environment for everyone.

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<u>Reputation</u> Not affording the community an opportunity to provide feedback on a social and safety issue within the Shire.	Low	Insignificant	Low	Conduct community consultation
Opportunity: To gauge the current community sentiment towards swimming pool barriers and child drowning mitigation.				

**Officer Comment/Details**

The loss of a child to drowning has the potential to greatly impact the local community. The 2017 Ombudsman WA report recognised the important role that swimming pool barriers play in mitigating the risk of child drownings in swimming pools. While not the only measure that needs to be employed to mitigate this risk, it is one that implicates local government for continuous enforcement and compliance.

The WA Building Commission are strongly advocating for local governments to reconsider the requirement to conduct 4-yearly inspections of swimming pool barriers of all pools within their Shires. While the Shire of Chittering Council reviewed this matter in 2018, and resolved not to make any changes to the Regulations, it is considered appropriate for the Shire to revisit this matter, and to gauge the current community's sentiments to determine whether a change to the legislation is now appropriate. The residential growth outside of townsites (where inspections of barriers are not currently required), has been significant since 2018 and as such, the number of pools in the Shire has also grown.

An audit of the Shire's register of approved pools indicates that there are 648 swimming pools across the Shire, with 576 of these not currently captured by the mandatory inspection requirements (outside of townsites).

Following a period of community consultation, Council will have an opportunity to review the feedback and make a further decision whether to request the WA Building Commission to make a change to the Regulations and require 4-yearly barrier inspections across entire Shire. Should Council wish to make this legislative change, it is expected that the Shire would invoke a 'transition period' once the Regulations are amended. This transition period could allow those pool owners outside of townsites a period of 4 years to achieve barrier compliance. A rolling 4-yearly inspection could be applied, commencing with those pool owners who wish to volunteer inspection of their pool in the first years, with inspections likely to be outsourced by the Shire to a qualified organisation such as Royal Life Saving WA. The application of mandatory inspections can be further explored following a period of community consultation.

Officers recommend that Council endorse the commencement of the community consultation period for Shire-wide 4-yearly inspections of swimming pool barriers, noting that a final decision on any legislation changes will only be made at a future Council meeting, following review of feedback received from the community.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030426****Moved Cr Angus, seconded Cr Curtis****That Council:**

1. Instructs the Chief Executive Officer to commence a 28 day period of community consultation on the potential change to Part 8, Division 2, Schedule 5 of the *Building Regulations 2012*, to mandate 4-yearly inspections of swimming pool barriers on all properties within the Shire of Chittering, in the following ways:
  - a) Prepare an online survey for members of the community to complete;
  - b) Promote the online survey through the Shire's website and social media account;
  - c) Contact all registered pool owners within the Shire of Chittering directly either through email or posted letters, with an invitation to complete the online survey.
2. Instructs the Chief Executive Officer to report back to Council following the conclusion of the 28 day period of community consultation for Council to determine whether it makes a recommendation to the WA Building Commission to change Part 8, Division 2, Schedule 5 of the *Building Regulations 2012* to mandate 4-yearly inspections of swimming pool barriers on all properties within the Shire of Chittering.

**CARRIED: 4 / 0**

TIME: 7.10PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**DS02 – 04/26 Dog Exercise Area – Wildflower Ridge Public Open Space**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A12142
<b>Author</b>	Executive Manager Development Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Designated Dog Exercise Area Plan

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

**Executive Summary**

Council is requested to specify a specifically designed and constructed portion of the Wildflower Ridge Public Open Space as a 'Dog Exercise Area' to allow for dogs to be off-lead in a public place.

**Location Plan**

## Site Plan



## Background

The construction of the Public Open Space (POS) within the Wildflower Ridge Estate was a requirement placed upon the landowner (Riverside Investments) as a condition of the subdivision of the land. The design of the POS was informed by community consultation and engagement with Shire officers and Council prior to the final designs being endorsed. This land parcel is formally identified as Reserve 54580 on Deposited Plan 426544.

As part of the POS development, an off-lead 'dog exercise area' has been incorporated into the northern portion of the POS. This was largely informed by the Shire's 2024 investigation and community engagement into the need for dog exercise areas within the Shire, but has not been realised due to previous years' budget constraints.

The subject exercise area will be 1,000m<sup>2</sup> and bordered with black chain link fencing, contain a drink fountain, bench seating and rubbish bin. It will be secured with double-gates to assist in preventing dogs from freely escaping the area.

Pursuant to the requirements of the *Dog Act 1976 (Act)*, dogs in a public place are typically restricted to being on a lead. As this area is intended to cater for dogs off a lead, and it is regarded as a 'public place' under the Act, it needs to be designated as a 'dog exercise area' by the local government to ensure that dogs can legally be released off a lead.

While this 'dog exercise area' is to allow dogs off a lead in a contained environment, there are provisions in the Act that place responsibility on the dog owner to control the dog while in the exercise area, and are responsible for the dog's actions, like they would be in any other public place in the Shire.

At its meeting of 11 March 2026, it was resolved by absolute majority:

*That Council:*

1. Give Public Notice, in accordance with Section 1.7 of the Local Government Act 1995, of its intention to specify the area identified in Attachment 1, located within the public open space of the Wildflower Ridge Estate, to be a 'Dog Exercise Area', pursuant to Section 31(3C), Part 6, Division 1 of the Dog Act 1976.
2. Instruct the Chief Executive Officer to provide a report back to Council following the conclusion of the 28 day Public Notice period to resolve on the matter of specifying the area identified in Attachment 1 as a dog exercise area.

As a result of the above resolution, the period of Public Notice was commenced.

This report has been prepared prior to the expiration of the 28 day Public Notice period, however at the time of Council making a determination, being the 15<sup>th</sup> April 2026, the 28 day period will have been completed.

### **Consultation Summary**

#### Local

As required by Section 1.7 of the Local Government Act 1995, and Regulation 3A, Part 1A of the Local Government (Administration) Regulations 1996, a Public Notice was provided in the following ways:

- Published on the Shire's website on 18 March 2026;
- Placed on a notice board at the Shire office;
- Published in the Chatter newsletter on 2 April 2026; and
- Posted on the Shire's Facebook page on 18 March 2026.

#### State

Nil

### **Legislative Implications**

#### State

- Dog Act 1976

Section 31(3A), Part 6, Division 1 of the Act provides the mechanism for a local government to designate an area as a 'dog exercise area' by an absolute majority decision of Council. Section 31(3A) states:

*'A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.'*

Prior to the above occurring, Section 31(3C), Part 6, Division 1 of the Act requires the local government to give public notice of its intention to specify a dog exercise area 28 days prior to specifying an area. This period of Public Notice will have been completed at the time of consideration of this report, and therefore the dog exercise area can be specified as such.

In addition, and should Council resolve to specify the subject area as a dog exercise area, Section 31(5) Part 6, Division 1 of the Act requires a local government to determine that the dog exercise area(s) specified are suitable and sufficient for the community's dog exercising needs. Section 31(5) states:

*'A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.'*

The lots created within Wildflower Ridge are typically no smaller than 2,500m<sup>2</sup> and so can be considered sufficient for the single purpose of exercising a dog contained within the property. It is acknowledged however, that dog exercise areas offer a space that is more than just a space for dogs, but act as a community meeting space with social benefits for local residents, and also the benefits of socialising dogs. It is therefore considered

that this proposed dog exercise area, in conjunction with the larger residential lots provided within the Estate is sufficient and suitable to service the local community.

This aspect of this matter will also form part of the officer recommended council resolution.

Notwithstanding the above, Council's previous community consultation on dog exercise areas has indicated that there is a broader demand for these facilities throughout other areas of the Shire, which will continue to be explored.

Local

Nil

**Policy Implications**

State

Nil

Local

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**

- Strategic Community Plan 2024-2034  
Community Aspiration: Community Aspiration 3  
Strategy: Strategy 3.3

Investing in infrastructure upgrades and enhancements that improve connectivity, accessibility, and quality of life for residents while minimising environmental impact. This includes upgrading roads, bridges, and transportation networks, expanding public transit options, and investing in green infrastructure such as parks and trails.

State

Nil

**Site Inspection**

Site inspection undertaken: Yes



Photo 1: March 2026 (EMDS)

**Environmental Consideration**

Environment consideration given: Yes.

The impact on the natural environment is expected to be negligible as the location of the dog exercise area is within the designated public open space.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk: Compliance</b> The dog exercise area needs to be designated to allow dogs off a lead, otherwise dogs will be in contravention of the <i>Dog Act 1976</i> .	Unlikely	Minor	Low	Designating the dog exercise area as such allows for dogs to be legally allowed off a lead.
<b>Opportunity:</b> To provide a safe and secure space for dogs to interact off a lead.				

**Officer Comment/Details**

A dog exercise area provides the community with an opportunity to socialise their dog with other dogs, and also creates a meeting space for community members themselves. The strong appetite for a dog exercise area in the Shire was realised following community consultation in 2024, however has not yet progressed due to budget constraints.

The development of the Wildflower Ridge POS with a dog exercise area was a result of community consultation and the negotiations between the Shire and the developer. The finalisation of the public open space is agreed to occur prior to the 31<sup>st</sup> May 2026 in accordance with a signed Community Infrastructure Agreement between the developer and the Shire. It is expected however, that the POS, including the dog exercise area may be open to the public earlier than 31<sup>st</sup> May 2026.

As the mandatory 28 day Pubic Notice period will have concluded at the time of this matter being considered by Council, it is recommended that Council specify the area identified in Attachment 1 to be a 'dog exercise area' pursuant to Section 31(3A) Part 6, Division 1 of the *Dog Act 1976* and determines that this 'dog exercise area' is sufficient for the district.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040426****Moved Cr Angus, seconded Cr Hughes****That Council by an ABSOLUTE MAJORITY:**

- 1. Specify the area within Reserve 54580 on Deposited Plan 426544 identified in Attachment 1 to be a 'dog exercise area' pursuant to Section 31(3A) Part 6, Division 1 of the *Dog Act 1976*.**
- 2. Specify that the 'dog exercise area' referred in Resolution 1 is, in the opinion of the Shire of Chittering, sufficient in number and is suitable for the exercising of dogs in the district.**

**CARRIED: 4 / 0**

TIME: 7.12PM

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes**AGAINST: Nil*

**DS03 – 04/26                      Application for Development Approval – 124 (Lot 607) Propagation View – Proposed Extension of Non-Conforming Use (Waste Transfer Facility)**

<b>Applicant</b>	Planning Solutions
<b>File ref</b>	A3263
<b>Author</b>	Senior Planning Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Planning Report 2. Schedule of Submissions 3. Amended Plans

