



ORDINARY COUNCIL MEETING MINUTES CONFIRMED

**7:00pm, Wednesday, 19 August 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 25 August 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 Beck Foulkes-Taylor	
Cr Nicholas Grayer	
Cr Kylie Hughes	
Cr Rene van Eeden	

The following staff were in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Denaye Kerr	Executive Assistant

Members of the General Public: 37

Media: 0

Apologies

Nil

Approved leave of absence

Nil

Announcements

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

Cr David Dewar			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
President & CEO Meeting	10 August 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
AMP-UP Meeting – Toodyay	20 July 2026		
Other Attendances	Date	Written Feedback/Report	
Bringing Dowerin Downtown Lunch - Perth	24 July 2026		

Cr Mary Angus			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
President & CEO Meeting	10 August 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
AMP-UP Meeting – Toodyay	20 July 2026		
Bringing Dowerin Downtown Lunch - Perth	24 July 2026		

Cr John Curtis			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Beck Foulkes-Taylor			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	Apology	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
Bringing Dowerin Downtown Lunch - Perth	24 July 2026		

Cr Nicholas Grayer			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	In attendance	
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	15 July 2026	Approved Leave of Absence	
Councillor Information Session Agenda Forum	12 August 2026	Approved Leave of Absence	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Rene van Eeden			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	15 July 2026	In attendance	
Councillor Information Session Agenda Forum	12 August 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Public question time

PQT01 – 08/26 Mark Kay, Bindoon

Question 1: Has Council agreed to lease the land to the applicant, and if so on what date was such approval given and what are the terms of the agreement?

Response: No, there is no lease agreement in place. At its Council Meeting on 20th November 2024, Council resolved to provide 'in-principle support' for leasing land on Lot 89 Koomal Street, to allow the proponent to commence investigations into establishing the Bakehaus business on the site, which includes seeking Development Approval.

Question 2: Can an applicant seek development approval for development on land where tenure is not confirmed by way of lease, ownership or some other means?

Response: An applicant can seek development approval on land if the landowner has given consent for the development application being lodged. In the instance of the Bakehaus development application, the Shire has signed the development application form as the landowner, in order for the Council resolution of 20th November 2024 to be fulfilled, as determining whether Development Approval will be granted or not, forms part of the applicant's investigation.

PQT02 – 08/26 Lisa Kay, Bindoon

Question 1: Noting that the land in question is owned by the Shire of Chittering, does the Shire entering into a lease with the applicant constitute a major land transaction in accordance with s.3.59 of the Local Government Act 1995?

Response: The grant of a lease by the Shire constitutes a land transaction for the purposes of section 3.59 of the Local Government Act 1995. Based on the proposal currently under consideration, it is considered unlikely that the transaction would meet the prescribed threshold for a major land transaction and it may qualify as an exempt land transaction under the Local Government (Functions and General) Regulations 1996. A final determination can only be made once the terms and value of any proposed lease have been assessed in accordance with the legislation.

Question 2: If yes, has Council approved a business case for the major land transaction and when will it provide state-wide public notice of the business case for the purposes of public submissions?

Response: No determination has been made that the proposal constitutes a major land transaction. Should the proposed lease ultimately be assessed as a major land transaction under section 3.59 of the Local Government Act 1995, the Shire would be required to comply with all legislative requirements applicable to major land transactions, including the preparation of a business plan and the undertaking of the prescribed public consultation process before Council could proceed with the transaction.

Regardless of whether the proposal is classified as a major land transaction, the disposal of local government property by lease of this type is subject to the relevant disposal of property provisions of the Local Government Act 1995 and associated regulations, including public advertising requirements, where community comment is invited.

PQT03 – 08/26**Mark Campbell, Lower Chittering**

Question 1: In regard to the most recent budget that was passed, did Council allow an approved funding for the Lower Chittering Bridle Trail?

Response: *The Chief Executive Officer responded that funding was not included in the budget, however it was discussed during the budget sessions and it was determined that when the total need of the infrastructure required in known a budget amendment will then be brought to Council, so there wasn't a budget set beforehand but it was discussed that it would be made available when needed.*

Question 2: The Muchea Fire Brigade received new brigade trucks last year and the existing building was extended to accommodate these vehicles. From my memory the project was budgeted for in last year's budget cycle, I have been advised by a number of ratepayers that the new doors are too small for the brigade trucks to safely enter and exit the building. My estimate at rectifying the issue and fitting bigger doors and modifying the building probably cost the Shire an additional \$20,000. Can the President please confirm whether the figure is correct and explain how the original design did not properly account for the dimensions and safe operations of the new brigade trucks?

Response: *The Chief Executive Officer responded that she could confirm that the original design was too small, it was signed off by the DFES CESM and the Captain, and when the trucks arrived it seemed to be not fit for purpose. We have in the meantime, with the help of our new CESM, secured funding from DFES to rectify the situation. I will have to take on notice the actual amount of it, however, DFES will be funding the capital work from their capital grant funding.*

PQT04 – 08/26**Alan Barnes, Bindoon**

Question 1: Just looking at if we can have a little street of smaller houses for the aging community. This has been going on for 20 years and nothing has been done about it. Can you tell me why no one wants to do anything?

Response: *The Chief Executive Officer responded that this is one of the aspects included in the provisions of the precinct planning, it is specifically one of the major elements that we have included in the planning. The Precinct Planning is all the planning up to the point where something is shovel ready, and if there is a business case for that it can then be completely presented to a developer to build. The space, the land, everything is included in the precinct planning.*

PQT05 – 08/26**Lisa Kay, Bindoon**

Question 1: In relation to Alan's question, and Melinda you just said that aged housing in being considered as part of the precinct planning that you just held a community information session on. It is my recollection from that session and from the information that was provided that it has a large tourism focus to that planning, is that correct? And where does the aged care housing fall into that?

Response: *The Chief Executive Officer advised that there are several components of the precinct*

planning that were included, one of it was specific small housing, it was not tourism related. There's a whole caravan park aspect of it that there is a developer involved, that's a tourism aspect, but we were specifically looking at small independent living units not necessarily for age, but anybody that has a disability or a need for a small unit, it might even be a single mother. There is definitely as housing aspect that is not tourism driven that was included in the original proposal.

ITEM 5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Petitions

Nil

Deputations

DEP01 – 08/26 Sabrina Davies, Lower Chittering

Sabrina spoke on item 'DS02 – 08/26 Lower Chittering Bridle Trail Network'.

DEP02 – 08/26 Natalie Scibilia, Lower Chittering

Natalie spoke on item 'DS02 – 08/26 Lower Chittering Bridle Trail Network'.

DEP03 – 08/26 Mark Campbell, Lower Chittering

Mark spoke on item 'DS02 – 08/26 Lower Chittering Bridle Trail Network'.

DEP04 – 08/26 Nicole Hurst, Lower Chittering

Nicole spoke on item 'DS02 – 08/26 Lower Chittering Bridle Trail Network'.

Presentations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 15 July 2026

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010826

Moved Cr Foulkes-Taylor, seconded Cr Curtis

That the minutes of the Ordinary Meeting of Council held on Wednesday, 15 July 2026, as published on the Shire website, be confirmed.

CARRIED: 7 / 0

TIME: 7.51PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

ITEM 8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

ITEM 9. REPORTS

DEVELOPMENT SERVICES**DS01 – 08/26 Local Planning Framework – Report of Review**

Applicant	Shire of Chittering
File ref	18/02/19
Author	Principal Strategic Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Report of Review

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

The purpose of this report is for Council to consider and approve the Shire of Chittering Local Planning Framework - Report of Review for forwarding to the Western Australian Planning Commission. The Report of Review is provided as Attachment 1 and sets out the statutory review of the Shire's Local Planning Strategy, Local Planning Scheme No. 6, approved structure/development plans and local planning policies. The decision before Council is limited to approving the Report of Review and making recommendations to the Western Australian Planning Commission. It does not commence Scheme No. 7, amend Scheme No. 6, or adopt, amend or revoke any local planning policy.

The key recommendation is that Council approve the Report of Review for forwarding to the Western Australian Planning Commission, with the review finding that the Local Planning Strategy remains satisfactory as the Shire's strategic planning foundation and that Local Planning Scheme No. 6 should be repealed and replaced through a future Local Planning Scheme No. 7.

Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* require local governments to periodically review their local planning framework and to consider whether the local planning strategy, local planning scheme, and any approved structure plans or local development plans remain satisfactory, should be amended, or should be replaced or revoked.

The Shire's current Local Planning Scheme No. 6 was gazetted in 2004 and has been subject to numerous amendments. Since that time, the State planning framework, local growth pressures, environmental and bushfire requirements, infrastructure considerations and expectations for contemporary scheme drafting have changed significantly.

The detailed Report of Review has been prepared with the assistance of the Department of Planning, Lands and Heritage as a standalone attachment to this Council report. This allows the Council report to remain focused on the decision required, while retaining the technical review material in the attachment for submission to the Western Australian Planning Commission.

Consultation Summary

Local

Community advertising is not required before Council considers the Report of Review. This item establishes the statutory review pathway and does not adopt a new Scheme, amend Local Planning Scheme No. 6, or change any local planning policy. Public and agency consultation would occur through any future statutory processes, including a future Local Planning Scheme No. 7 process and any associated policy review processes.

State

The Shire has undertaken officer-level engagement with the Department of Planning, Lands and Heritage regarding the Report of Review, the recommended review pathway and key matters that may inform any future Local Planning Scheme No. 7 process. That engagement has assisted in framing the recommendation; however, the Western Australian Planning Commission remains the statutory decision-maker for the Report of Review.

Legislative Implications

State

- Planning and Development (Local Planning Schemes) Regulations 2015

Regulation 66 requires Council to approve the Report of Review by resolution and provide the approved report to the Western Australian Planning Commission. Council's decision on this item is confined to that statutory review step and does not itself initiate Local Planning Scheme No. 7, amend Local Planning Scheme No. 6, or adopt, amend or revoke any local planning policy. Those matters will require separate statutory processes and further Council consideration where required.

Local

- Shire of Chittering Local Planning Scheme No. 6

The Report of Review has no immediate statutory effect on the operation of Local Planning Scheme No. 6. The current Scheme remains the operative planning instrument until such time as it is amended or replaced in accordance with the Regulations. However, the review identifies that Local Planning Scheme No. 6 is no longer the most effective or contemporary statutory mechanism for implementing the Shire's Local Planning Strategy, responding to current State planning requirements, or managing emerging land use and development issues. For that reason, the Report recommends that Local Planning Scheme No. 6 be replaced through the preparation of Local Planning Scheme No. 7, with any interim omnibus amendment limited to discrete, low-risk transitional matters that do not prejudice the broader scheme review.