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

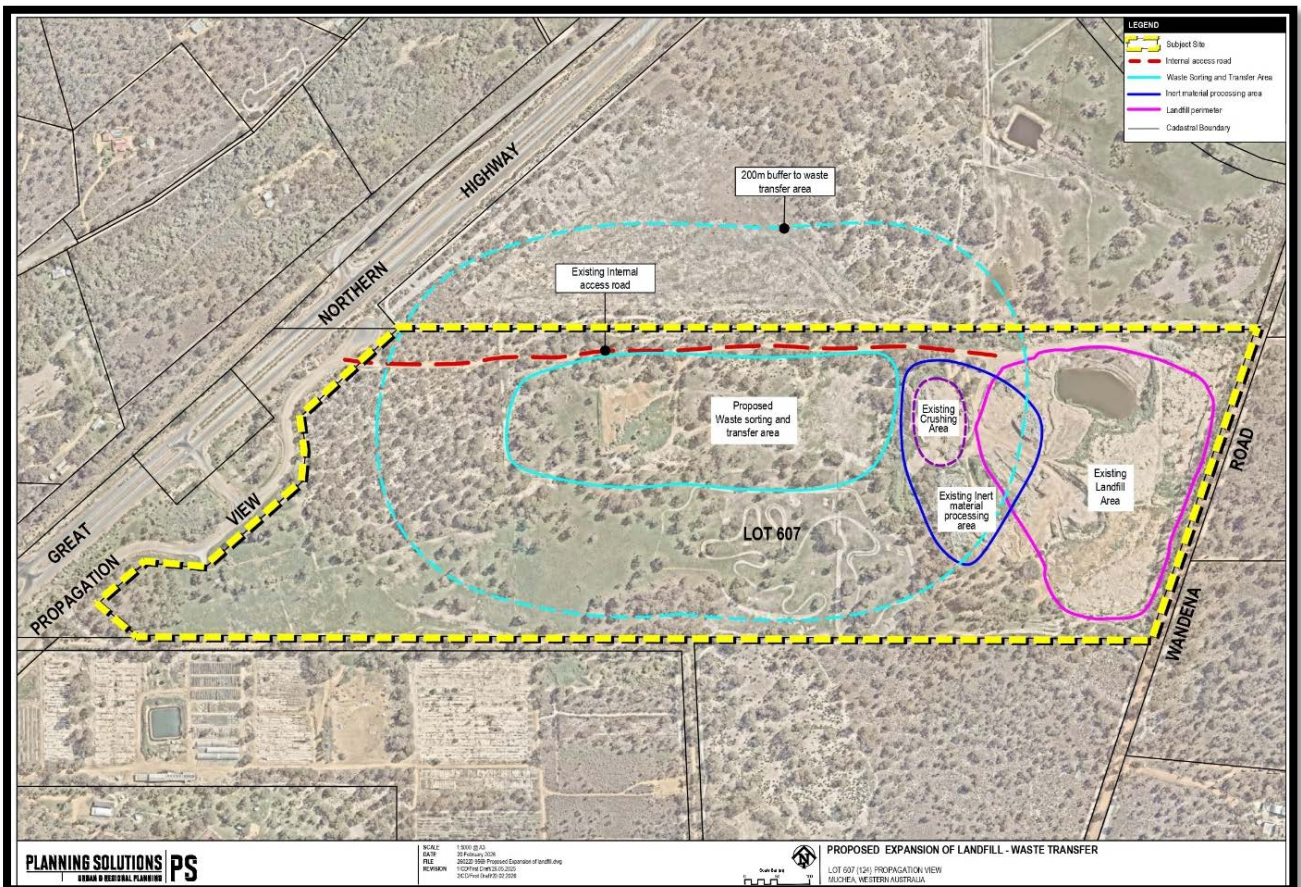
**Executive Summary**

Council is requested to consider an application for development approval at 124 (Lot 607) Propagation View, Muchea. The application is relating to the proposal of an extension of a non-conforming use for the purposes of a waste transfer facility. The application is required to be determined by Council due to an objection to the application being received during the advertising period.

Location Plan



Site Plan



## Background

An application for development approval was submitted to the Shire for the proposed extension of a non-conforming use for the purposes of a waste transfer facility at Lot 607 Propagation View, Muchea. Lot 607 is approximately 69.339 hectares in size and is zoned as Agricultural Resource. It is also located within the Special Control Areas of Landscape Protection, Military Considerations and Basic Raw Materials.

The property currently operates under a non-confirming use right for a 'landfill, recycling and crushing operation' and has approval to carry out these activities until 31 December 2032. This proposal is to extend the current landfill and waste processing and recycling activities to include a waste receiveal, sorting and transfer facility for Class II waste materials. Class II waste materials are typically considered to consist of a combination of construction and demolition (C&D) waste and commercial and industrial (C&I) waste, and comprises materials such as bricks, sand, timber, metal, plastics, textiles, paper and cardboard, and involve the separation of waste into waste streams, the processing of waste to develop road base for sale, and the transfer of sorted waste materials to recycling centres or landfill.

The property has previously been approved to operate as a landfill and recycling centre, which has been amended and/or extended on numerous occasions. A short summary of each listed approval for the existing landfill facility in the Shire's records is as follows:

- 2008 – Class I Landfill Site Approval
  - This approval was issued via the *State Administrative Tribunal (SAT)* for establishment of a construction and demolition recycling and inert landfill facility at the subject site.
- 16/07/2014: Two conditions of the 2008 approval were amended, however the 2008 approval was still the relevant approval.
- 17/12/2014: Amended approval was granted and now supersedes the 2008 approval.
- 18/07/2018: Amended approval (regarding time extension) was granted and now supersedes the 17/12/2014 approval.
- 13/03/2023: Amended approval (regarding additional time extension) was granted and now supersedes the 18/07/2018 approval.

The new facility is proposed to process approximately 20,000 tonnes of material per year. Waste is delivered to the site via road trains, carrying 40 tonnes per load, with two loads arriving daily (totalling 80 tonnes per day). The proposed transfer facility will be operated separately to the landfill, allowing the facility to be separately licenced and regulated by the Department of Water and Environmental Regulation.

The facility is proposed to operate from 7:00am to 5:00pm Monday to Friday and will be staffed by two personnel. On-site machinery includes one loader and one excavator, which are permanently stationed at the facility.

The application initially also proposed the operation of a screen and crusher operation (in addition to the crusher that is approved as part of the landfill operations). Due to objections received and the inability to comply with the minimum 1000m buffer to residential buildings, the application has removed the proposed crushing operation from the application.

A full copy of the application and all provided documentation and plans can be viewed in Attachment 1.

Shire officers were unsure if the application could be approved when it was submitted, due to the proposed activity likely being classed as being assessed under the land use of 'Waste Storage Facility' within the Shire of Chittering Local Planning Scheme No. 6 (LPS6). The applicant provided the argument that the new facility could be considered as an extension of the existing non-conforming use (and therefore capable of approval).

Due to this conflicting assessment of the proposed land use, Shire officers obtained legal advice to determine if the application could be considered as an extension of the non-conforming use. Whilst this will be discussed in further detail in the 'legislative implications' section, the legal advice obtained indicates the proposal is capable of being assessed as an extension of the non-conforming use currently on the property.

## 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 all surrounding landowners within a 1km radius of the proposed facility location for a period of 21 days. One submission was received in objection of the application. The objecting submission objected to the proposal on the grounds of:

- Concerns of vegetation clearing;
- Dust Concerns; and
- Noise concerns.

A copy of the adjoining landowner's submission is provided in Attachment 2 of this report, including the applicant's response to the concerns raised and the Shire officer's comments. The adjoining landowner's objections are addressed in detail in Attachment 2, and also within the 'Officer Comments' section of this report.

### State

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

- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH);
- Department of Local Government, Industry Regulation and Safety (LGIRS – formerly known as DMIRS);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Water and Environmental Regulation (DWER);
- Main Roads Western Australia (MRWA);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Biodiversity, Conservations & Attractions (DBCA); and
- Chittering Landcare.

DoH, MRWA, DPIRD, DPLH, DWER, DBCA and DFES provided a submission to the application, with all stating no objection to the application.

Chittering Landcare provided a submission to the application which requested further information regarding the application before providing a submission. The applicant provided the requested information and Chittering Landcare have provided a submission. This submission does not object to the proposal, however it highlights several points for consideration if Council are inclined to approve the application. This full submission can be viewed in Attachment 2 and will be discussed in further detail in the 'officer comments' section of this report.

No submission was received from LGIRS.

## Legislative Implications

### 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 discussed below:

#### *(c) any approved State planning policy*

State Planning Policy 2.5 – Rural Planning (SPP2.5) applies to this application. This will be further discussed in the 'Policy Implications' section of this report.

*(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.*

This application is considered to be compatible in relation to its setting and location, as the property currently operates an approved landfill facility. The compatibility of the development will be further discussed in the 'officer comments' section of this report.

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

As the site is an existing landfill site (and therefore the land has already been disturbed via the existing operations), it is considered an appropriate location for this waste transfer facility in order to mitigate overall vegetation impact within the Shire. This will be further discussed in the 'officer comments' section of this report.

*(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*

Any environmental compliance matters relating to the proposal are subject to compliance with DWER. DWER would be the responsible Government authority to ensure that the applicant is adhering to all appropriate environmental requirements. This will be further discussed in the 'officer comments' section of this report.

*(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

The applicant has provided a detailed site plan which indicates that mature trees within the proposed facility area will be preserved. This can be viewed in Attachment 3. The applicant is aware of their requirements to obtain a clearing permit from DWER if vegetation is required to be removed.

*(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

MRWA provided no objection to the application as the estimated traffic numbers of two loads per day (four truck movements total) are not expected to have an impact on the existing road network. A road maintenance contribution was considered, however as the adjoining Transport Depot at Lot 609, and the existing operations on Lot 607 are not required to provide a contribution cost, it would therefore not be reasonable to impose a contribution cost on the proposed business.

*(w) the history of the site where the development is to be located;*

As mentioned in the background section of this report, the property has an existing landfill facility and therefore it is not unreasonable to suggest that a waste transfer facility can be considered as an extension of this approved non-conforming use.

*(y) any submissions received on the application;*

Please refer to the 'Local Consultation' summary of this report.

#### Local

- Shire of Chittering Local Planning Scheme No. 6 – Land Use Permissibility

The proposal for a waste transfer facility was initially classed by Shire officers as fitting within the land use of 'Waste Storage Facility' within LPS6. This land use is defined as:

*“means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.”*

This land use is listed as an 'X' use within the Agricultural Resource zone, which means that the land use cannot be permitted to occur within the Agricultural Resource zone.

The applicant provided the rationale that the application should be assessed for approval as an extension to the existing non-conforming use that is approved on the property. The applicant provided the following rationale statement within their planning report:

*“The landfill was originally approved as a ‘land refuse centre’, being a use that was capable of being approved under LPS6 in the Agricultural Resource zone. LPS6 was amended in 2010 to prohibit the ‘land refuse centre’ land use in all zones, and while the land use categories were altered in 2019 the landfill use remains a prohibited use to this day. Accordingly, the landfill on the subject site has been a non-conforming use since 2010.*

*Clause 3.8 of LPS6 permits, regarding a non-conforming use, the continued use of any land or building for the purpose for which it was being lawfully used.*

*Clause 3.9 of LPS6 provides:*

*3.9.1 A person must not -*

- a) alter or extend a non-conforming use;*
- b) erect, alter or extend a building used for or in conjunction with or in furtherance of a nonconforming use; or*
- c) change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained Development approval under this Scheme.*

*3.9.2 An application for Development approval under this clause shall be advertised in accordance with clause 64 of the deemed provisions.*

*3.9.3 Where an application is for a change of use from an existing non-conforming use to another nonconforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended use of the zone.*

*Therefore a non-conforming use can be altered, it can be extended, and it can be changed to another nonconforming use (the latter subject to achieving clause 67(1)(a)(ii) of the deemed provisions).”*

For the full rationale statement from the applicant, please refer to the planning report in Attachment 1.

Shire officers obtained legal advice from the Shire’s solicitors (McLeods) to determine if the application could be assessed as an extension to a non-conforming use. The legal advice obtained stated that whilst the existing land use (landfill facility) and the proposed use of a waste transfer facility are separate land uses, this application can be viewed as an extension of the existing non-conforming use as it is for the same broad purpose(s) of the land use authorised by the original 2008 approval.

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.8 and 3.9

A non-conforming use is a use that was permitted when it was established but is no longer allowed due to changes in zoning or to a permissibility within a Local Planning Scheme. Clause 3.8 of LPS6 allows non-conforming uses to continue to operate when all required approvals were in place at the time of the change in zoning.

In this instance, it has been a change in permissibility in the Shire’s Local Planning Scheme No. 6. Scheme Amendment 65 introduced the new land uses of ‘Waste Disposal Centre, Waste Disposal Facility and Waste Storage Facility’ and listed these land uses as ‘X’ uses within the Agricultural Resource zone. As the existing landfill operations were approved in 2008, the facility is able to continue operating as a non-conforming use.

Clause 3.9 relates to the ability to extend a non-conforming use. In order to do so, development approval is required to be obtained from the Shire and the application is required to be advertised in accordance with Clause 64 of the Deemed Provisions.

As this has already been discussed in detail in the above section for land use permissibility, this will not be discussed further.

- Shire of Chittering Local Planning Scheme No. 6 – Special Control Area: Landscape Protection

There is a portion of Lot 607 which is located within the Special Control Area: Landscape Protection (SCA). This portion of the property within this SCA is located in the south-west corner of the property. As no part of this application is within this SCA, the requirements of this SCA are not required to be assessed.

- Shire of Chittering Local Planning Scheme No. 6 – Special Control Area: Military Considerations

The entirety of Lot 607 is located within the Military Considerations SCA, however as there is no major infrastructure proposed as part of this application, the application is compliant with the planning requirements of the Military Considerations SCA.

- Shire of Chittering Local Planning Scheme No. 6 – Special Control Area: Basic Raw Materials

The entirety of Lot 607 is located within the Basic Raw Materials SCA. The planning requirements for this SCA as per Clause 5.4.3 of LPS6 are:

***“Planning Requirements***

*Development approval is required to extend a dwelling or other building within the buffer area.*

*No new dwellings shall be approved within this buffer area.”*

As no dwellings or other buildings are proposed as part of this application, this aspect of the application is compliant.

**Policy Implications**

State

- State Planning Policy 2.5 – Rural Planning

This application triggers the requirement to apply State Planning Policy 2.5 – Rural Planning (SPP2.5) as it is an application for development approval on rural zoned land (or land zoned of a rural equivalent). Clause 5.11 of SPP2.5 applies to this application as the application is for a ‘regional facility’, this clause applies the following requirements to taken into account for assessment:

- “a) facilities should be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the proposal;*  
*b) facilities should contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;*  
*c) facilities should not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and*  
*d) facilities should be provided with essential services commensurate with the intended land use.”*

This application is compliant with the above requirements as the proposal will have access off of Propagation View, which directly connects to Great Northern Highway. Propagation View is constructed to a high standard which can accommodate the proposed truck movements of this proposal. The applicant has stated in the planning report that significant vegetation will be retained and that the landowner will obtain the relevant approvals if any vegetation is required to be removed after approval is granted (if Council choose to grant Development Approval). Any environmental factors of the application aside from potential vegetation removal are the responsibility of DWER to enforce compliance on the applicant. Any failure to comply with any approvals from DWER would result in DWER undertaking appropriate compliance action. The facility will be well screened from the Great Northern Highway due to the existing topography and vegetation present on the property. The proposal will utilise the existing essential services of the landfill site and does not require any further infrastructure.

Clause 5.12.1 of SPP2.5 outlines the required buffer distances of a range of land uses that may generate off-site impacts. The original proposal which included a crushing facility would have to adhere to the buffer distances of 200m (waste depot) and 1000m (crushing of building material). Shire officers queried the 1000m buffer distance as it was likely that several residential dwellings would be within this 1000m buffer. As a direct result, the applicant has withdrawn the crushing of building materials from this application and will only use the existing crushing facilities on site (which were approved as part of previous landfill approvals). The

application now only requires a 200m buffer from sensitive land uses, and as there are no sensitive land uses within 200m this aspect of the application is now compliant.

Shire officers are satisfied that this application is compliant with SPP2.5.

- State Planning Policy 3.7 - Bushfire

This proposal does not require the application of State Planning Policy 3.7 – Bushfire (SPP3.7) as there is no habitable buildings proposed. SPP3.7 was amended in November 2024 to no longer require the enforcement of this policy to industrial or commercial developments which do not involve habitable buildings. DFES confirmed this with their submission of the application.

Local

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: S3.1 – Integrated Planning and Design

Strategic Objectives: Adopting integrated land-use planning and design principles that prioritise both development and conservation goals.

### **Site Inspection**

Site inspection undertaken: Yes – March 2026

A site inspection was undertaken in March 2026 with Shire officers, the applicant and a staff member of the existing landfill operations. During the site visit, the applicant and staff member of the landfill showed Shire officers where the proposed waste transfer facility will occur. The proposed area is a large area void of any remnant vegetation due to the previously approved extractive industry for sand and gravel extraction. The extractive industry was approved in 2015, however is no longer operational. The licence holder of the extractive industry did not complete the rehab of the site before vacating the site, which has left several 'pits' unfilled. The landowner of Lot 607 has begun rectifying the open pits by obtaining clean fill and filling these voids to bring the pits in line with the natural contours of the property. The proposed site location can be seen in the images below:



**Image 1: Proposed Waste Transfer Facility Location (Senior Planning Officer, March 2026)**



**Image 2: Proposed Waste Transfer Facility Location (Senior Planning Officer, March 2026)**



**Image 3: Vegetation to be Retained and Excluded from Site Area (Senior Planning Officer, March 2026)**



**Image 4: Example of 'Open Pit' being filled in by landowner (Senior Planning Officer, March 2026)**

### Environmental Consideration

Environment consideration given: Yes

Environmental Consideration has been given to this application and the applicant has confirmed that no vegetation is required to be removed for the purposes of the waste transfer facility. The landowner has also taken the initiative to rectify the unrehabilitated land left by the extractive industry licence holder, with the aim to return the land back to agricultural land once the landfill operations cease.

### Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment: Environmental Damage</b>	Moderate	Rare	Low	DWER approvals will enforce conditions to ensure the environment is protected. DWER will also act as the enforcing agency on any compliance matters that may arise.
<b>Opportunity:</b> To protect the local environment.				

### Officer Comment/Details

This application is for the proposed extension of a non-conforming use for the purposes of a waste transfer facility at Lot 607 Propagation View, Muchea. As such, there are several key elements of this application which require further investigation into. These matters will be further explained below.

### Compatibility of the Site

As previously discussed in the 'Legislative Implications' section of this report, Shire officers were concerned with the ability to consider the proposal as it was likely that the application would fit within the land use 'Waste Storage Facility' (which cannot be permitted within the Agricultural Resource zone), however after Shire officers obtained legal advice regarding the matter, it was confirmed that the application can be considered as an extension of a non-conforming use. As such, an assessment is to be made to determine if the newly proposed waste transfer facility is compatible with the current use of the site.

As mentioned in the 'background' of this report, the site currently operates as a landfill centre (construction and demolition waste) and has continued to operate since approval was obtained in 2008. The landfill site is currently permitted to operate until 31 December 2032 to ensure that the landfill can be filled and then restored back to pastoral land.

The site was granted development approval in 2015 for an extractive industry for two stages for the extraction of sand and gravel. Stage 1 of the proposed excavation was approved in 2016 for a period of five years. Stage 2 of the proposed extraction area never occurred and no further land extraction has occurred since. As part of the rehabilitation plan for the extractive industry, the licence holder appears to have begun the rehabilitation program of Stage 1, however it does not appear that this rehabilitation was completed. As such, the landowner is currently undergoing remediation works to rectify the portion of the land which was disturbed by this extractive industry in order to utilise the space for the proposed waste transfer facility and then also return it to pastoral land at the cessation of operations in December 2032. Shire officers have recommended a condition be placed on the approval (if Council choose to do so) which requires an amended rehabilitation program be submitted to the Shire which encapsulates the activities of the existing landfill and the proposed waste transfer facility.

The proposed waste transfer facility will develop a staging area for the receipt of Class II construction and demolition (C&D) waste and commercial and industrial (C&I) waste, and comprises materials such as bricks, sand, timber, metal, plastics, textiles, paper and cardboard, the separation of waste into waste streams, the processing of waste to develop road base for sale, and the transfer of sorted waste materials to recycling centres or landfill.

Sand, bricks and rubble will be extracted from the C&D waste stream and wood, metal and plastics extracted from the C&I waste stream. The remaining waste will be the residual waste (everything else within the waste stream). Sand will be screened out and the bricks and rubble will be crushed to produce a recycled product (road base) for sale. Recyclable materials will be sent to downstream recyclers. Waste residue will be sent to landfill. All waste delivered to site will, after sorting and processing be removed from site. There will be no accumulation of waste or recyclable materials on site.

As there is an existing landfill on site, and as the proposed development area is already considered as disturbed from the previous extractive industry operations, Shire officers believe that the proposed development is considered appropriately compatible with the site as it will not require any vegetation to be further disturbed and any potential impacts of the proposal will be absorbed by the operation of the existing landfill.

### **Adjoining Landowner Objection and Environmental Concerns**

As the application received an objection, this application is required to be determined by Council. The full submission can be viewed in Attachment 2, along with the Shire officer comments to each specific aspect of the submission.

The objecting submission relates to the potential environmental impacts that this new development can cause, with concerns of increased pollution risk to the local environment and waterways. Whilst Shire officers are aware of the potential risks that the proposed development can create, this falls under the jurisdiction of the Department of Water and Environmental Regulation (DWER). The applicant is aware that they are required to obtain the Shire's and DWER's approval before they can be permitted to operate the proposed facility.

DWER are also the governing body who will monitor the applicant and ensure they are compliant with any licence that is granted (if one is granted) and as such, any conditions of approval. The Shire does not have the ability to ensure ongoing compliance with any DWER licence issued, however if any complaints were received to the Shire, it would be the duty of Shire officers to notify DWER of any potential breach that may have occurred. However, this is not a valid reason for refusal of the application as these concerns could only potentially occur after the operations have begun.

The submission also expressed concern about the proposed additional crushing facility and the potential increased noise and dust emissions that may occur. As mentioned previously throughout this report, the proposed crushing facility has been removed from this application by the applicant to alleviate the concern. Whilst it has not been explicitly stated by the applicant, it is expected that the existing crusher on site (as part of the landfill operations) will be used when necessary for the waste transfer facility. This existing crusher is required to adhere to the conditions of the current landfill approvals and as such is subject to a 'Noise Management Plan' (NMP). The applicant will be required to ensure that the increased use of the existing crusher remains compliant with the NMP and will not cause a nuisance to neighbouring properties.

Vegetation removal is another concern outlined within the submission, however the applicant is aware that no vegetation is permitted to be removed as part of this application, and that approval from the Shire and a clearing permit from DWER will be required if they do wish to remove vegetation at a later date.

The proposed waste transfer facility will operate in an area of the property which was previously disturbed by the extractive industry operations and will therefore not require any further vegetation to be impacted on the land. The proposal is to hardstand approximately 64,000m<sup>2</sup> of land which is clear of vegetation in order to accommodate for the activities of waste receipt, sorting and transfer and vehicle circulation without impacting any of the existing trees. The applicant has stated that trees within this proposed hardstand area will provide additional shade and amenity for the workers of the facility. This proposed hardstand area can be viewed in Attachment 3.