Policy Implications

State

Nil

Local

- Shire of Chittering Local Planning Policies

No local planning policy is being adopted, amended or revoked through this item. The Report of Review notes that the Shire has commenced a separate review of its local planning policy framework to determine which policies should be retained, updated, consolidated or revoked, and to ensure the policy framework remains aligned with any future Local Planning Scheme No. 7 process.

Financial Implications

There are no immediate financial implications arising from Council's consideration of the Report of Review. Any future Local Planning Scheme No. 7 process would require officer time, scheme drafting, mapping, engagement with State agencies, community consultation and, potentially, specialist technical input.

Resourcing and budget requirements for that work would be considered through the Shire's normal budget and project planning processes.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036

Outcome: *Thriving*

Strategic Objective 1: *Plan for future-ready growth that reflects the unique character of Chittering's communities.*

The review aligns with the Council Plan 2026–2036 vision of “a community that values its people, supports local growth, and protects our rural character”. It supports the outcomes of Communities Connected, Rural Way of Life and Thriving by establishing a pathway to modernise the local planning framework, manage growth, protect rural character and environmental values, support local business and tourism, and guide future land use decisions through contemporary planning instruments.

The Report of Review is strategically important because it establishes the pathway for updating the Shire's local planning framework. It confirms that the Local Planning Strategy remains suitable and that Local Planning Scheme No. 6 should be replaced with a contemporary scheme through a future Local Planning Scheme No. 7 process. A new scheme would better respond to growth, rural living, environmental values, servicing constraints, bushfire risk, tourism, agriculture, basic raw materials, renewable energy and other emerging land uses.

The review responds to a changed planning environment rather than a failure of the existing framework. Since Scheme No. 6 was gazetted, the Shire has experienced continued growth, increased pressure on rural living and land supply, more complex bushfire, servicing and infrastructure constraints, and new expectations around emerging land uses. These changes support the need for a contemporary future scheme while retaining the Local Planning Strategy as the Shire's strategic foundation.

State

At a State level, the Report of Review gives effect to the review requirements under the *Planning and Development (Local Planning Schemes) Regulations 2015* and provides the basis for the Western Australian Planning Commission to determine whether the Shire's local planning framework should be retained, amended or replaced. The recommended pathway aligns with the State planning framework by retaining a fit-for-purpose Local Planning Strategy, progressing a new Local Planning Scheme No. 7 to replace an outdated Scheme, and limiting any omnibus amendment to Local Planning Scheme No. 6 to discrete transitional matters that are simple, low risk and consistent with the Regulations.

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Yes

The Report of Review identifies environmental matters that should be considered through any future Local Planning Scheme No. 7 process, including biodiversity protection, catchment management, bushfire risk, landscape and visual amenity, and the appropriate use of environmental conservation controls.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational / Strategic: Delay in updating the local planning framework	Possible	Moderate	Medium	Progressing the Report of Review provides a clear statutory pathway to prepare Local Planning Scheme No. 7 and reduce reliance on an outdated Scheme.
Opportunity: The Report of Review provides an opportunity to modernise the Shire's statutory planning framework, improve alignment with State planning requirements, address known constraints affecting land supply and deliverability, and provide clearer guidance for emerging land uses and environmental management.				

Officer Comment/Details

The Report of Review has been prepared to satisfy the Shire's statutory review obligations under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The detailed review is provided as Attachment 1 and should be read as the technical report to be forwarded to the Western Australian Planning Commission. For Council's purposes, the key finding is straightforward: the Local Planning Strategy remains suitable, but Local Planning Scheme No. 6 is outdated and should be replaced. The Strategy continues to guide settlement growth, rural living, economic activity, infrastructure planning, environmental management and protection of rural character. However, Scheme No. 6 was gazetted in 2004 and no longer provides the most contemporary or efficient statutory framework to implement those directions.

A future Local Planning Scheme No. 7 would be the principal mechanism for translating the Strategy into updated zones, reserves, land use permissibility, development requirements, special control areas and scheme mapping. It would also provide the statutory framework to respond to rural living constraints, bushfire and servicing requirements, environmental protection, tourism and short-stay accommodation, renewable energy and other emerging land uses.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020826

Moved Cr Angus, seconded Cr Van Eeden

That Council:

1. Pursuant to Regulation 66(1)(a) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Shire of Chittering Local Planning Framework - Report of Review and forwards the approved Report to the Western Australian Planning Commission.
2. Pursuant to Regulation 66(3)(a), (b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that
 - (a) the Local Planning Strategy (2019) is satisfactory as it remains contemporary and fit-for-purpose and no review is required at this time;
 - (b) Local Planning Scheme No. 6 should be repealed and a new Scheme (Local Planning Scheme No. 7) prepared that incorporates the recommendations of the Local Planning Strategy and is consistent with the Model and Deemed Provisions of the Regulations; and
 - (c) the completed review of approved structure/development plans be recognised, noting obsolete instruments have been removed from current display or active use and remaining instruments are current and fit for purpose.
3. Note that the Shire will continue to progress an omnibus amendment to Local Planning Scheme No. 6 as a separate transitional workstream limited to discrete, simple and low-risk matters.
4. Note that the Shire has commenced a review of its local planning policy framework to consider which policies should be retained, updated, consolidated or revoked.

CARRIED: 7 / 0

TIME: 7.54PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: NIL

DS02 – 08/26**Lower Chittering Bridle Trail Network**

Applicant	Shire of Chittering
File ref	SOCR – 1845402348-39062
Author	Principal Statutory Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Previous Report to Council – Council Resolution 021225 2. Proposed Bridle Trail Route 3. Adjoining Landowner Submissions

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	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 make a determination on the future of the 'Lower Chittering Bridle Trails Network'. This report details the outcomes of the trial period and the additional consulting periods that have been undertaken during the trial period.

Background

At the Ordinary Council Meeting on Wednesday 10th December 2025, Council resolved to close the Lower Chittering Bridle Trails Network and instructed the Chief Executive Officer (CEO) to explore suitable trail routes which would not impact on the objecting adjoining landowners of the previous trail route. Council also instructed the CEO to report back to Council after the further exploration of a suitable bridle trail route was completed and community consultation was undertaken.

The Council resolution to close the bridle trails and seek new routes is provided below.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021225

Moved Cr Foulkes-Taylor, seconded Cr Grayer

That Council:

- 1. Determine to close the trial period of the Lower Chittering Bridle Trail Network and not proceed with the permanency of the bridle trial routes in its current format.*
- 2. Instruct the Chief Executive Officer to further explore suitable bridle trial routes to service the Lower Chittering community, which will not result in adjoining landowners being impacted. This will include further direct consultation with any adjoining landowner to any new bridle trail route proposed.*
- 3. Instruct the Chief Executive Officer to report back to Council after further exploration of suitable bridle trail routes and successful community consultation has occurred to allow Council to make a determination on any new bridle trail routes.*

4. *Receive the minutes of the Lower Chittering Bridle Trail Network Reference Group meeting held on 18 November 2025 (attachment 2).*

CARRIED: 4 / 2

TIME: 7.46PM

FOR: Cr Campbell, Cr Dewar, Cr Foulkes-Taylor, Cr Grayer, Cr Hughes

AGAINST: Cr Angus, Cr Curtis

As such, Shire officers reviewed the existing Maryville Downs bridle trail route and created a revised route focused around the Marbling Brook reserve. This new trail route ensured that the adjoining landowners who objected to the original proposal were no longer affected by the proposal, whilst also providing a scenic route along a Shire managed asset to still be provided to the public.

Shire officers also investigated the ability of utilising the existing cleared space on Lot 8016 McGlew Road as a float parking area to allow the community to drive to the trails and safely park their vehicles and horse floats away from the public road. This land was previously used as a site office for the developers of Maryville Downs Stage 11 subdivision and therefore there is minimal works required to be done to the site to be used for this purpose. This new route and proposed float parking area can be viewed in Attachment 2.

As the Marbling Brook runs through Lot 8016, there is a restrictive covenant to the benefit of the Department of Water and Environmental Regulation (DWER) to ensure the Marbling Brook is protected. Based on this information, Shire officers contacted DWER to request permission to use Lot 8016 for parking purposes. DWER officers confirmed that there was no objection and to ensure that any manure was removed from the site by users, or that a designated manure pile was identified on the site and then managed by the Shire.

After this revised route was identified and confirmed as the only remaining suitable bridle trail route, community consultation with the adjoining landowners was then undertaken via letter drops to all 32 landowners who would now adjoin the revised trail route.

Unlike previous advertising completed for the Lower Chittering Bridle Trail Network, this advertising was not made available to the general public in addition to the adjoining landowners. As the community have already demonstrated a level of support for the creation of bridle trails within the Shire, this round of advertising was focused on ensuring that the adjoining landowners were able to provide their submissions as they will be the most impacted by this proposal.

Consultation Summary

Local

A formal advertising letter was sent out to all 32 adjoining landowners to the revised bridle trail route on the 17th February 2026 for a period of 28 days, with a submission closing date of the 17th March 2026.

Of the 32 landowners that were contacted, four (4) landowners provided submissions in support of the trails, two (2) provided objections to the trails, and one (1) requested further information however did not provide an additional submission once the requested information was provided.

The key concerns of the objecting landowners were in relation to the proximity to the proposed car parking area and the issues of privacy and security concerns that may arise, and regarding illegal use of the trails.

The full submissions can be viewed in Attachment 3 of this report, and these submissions will be discussed further in the 'officer comments' section of this report.

State

As part of previous reporting for the Lower Chittering Bridle Trail Network, Shire officers consulted with the Lands Department within the Department of Planning, Lands and Heritage (DPLH) to determine the correct management purpose of the reserves currently being utilised for the bridle trails. DPLH confirmed that these reserves are designated as 'Pedestrian Access Ways' (PAW). This advice provided to the Shire is outlined in detail in the previous report to Council in December 2025. This advice can be viewed in Attachment 1.

As mentioned in the 'background' section of this report, Shire officers also contacted the Department of Water and Environmental Regulation to ensure that Lot 8016 can be utilised for the purposes of float parking. DWER officers confirmed no objection to this proposal.

Legislative Implications

State

- Local Government Act 1995

The Shire obtained legal advice regarding the permissibility of use for the PAWs for the purpose of horse riding. This legal advice confirmed that the PAWs are under the care, control and management of the Shire by virtue of section 3.53 of *Local Government Act 1995* and that whilst a PAW is technically intended for use by pedestrians, there is no reason to suggest that the PAW cannot be used for the purpose of horse riding.