Overall, Shire officers believe that the application is consistent with the relevant planning framework and is capable of being approved as an extension to the non-conforming use operating on the subject site.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050426**

Moved Cr Curtis, seconded Cr Angus

That Council grants Development Approval for a proposed extension of a non-conforming use (Waste Transfer Facility) on Lot 607 (RN 124) Propagation View, Muchea subject to the following conditions:

1. This development approval hereby supersedes the previous development approval (P201/14) granted for the subject property dated 13/03/2023.
2. All development shall be in accordance with the approved plans.
3. This development approval shall be valid until 31 December 2032.
4. The approved landfill facility may only operate between the hours of 7am and 4pm, Monday to Saturday.
5. The waste transfer facility is only permitted to operate between the hours of 7am and 5pm, Monday to Friday.
6. Prior to the operation of the proposed business, the applicant is to prepare, submit and implement an Environmental Management Plan for the life of the approval to the satisfaction of the Shire which provides information regarding:
  - a. Dieback management;
  - b. Public health risk assessment; and
  - c. Biosecurity management.
7. Prior to the operation of the proposed business, the applicant is to prepare, submit and implement for the life of the approval a Noise Management plan to the satisfaction of the Shire.
8. Prior to the operation of the proposed waste transfer facility the existing management plans as part of the existing landfill operations shall be updated, submitted and implemented for the life of the approval to the satisfaction of the Shire. The management plans which require updating are:
  - a. Dust Management Plan;
  - b. Fire Management Plan;
  - c. Refuelling Management Plan;
  - d. Stormwater and Surface Water Management Plan;
  - e. Rehabilitation Plan; and
  - f. Noise Management Plan.
9. Access to the site shall be from Propagation View only.
10. Prior to the operation of the proposed waste transfer facility, an asbestos management plan shall be prepared, submitted and approved by the Shire for the dealing of asbestos that may enter the site and is to be implemented for the life of the approval.
11. All vehicle loads entering and leaving the site shall be appropriately covered to prevent the spread of material and dust to the satisfaction of the Shire.
12. The intended access road shall be maintained to a suitable standard to ensure safety and minimise dust emissions from machinery and traffic to the satisfaction of the Shire.
13. The operator shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste originating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.
14. All:
  - a. Putrescible waste delivered to the site be removed within 48 hours;
  - b. Material unsuitable for onsite burial or processing to be removed within 48 hours; and
  - c. Material processed onsite to be removed within 180 days of its arrival on-site and recycled or deposited at an appropriate facility.
15. The entire development shall be fenced off and maintained in a condition so as to prevent illegal access and unauthorised dumping of waste to the satisfaction of the Shire.
16. The existing landfill and approved waste transfer facility shall be suitably screened from any public roads and/or adjoining lot boundaries to the satisfaction of the Shire.
17. The applicant shall amend the approved Rehabilitation Plan and implement this for the life of the approval to the satisfaction of the Shire. Upon cessation of the landfill and waste transfer facility operations, the Rehabilitation Plan shall be fully implemented to the satisfaction of the Shire within 12 months of the cessation occurring.
18. Crushing facilities are only to occur within the existing landfill location as indicated on the approved plans.

19. The approved De-Watering Resource Study shall be maintained for the life of the approval to the satisfaction of the Shire.
20. All landfill operations shall be contained to the areas identified on the approved plans for such purpose to the satisfaction of the Shire.
21. The existing landfill operations shall be carried out in accordance with the approved Stage Landfilling Plan at all times to the satisfaction of the Shire.
22. A report shall be submitted annually to the Shire that includes:
  - a. The progress of the landfill activity;
  - b. Surface water capture and reuse;
  - c. Progress and landfill/recycling;
  - d. Contingency actions and outcomes; and
  - e. Community complaints and responses.
23. The approved Environment Assessment and Management Plan dated 30 November 2017 shall be maintained at all times to the satisfaction of the Shire.
24. Appropriate signage located prior to entering the property shall be maintained to the satisfaction of the Shire advising that the landfill is not open to the public.
25. No vegetation shall be removed in conjunction with the development and operation of the waste transfer facility at any time, unless otherwise approved by the Shire.

#### ADVICE NOTES

1. The development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
4. The applicant is advised that a portion of Lot 607 is located within a Landscape Protection Area under the Shire of Chittering Local Planning Scheme No. 6. All proposed future development including earthworks on Lot 607 may require the Development Approval from the Shire prior to it commencing.
5. The applicant is advised that the clearing of native vegetation may require approval from the Department of Water and Environmental Regulation (DWER). DWER can be contacted on (08) 6364 7000 for more information.
6. Lot 607 is located within a Military Considerations (RAAF) Special Control Area, as defined by Local Planning Scheme No. 6, and may be subject to significant levels of aircraft noise.
7. The applicant is advised of the requirements to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
8. The applicant is advised of the requirements to obtain/update the necessary works approval/licence from the Department of Water and Environmental Regulations prior to the continuation of the landfill operations.
9. In regards to Condition No. 6, the applicant is required to include details regarding a public health risk assessment to determine if emissions and associated public health risks can be managed. The applicant is also required to include details regarding biosecurity management which covers how the facility will manage the risk of pests, weeds and diseases and overall demonstrate compliance with the Biosecurity and Agriculture Management Act 2007.
10. In regards to Condition No. 8, all management plans which require updating are to be updated to reference the existing landfill operations and the proposed waste transfer facility.
11. In regards to Condition No. 10, the applicant is advised that any DWER works approval issued for the property will restrict asbestos entering the site and the asbestos management plan is to detail the safe removal of asbestos from the site should any be found in loads of landfill that are brought to the site.

12. The only waste permitted to be buried on site is 'inert waste' comprising 'construction and demolition waste' as prescribed by a Department of Water and Environmental Regulation Works Approval. No putrescible waste is to be in material landfilled on the site.
13. In regards to Condition No. 16, the applicant shall ensure that the landfill and waste transfer facility operations are suitably screened from public roads or adjoining landowners. This may be undertaken via bunding with the planting of the relevant native vegetation species or by utilizing existing vegetation and sight lines to ensure the operations do not create a visual impact.
14. In regards to Condition No. 17, the updated rehabilitation plan shall be updated to include the existing landfill operations, the approved waste transfer facility and the previously approved extractive industry areas. Upon cessation of the landfill and waste transfer facility operations, all areas must be appropriately rehabilitated within 12 months.
15. In regards to Condition No. 18, no crushing facilities are to occur within the approved area marked for the waste transfer facility. All crushing facilities are to remain within the existing landfill operations area.

**CARRIED: 3 / 1**

TIME: 7.16PM

FOR: Cr Dewar, Cr Angus, Cr Curtis

AGAINST: Cr Hughes

**TECHNICAL SERVICES**

Nil

**CORPORATE SERVICES**

CS01 – 04/26

**List of Accounts Paid for the Period Ending 31 March 2026**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-122828
<b>Author</b>	Finance Officer - Accounts
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. List of Accounts Paid as at 31 March 2026 or other purchasing cards

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

**Executive Summary**

To present the list of accounts paid by the Chief Executive Officer under delegated authority for the period ending 31 March 2026.

To present the List of Payments made by authorised employees using credit, debit and other purchasing cards for the period ending 31 March 2026.

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**State

Nil

Local

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 2025-2026 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 31 March 2026" is presented to Council, inclusive of payments made using credit, debit or other purchasing cards.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060426**

Moved Cr Angus, seconded Cr Curtis

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,281,386.47, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 March 2026:

1. PR7061, PR7064;
2. EFT29929 – EFT30059;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

**CARRIED: 4 / 0**

TIME: 7.19PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**CS02 – 04/26 Monthly Financial Report for the Period Ending 31 March 2026**

<b>File ref</b>	SOCR-1845402348-122827
<b>Author</b>	Finance Manager
<b>Authorised by</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 31 March 2026

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

**Executive Summary**

Council is requested to consider the financial statement for the period ending 31 March 2026.

**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 2025/26 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”*

**Consultation/Communication Implications**

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

**Legislative Implications**State

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

Local

Nil

**Policy Implications**Local

Finance Policy 2.1 Investment of Funds

**Financial Implications**

Nil

**Strategic Implications**

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

Council adopted the Annual Budget for the 2025/26 financial year on 18 June 2025 (Resolution 070625). The figures in this report are compared to the Adopted Budget.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070426****Moved Cr Hughes, seconded Cr Angus**

**That Council receives the Monthly Financial Report for period ending 31 March 2026, as per Attachment 1.**

**CARRIED: 4 / 0**

TIME: 7.20PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

<b>CS03 – 04/26</b>	<b>Disability Access and Inclusion Plan</b>
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-40105
<b>Author</b>	Community Facilities Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Disability Access and Inclusion Plan 2026-2030

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

### Executive Summary

Council is requested to adopt the Disability Access and Inclusion Plan 2026–2030 (Attachment 1) in accordance with the requirements of the Western Australian *Disability Services Act 1993, Part 5 “Disability Access and Inclusion Plans by public authorities”*.

### Background

Since 1995 it has been a requirement under the *Disability Services Act 1993* (the Act) that all public authorities prepare and implement a Disability Access and Inclusion Plan. The Act requires that all public authorities lodge a Disability Access and Inclusion Plan with the Office of Disability (located within the Department of Communities). Local Governments are required to report on their Disability Access and Inclusion Plan in their Annual Reports. The Shire's current Disability Access and Inclusion Plan 2023-2026 expires on 30 June 2026, and a new plan has been developed for the period 2026–2030.

As part of International Day of People with Disability, the Shire received funding from the Department of Communities to host a community morning tea aimed at raising awareness and promoting inclusion for people with disability. A key outcome of the event was to bring together community members to form a Disability Access and Inclusion Focus Group. This group will provide lived-experience input, ensure diverse voices are heard, and support the ongoing implementation and monitoring of the Shire's Disability Access and Inclusion Plan.

### Consultation Summary

#### Local

The Disability Access and Inclusion Plan review was advertised to the public via local newspaper, the Shire of Chittering website, social media, direct email to community groups, and digital noticeboards from February to March 2026.

Following this public consultation period, a *Draft Disability Access and Inclusion Plan* was presented to the Shire's Disability Access and Inclusion focus group on Tuesday, 10 March 2026. Feedback received was incorporated into the final document prior to submission to Council.

### State

The Office of Disability reviewed the Draft Disability Access and Inclusion Plan 2026–2030 and provided comments and recommendations, which have been incorporated into the final document.

### **Legislative Implications**

#### State

- *The Western Australian Disability Services Act 1993*
- *The Commonwealth Disability Discrimination Act 1992*
- *The Equal Opportunity Act 1984*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

- 3.6 Equal Employment Opportunity

### **Financial Implications**

#### Internal budget

In the event that funding is required to deliver projects a budget will be proposed and requested through existing budget processes. Partnerships and funding opportunities outside budget will be sought to deliver projects where appropriate.

#### Total Asset Management

The Shire owned facilities may be upgraded and renovated to comply with universal standards that will also be applied to all future built environment and other infrastructure projects.

### **Strategic Assessment / Implications**

#### Local

- *Council Plan 2026-2036*

Outcome:	Communities Connected An enriched community life that reflects the diverse identities of the different areas that make up the Shire.
Strategic Objectives:	Engage, educate and collaborate with the community to support celebration, events and shared experiences.
Looking Forward:	Ensuring residents remain informed, prepared and supported.

#### State

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequences</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>Project (Time):</b> Project delays due to public submissions and document amendments. Final document must be sent to the Department of Communities.	Possible	Minor	Moderate	Continue to keep Department of Communities informed of any delays and associated progress in the finalisation of the Disability Access and Inclusion Plan.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

An Implementation Plan identifying initiatives to address the seven outcome areas has been developed and is included within the Disability Access and Inclusion Plan (Attachment 1).

Progress against the Plan will be reported annually to the Office of Disability (located within the Department of Communities) and to Council (typically in July/August each year).