- Land Administration Act 1997

The Shire is required to be managing the land in accordance with its requirements under section 264(3) of the Land Administration Act 1997 and that failure to comply with a management order may result in the management order being revoked. The legal advice obtained also states that it is common for local governments to permit PAWs (or land reserved for that purpose) to be used for the walking of dogs if appropriate signage is in place to regulate those activities. The activity of horse riding is generally consistent with the land use of a PAW provided that the activity of horse riding does not interfere with or prevent the primary use of the PAW or the use of the PAW for fire and emergency access purposes.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

If Council are to approve the bridle trails on a permanent basis, the Shire would be required to ensure that the trails are maintained to an acceptable standard. The existing temporary measures (such as corflute signage, usage of existing gates and the existing gravel hardstand at the proposed float parking area) is sufficient in the short-term, however, appropriate funding will be necessary in future years to invest and improve the infrastructure along the trail route.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036

Outcome: *Communities Connected*

Strategic Objective 1: *Work with the community on matters that are important to them.*

The community has expressed a strong desire for bridle trail(s) within the Shire and this has led to an investigation into the suitability of bridle trails within the Shire.

State

Nil

Site Inspection

Site inspection undertaken: No

Since the closure of the bridle trails route, there has been no requirement to frequently inspect the bridle trails as they have been closed off to the public.

Environmental Consideration

Environment consideration given: Yes

Shire officers did not witness any environmental issues occurring while the bridle trails were open to the public. This view has not changed since the closure of the trails.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational: Adverse impacts on adjoining landowners of the trail.	Likely	Minor	Moderate	Plan for bridle trails in new subdivisional areas where landowners purchase the property being aware of their proximity to a bridle trail.
Opportunity: To allow for bridle trails to occur and not impact on existing landowners within the Shire.				

Officer Comment/Details

Community Consultation

The key aspect of this report is considering the submissions received from the adjoining landowners to the proposed trail route.

As mentioned in the 'Consultation Summary' section of this report, 32 adjoining landowners were advertised to, with four (4) submissions in support of the trails, two (2) were in objection to the trail, and one requested further information, however no official submission for or against the proposal was provided to the Shire after the requested information was provided.

The four submissions in support of the proposal were strongly supportive of the ability to provide horse riders and walkers with a safe place to ride/walk away from the public roads. These letters of support also expressed their desire to ensure that motorbikes were not to be permitted on the trails.

The two submissions received in objection to the proposal were strongly against the proposal going ahead, with concerns regarding invasion of privacy, security and illegal/unauthorised use of the trails occurring.

One objection was from a property within close proximity to the proposed float parking area. They held concerns regarding the potential issues that can arise from parking areas which are easily accessible to the public, such as squatters, illegal camping and the dumping of rubbish. These owners purchased their property prior to the bridle trail route being considered and therefore bought their property with the assumption that they would have a safe, quiet property to build and live on.

Shire officers met with this objecting landowner on their property in May 2026 to further discuss their concerns. At this meeting, the landowners mentioned how they moved to Lower Chittering as their previous property was directly next to the parking area for reasons of a similar nature in another local government area. What is now proposed is the exact scenario they moved away from and as such, they have first-hand experience of the issues that these parking areas can create. During this meeting, they provided details that the parking area next to their previous property had constant issues regarding privacy invasion, illegal camping and rubbish being dumped by the public. As this property is within close proximity and is visible to the float parking area, they fear that all of these concerns will occur once again if the bridle trails are approved. These landowners did not necessarily object to the bridle trail route being used for horse riding, however they were in strong objection to the creation of a float parking area.

Shire officers also met with the second objecting neighbour at their property in June 2026. These landowners were also part of the trail route which ran a trial period previously. At this site visit, the landowners expressed that they objected to the initial trial of the trail, however Shire officers were not able to find any written evidence of this. They held similar concerns to the objections raised in the December 2025 report, with their

main concerns being invasion of privacy and security. At this meeting, they mentioned that unauthorised use of private vehicles/motorbikes was frequently occurring during the trial period, but that this usage had dropped after the trial was closed in December 2025.

Shire officers believe that these concerns from the two objecting neighbours are legitimate concerns and should be given a valid consideration by Council when making a decision on the future of the trails.

Shire officers view of benefits and concerns of the trails

The consultation period with the adjoining landowners to the proposed route demonstrates that there is a level of support from adjoining landowners for the bridle trails to be opened, however it is also acknowledged that there are adjoining landowners who have legitimate concerns with the proposal, and have their own lived experiences to substantiate these concerns.

These landowners have purchased their respective properties under the expectation that the Pedestrian Accessway (PAW) is being primarily used for emergency purposes and not for use as a bridle trail. While the Shire has the legal ability to allow these PAWs to be used for bridle trails, it is also incumbent on the Shire to understand and consider impacts of such a change, on established residents.

In the previous report to Council in December 2025, it was the Shire officers recommendation that the bridle trails not proceed on a permanent basis due to the understood impacts of the bridle trails on existing residents who adjoin the trail route. This recommendation and reasoning is maintained for this report.

It is the view of the Shire officer that this proposed trail route is not suitable to be open on a permanent basis due to the impacts on adjoining properties and the potential risks of privacy invasion, security breaches and potential for unauthorised use of the float parking to occur within close proximity to residential homes and families.

It is considered that the most suitable path forward, is for further investigations into suitable bridle trails to cease due to the impacts retrofitting an existing emergency access way into a bridle trail can have on some adjoining landowners. However, it is additionally recommended for bridle trails to be incorporated into the Shire's strategic planning framework, and incorporated into future subdivisions within the Shire, as it is understood that there is a strong appetite from the Chittering community for such a facility. Shire officers are already in early-stage discussions regarding potential future subdivisions and the possibility of including dedicated bridle trails into these future subdivisions.

OFFICER RECOMMENDATION

Moved Cr Grayer, seconded Cr Hughes

That Council:

1. Determine to not proceed with the Lower Chittering Bridle Trail project for the following reasons:
 - a. Privacy and security concerns of adjoining landowners; and
 - b. Adverse impacts on the amenity for adjoining landowners.
2. Acknowledge the strong desire from the community to have access to a bridle trail(s) and to incorporate dedicated bridle trails into future Rural Residential subdivisions within the Shire of Chittering, when and where possible.

ALTERNATIVE MOTION

That Council:

1. Determine to proceed with the Lower Chittering Bridle Trail Project on the trail route as provided in Attachment 2, by making the proposed route open to the public on a permanent basis for the use as a bridle trail;
2. Authorises, pursuant to section 6.8 of the Local Government Act 1995, unbudgeted expenditure of up to \$30,000 in the 2026/27 financial year for the installation of appropriate gates and signage along the approved trail route to identify the route as a bridle trail and emergency access way, and to deter the use of the trail by unauthorised vehicles; and
3. Incorporate dedicated bridle trails into future Rural Residential subdivisions within the Shire of Chittering, when and where possible.

AMENDMENT

Moved Cr Grayer, Seconded Cr Foulkes-Taylor

That the Officer Recommendation be amended at point 1 and include an additional point 3 as follows:

1. Determine to not proceed with the proposed Lower Chittering Bridle Trail alignment in its current form;
3. Request the Chief Executive Officer investigate and report back to Council on alternative equestrian trail opportunities within the Shire, including:
 - a. opportunities on Shire-managed land;
 - b. opportunities on Crown land or State Government managed land where appropriate;
 - c. potential engagement with the Department of Biodiversity, Conservation and Attractions regarding equestrian access opportunities within the Julimar State Forest; and
 - d. any alternative trail alignments that minimise impacts on adjoining landowners.

CARRIED: 4 / 3

TIME: 8.11PM

FOR: Cr Grayer, Cr Foulkes-Taylor, Cr Hughes, Cr Dewar

AGAINST: Cr Angus, Cr Curtis, Cr Van Eeden

PROCEDURAL MOTION

Moved Cr Angus, Seconded Cr Foulkes-Taylor

That the motion be put at 8.16pm.

CARRIED: 4 / 3

TIME: 8.18PM

FOR: Cr Angus, Cr Foulkes-Taylor, Cr Dewar, Cr Van Eeden

AGAINST: Cr Grayer, Cr Hughes, Cr Curtis

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 030826**Moved Cr Grayer, Seconded Cr Hughes****That Council:**

- 1. Determine to not proceed with the proposed Lower Chittering Bridle Trail alignment in its current form;**
- 2. Acknowledge the strong desire from the community to have access to a bridle trail(s) and to incorporate dedicated bridle trails into future Rural Residential subdivisions within the Shire of Chittering, when and where possible; and**
- 3. Request the Chief Executive Officer investigate and report back to Council on alternative equestrian trail opportunities within the Shire, including:**
 - a. opportunities on Shire-managed land;**
 - b. opportunities on Crown land or State Government managed land where appropriate;**
 - c. potential engagement with the Department of Biodiversity, Conservation and Attractions regarding equestrian access opportunities within the Julimar State Forest; and**
 - d. any alternative trail alignments that minimise impacts on adjoining landowners.**

CARRIED: 5 / 2

TIME: 8.18PM

FOR: Cr Grayer, Cr Foulkes-Taylor, Cr Hughes, Cr Dewar, Cr Van Eeden

AGAINST: Cr Angus, Cr Curtis

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 08/26****List of Accounts Paid for the Period Ending 31 July 2026**

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

	<i>Authority / Discretion</i>	<i>Definition</i>
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☒	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

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

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

Nil

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2026-2027 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic ImplicationsState

Nil

Local

- Council Plan 2026 - 2036

Outcome: *Thriving*

Strategic Objective 4: *Ensure responsible stewardship of Shire resources and long-term financial sustainability.*

The presentation of the List of Accounts Paid supports transparent financial management and Council oversight of expenditure, contributing to the responsible stewardship of Shire resources and long-term financial sustainability.

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

Officer Comment/Details

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

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040826

Moved Cr Foulkes-Taylor, seconded Cr Angus

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,805,944.55, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 July 2026:

1. PR7134, PR7145, PR7167;
2. EFT30470 – EFT30607;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

CARRIED: 7 / 0

TIME: 8.23PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CS02 – 08/26 Muchea Recreation Centre – Electronic Scoreboard Memorandum of Understanding

Applicant	Shire of Chittering
File ref	SOCR-1845402348-110867
Author	Emilie McAuliffe– Community Development & Activation Officer.
Authorising Officer	Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor the Authorising Officer has any impartiality, financial or proximity interest that requires disclosure.
Voting requirements	Simple Majority
Attachments	1. Electronic Scoreboard - MOU

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	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 direct the Chief Executive Officer to establish a deadline for execution of the Memorandum of Understanding (MOU) between the Shire of Chittering, Muchea Senior Cricket Club and Chittering Junior Football Club relating to the operation and management of the electronic scoreboard installed at Muchea Recreation Centre.

The MOU has been developed to clearly document the roles, responsibilities and liabilities of all parties in relation to the operation, maintenance, repair, replacement and insurance of the scoreboard. Despite extensive consultation and multiple requests for execution of the agreement, the MOU remains unsigned. The absence of a formal agreement exposes the Shire to avoidable operational, financial and liability risks associated with an asset located on Shire-managed land. Council is therefore requested to establish a deadline for execution of the MOU and authorise the Chief Executive Officer to suspend operation of the scoreboard should the parties fail to execute the agreement by the specified date.

Background

The redevelopment of Muchea Recreation Centre was completed and officially opened in April 2024.

Following completion of the facility, the Chittering Junior Football Club (CJFC) sought funding assistance through the Shire's Community Assistance Grants and Sponsorship (CAGS) Program to install an electronic scoreboard at the facility. The initial application was unsuccessful, with the applicant advised that a further application could be submitted in a future funding round.

A further application was submitted during Round 2 of the 2024/2025 CAGS Program. Assessment of the application was delayed while the Shire considered the long-term operational, maintenance, repair and replacement implications associated with the proposed asset. The application was ultimately unsuccessful, with notification provided in May 2025.

Subsequently, the Muchea Senior Cricket Club (MSC) secured external funding through the Department of Creative Industries, Tourism and Sport to facilitate installation of the electronic scoreboard.

In July 2025, an onsite meeting was held at Muchea Recreation Centre involving representatives of the Muchea Senior Cricket Club and Shire officers, including the Principal Strategic Planning Officer and Community Facilities Officer. During this meeting, it was clearly communicated that, should the project proceed, responsibility for the operation, maintenance, repairs, replacement, insurance and associated running costs of the scoreboard would rest with the user groups rather than the Shire. This advice was subsequently confirmed in writing to club representatives.

In August 2025, a development application for the electronic scoreboard was submitted to the Shire together with a request for the associated application fees to be waived. Following assessment, the Executive Manager Development Services advised that the proposed scoreboard constituted public works and was therefore exempt from development approval requirements. As a result, no development application fee was payable. Officers also advised that, given the scoreboard was to be located on Shire-managed land, a formal Memorandum of Understanding (MOU) or similar agreement would be required to document responsibilities and liabilities associated with the asset.

While development approval was not required, the structure remained subject to building approval requirements. As the scoreboard was to be installed on Crown land vested in the Shire, a Certified Building Permit Application (BA1), supported by an independent building surveyor's certification, was required prior to the commencement of construction.

In January 2026, works commenced on the scoreboard installation before the required building permit had been issued. Upon becoming aware of the works, the Executive Manager Development Services contacted club representatives and directed that all works cease until the appropriate approvals had been obtained. During this communication, officers again advised that a Memorandum of Understanding was being prepared and would be required to document responsibilities relating to operation, maintenance, repair, replacement and liability associated with the scoreboard.

Building approval was subsequently granted in February 2026, and the contractor was advised in March 2026 that works could recommence.

In May 2026, a draft Memorandum of Understanding was presented to representatives of the Muchea Senior Cricket Club. While the purpose and content of the document were discussed, the agreement remained unsigned, with club representatives advising that they wished to obtain feedback and endorsement from their committee before execution.

Following further discussions regarding electricity costs and user responsibilities, MSC requested that the Chittering Junior Football Club be included as a party to the agreement. The Shire subsequently amended the Memorandum of Understanding to include both clubs and reissued the document for consideration and execution.

In July 2026, an updated copy of the Memorandum of Understanding was emailed to committee representatives of both the Muchea Senior Cricket Club and Chittering Junior Football Club for signature. No substantive response was received and the agreement remained unexecuted.

The matter subsequently escalated beyond officer-level discussions, with concerns regarding responsibility for electricity costs being raised directly with the Chief Executive Officer and Shire President. On 18 July 2026, these concerns were again raised with the Chief Executive Officer and Shire President during a private community function held at Muchea Recreation Centre.

As at 28 July 2026, despite repeated discussions, written correspondence and multiple opportunities to execute the document, the Shire had not received a signed Memorandum of Understanding from either club.

The scoreboard has now been installed and is operational. However, in the absence of an executed agreement, responsibilities relating to operation, maintenance, repair, replacement, insurance obligations and liability management remain inadequately documented, exposing the Shire to avoidable governance, operational and financial risks.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- Local Government Act 1995 (WA)
Section 3.1(1A)(a)(iii) – General function of local government: in making decisions, consider potential long-term consequences and impacts on future generations.

Local

Nil

Policy Implications

State

Nil

Local

- Risk Management Policy (1.9)
Liability considerations associated with the scoreboard being located on Crown land vested to the Shire. Without an executed Memorandum of Understanding, the Shire may be exposed to operational, financial, and insurance-related risks. The policy requires identification, assessment, and mitigation of risks, including ensuring that responsibilities for maintenance, operation, insurance, and electricity costs are clearly assigned to user groups through the MOU.
- Asset Management Policy (1.7)
Upon installation on Shire-managed land, the electronic scoreboard becomes a Shire asset. The Asset Management Policy provides that the Shire will manage its assets in accordance with a range of principles, including:
 - Whole-of-life asset management – asset decisions will consider the full lifecycle of the asset, including planning, acquisition, operation, maintenance, renewal, upgrade, disposal and associated financial impacts.

The Memorandum of Understanding provides the mechanism to formally assign these responsibilities to the user groups, ensuring that the Shire is not financially or operationally liable for the asset's ongoing management.

Financial Implications

The ongoing electricity consumption associated with operation of the electronic scoreboard is expected to be minimal. However, the primary financial consideration is not the value of the electricity consumed, but the establishment of clear accountability for all costs associated with the asset over its operational life.

The proposed Memorandum of Understanding confirms that the user groups benefiting from the scoreboard are responsible for the day-to-day operating expenses, maintenance, repairs and future replacement of the asset. This arrangement ensures that the Shire does not assume ongoing financial obligations for infrastructure that was initiated and funded by community organisations.

The Shire's only direct financial commitment under the proposed arrangement is the installation of a dedicated electricity sub-meter to enable accurate monitoring and invoicing of electricity consumption.

Should the Memorandum of Understanding remain unexecuted, the Shire may be exposed to financial risk arising from disputes regarding responsibility for operating costs, maintenance requirements, repairs, insurance excesses, asset damage or future replacement. The absence of a formal agreement also creates the potential for inconsistent treatment of similar community-funded infrastructure projects in the future.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036

Outcome: *Thriving*

Strategic Objective 4: *Ensure responsible stewardship of Shire resources and long-term financial sustainability.*

Creating the Memorandum of Understanding will allocate the ongoing operational, maintenance and replacement costs of the electronic scoreboard to the user groups that use the equipment, ensuring Shire resources are allocated equitably.

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environmental consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Community Trust. Failure to formalise responsibilities for the electronic scoreboard may result in ongoing dispute between stakeholders and perceptions of inconsistent treatment of community-funded infrastructure projects.	Possible	Minor	Moderate	The Memorandum of Understanding clearly documents the responsibilities and obligations of all parties and provides transparency regarding Council's position.
Property: Damage to the electronic scoreboard or failure to adequately maintain the asset may require significant internal and external resources to rectify if responsibilities remain disputed or unclear.	Possible	Major	High	The Memorandum of Understanding allocates responsibility for maintenance, repairs, replacement and insurance obligations to the user groups.
Compliance: Failure to document responsibilities for an asset located on Shire-	Possible	Moderate	Moderate	Execution of the Memorandum of Understanding establishes a formal governance framework

managed land may expose the Shire to governance and accountability risks should disputes arise regarding operation, maintenance, insurance or liability.				and clearly defines accountability for the asset.
Financial: The Shire may incur unbudgeted costs associated with repairs, maintenance, replacement, insurance excesses or liability where responsibility for the asset has not been formally accepted by user groups.	Possible	Moderate	Moderate	The Memorandum of Understanding clearly allocates financial responsibilities and reduces the potential for future cost disputes.
Opportunity: Execution of the Memorandum of Understanding provides the opportunity to establish a clear governance framework for community-funded infrastructure on Shire-managed land, ensuring accountability, reducing risk exposure and creating a consistent precedent for future projects.				

Officer Comment/Details

The requirement for user groups to assume responsibility for the operation, maintenance, repair and replacement of the electronic scoreboard has been consistently communicated by the Shire throughout the planning, approval and installation phases of the project.

While the scoreboard is located on Shire-managed land, it was never intended that responsibility for the ongoing costs associated with the asset would transfer to the Shire. The proposed Memorandum of Understanding was developed to clearly document these responsibilities and provide certainty for all parties.

The Shire has made reasonable efforts to consult with the affected clubs and accommodate requests for amendments to the agreement, including the inclusion of Chittering Junior Football Club as a party to the MOU. Despite these efforts, the agreement remains unexecuted.

The issue is no longer the level of electricity consumption associated with the scoreboard. Rather, it is the absence of a formal agreement that clearly defines responsibilities for operation, maintenance, repairs, replacement, insurance obligations and liability management.

It is considered prudent and reasonable to establish a final deadline for execution of the Memorandum of Understanding. This approach provides all parties with a clear opportunity to formalise their responsibilities while ensuring the Shire can appropriately manage its risk exposure.

Should the agreement remain unexecuted after the nominated date, officers consider it appropriate that operation of the scoreboard be suspended until such time as the Memorandum of Understanding is executed by all parties. This approach protects the Shire's interests, supports sound governance principles and ensures that community infrastructure located on Shire-managed land is operated within an appropriate risk management framework.

OFFICER RECOMMENDATION

Moved Cr Foulkes-Taylor, seconded Cr Angus

That Council:

1. Require the execution of the Memorandum of Understanding between the Shire of Chittering, Muchea Senior Cricket Club Incorporated and Chittering Junior Football Club Incorporated for the electronic scoreboard at Muchea Recreation Centre by no later than 31 August 2026; and
2. Authorise the Chief Executive Officer to take all necessary actions to suspend operation of the electronic scoreboard should the Memorandum of Understanding remain unsigned after that date, until such time as the agreement is executed by all parties.
3. Directs the Chief Executive Officer to ensure that, where applicable, a Memorandum of Understanding (MOU) is executed prior to the commencement of any community-led project undertaken on land owned or managed by the Shire.