Council is therefore requested to adopt the Disability Access and Inclusion Plan 2026–2030.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080426**

**Moved Cr Curtis, seconded Cr Angus**

**That Council:**

- 1. Adopt the Disability Access and Inclusion Plan 2026–2030, as provided in Attachment 1, in accordance with the requirements of the *Disability Services Act 1993*.**
- 2. Authorise the Chief Executive Officer to:**
  - a. Submit the adopted Disability Access and Inclusion Plan 2026–2030 to the Office of Disability (located within the Department of Communities); and**
  - b. Undertake minor administrative amendments to the Plan where required, provided they do not alter the intent of the document.**
- 3. Note that:**
  - a. Progress against the Plan will be reported annually to the Office of Disability.**
  - b. Progress reports will also be presented to Council on an annual basis.**
  - c. Implementation of actions within the Plan will be subject to:**
    - i. Availability of funding through the Shire’s annual budget process; and**
    - ii. Identification of external funding opportunities and partnerships where appropriate.**

**CARRIED: 4 / 0**

TIME: 7.23PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**CS04 - 04/26****Budget Variation**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-70369
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Site Location Plan – Proposed Water Tank 2. Existing Tank Condition Photographs

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

**Executive Summary**

Council is requested to approve budget variations in accordance with s6.8 of the *Local Government Act 1995* (WA) to reallocate funds within the 2025/26 Annual Budget.

**Background**

During the financial year, it is sometimes necessary to amend the adopted budget to respond to operational needs, project opportunities, or changes in delivery priorities.

s6.8 of the *Local Government Act 1995* requires that any expenditure not included in the annual budget be authorised by Council resolution.

A number of budget adjustments have been identified to support priority projects and ensure the efficient allocation of available resources. These adjustments are detailed within the Officer Comment section of this report.

**Consultation Summary**Local

Internal consultation has occurred with relevant officers regarding budget availability and project suitability.

State

Nil

**Legislative Implications**State

- Local Government Act 1995 (WA)
  - s6.8 – Expenditure from municipal fund, not included in annual budget

Local

Nil

**Policy Implications**State

Nil

Local

Nil

**Financial Implications**

The proposed budget variation involves the reallocation of funds between existing budget line items.

The variations are budget-neutral overall and do not result in any net increase or decrease to the Shire's adopted budget.

All reallocated funds are available within existing budget provisions and have been reviewed to ensure no impact on other planned activities.

**Strategic Assessment / Implications**Local• Strategic Community Plan 2024-2034

Community Aspiration: Community Aspiration 3

Strategy: Strategy 3.3 – Infrastructure Investment and Enhancement

*Investing in infrastructure upgrades and enhancements that improve connectivity, accessibility, and quality of life for residents while minimising environmental impact. This includes upgrading roads, bridges, and transportation networks, expanding public transit options, and investing in green infrastructure such as parks, and trails.*

Community Aspiration: Community Aspiration 4

Strategy: Strategy 4.2 – Investing in Tourism Infrastructure

*Enhancing and developing tourism infrastructure such as accommodation and recreational facilities and investing in amenities that enhance the overall appeal of the Shire.*

Community Aspiration: Community Aspiration 5

Strategy: Strategy 5.2 – Responsible Financial Management

*Adopting responsible financial management practices, including budgeting, expenditure tracking, and fiscal oversight. This involves developing long-term financial plans, maintaining balanced budgets, and implementing internal controls to safeguard public funds.*

State

Nil

**Site Inspection**

Site inspection undertaken: Yes

The Bindoon Mountain Bike Park site has been identified as suitable for the installation of a shelter structure to support users and visitors.

**Environmental Consideration**

Environment consideration given: Yes

The proposed works are minor in nature and are not expected to result in significant environmental impacts. Any construction will be undertaken in accordance with standard environmental management practices.

### Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Financial:</b> Misallocation or overspend of funds	Unlikely	Minor	Low	Budget variation approval process; standard financial controls
<b>Project:</b> Delays in construction or cost overruns	Possible	Minor-Moderate	Moderate	Project planning, procurement controls and contractor management
<b>Reputation:</b> Perception of misalignment with original funding purpose	Unlikely	Minor	Low	Clear justification linking project to economic development outcomes
<b>Asset Failure:</b> Existing water tanks fail	Possible	Moderate	Moderate	Replacement with new tank; relocation to strategic site.
<b>Opportunity:</b> The proposed budget variations enable the efficient use of available funds, support priority projects, and enhance service delivery outcomes across the Shire.				

### Officer Comment/Details

The proposed budget variations represent a pragmatic and strategic reallocation of funds within the current financial year to ensure resources are aligned with operational priorities and project delivery requirements.

#### Budget Variation 1 – Shearing Shed Shelter (Bindoon Mountain Bike Park)

An allocation of funds currently exists within the Economic Development Projects budget, originally intended to support the development of the Economic Development Strategy, Tourism Action Plan, and local business support initiatives.

These initiatives have largely been delivered internally, resulting in an unspent balance of approximately \$24,000 for the current financial year.

An opportunity has been identified to utilise these funds to construct a Shearing Shed Shelter at the Bindoon Mountain Bike Park.

The inclusion of the Shearing Shed–style structure reflects the rural identity and agricultural heritage of the Shire of Chittering and is consistent with the original use of the land on which the mountain bike park was built, which was farming. The overall theme of the park has been intentionally developed to acknowledge and celebrate this history, reinforcing a strong sense of place and local character.

The Shearing Shed has formed part of the park concept from the outset and was designed to be located adjacent to the trail of the same name. The Shearing Shed Loop provides an established link between the walking trail network and the summit of the hill where the public toilet is located. The installation of the Shearing Shed–style structure at this location will complete this section of the park as originally intended, reinforcing trail legibility and enhancing the overall user experience.

While the adopted park plans make provision for several shelters, none have been constructed to date, despite the Bindoon Mountain Bike Park having been open to the public since March 2024. As a result, there is currently no sheltered location within the park where cyclists or walkers can rest or take respite. The Shearing Shed–style structure would address this gap by providing the only sheltered seating opportunity within the park, while also delivering a built outcome that aligns with the original design intent.

Collectively, this approach supports the Shire’s strategic intent to deliver functional infrastructure that aligns with local character, enhances visitor amenity, and contributes to a distinctive and locally relevant recreation destination for both residents and visitors.

Most of the material for the shed has been donated, however building any structure for public access requires new materials for the structural integrity of the facility, and this portion of the works needs to be funded.

**Budget Variation 2 – Replacement of Water Tanks (Brindle Close / Sandalford Drive & Maddern Road)**

Provision was made in the 2025/26 budget under Service Contracts for \$8,000 to undertake repairs to two existing 30,000 litre concrete water tanks located on the hill at Brindle Close.

Further assessment has identified that the tanks are in poor condition, with rusted fittings that are fragile and at risk of failure. There is also concern that attempting repairs may result in further damage to the concrete structure, reducing the reliability and lifespan of the assets.

Given these risks, it is proposed that rather than undertaking reactive repairs, the Shire install a new 100,000 litre steel water tank at a more suitable and strategic location at the corner of Sandalford Drive and Maddern Road.

The proposed works include:

- supply and installation of a new steel water tank (estimated \$15,000); and
- site preparation works (estimated \$5,000).

Funding is proposed to be reallocated from within the existing budget, which has an original allocation of \$115,000, with approximately \$50,000 currently unspent. A total of \$20,000 is proposed to be transferred to capital expenditure for the new installation.

The existing concrete tanks will be decommissioned and made redundant, with any further works or removal to be considered as part of the 2026/27 budget once the new infrastructure is operational.

This approach represents a more sustainable and risk-averse solution, ensuring reliable water infrastructure while avoiding ongoing maintenance issues associated with ageing assets. The relocation to a strategic site also improves accessibility and long-term serviceability of water infrastructure.

Overall, the proposed variations ensure that available funds are utilised effectively within the current financial year and support the delivery of projects that provide tangible community and economic benefits.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090426**

Moved Cr Hughes, seconded Cr Angus

That Council, by an **ABSOLUTE MAJORITY**:

1. Approves budget variations in accordance with s6.8 of the *Local Government Act 1995 (WA)* as detailed below:
  - a. Budget Variation 1 – Shearing Shed Shelter (Bindoon Mountain Bike Park)
    - i. Decrease Economic Development Projects by \$24,000; and
    - ii. Increase Bindoon Mountain Bike Park Capital Project by \$24,000.
  - b. Budget Variation 2 – Replacement of Water Tanks
    - i. Decrease Service Contracts by \$20,000; and
    - ii. Increase capital expenditure for water infrastructure by \$20,000.
2. Authorises the Chief Executive Officer to undertake all actions necessary to implement the above budget amendments.

**CARRIED: 4 / 0**

TIME: 7.25PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**CHIEF EXECUTIVE OFFICER**

CEO01 – 04/26

**Work Health and Safety Statistics Report – March 2026**

<b>Applicant</b>	N/A
<b>File ref</b>	SOCR-1845402348-258
<b>Author</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. WHS Statistics Report – Monthly March 2026 2. WHS Statistics Report – 3rd Quarterly January – March 2026

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

**Executive Summary**

Council is requested to receive the Shire of Chittering’s Work Health and Safety Statistics Report for the month ending March 2026 and the 3rd Quarter January 2026 – March 2026.

**Background**

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

**MOTION / COUNCIL RESOLUTION 231121**

*Moved Cr King, seconded Cr Angus*

*That:*

1. *“The Shire of Chittering” adopts the following position statement: “Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council”.*
2. *Council requires the Chief Executive Officer to provide a quarterly report (February (previous quarter), April, July and October of each calendar year) of the following key safety performance indicators (KPI’s) for the Shire workforce and contractors; including but not limited to:*
  - a. *Number of safety observations;*
  - b. *Number of safety audits and inspections;*
  - c. *Number of working hours (total, workforce and contractors)*
  - d. *Number of training hours;*
  - e. *Number of toolbox talks;*
  - f. *Number of equipment breakdowns;*
  - g. *Average overtime per person by department.*

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

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

### Consultation Summary

#### Local

Nil

#### State

Nil

### Legislative Implications

#### State

- Work Health and Safety Act 2020

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

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

### Financial Implications

Nil

### Strategic Assessment / Implications

#### Local

#### d) Strategic Community Plan 2024-2034

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

#### State

Nil

### Site Inspection

Not applicable

### Environmental Consideration

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100426**

Moved Cr Angus, seconded Cr Hughes

That Council receive the Shire of Chittering Work Health and Safety Statistics Report for the month ending March 2026 which includes:

1. Monthly Report for March 2026
  - a) Statistics
  - b) Near Miss, Incident and Damage Report
  - c) WHS Training
  - d) Site Inspections
  - e) Safety Observations
2. 3rd Quarter Report January 2026 – March 2026
  - a) Working hours
  - b) Average overtime per person by department
  - c) Training hours
  - d) Toolbox Talks
  - e) Equipment Breakdown

**CARRIED: 4 / 0**

TIME: 7.27PM

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes**AGAINST: Nil*

<b>CEO02 – 04/26</b>	<b>Privacy and Responsible Information Sharing (PRIS)</b>
<b>File ref</b>	SOCR – 1845402348-111635
<b>Author</b>	Manager Governance and Corporate Performance
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. PRIS Governance &amp; Compliance Framework</li> <li>2. PRIS Policy</li> <li>3. Information Handling and Data Breach Policy</li> </ol>

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

### Executive Summary

Recent changes to the Privacy and Responsible Information Sharing (PRIS) legislative framework introduced new obligations for local governments in relation to the collection, use, storage and sharing of information.

To ensure compliance with these requirements, the Shire has undertaken a structured review of its governance arrangements and has developed a suite of documents to support lawful, transparent and responsible information management practices.

This report seeks Council's consideration of the PRIS Governance & Compliance Framework and adoption of two supporting policies:

- Privacy and Responsible Information Sharing (PRIS) Policy; and
- Information Handling and Data Breach Policy.

While both policies relate to information governance, they address distinct and complementary functions.

The PRIS Policy deals specifically with lawful information sharing under Part 5A of the *Children and Community Services Act 2004 (WA)*. It establishes Council's governance position on when information may be shared for wellbeing or safety purposes, and outlines the accountability and decision-making thresholds that must be met before information is disclosed under PRIS.