AMENDMENT

Moved Cr Hughes, seconded Cr Foulkes-Taylor

That the officer recommendation be amended at point 1 to no later than 30 September 2026.

CARRIED: 4 / 3

TIME: 8.31PM

FOR: Cr Hughes, Cr Foulkes-Taylor, Cr Dewar, Cr Grayer

AGAINST: Cr Curtis, Cr Angus, Cr Van Eeden

SUBSTANTIVE MOTION / COUNCIL RESOLUTION 050826

Moved Cr Foulkes-Taylor, seconded Cr Angus

That Council:

1. **Require the execution of the Memorandum of Understanding between the Shire of Chittering, Muchea Senior Cricket Club Incorporated and Chittering Junior Football Club Incorporated for the electronic scoreboard at Muchea Recreation Centre by no later than 30 September 2026; and**
2. **Authorise the Chief Executive Officer to take all necessary actions to suspend operation of the electronic scoreboard should the Memorandum of Understanding remain unsigned after that date, until such time as the agreement is executed by all parties.**
3. **Directs the Chief Executive Officer to ensure that, where applicable, a Memorandum of Understanding (MOU) is executed prior to the commencement of any community-led project undertaken on land owned or managed by the Shire.**

CARRIED: 5 / 2

TIME: 8.34PM

FOR: Cr Foulkes-Taylor, Cr Angus, Cr Hughes, Cr Grayer, Cr Dewar

AGAINST: Cr Curtis, Cr Van Eeden

CS03 – 08/26

Public Open Space Reserve – Cash in Lieu of – WAPC200692

Applicant	Shire of Chittering
File ref	A11072
Author	Principal Statutory Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. WAPC200692 – Decision Letter 2. WAPC200692 – Approved Plan

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

Executive Summary

Council is requested to approve the creation of a reserve account for the purposes of a public open space cash in lieu contribution to be paid to the Shire for the approved subdivision 'WAPC200692' at Lot 401 and Lot 9500 Endeavour Drive, Bindoon.

Location Plan

Background

On the 16th January 2025, the Western Australian Planning Commission (WAPC) approved an application within the Shire of Chittering to subdivide Lots 9500 and Lots 401 Endeavour Drive, Bindoon as per the approval number 'WAPC200692' into a total of 51 lots.

The applicant is proposing to stage this subdivision over three (3) stages, with lots 21-27 & 44-51 as identified on the approved plan (Attachment 2) as being the lots created during the first stage of the subdivision.

As part of this subdivision approval, the WAPC provided a list of conditions that the applicant must adhere to in order to proceed with the subdivision. This list of conditions can be viewed in Attachment 1. Condition 13 of this subdivision approval relates to the requirement for the applicant to provide a cash-in-lieu payment to the relevant local government for the sum of ten percent of the land as no public open space is provided within this subdivision. The full wording of Condition 13 is:

"13. The landowner/applicant shall make payment to the local government for the sum equivalent to the value of ten per cent of the land, being that portion of the land that would otherwise be provided as open space, in accordance with Section 153 and 155 of the Planning and Development Act 2005."

Advice Note 5 also directly relates to Condition 13, the full wording of this advice note is:

"5. With regard to Condition 13, provisions of section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government."

In order to satisfy this condition, the applicant provided the Shire with a valuation report which confirmed that the cash-in-lieu payment to the Shire for ten percent of the land is to be a total of \$185,000 incl GST. As part of the Shire's due diligence, this total of \$185,000 was verified via a peer-reviewed independent valuation obtained by the Shire.

Cash-in-lieu contributions are required to be spent by the Local Government on either the purchasing of land for public open space purposes or to improve existing public open space infrastructure within the immediate locality.

Shire officers have engaged in correspondence with the Department of Planning, Lands and Heritage (DPLH) regarding the possibility of utilising this cash-in-lieu contribution to continue to provide further infrastructure for the Bindoon Mountain Bike Park. Based on discussions with officers from DPLH, there is a level of support from DPLH officers that the funds can be utilised for this purpose pending the relevant approvals being obtained by the Shire after the funds are received.

In order to receive payment of this cash-in-lieu contribution, the Shire is required to set up a reserve account specifically for the purpose of using the funds on public open space within the Bindoon locality. As such, Council is requested to approve the Creation of Reserve Account – 'Public Open Space Reserve – Cash in Lieu of – WAPC200692'.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

- Planning and Development Act 2005

In accordance with Section 153 of the *Planning and Development Act 2005* (the Act), the WAPC can impose a condition of subdivision requiring POS to be provided as cash in lieu of setting aside a portion of land. Section 155 of the *Planning and Development Act 2005* sets out provisions in relation to valuation of land. The value of cash in lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS.

Section 154(1) of the Act provides that cash in lieu funds received by a local government must be paid into a reserve account, separate to other reserve accounts, established and maintained under section 6.11 of the *Local Government Act 1995*. The account is to set out for the purpose for which the money is held, the landholding from which it was obtained and the date on which it was paid to the local government. The total amount of cash in lieu funds collected, held and expended, ideally per suburb, in the reserve account should be made publicly available to ensure transparency and accountability to the community.

- Section 6.11(1) Local Government Act 1995

Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

This cash in lieu contribution is expected to have a positive impact on the Council's finances, as it will provide the Shire with the opportunity to further develop its existing public open space infrastructure within the Bindoon townsite.

Strategic Assessment / ImplicationsLocal

- 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.

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: Non-Compliance with regulatory processes	Low	Low	Low	Creation of Reserve – ‘Public Open Space Reserve – Cash in Lieu of – WAPC200692’ is approved to allow for the correct allocation of funds to the Shire.
Opportunity: Allows the Shire to continue to invest in its Public Open Space infrastructure within the Bindoon locality.				

Officer Comment/Details

Council is requested to approve the creation of Reserve Account – ‘Public Open Space Reserve – Cash in Lieu of – WAPC200692’ as it will allow Shire officers to appropriately utilise the funds provided from the cash-in-lieu contribution as per Condition 13 of the approved subdivision at Lots 401 and Lots 9500 Endeavour Drive, Bindoon as provided by the applicant to be expended on improving the existing public open space infrastructure that the Shire currently maintains.

If the reserve account were not to be approved, the Shire would not be able to accept payment of the \$185,000 cash-in-lieu contribution and the subdivision would not be able to proceed any further, resulting in 51 additional lots not able to be created for future landowners within the Shire.

As such, it is the Shire officers recommendation that the creation of Reserve – ‘Public Open Space Reserve – Cash in Lieu of – WAPC200692’ is approved by Council.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060826

Moved Cr Curtis, seconded Cr Foulkes-Taylor

That Council by Absolute Majority:

1. Pursuant to section 6.11(1) of the Local Government Act 1995, establish a reserve account entitled ‘Public Open Space Reserve – Cash in Lieu of – WAPC200692’.
2. Endorse the purpose of the reserve as receiving, holding and expending Public Open Space cash-in-lieu contributions associated with subdivision approval WAPC200692 for Lots 401 and 9500 Endeavour Drive, Bindoon, in accordance with sections 153, 154 and 155 of the Planning and Development Act 2005.
3. Approve a budget amendment to recognise the receipt of the Public Open Space cash-in-lieu contribution associated with subdivision approval WAPC200692 and the transfer of those funds to the ‘Public Open Space Reserve – Cash in Lieu of – WAPC200692’.

CARRIED: 7 / 0

TIME: 8.38PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CHIEF EXECUTIVE OFFICER**CEO01 – 08/26 Work Health and Safety Statistics Report – July 2026**

Applicant	N/A
File ref	SOCR-1845402348-158270
Author	Human Resource Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Report – Monthly July 2026

	<i>Authority / Discretion</i>	<i>Definition</i>
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☒	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the month ending July 2026.

Background

At the Ordinary Meeting of Council held on 17 November 2021, Council resolved (Resolution 231121) to adopt a safety commitment statement prioritising employee wellbeing and requiring all staff to work safely, led by Council. The resolution also required the CEO to provide quarterly reports on key safety metrics (such as safety activities, hours worked and trained, equipment issues, and overtime) and monthly reports on critical safety outcomes (including drug and alcohol testing, injuries, near misses, and workers' compensation claims).

At the Ordinary Meeting of Council held on 20 May 2026, Council amended this resolution (Resolution 100526) to require monthly reporting only and to remove the reporting of working hours and training hours.

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

- Work Health and Safety Act 2020

Local

Nil

Policy ImplicationsState

Nil

Local

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

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Council Plan 2026 - 2036

Outcome: *Thriving***Strategy Objective 4:** *Ensure responsible stewardship of Shire resources and long-term financial sustainability*

The monthly Work Health and Safety Statistics Report supports the Council Plan by providing Council with oversight of workplace health and safety performance, promoting good governance and supporting informed decision-making. Regular reporting assists Council to monitor organisational performance, legislative compliance and workplace safety outcomes, contributing to the responsible stewardship of the Shire's workforce and resources.

Maintaining a strong focus on work health and safety supports the Shire's capacity to deliver services effectively, manage organisational risks and foster a safe and healthy workplace for employees, contractors and volunteers.

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070826

Moved Cr Angus, seconded Cr Grayer

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

- a) Statistics
- b) Near Miss, Incident and Damage Report
- c) Minor Register
- d) WHS Training
- e) Site Inspections
- f) Safety Observations

CARRIED: 7 / 0

TIME: 8.39PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CEO02 – 08/26

Shire Policy 1.2 – Australian Citizenship Ceremonies Review

Applicant	Shire of Chittering
File ref	SOCR-1845402348-141075
Author	Governance Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Shire Policy 1.2 – Australian Citizenship Ceremonies

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☒	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	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 repeal Shire Policy 1.2 – Australian Citizenship Ceremonies, as the legislative and operational requirements for conducting Australian citizenship ceremonies are comprehensively addressed through the Australian Citizenship Act 2007, the Australian Citizenship Regulation 2016 and the Department of Home Affairs' Australian Citizenship Ceremonies Code.

Background

Shire Policy 1.2 – Australian Citizenship Ceremonies was initially adopted by Council on 18 May 2011. The Policy was subsequently amended in July 2022 and April 2025, with its most recent review adopted by Council on 18 March 2026.

The Policy was established to support the effective, consistent and legally compliant delivery of Australian citizenship ceremonies conducted by the Shire on behalf of the Department of Home Affairs. Its current provisions address the scheduling of ceremonies, requests for private ceremonies, the provision of gifts to new citizens and responsibility for implementation of the Policy.