In contrast, the Information Handling and Data Breach Policy governs how all information is collected, stored, accessed, protected and managed throughout its lifecycle, and how information or data breaches are identified, assessed and responded to, whether PRIS applies or not.

Separating these policies ensures a clear distinction between:

- when information may be lawfully shared; and
- how information must be protected and managed operationally.

This separation strengthens governance, reduces ambiguity, and supports legal defensibility by clearly distinguishing policy-level decision-making from operational controls.

Together, the PRIS Governance & Compliance Framework and the two policies establish a structured and aligned approach to information governance, consistent with statutory obligations and good governance practice.

The purpose of this report is to:

- Inform Council of the introduction of the PRIS legislative requirements;
- Outline the actions undertaken by the Shire to address compliance;
- Seek Council adoption of the PRIS Policy and the Information Handling and Data Breach Policy; and
- Confirm implementation and ongoing compliance arrangements.

### **Background**

The PRIS legislative framework establishes requirements for responsible information sharing, privacy protection and data breach management across public sector organisations, including local governments.

Under the legislation, the Shire has obligations to:

- Ensure personal and sensitive information is collected, used, stored and disclosed lawfully and securely;
- Establish appropriate governance, accountability and oversight arrangements;
- Maintain policies and procedures to support responsible information sharing; and
- Respond appropriately to information incidents and data breaches.

Council has a governance and oversight role in ensuring the organisation meets its statutory obligations and appropriately manages information-related risks.

### Current Position

To bring the organisation up to date with PRIS requirements, the Shire has undertaken the following actions:

- Developed a PRIS Governance and Compliance Framework outlining oversight, accountability and assurance arrangements;
- Developed a PRIS Policy to articulate the Shire's commitment to responsible information sharing and legislative compliance;
- Developed an Information Handling and Data Breach Policy to guide staff in lawful information handling and breach management; and
- Commenced internal awareness and procedural alignment activities.

These documents collectively establish a clear governance hierarchy, with operational procedures, guidance materials and training to be managed administratively.

### **Consultation Summary**

#### Local

Internal consultation has been undertaken with Governance, Records, Executive Management and relevant service areas.

#### State

Nil

### **Legislative Implications**

#### State

- *Children and Community Services Act 2004 (WA)* – Part 5A
- *Freedom of Information Act 1992 (WA)*
- *State Records Act 2000 (WA)*
- *Local Government Act 1995 (WA)*.

Local

Nil

**Policy Implications**State

Nil.

Local

This report proposes the adoption of the following policies:

- PRIS Policy
- Information Handling and Data Breach Policy

The PRIS Governance and Compliance Framework is provided for Council noting, as it establishes internal governance and accountability arrangements to be implemented administratively.

**Financial Implications**

There are no direct financial implications arising from the adoption of the proposed policies. Implementation will be managed within existing resources.

**Strategic Assessment / Implications**e) Strategic Community Plan 2024–2034

Theme: Administration and Governance

Aspiration: Council accountability and transparency

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Inappropriate or unlawful information sharing	Possible	Moderate	Medium	Clear policy, governance framework, training and escalation pathways
Failure to appropriately share information where lawful	Possible	Moderate	Medium	Staff guidance, PRIS decision support and governance oversight
Reputational or legal risk	Unlikely	Major	Medium	Documented decision-making and executive oversight
<b>Opportunity:</b> Improved organisational confidence, consistency and transparency in information sharing decisions.				

**Officer Comment/Details**

Council's role under PRIS is one of governance and oversight, rather than operational decision-making.

This report supports Council's understanding of:

- The introduction of the Privacy and Responsible Information Sharing (PRIS) legislative requirements and the Shire's obligation to comply;
- The PRIS Governance and Compliance Framework established to support organisational oversight and compliance, to be implemented administratively under Executive authority;
- The importance of adopting the PRIS Policy to clearly set expectations, accountability and governance parameters; and
- The role of the Information Handling and Data Breach Policy in supporting lawful information management and incident response.

Post-adoption actions:

- Staff training and awareness rollout
- Integration with records management and ICT controls
- Breach response protocols and registers
- Periodic compliance review and reporting to Executive
- Updates to procedures as legislation or guidance evolves

No further Council action is required unless there are material legislative changes.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110426**

**Moved Cr Angus, seconded Cr Hughes**

**That Council**

- 1. Notes the introduction of the Privacy and Responsible Information sharing (PRIS) legislative framework;**
- 2. Notes the PRIS Governance and Compliance Framework;**
- 3. Adopts the PRIS Policy (Attachment 2);**
- 4. Endorses the appointment of:**
  - the Deputy Chief Executive Officer as the PRIS Champion; and
  - the Records Officer as the PRIS Point of Contact;
- 5. Adopts the Information Handling and Data Breach Policy (Attachment 3); and**
- 6. Notes that implementation, staff training, procedures and ongoing compliance monitoring will be managed administratively.**

**CARRIED: 4 / 0**

TIME: 7.29PM

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes*

*AGAINST: Nil*

**CEO03 – 04/26****Policy Review**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-100078
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Previous Policies</li> <li>2. Updated / New Policies</li> <li>3. Position Statements</li> </ol>

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

**Executive Summary**

Council is requested to review and endorse the updated Council Policies as attached.

**Background**

At its Ordinary Council Meeting on 18 February 2026, Council resolved (Council Resolution 130226) to endorse an updated Council Policy Framework, including adoption of revised Policy and Position Statement templates and authorisation for the progressive transition of existing Council Policies in accordance with the approved Transition Schedule (March – June 2026).

As part of that review, Staff and Elected Member policies have now been reviewed and updated to align with the approved policy framework. The review includes the transfer of some legacy policies into Position Statements where the content is more appropriately aspirational or directional in nature, and the repeal of others where the subject matter is now dealt with through standards or administrative practice. The transition process was intended to improve consistency, legislative alignment, accessibility and governance clarity across Council's policy register.

In parallel with the governance transition program, the Community Development policies were reviewed following earlier policy review work undertaken by the organisation. That review proposed the consolidation, simplification and update of a number of policies to provide clearer direction to staff and the community, reduce duplication, and ensure policies better reflect governance requirements and current operating practice. The review specifically proposed updated and consolidated approaches to community funding, community transport services, education scholarships and the Australia Day Awards Policy.

The separate review of Policy 6.1 – Australia Day Awards also identified a specific amendment requested by Council, being the inclusion of Wannamal in the rotational hosting schedule for the Australia Day ceremony,

commencing in 2027. That review also refined the policy to better align with the Shire's role in administering the awards in accordance with the Australia Day WA program.

### Consultation Summary

#### Local

- Chief Executive Office
- Executive Management Team
- Governance Team
- Community Development Team
- Elected Members

#### State

- Western Australian Local Government Association (WALGA) guidance on policy and regulatory functions.

### Legislative Implications

#### State

- Local Government Act 1995
  - s2.7(2)(b) – Council determines local government policies
  - s5.41 – Functions of the Chief Executive Officer, including advising Council and managing the local government's day-to-day operations

#### Local

Nil

### Policy Implications

#### State

Nil

#### Local

- Council Policy Register
- Council Position Statement Register

### Financial Implications

No significant direct financial implications are anticipated from the endorsement of the updated policy documents.

The inclusion of Wannamal as a rotational host is not expected to result in any significant additional financial impact and can be managed within existing budgets.

### Strategic Assessment / Implications

#### Local

##### Strategic Community Plan 2024-2034

Community Aspiration: Community Aspiration 5

Strategy: Strategy 5.1 Enhancing Accountability and Transparency

*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
<b>Compliance:</b> Failure to formally endorse transitioned policies may result in continued reliance on legacy policy formats, creating inconsistency across Council governance documents	Possible	Minor	Low	Policies presented for endorsement following structured review and transition program approved by Council
<b>Operational:</b> Delays in completing the approved transition schedule may impact implementation of the endorsed Policy Transition Schedule	Possible	Minor	Low	Staged transition program monitored through registers
<b>Reputation:</b> Outdated or inconsistent policy wording may create uncertainty for Councillors, staff, community groups and the public.	Possible	Minor	Low	Adopt revised template-based documents that are clear, accessible and governance-focused.
<b>Service / Community:</b> delayed review of policies may result in fragmented guidance for community groups and service users	Possible	Minor	Low	Bring forward the review of Community Development and Community Facilities and Recreation policies so that the register is streamlined and current.
<b>Opportunity:</b> This review presents an opportunity to improve policy consistency, legislative alignment, usability and transparency; reduce duplication; clarify governance versus operations; and support stronger policy settings.				

**Officer Comment/Details**

The addition of Administration Policy 1.17 – Community Engagement is proposed as part of the ongoing maturation of the Shire’s governance framework. A Community Engagement Policy provides a clear policy basis for how and when the Shire engages with the community, supports transparent decision-making, and complements the contemporary policy framework by setting principles rather than detailed operational procedure.

1. Administration Policies	
1.17 – Community Engagement	<ul style="list-style-type: none"> <li>New Policy</li> </ul>

The Staff Policies have been reviewed and updated to align with the new template. This includes:

3. Staff Policies	
3.1 – Bereavement Recognition	<ul style="list-style-type: none"> <li>Transferred to Position Statement 3.1</li> </ul>
3.2 – Equal Employment Opportunity	<ul style="list-style-type: none"> <li>New Template</li> <li>Addition of Definitions</li> <li>Addition of Roles and Responsibilities</li> <li>Addition of Compliance</li> <li>Re-number to 3.1</li> </ul>
3.3 – Work Health and Safety (WHS)	<ul style="list-style-type: none"> <li>New Template</li> <li>Addition of Compliance</li> <li>Re-number to 3.2</li> </ul>

3.4 – Temporary Employment or Appointment of CEO	<ul style="list-style-type: none"> <li>• Realignment with WALGA suggested template</li> <li>• New Template</li> <li>• Change of name</li> <li>• Re-number to 3.3</li> </ul>
3.8 – Standards for Recruitment of CEOs	Repeal – Transfer to Standard
3.9 – Standards for Review of Performance of CEOs	Repeal – Transfer to Standard
3.10 – Standards for Termination of Employment of CEOs	Repeal – Transfer to Standard

These changes improve clarity and ensure Staff Policies are governance-focused and consistent with the endorsed policy framework.

The Elected Member Policies have also been transitioned into the new template, with a clear distinction drawn between governance policy, aspirational position statements, and administrative procedure. This includes:

4. Elected Members Policies	
4.2 – Informal Petitions to Council	Transferred to Position Statement 4.1
4.3 – Elected members – Entitlements and training	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Re-number to 4.1</li> </ul>
4.4 – Council Member Recognition of Service	Transferred to Position Statement 4.2
4.5 – Legal Representation and Costs Indemnification	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Re-number 4.2</li> </ul>
4.6 – Council Forums and Information Sessions	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Removal of deputations, presentations and public question time at an Agenda Forum</li> <li>• Re-number 4.3</li> </ul>
4.7 – Gifts, Benefits, Hospitality and Attendance at Events	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Re-number 4.4</li> </ul>
4.8 – Notices of Motion	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Re-number 4.5</li> </ul>
4.9 – Behaviour Complaints Management	<ul style="list-style-type: none"> <li>• Updated in March 2026 no need for changes</li> <li>• Re-number 4.6</li> </ul>
4.10 – Transparency & Accountability	Transferred to Position Statement 4.3
4.12 – Inwards Donations, Contributions and Sponsorship	<ul style="list-style-type: none"> <li>• New Template</li> <li>• Removal of any administrative/procedural information</li> <li>• Re-number 4.7</li> </ul>

Amendments to Policy 4.3 – Council Forums and Information Sessions remove deputations, presentations and public question time from Agenda Forums, as these sessions are not formally minuted or recorded. This ensures public submissions are made at formal Council meetings where an official record is maintained and promotes transparency.

This approach is consistent with the broader policy transition objective of improving readability and removing process-heavy material from Council policy documents.

The repeal of Policy 5.2 – Container Deposit Scheme is recommended on the basis that the content is operational and does not require a standalone Council policy. Where a matter is managed operationally by staff and does not require Council to set a strategic governance position, it is more appropriately addressed through procedure, operational practice, or service delivery arrangements rather than the formal Council Policy register.

Repealing this policy will help maintain a disciplined distinction between governance policy and internal administration.

5. Community Facilities and Recreation Policies	
5.2 – Container Deposit Scheme – Community Groups Donation Points	Repealed

The Community Development review identified an opportunity to simplify and consolidate a number of policies, while still preserving the substantive policy intent.

The key changes proposed include:

5. Community Development Policies	
6.1 – Australia Day Awards	<ul style="list-style-type: none"> <li>Updated Policy to reflect Wannamal rotation</li> <li>Re-number as Policy 5.1</li> </ul>
6.2 – Education Scholarship Award	<ul style="list-style-type: none"> <li>New template</li> <li>Re-number as Policy 5.2</li> </ul>
6.3 – Use of Chittering Community Bus	<ul style="list-style-type: none"> <li>Repeal</li> </ul>
6.4 – Community Assistance Grant Scheme	<ul style="list-style-type: none"> <li>Repeal</li> </ul>
6.5 – Financial Assistance for Residents Involved in State or National Sporting Representation	<ul style="list-style-type: none"> <li>Repeal</li> </ul>
6.6 – Community Bus transport Service	<ul style="list-style-type: none"> <li>Repeal</li> </ul>
6.7 – Community Assisted Transport Service (CATS)	<ul style="list-style-type: none"> <li>Repeal</li> </ul>
5.3 – Community Transport Services	<ul style="list-style-type: none"> <li>New Template</li> <li>Consolidation of previous Policies 6.3, 6.6 and 6.7</li> </ul>
5.4 – Community Funding	<ul style="list-style-type: none"> <li>New Template</li> <li>Consolidation of previous Policies 6.4 and 6.5</li> </ul>

The policy review also proposed that:

- Application advertising dates be removed from policy;
- Funding amounts be removed where more appropriately managed administratively;
- Additional requirement of incorporation as part of the Community Funding Policy
- Governance requirements be strengthened for larger grants;
- Neighbourhood party funding guidance be incorporated into the consolidated funding policy; and
- Transport-related policies be consolidated into a single clearer policy.

Although these Community Development policies are not formally due for review until May, it is efficient and appropriate to bring them forward as part of the broader policy review program, particularly where the proposed changes are structural, improve clarity, and align the policies with the new framework.

A specific component of the Community Development review concerns the Australia Day Awards Policy. Council previously indicated support for including Wannamal in the rotation of host locations, and the revised policy reflects that change, with Wannamal to commence hosting in 2027. The policy has also been updated to remove operational detail and better align with the Shire's current policy template.

Overall, the policy changes proposed through this report are intended to:

- implement Council's endorsed policy framework and transition schedule;
- ensure the policy register is contemporary, consistent and easier to navigate;
- remove duplicated, outdated or procedural material from Council policies;

- consolidate policies where multiple legacy documents address the same topic;
- improve transparency for Councillors, staff and the community; and
- ensure Council policies remain strategic and governance-focused, while operational matters are managed administratively.

The consolidated approach is considered the most practical and comprehensive way to present these related policy matters to Council.

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120426**

**Moved Cr Angus, seconded Cr Hughes**

**That Council:**

- 1. Adopt Administration Policy 1.17 – Community Engagement (Attachment 2);**
- 2. Adopt changes to the following Staff Policies (Attachment 2)**
  - a. 3.1 – Equal Employment Opportunity**
  - b. 3.2 – Work Health and Safety (WHS)**
  - c. 3.3 – Temporary Employment or Appointment of CEO**
- 3. Adopt changes to the Elected Members Policies (Attachment 2)**
  - a. 4.1 – Entitlements and Training – Elected Members**
  - b. 4.2 – Legal Representation and Costs Indemnification**
  - c. 4.3 – Council Forums and Information Sessions**
  - d. 4.4 – Gifts, Benefits, Hospitality and Attendance at Events**
  - e. 4.5 – Notices of Motion**
  - f. 4.6 – Behaviour Complaints Management**
  - g. 4.7 – Inwards Donations, Contributions and Sponsorship**
- 4. Adopt the following Position Statements (Attachment 3)**
  - a. 3.1 – Bereavement Recognition**
  - b. 4.1 – Informal Petitions to Council**
  - c. 4.2 – Council Member Recognition of Service**
  - d. 4.3 – Transparency & Accountability**
- 5. Repeal Community Facilities and Recreation Policy 5.2 – Container Deposit Scheme**
- 6. Adopt the following Community Development Policies (Attachment 2)**
  - a. 5.1 – Australia Day Awards**
  - b. 5.2 – Education Scholarships**
  - c. 5.3 – Community Transport Services Policy**
  - d. 5.4 – Community Funding Policy**
- 7. Repeals the following superseded Community Development Policies (Attachment 1):**
  - a. 6.3 – Use of Chittering Community Bus**
  - b. 6.4 – Community Assistance Grant Scheme**
  - c. 6.5 – financial Assistance for Residents Involved in State or National Sporting Representation**
  - d. 6.6 – Community Bus Transport Service**
  - e. 6.7 – Community Assisted Transport Service (CATS)**
- 8. Note that per Policy 6.1 – Australia Day Awards, the inclusion of Wannamal in the rotation of host location will commence 2027.**

**CARRIED: 4 / 0**

TIME: 7.32PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**CEO04 – 04/26 Delegations Register – Environmental Health Officer**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-123292
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Delegations Register

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

**Executive Summary**

Council is requested to approve amendments to the Shire of Chittering Delegations Register to enable the Chief Executive Officer to sub-delegate certain regulatory functions under the *Food Act 2008* and *Public Health Act 2016* to the Environmental Health Officer.

**Background**

In accordance with s5.46 of the *Local Government Act 1995*, a local government is required to maintain a register of delegations and review those delegations at least once each financial year.

The Shire of Chittering Delegations Register was most recently adopted by Council on 18 February 2026.

At that time, Council adopted amendments to the Delegations Register which delegates various regulatory powers to the Chief Executive Officer, enabling the CEO to sub-delegate those powers to appropriately qualified officers.

Since the adoption of the register, the Shire's Environmental Health Officer has obtained the necessary qualifications and statutory authority to perform regulatory functions under the *Food Act 2008* and the *Public Health Act 2016*. The proposed amendments ensure that the officer can lawfully exercise relevant compliance and enforcement powers, including issuing prohibition orders, registering food businesses, undertaking enforcement actions, and submitting statutory reports to the Chief Executive Health Officer.

Updating the delegation's register will ensure that these regulatory functions can be carried out efficiently and in accordance with legislative requirements.

The proposed changes affect the following delegations:

*Food Act 2008*

- 6.1.2 – Prohibition Orders and Certificates of Clearance (s65(1),s66, s67(4))
- 6.1.3 – Food Business Registrations (s110(1) and (5), s112)
- 6.1.5 – Debt Recovery and Prosecutions (s54 and s125)
- 6.1.6 – Food Business List – Public Access (r51)

*Public Health Act 2016*

- 8.1.2 – Enforcement Agency Reports to the Chief Executive Officer (s22)

The proposed amendments will enable this power to be sub-delegated to the Environmental Health Officer where appropriate.

**Consultation Summary**Local

- Chief Executive Officer
- Executive Manager Development Services
- Principal Environmental Health Officer

State

Western Australian Local Government Association (WALGA) guidance on regulatory delegations and authorised officers.

**Legislative Implications**State

- Local Government Act 1995
  - s5.42 – Delegation of some powers or duties to the CEO
  - s5.44 – CEO may delegate some powers and duties to other employees
  - s5.46 – Register of delegations
- Food Act 2008
  - s54 – Recovery of fees and charges
  - s65 – Prohibition orders
  - s66 – Certificates of clearance
  - s67 – Compliance with prohibition orders
  - s110 – Registration of food businesses
  - s112 – Registration requirements
  - s125 – Prosecution of offences
- Public Health Act 2016
  - s22 – Enforcement agency reports to Chief Executive Officer

Local

Nil

**Policy Implications**State

Nil

Local

- Delegations Register

**Financial Implications**

There are no financial implications arising from the adoption of the proposed amendments.

Operationally, the amendments will support efficient regulatory service delivery and reduce delays associated with administrative decision-making.

**Strategic Assessment / Implications**Localf) Strategic Community Plan 2024-2034

Community Aspiration: Council Accountability and Transparency

Strategy: Strategy 5.6 – Continuous Improvement and Evaluation

*Measuring the impact and adjusting our strategies through continuously evaluating and improving Council practices, policies, and procedures to ensure accountability, transparency, and effectiveness. This includes seeking feedback from residents and stakeholders, conducting regular performance reviews, and implementing recommendations for improvement.*

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: Inability for Environmental Health Officer to exercise statutory powers	Medium	Moderate	Moderate	Updating delegations ensures lawful regulatory enforcement
Interruption to service: Delays in food business approvals or enforcement actions	Medium	Moderate	Moderate	Delegations enables operational decision-making by qualified officers
Reputation: Perception of ineffective regulatory oversight	Low	Moderate	Low	Clear governance framework and qualified officers exercising powers
Opportunity: Improved responsiveness and efficiency in environmental health regulation and compliance activities.				

**Officer Comment/Details**

The proposed amendments reflect best-practice governance and ensure that appropriately qualified officers can perform statutory regulatory functions.

The delegation structure maintains Council's oversight while enabling the Chief Executive Officer to sub-delegate operational regulatory functions to suitably qualified employees.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130426**

Moved Cr Curtis, seconded Cr Hughes

That Council, by an **ABSOLUTE MAJORITY**:

1. Approve amendments to the Shire of Chittering Delegation Register to enable the Chief Executive Officer to sub-delegate the following delegations to the Environmental Health Officer:
  - a. **Food Act 2008**
    - i. 6.1.2 – Prohibition Orders and Certificates of Clearance (s65(1), s66, s67(4))
    - ii. 6.1.3 – Food Business Registrations (s110(1) and (5), s112)
    - iii. 6.1.5 – Debt Recovery and Prosecutions (s54 and s125)
    - iv. 6.1.6 – Food Business List – Public Access (r51)
  - b. **Public Health Act 2016**
    - i. 8.1.2 – Enforcement Agency Reports to the Chief Executive Health Officer (s22)
2. Note that the Chief Executive Officer may sub-delegate these powers to any qualified Environmental Health Officer (per s17 of the *Public Health Act 2016*) in accordance with s5.44 of the *Local Government Act 1995*.
3. Adopt the updated Delegations Register as amended (per Attachment 1).

**CARRIED: 4 / 0**

TIME: 7.34PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**CEO05 – 04/26****CEO Model Standards**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-123165
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	The Authorising Officer has a financial interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Shire of Chittering Standards for CEO Recruitment, Performance and Termination

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

**Executive Summary**

Council is requested to adopt the Shire of Chittering Standards for CEO Recruitment, Performance and Termination and repeal the existing policies to CEO recruitment, performance review and termination.

**Background**

The *Local Government (Administration) Regulations 1996* (the *Regulations*) prescribe Model Standards for CEO Recruitment, Performance and Termination that must be adopted by all local government. These standards were introduced as part of governance reforms to improve transparency, accountability and consistency in the employment, review and termination of Chief Executive Officers across Western Australian local governments.