Australian citizenship ceremonies are principally governed by the *Australian Citizenship Act 2007* and the *Australian Citizenship Regulation 2016*. The Act requires approved applicants to make the Pledge of Commitment and requires the Pledge to be made in the prescribed form, in accordance with the prescribed arrangements and before an authorised person. The Regulation requires the Pledge to be made in public where reasonably practicable and requires the person receiving the Pledge to read the prescribed address.

The Department of Home Affairs' Australian Citizenship Ceremonies Code provides the detailed requirements and guidance for ceremony organisers, including local governments. The Code addresses ceremony scheduling, presiding officers, official guests, special purpose ceremonies, venues, invitations, national symbols, gifts, ceremony procedures and post-ceremony reporting. Ceremony organisers are required to comply with the Code unless an exemption is granted by the Department in exceptional circumstances.

A review of Shire Policy 1.2 identified that most of its provisions duplicate or summarise requirements already contained in the Commonwealth legislative and administrative framework. The principal local provision not mandated by that framework is the commitment to provide each new citizen with a native plant and commemorative coin. As the Code provides that gifts are voluntary and at the discretion of the ceremony organiser, these arrangements can be managed administratively and considered through the annual budget process without requiring a separate Council policy.

It is therefore recommended that Shire Policy 1.2 be repealed. Repeal of the Policy will not affect the Shire's ability to conduct Australian citizenship ceremonies or its obligation to comply with Commonwealth requirements.

Consultation Summary

Local

Internal consultation was undertaken with the Executive Management Team and Council as part of the review of Shire Policy 1.2 – Australian Citizenship Ceremonies. The review identified that the Policy substantially duplicates the Commonwealth legislative and administrative framework governing the conduct of citizenship ceremonies and is no longer required as a separate Council policy.

State

Nil

Legislative Implications

State

- Local Government Act 1995 – s2.7 of the Local Government Act 1995 provides that Council's governing role includes determining the policies of the local government. The proposed repeal is therefore a matter for Council determination.
- Australian Citizenship Act 2007 – establishes the legal requirements for citizenship by conferral. Approved applicants are required to make the Pledge of Commitment before becoming Australian citizens. The Pledge must be made in one of the prescribed forms, in accordance with the arrangements prescribed by the regulations and before the Minister or another authorised person. Repeal of Shire Policy 1.2 does not affect these requirements
- Australian Citizenship Regulations 2016 (Cth) – s10 provides that the Pledge of Commitment must be made in public where reasonably practicable and requires the person receiving the Pledge to read aloud the prescribed address. The Shire will continue to comply with these requirements when conducting citizenship ceremonies.

Local

Nil

Policy Implications

State

- Department of Home Affairs – Australian Citizenship Ceremonies Code – provides the mandatory requirements and operational guidance for ceremony organisers, including local governments. It addresses the responsibilities of ceremony organisers and presiding officers and provides requirements and guidance for the planning, conduct and completion of citizenship ceremonies. Ceremony organisers are required to comply with the Code unless an exemption is granted by the Department of Home Affairs in exceptional circumstances.

Local

- Shire Policy 8.6 – Public Events – defines citizenship ceremonies as civic events hosted on behalf of the Shire and provides that civic events do not require approval under that Policy. Repeal of Shire Policy 1.2 will not alter the treatment of citizenship ceremonies under the Public Events Policy

Financial Implications

There are no direct financial implications arising from the repeal of Shire Policy 1.2 – Australian Citizenship Ceremonies.

Strategic Assessment / ImplicationsLocal

- Council Plan 2026 - 2036

Outcome: *Communities Connected*

Strategic Objective 4: *Engage, educate and collaborate with the community to support celebration, events and shared experiences.*

Australian citizenship ceremonies provide an opportunity to formally welcome new citizens and recognise their connection to the local community. The proposed repeal of Shire Policy 1.2 will not affect the Shire's continued delivery of citizenship ceremonies or the community celebration associated with those ceremonies.

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: Repeal without appropriate operational controls may result in citizenship ceremonies not being conducted consistently with Commonwealth legislative requirements or the Australian Citizenship Ceremonies Code.	Unlikely	Moderate	Moderate	The Shire will continue to conduct citizenship ceremonies in accordance with the Act, the Regulation and the Code. Established administrative processes will continue.
Opportunity: Repeal of the Policy provides an opportunity to remove duplicated requirements and establish the Australian Citizenship Ceremonies Code as the primary source of operational guidance. This reduces the risk of the Shire's local policy becoming inconsistent with updated Commonwealth requirements.				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Repeal may be misunderstood by members of the community as the Shire discontinuing or reducing citizenship ceremonies or withdrawing its support for new citizens.	Unlikely	Minor	Low	The repeal removes duplicated policy provisions only and does not affect the continuation of citizenship ceremonies.
Opportunity: The review provides an opportunity to clearly communicate the Shire's continuing commitment to welcoming new citizens while improving the clarity and currency of its policy framework.				

Officer Comment/Details

Shire Policy 1.2 – Australian Citizenship Ceremonies has served a useful purpose in guiding the Shire’s approach to citizenship ceremonies. However, the majority of the requirements contained within the Policy are now comprehensively addressed through the *Australian Citizenship Act 2007*, the *Australian Citizenship Regulation 2016* and the Department of Home Affairs’ Australian Citizenship Ceremonies Code. The Code provides detailed guidance for local governments on the planning and conduct of ceremonies and must continue to be followed regardless of whether the Shire retains a separate local policy.

Repealing the Policy will not change the Shire’s commitment to hosting citizenship ceremonies or welcoming new citizens into the Chittering community. Ceremonies will continue to be coordinated in accordance with Commonwealth requirements, with local arrangements such as catering, gifts and community involvement managed through normal operational and budget processes.

The current Policy requires the provision of a native plant and commemorative coin to new citizens these gifts may continue to be provided; however, the Citizenship Ceremonies Code confirms that gifts are discretionary and do not need to be prescribed by Council policy.

On balance, retaining a separate policy creates unnecessary duplication and increases the possibility that the Shire’s Policy may become outdated as Commonwealth requirements change. Repealing the Policy will simplify the Shire’s policy framework while maintaining the same standard of service and ensuring citizenship ceremonies remain meaningful, welcoming and legally compliant.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080826**Moved Cr Grayer, seconded Cr Foulkes-Taylor****That Council repeals Shire Policy 1.2 – Australian Citizenship Ceremonies and update the Shire Policy Register accordingly.****CARRIED: 7 / 0**

TIME: 8.41PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CEO03 – 08/26**Compliance Audit Return 2025**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-109583
Author	Governance Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Compliance Audit Return – 2025 2. Unconfirmed Minutes from the Audit, Risk and Improvement Committee dated 12 August 2026

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☒	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	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 and adopt the Shire of Chittering Compliance Audit Return for the period 1 January 2025 to 31 December 2025, following its review by the Audit, Risk and Improvement Committee at its meeting held on 12 August 2026, and to receive the unconfirmed minutes of that meeting.

Background

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires each local government to complete an annual Compliance Audit Return for the period 1 January to 31 December. The Compliance Audit Return is a self-assessment of the local government's compliance with selected requirements of the *Local Government Act 1995* and associated regulations.

The 2025 Compliance Audit Return is subject to transitional arrangements associated with the establishment of the Local Government Inspectorate and amendments to the *Local Government (Audit) Regulations 1996*. The statutory requirements included in the 2025 return have been determined by the Local Government Inspector, and the questions were released in advance to enable local governments to gather the information and supporting evidence required to complete the return.

The deadline for submitting the Compliance Audit Return for the period 1 January to 31 December 2025 has been deferred to 30 September 2026. The Local Government Inspectorate advised that the completed return must be reviewed by the Audit, Risk and Improvement Committee before being presented to Council for formal consideration and adoption.

Administration has prepared the Shire of Chittering's 2025 Compliance Audit Return using the questions issued by the Local Government Inspector. Relevant records and supporting information have been reviewed in consultation with responsible officers to determine the appropriate response to each compliance requirement.

The draft Compliance Audit Return was presented to the Audit, Risk and Improvement Committee at its meeting held on 12 August 2026. The Committee reviewed the return and made the following recommendation to Council:

Committee Recommendation

That the Audit, Risk and Improvement Committee reviews the Local Government Compliance Audit Turn for the period 1 January 2025 to 31 December 2025 and presents to Council for adoption at the Ordinary Meeting of Council on 12 August 2026.

Consultation Summary

Local

The 2025 Compliance Audit Return was prepared through internal consultation with Governance, Finance, the Executive Management Team and other relevant officers responsible for the legislative requirements included in the return. Responsible officers reviewed the proposed responses and relevant supporting records to confirm the accuracy and completeness of the information provided.

The completed Compliance Audit Return was subsequently presented to the Audit, Risk and Improvement Committee at its meeting held on 12 August 2026 for review and recommendation to Council.

State

Nil

Legislative Implications

State

- Local Government Act 1995
 - s7.13 – provides for regulations to require local governments to carry out audits of compliance with prescribed statutory requirements.
- Local government (Audit) Regulations 1996
 - Reg 13 – identifies the statutory requirements against which a local government is required to undertake its annual compliance audit.
 - Reg 14 – requires a local government to carry out a compliance audit for the period 1 January to 31 December each year. Following completion of the audit:
 - the Chief Executive Officer must prepare the Compliance Audit Return in the form approved by the Local Government Inspector;
 - the Compliance Audit Return must be provided to the Audit, Risk and Improvement Committee;
 - the Committee must review the return and report the results of its review, including any recommendations, to Council; and
 - Council must consider the return and the Committee's review, determine whether any matters require action and adopt the return, either as presented or subject to amendments.
 - Reg 15 – Following Council adoption, the local government must provide the Local Government Inspector with:
 - the Compliance Audit Return signed by the Shire President and Chief Executive Officer;
 - any recommendations made by the Audit, Risk and Improvement Committee;
 - the relevant section of the Council minutes recording adoption of the return; and
 - any additional information explaining or qualifying the compliance audit.
 - Reg 20 – provides that the information relating to the Compliance Audit Return for the period 1 January to 31 December 2025 must be submitted to the Local Government Inspector by 30 September 2026, unless the deadline is extended by the Inspector.

Local

Nil

Policy ImplicationsState

- Local Government Inspector – Compliance Audit Returns Guidance
- Local Government Inspector – Compliance Audit Return 2025 Questions

Local

- Audit, Risk and Improvement Committee Terms of Reference

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Council Plan 2026 - 2036
Outcome: Thriving
Choose an item. Work with the community on matters that are important to them.

Completion of the annual Compliance Audit Return supports responsible stewardship by providing a structured assessment of the Shire's compliance with its statutory obligations. Review by the Audit, Risk and Improvement Committee and formal consideration by Council promote transparent oversight, organisational accountability and the identification and correction of any areas of non-compliance or control weakness.

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 accurately complete, adopt and submit the 2025 Compliance Audit Return within the statutory timeframe.	Unlikely	Moderate	Moderate	The return has been prepared through consultation with responsible officers and review of supporting records. It will be reviewed by the Audit, Risk and Improvement Committee before being presented to Council for adoption.
Opportunity: Completion of the Compliance Audit Return provides an opportunity to identify gaps in legislative compliance, internal controls, recordkeeping and governance processes, and to implement improvements before those matters result in more significant non-compliance.				

Officer Comment/Details

Administration has completed the Shire of Chittering Compliance Audit Return for the period 1 January to 31 December 2025. The return was prepared in consultation with responsible officers and supported by a review of the relevant records, registers, policies, procedures and statutory publications.

The Compliance Audit Return was reviewed by the Audit, Risk and Improvement Committee at its meeting held on [insert date] and recommended to Council for adoption.

The Shire achieved 100% compliance with all applicable requirements included in the 2025 Compliance Audit Return. No instances of non-compliance were identified. Responses recorded as “Not Applicable” relate to requirements that were not triggered during the reporting period and do not affect the overall compliance result.

Following Council adoption, the return will be signed by the Shire President and Chief Executive Officer and submitted, together with the required supporting documents, to the Local Government Inspector before 30 September 2026.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090826**Moved Cr Curtis, seconded Cr Angus****That Council:**

- 1. Receive the unconfirmed minutes of the Audit, Risk and improvement Committee meeting held on 12 August 2026.**
- 2. Adopt the Shire of Chittering Compliance Audit Return for the period 1 January 2025 to 31 December 2025, as contained in Attachment 1;**
- 3. Authorise the Shire President and Chief Executive Officer to sign the adopted Compliance Audit Return; and**
- 4. Authorise the Chief Executive Officer to submit the Compliance Audit Return and all required supporting documents to the Local Government Inspector by 30 September 2026.**

CARRIED: 7 / 0

TIME: 8.43PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CEO04 – 08/26

Meeting Attendance Fees – Independent Members – Audit, Risk and Improvement Committee

Applicant	Shire of Chittering
File ref	SOCR-1845402348-159868
Author	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Nil

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	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 set the meeting attendance fee for the independent members of the Audit, Risk and Improvement Committee at \$300 per meeting, plus reimbursement of eligible travel expenses.

Background

Recent reforms to the *Local Government Act 1995* have introduced changes to the composition and operation of Audit, Risk and Improvement Committees, with the reforms intended to strengthen independent oversight of local government audit, risk and improvement functions.

On 15 July 2026, Council adopted amended Terms of Reference for the Shire of Chittering Audit, Risk and Improvement Committee (ARIC). The Terms of Reference provide for the Committee to comprise all Elected Members and two independent external members, being a Presiding Member and Deputy Presiding Member. The terms and conditions associated with each independent member's appointment are to be documented in a letter of appointment.

To support the appointment of suitably qualified independent members, Council is required to determine the meeting attendance fee and associated reimbursement arrangements that will apply to these positions. No provision for these payments was included in the 2026/27 Annual Budget.

Consultation SummaryLocal

Internal review and benchmarking have been undertaken in relation to meeting attendance fees paid by other Western Australian local governments to independent Audit, Risk and Improvement Committee members.

The Shire of Northam has adopted a meeting attendance fee of \$300 per meeting for independent Audit, Risk and Improvement Committee members. Northam has been used as a regional local government benchmark in determining an appropriate fee for the Shire of Chittering.

The current Salaries and Allowances Tribunal band classifications identify the Shire of Chittering as Band 3 and the Shire of Northam as Band 2. The Northam fee therefore provides a measured regional benchmark, noting that the proposed fee for Chittering does not exceed that adopted by a higher-band local government.

The proposed fee of \$300 per meeting is considered to provide reasonable recognition of the responsibilities, preparation, meeting duration, and expertise required of an independent member, while remaining a measured level of remuneration for the Shire.

State

No direct consultation with State Government agencies was undertaken.

The Salaries and Allowances Tribunal's Local Government Chief Executive Officers and Elected Council Members Determination No. 1 of 2026 was reviewed in determining the proposed fee and reimbursement arrangements.

Legislative Implications

State

- Local Government Act 1995
 - s5.100 provides for the payment of meeting attendance fees and reimbursement of expenses to independent committee members.
 - s6.8 provides that expenditure for an additional purpose not included in the Annual Budget must be authorised in advance by an absolute majority resolution of Council.
- Local Government (Administration) Regulations 1996
 - regulation 34ACA prescribes the expenses that are to be reimbursed to committee members, including travel costs incurred as a result of attending a meeting of the committee of which they are a member.
- Salaries and Allowances Tribunal – Local Government Chief Executive Officers and Elected Members Determination Variation No. 1 of 2026
 - The Determination provides that the meeting attendance fee for an independent Audit, Risk and Improvement Committee member, including a Presiding Member or Deputy Presiding Member, must be set within the range of \$110 to \$1,215 per meeting.
 - The Determination requires the local government to resolve that the fee represents value for money and provides for reimbursement of actual travel and associated costs incurred in attending ARIC meetings.

Local

- Shire of Chittering Audit, Risk and Improvement Committee Terms of Reference
 - The Terms of Reference provide for the appointment of one independent external member as Presiding Member and one independent external member as Deputy Presiding Member, with the terms and conditions of each appointment to be documented in a letter of appointment.

Policy Implications

State

Nil.

Local

Nil. No Council policy is affected by the proposal.

Financial Implications

No provision for the payment of meeting attendance fees or associated travel expenses for an independent member of the Audit, Risk and Improvement Committee has been included in the 2026/27 Annual Budget.

The proposed meeting attendance fee is \$300 per member, per meeting. Where both independent members attend a meeting, the total meeting attendance cost to the Shire will be \$600 per meeting, plus eligible travel expenses.

Based on an anticipated two to four meetings per financial year, the meeting attendance fees are expected to range from \$1,200 to \$2,400 per annum, excluding eligible travel expenses. For budgeting purposes, a minimum of two meetings has been assumed to allow for the Committee to consider the Compliance Audit Return and the Auditor's Report and Management Letter, which are among the functions and responsibilities prescribed in the Committee's Terms of Reference.

As the Committee meets on an as-and-when-required basis, the actual annual financial impact will depend on the number of meetings held and the travel expenses incurred by the independent members.

The meeting attendance fee is exclusive of any applicable superannuation obligations. Any superannuation liability will be determined in accordance with the applicable requirements.

The expenditure will require Council authorisation as unbudgeted expenditure and will be accommodated through an appropriate amendment to the 2026/27 Annual Budget.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036
Outcome: Thriving
Strategic Objective 4: Ensure responsible stewardship of Shire resources and long-term financial sustainability.

The proposed meeting attendance fee and reimbursement arrangements support responsible and transparent management of Shire resources while facilitating the independent oversight functions of the Audit, Risk and Improvement Committee.

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 formally determine the meeting attendance fee and authorise the associated expenditure may result in unclear or inconsistent payment arrangements and potential non-compliance with the applicable legislative requirements.	Possible	Minor	Moderate	Council resolution determining the meeting attendance fee and reimbursement arrangements, authorisation of the associated expenditure, and inclusion of the arrangements within the independent members' letters of appointment.

Financial Impact: The actual annual cost may exceed the estimated amount where additional ARIC meetings are required or higher than anticipated eligible travel expenses are incurred.	Possible	Insignificant	Low	Meeting fees will only be payable for meetings attended, eligible travel expenses will be reimbursed in accordance with the applicable requirements, and expenditure will be monitored through the Shire's budget processes
Opportunity: Establishing clear remuneration and reimbursement arrangements provides transparency and consistency, while supporting the Shire in attracting and retaining suitably qualified independent members to provide effective oversight through the Audit, Risk and Improvement Committee.				

Officer Comment/Details

An independent member of the Audit, Risk and Improvement Committee are expected to provide independent judgement and relevant experience to support Council's oversight of audit, risk, financial management, legislative compliance and improvement matters. The roles require members to review agenda material prior to meetings, participate in Committee deliberations and, where required, undertake the responsibilities associated with presiding over meetings.

In determining an appropriate meeting attendance fee, consideration has been given to the responsibilities of the positions, the level of preparation required and remuneration arrangements adopted by other Western Australian local governments. Benchmarking identified the Shire of Northam's meeting attendance fee of \$300 per meeting for independent ARIC members as an appropriate regional local government benchmark.

The proposed fee of \$300 per member, per meeting, is within the applicable Salaries and Allowances Tribunal range and is considered to provide reasonable recognition of the skills, experience, preparation and independent oversight expected of the positions. The fee is therefore considered to represent value for money for the Shire.

The Salaries and Allowances Tribunal provides a single remuneration range for independent Audit, Risk and Improvement Committee members and does not differentiate between the roles of Presiding Member, Deputy Presiding Member, Deputy Member or Member. Accordingly, it is proposed that the same meeting attendance fee apply to all independent ARIC members, regardless of role. Actual and reasonable travel and associated expenses incurred in attending authorised ARIC meetings will be reimbursed in addition to the meeting attendance fee in accordance with the applicable requirements.

Establishing the remuneration arrangements provides transparency and enable the fee and reimbursement arrangements to be clearly documented within each independent member's letter of appointment.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100826

Moved Cr Angus, seconded Cr Dewar

That Council, by **ABSOLUTE MAJORITY**:

1. Set the meeting attendance fee for an independent member of the Audit, Risk and Improvement Committee at \$300 per member, per meeting and exclusive of any applicable superannuation obligations;
2. Determine that the meeting attendance fee of \$300 per member, per meeting represents value for money, having regard to the responsibilities of the positions, the skills and experience required, and benchmarking undertaken with similar Western Australian local governments;
3. Approve the reimbursement of actual travel and associated costs incurred by a member in attending Audit, Risk and Improvement Committee meetings, in accordance with the applicable legislative and Salaries and Allowances Tribunal determinations;
4. Authorise, pursuant to section 6.8 of the *Local Government Act 1995*, unbudgeted expenditure of up to \$2,400 in the 2026/27 financial year for meeting attendance fees, based on up to four Audit, Risk and Improvement Committee meetings, together with eligible travel expenses and any applicable superannuation obligations; and
5. Authorise the Chief Executive Officer to incorporate the meeting attendance fee, travel reimbursement arrangements and associated administrative requirements into the letters of appointment for an independent member.