The reforms were originally introduced through amendments to the *Regulations* in 2021 following the *Local Government Legislation Amendment Act 2019*. The reforms established minimum standards and processes that local governments must follow when recruiting, reviewing the performance of, and terminating the employment of a CEO.

The Model Standards are contained in Schedule 2 of the *Regulations* and require local governments to formally adopt standards that align with the prescribed provisions. The standards provide a structured framework for CEO employment process including:

- determination of CEO selection criteria and approval of a Job Description Form by absolute majority of Council;
- establishment of a selection panel that includes Council members and at least one independent person;
- merit-based recruitment and transparent assessment of applicants;
- verification of qualifications, work history and referees before recommending an applicant;
- council approval by absolute majority prior to making an offer of employment to a CEO;
- establishment of a documented performance review process agreed between Council and the CEO; and
- procedural fairness and transparency requirements where termination of employment is considered.

As at 1 January 2026, the updated version of the *Regulations* continues to prescribe these standards within Schedule 2, reinforcing the requirement that local governments adopt and comply with the Model Standards when undertaking CEO recruitment, performance review and termination processes. The amendments to the *Regulations* did not introduce any changes to the Schedule 2 Model Standards, which remain unchanged.

The Shire of Chittering previously addressed these requirements through three separate policies:

- Standards for Recruitment of CEOs
- Standards for Review of Performance of CEOs
- Standards for Termination of the Employment of CEOs

The Shire is currently undertaking a broader review of its policy framework. As part of this process, it was considered an appropriate and prudent opportunity to review the existing CEO-related policies. While the current policies align with the legislation requirements, they exist as three separate documents addressing recruitment, performance and review and termination.

The proposed *Standards for CEO Recruitment, Performance and Termination* consolidate the three existing policies into a single document and replicate the Model Standards prescribed in Schedule 2 of the *Regulations* without modification. The proposed standards are also consistent with the provisions contained within the existing Council-adopted policies.

The only variations from the previous policies relate to the removal of reference to regulations 18FB and 18FC of the *Regulations*, which relate to certification of compliance with adopted standards following the recruitment or termination of a CEO.

These provisions remain contained with the *Regulations* and continue to apply to local governments. However, they have been omitted from the consolidated standards document as they are statutory compliance obligations contained with the *Regulations* rather than operational standards governing the recruitment, performance review or termination process themselves. Accordingly, the removal of these provisions from the standards document does not alter the Shire's legislative obligations under the *Regulations*.

## Consultation Summary

### Local

Internal consultation has been undertaken with relevant officers during the preparation of the standards.

### State

The standards have been prepared in accordance with the Model Standards prescribed in Schedule 2 of the *Local Government (Administration) Regulations 1996*.

In developing the standards, reference was also made to supporting guidance materials including:

- Department of Local Government, Industry Regulation and Safety (LGIRS) – *Local Government Operational Guidelines: CEO Recruitment and Selection, Performance Review and Termination*, which provide recommended practice for implementing the model standards; and
- Western Australian Local Government Association (WALGA) governance guidance relating to CEO recruitment, performance review and termination process.

These resources provide practical guidance to assist local governments in implementing the legislated model standards and promoting transparent, merit-based CEO employment processes.

## Legislative Implications

### State

- Local Government Act 1995
  - s5.36 – requires every local government to employ a Chief Executive Officer and outlines the requirement for the position to be publicly advertised unless certain exceptions apply.
  - s5.38 – requires the local government to review the performance of the CEO at least once in each year.

- s5.39 – requires a CEO to be employed under a written contract of employment which must specify the term of the contract and the performance criteria against which the CEOs performance will be reviewed.
- s5.39B – requires a local government to adopt standards relating to the recruitment, performance review and termination of the CEO. If a local government does not adopt standards, the Model Standards prescribed in the regulations are taken to be the adopted standards.
- Local Government (Administration) Regulations 1996
  - Reg 18FA – prescribes the Model Standards contained in Schedule 2 which local governments must adopt in relation to CEO recruitment, performance review and termination processes.
  - Schedule 2 – sets out the minimum standards that must be followed by local governments.

Local

Nil

**Policy Implications**State

Nil

Local

- Standards for Recruitment of CEOs
- Standards for Review of Performance of CEOs
- Standards for Termination of the Employment of CEOs

**Financial Implications**

Nil. Adoption of the standards does not have any direct financial implications for the Shire.

**Strategic Assessment / Implications**Localg) Strategic Community Plan 2024-2034

Community Aspiration: Council Accountability and Transparency

Strategy: Strategy 5.1 – Enhancing Accountability and Transparency

*Implementing measures to enhance accountability and transparency in Council operations, including regular reporting of financial expenditures, open meetings, and public disclosure of decision-making processes. This includes ensuring that Council meetings, agendas, and financial reports are easily accessible to 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: Failure to adopt the prescribed CEO Standards may result in non-compliance with the <i>Regulations</i>	Unlikely	Minor	Low	Adoption of the Standards ensures the Shire's governance framework aligns with the regulatory requirements.

Reputation: Failure to align with legislated governance standards may result in reduced community confidence in Council governance processes	Rare	Minor	Low	Adoption of the Standards demonstrates transparency and adherence to best practice governance requirements.
Opportunity: Adoption of the consolidated Standards strengthens governance practices and simplifies the Shire's policy framework by replacing three existing policies with a single standards document.				

**Officer Comment/Details**

The proposed *Standards for CEO Recruitment, Performance and Termination* consolidate the Shire's existing policies relating to CEO recruitment, performance review and termination into a single document that reflects the Model Standards prescribed in Schedule 2 of the *Regulations*.

The proposed standards are consistent with the provisions contained within the Shire's current policies and do not introduce any substantive changes to the processes followed by the Shire. The only variation relates to the removal of references to regulations 18FB and 18FC of the *Regulations*, which remain statutory obligations but are not operational standards and therefore do not need to be replicated within the adopted standards document.

The consolidation of the policies into a single standards document improves clarity, reduces duplication and ensures the Shire's governance framework remains aligned with the legislative requirements.

Accordingly, it is recommended that Council adopt the *Standards for CEO Recruitment, Performance and Termination* and repeal the existing policies relating to the CEO recruitment, performance review and termination.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140426**

Moved Cr Hughes, seconded Cr Angus

That Council, by **ABSOLUTE MAJORITY**:

1. Repeals the following Council policies:
  - a. Standards for Recruitment of CEOs
  - b. Standards for Review of Performance of CEOs
  - c. Standards for Termination of the Employment of CEOs
2. Adopt the Standards for CEO Recruitment, Performance and Termination

**CARRIED: 4 / 0**

TIME: 7.37PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

**ITEM 10. REPORTS OF COMMITTEES****COMS01 – 04/26 Receipt of Unconfirmed Minutes and Review of Recommendations from the Chittering Bush Fire Advisory Committee**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-111371
<b>Author</b>	Support Officer – Bushfire, Emergency Services & Rangers
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Unconfirmed Minutes of CBFAC Meeting held 10 March 2026

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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 <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input checked="" type="checkbox"/>	Information	<b>Includes items for information purposes only and do not require a decision of Council (to 'note' only).</b>

**Executive Summary**

Council is requested to receive the unconfirmed minutes from the Chittering Bush Fire Advisory Committee (CBFAC) meeting held on Tuesday, 10 March 2026. During that meeting, two recommendations were raised. These related to support from the Department of Fire & Emergency Services (DFES) when the Shire has fleet gaps and the education of residents in relation to the differences between Total Fire Bans (TFB) and Harvest, Hot Works & Vehicle Movement Bans (HHWVMB or HVMB).

**Background**

The CBFAC met on 10 March 2026. During the meeting, the following key matters were considered and carried unanimously:

**8.3 Permitted activities during TFB and HVMB**

*Aaron Cover raised concerns about a perceived trend in community misunderstanding of permitted activities during Total Fire Bans and Harvest Vehicle Movement Bans. Graham Furlong provided compliance-related insights drawn from the Shire's experience during a recent Total Fire Ban. The Committee discussed potential solutions and education pathways.*

**MOTION**

*Moved Aaron Cover / Seconded Graham Furlong*

*That the Committee considers, before the next Firebreak & Bushfire Hazard Reduction Notice, all education avenues for residents and ratepayers, to be better informed about the activities permitted or not permitted during Total Fire Bans and Harvest and Vehicle Movement Bans.*

**CARRIED UNANIMOUSLY**

**8.4 DFES Fleet vehicle support**

Aaron addressed the Committee to raise a recent issue relating to vehicle allocation. He advised that a Shire vehicle had been removed from a brigade and replaced with another Shire vehicle, rather than a DFES-sourced vehicle. Aaron stated that this arrangement caused operational issues for the brigade and reduced the capacity of Chittering Fire Services to respond effectively to incidents.

The Committee discussed the matter and agreed that it would have been preferable for a replacement vehicle to have been sourced through DFES. Shelly Pannell confirmed that DFES Fleet had been contacted to replace the vehicle but were unable to do so. Aaron noted that Shire resources should be maintained at all times and that any gaps should be addressed through external support, such as DFES Fleet.

**MOTION**

Moved Aaron Cover / Seconded Daniel Smith

That Council instructs the Chief Executive Officer to advocate to DFES that replacement vehicles are allocated to the Shire from DFES Fleet instead of other Shire vehicles to ensure that the fire-fighting capacity in the shire is not adversely impacted.

**CARRIED UNANIMOUSLY**

**Consultation Summary**Local

- Chittering Bush Fire Advisory Committee

State

- Nil

**Legislative Implications**Local

- Bush Fire Brigades Local Law 2012
  - 3.12 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

State

- Bush Fires Act 1954 – Section 67(1)
  - 67(1) Advisory Committees

A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

There will potentially be costs incurred for the education avenue depending on what method is chosen and will be considered for the 2026/2027 Annual Budget if it is not recoverable under the Local Government Grants Scheme.

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024 - 2034

Community Theme:	Community
Community Aspiration:	Inclusivity, Active, and Resilient Community
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**

Site Inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputational:</b> Members bringing the Shire into disrepute	Rare	Moderate	Low	Clear and transparent communication with members
<b>Opportunity:</b> Build strong relationships with officers of the Chittering Fire Services				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment:</b> 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
<b>Opportunity:</b> Nil				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputational:</b> Fire Control Officers bringing the Shire into disrepute	Rare	Moderate	Low	Clear and transparent communication with Fire Control Officers as well as annual refreshers
<b>Opportunity:</b> Build strong relationships with Fire Control Officers and have strong representation in the community.				

**Officer Comment / Details**

The Committee recommendations are mostly reflective of the motions passed at the Committee meeting held Tuesday, 10 March 2026.

The Officer Recommendation is to receive the unconfirmed minutes of the Committee.

The next meeting of the Chittering Bush Fire Advisory Committee is scheduled for Tuesday, 14 July 2026.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150426****Moved Cr Curtis, seconded Cr Dewar****That Council:**

- 1. Receive the unconfirmed of the Chittering Bush Fire Advisory Committee held Tuesday, 10 March 2026 and consider the Committee's Recommendations.**
- 2. Note the Committee's motion to consider addressing lack of awareness about activities permitted during Total Fire Bans and Harvest and Vehicle Movement Bans, and instruct the Chief Executive Officer to investigate education options and present the associated costs to Council for consideration as part of the Annual Budget process for 2026/2027.**
- 3. Instructs the Chief Executive Officer to advocate to the Department of Fire and Emergency Services (DFES) that replacement vehicles are allocated to the Shire from DFES Fleet instead of other Shire vehicles to ensure that the fire-fighting capacity in the shire is not adversely impacted.**

**CARRIED: 4 / 0**

TIME: 7.39PM

*FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes**AGAINST: Nil*

**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**

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 7.40pm.