CARRIED: 7 / 0

TIME: 8.45PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

ITEM 10. REPORTS OF COMMITTEES

COM01 – 08/26

Chittering Bush Fire Advisory Committee Meeting – 28 July 2026

Applicant	Shire of Chittering
File ref	SOCR-1845402348-159120
Author	Support Officer - Bushfire, Emergency Services and Ranger
Authorising Officer	Executive Manager, Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Unconfirmed CBFAC Meeting Minutes – 28 July 2026 2. Terms of Reference – Chittering Bush Fire Advisory Committee

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☐	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>
☐	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 28 July 2026, appoint the nominated Bush Fire Control Officers for the 2026/27 financial year, and adopt the amended Chittering Bush Fire Advisory Committee Terms of Reference.

Background

The Chittering Bush Fire Advisory Committee (CBFAC) is established to provide advice and recommendations to Council on bush fire prevention, control and management within the Shire of Chittering. The current Terms of Reference were adopted by Council on 22 October 2019.

At its meeting held on 28 July 2026, the CBFAC considered a revised Fire Control Officer naming convention. The proposed structure introduces locality-based numbering to identify the seniority of Fire Control Officers within each brigade area and provide greater clarity for emergency coordination and incident management. The Committee supported progressing the revised structure and subsequently considered the proposed FCO appointments for each brigade area.

To align the CBFAC membership with the revised Fire Control Officer structure, amendments have been made to the Terms of Reference to:

- replace the three regional Deputy Chief Bush Fire Control Officer positions with one Deputy Chief Bush Fire Control Officer position;
- designate FCO 1 as the Committee member and FCO 2 as the deputy member for the Muchea, Lower Chittering, Upper Chittering, Bindoon and Wannamal Brigades;
- remove the Incident Support Brigade member and deputy from the Committee's voting membership;
- include one representative from the Incident Support Brigade as an invited non-voting attendee; and

- rename the Attendance by Government Agencies section to Attendance to reflect that invited attendees may include representatives other than government agencies.

The existing membership provisions for the Council representative and deputy, Chief Executive Officer, and Community Emergency Services Manager/Chief Bush Fire Control Officer remain unchanged.

The proposed amendments ensure that the Committee's formal membership reflects the FCO structure considered by the CBFAC, while continuing to provide for participation by the Incident Support Brigade in a non-voting capacity.

Consultation Summary

Local

The proposed changes were discussed with the attendees of the CBFAC Committee at its meeting held on 28 July 2026. Brigade representatives considered the proposed locality-based FCO numbering structure, including its purpose of clarifying seniority, responsibilities and incident management arrangements within each brigade area.

The Committee supported progressing the revised structure and considered the proposed FCO 1 and FCO 2 appointments for the respective brigade areas.

State

The Community Emergency Services Manager/Chief Bush Fire Control Officer presented the proposed FCO naming convention to the Committee and advised that the revised structure was consistent with practices being adopted by other local governments and would support clearer communication during incidents.

Legislative Implications

Local

- Shire of Chittering Bush Fire Brigades Local Law 2012
 - 3.7 – each bush fire brigade nominates member/s at its annual general meeting to serve as Bush Fire Control Officers for the brigade area until the next brigade annual general meeting.
 - 3.9 – The CBFAC performs the advisory functions established under section 67 of the *Bush Fires Act 1954*. Council determines the number of brigade nominees included in the Committee's membership.
 - 3.10 – Following the annual general meetings of the brigades, the CBFAC considers the brigade nominees and recommends persons to Council for appointment as Bush Fire Control Officers for each brigade area.
 - 3.11 – Council must consider the persons recommended by the CBFAC but is not required to appoint those persons. Council retains the final decision on all Bush Fire Control Officer appointments.

Local

- Bush Fires Act 1954
 - s38(1) – Council may appoint as many Bush Fire Control Officers as it considers necessary. Council must appoint one Chief Bush Fire Control Officer and one Deputy Chief Bush Fire Control Officer, who are first and second in seniority. Council may determine the seniority of the remaining officers, including through the proposed FCO 1 and FCO 2 structure.
 - s38(2A) – Council must publish notice of the Bush Fire Control Officer appointments at least once in a newspaper circulating within the district.
 - s38(2E) – Each appointed Bush Fire Control Officer must be issued with a certificate confirming their appointment.
 - s67(1) – Council may establish a bush fire advisory committee to provide advice on bush fire prevention, control and extinguishment, firebreaks, enforcement, brigade formation and coordination, and other bush fire control matters.
 - s67(2) – The Committee must include a Council member nominated by Council and must elect a Chairperson from among its members.

- s67(3) – Council determines the Committee’s quorum and may establish rules governing the Committee, remove or accept the resignation of members, and appoint persons to fill vacancies.
- s67(4) – The Committee may meet as required, cannot conduct business without a quorum and remains accountable to Council for its activities.

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

The appointment of Bush Fire Control Officers will incur advertising costs, as notice of the appointments is required to be published in a newspaper circulating within the district. Provision for these costs has been included in the Shire’s adopted 2026/27 Annual Budget.

Any administrative costs associated with updating the Terms of Reference, issuing certificates of appointment and maintaining the relevant records will be met from existing operational resources. No additional budget allocation is required.

Strategic Assessment / ImplicationsLocal

- Council Plan 2026 - 2036

Outcome: *Communities Connected*

Strategic Objective 3: *Advocate for and support communities to prepare for emergencies and local risks.*

The goal of the FCO’s is to prevent bush fire, undergo hazard assessment, permit authorisation, and operational fire management within the community. FCOs may oversee fire suppression incidents where the local government is the controlling agency and are required to hold relevant firefighting experience and competencies. The FCO’s serve the community to prepare for emergency’s and local risks.

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 appoint the Bush Fire Control Officers and update the CBFAC Terms of Reference may result in the Shire's appointments, Committee membership and records not reflecting the applicable legislative and operational arrangements	Possible	Moderate	Moderate	Council adopts the amended Terms of Reference and appoints the nominated Bush Fire Control Officers. Following appointment, the Shire will publish the required notice, issue certificates of appointment and update the relevant registers and records
Natural Environment: An unclear Fire Control Officer hierarchy may contribute to delays or uncertainty in operational decision-making during a bush fire incident, increasing the potential for fire impacts to extend before an effective coordinated response is established	Unlikely	Major	Moderate	Council adopts the proposed FCO structure, and the approved structure is communicated to brigades and relevant agencies. Current appointment, contact and seniority records will be maintained and reviewed annually
Interruption to Service: Failure to establish and communicate a clear FCO hierarchy may create uncertainty regarding operational seniority and authority during a bush fire incident, potentially delaying or affecting the coordination of the Shire's emergency response	Unlikely	Major	Moderate	Council adopts the proposed FCO 1 and FCO 2 structure. The approved hierarchy and contact details will be communicated to all brigades and relevant agencies and maintained through an annual review process
Opportunity: Adoption of the amended Terms of Reference and appointment of the Bush Fire Control Officers will provide a clear and current governance structure, improve understanding of operational seniority and support effective coordination between the Shire and its bush fire brigades				

Officer Comment/Details

The proposed amendments to the Chittering Bush Fire Advisory Committee Terms of Reference are intended to align the Committee's membership with the revised Fire Control Officer structure considered by the Committee at its meeting held on 28 July 2026.

The current Terms of Reference provide for three regional Deputy Chief Bush Fire Control Officer positions. The *Bush Fires Act 1954* requires Council to appoint one Chief Bush Fire Control Officer and one Deputy Chief Bush Fire Control Officer as the first and second most senior officers. The proposed amendment therefore

removes the Southern, Northern and Central regional Deputy Chief positions and retains one Deputy Chief Bush Fire Control Officer position.

The proposed Terms of Reference also formalise the brigade representation structure by providing for FCO 1 to serve as the Committee member and FCO 2 to serve as the deputy member for the Bindoon, Lower Chittering, Muchea, Upper Chittering and Wannamal Brigades. The Incident Support Brigade will no longer form part of the voting membership but will continue to participate through one invited, non-voting representative.

The revised structure will provide greater clarity regarding FCO seniority and Committee representation while maintaining brigade involvement in CBFAC matters. It also recognises that FCO appointments should be based on operational capability, experience and suitability and are separate from brigade management positions such as Brigade Captain.

The nominations considered by the CBFAC have been presented to Council for appointment for the 2026/27 financial year. While Council is required to have regard to the Committee's nominations, Council retains the final authority to determine and make the appointments. Additionally, Council is presented the Shire Administration's recommendation for Appointment for Shire Officers to be appointed Bush Fire Control Officers in differing capacities, per the recommendation of the Community Emergency Services Manager.

Following Council's determination, the Shire will update the Terms of Reference and relevant appointment records, issue certificates of appointment and arrange publication of the appointed Bush Fire Control Officers in accordance with the *Bush Fires Act 1954*.

It is therefore recommended that Council receive the unconfirmed CBFAC minutes, appoint the nominated Bush Fire Control Officers and adopt the amended Terms of Reference.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110826

Moved Cr Foulkes-Taylor, seconded Cr Dewar

That Council:

1. Receive the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 28 July 2026;
2. Appoint, pursuant to section 38 of the *Bush Fires Act 1954*, the persons listed below as Bush Fire Control Officers for the 2026/27 financial year, with the seniority and any limitations on authority specified:

Lower Chittering	
Fire Control Officer 1 (FCO1)	Alistair Hunt
Fire Control Officer 2 (FCO2)	Don Jamieson
Fire Control Officer 3 (FCO3)	Ben Riddle
Upper Chittering	
Fire Control Officer 1 (FCO1)	Aaron Cover
Fire Control Officer 2 (FCO2)	Will Lee
Muchea	
Fire Control Officer 1 (FCO1)	Shelly Pannell
Fire Control Officer 2 (FCO2)	James Marotta
Bindoon	
Fire Control Officer 1 (FCO1)	Dennis Badcock
Fire Control Officer 2 (FCO2)	Bruce White
Wannamal	
Fire Control Officer 1 (FCO1)	Kim Haeusler
Fire Control Officer 2 (FCO2)	Clayton Smith
Shire Officers	
Chief Bush Fire Control Officer – Full Power	John Idland
Deputy Chief Bush Fire Control Officer – Full Power	Graham Furlong
Fire Control Officer – Limited Power	Bevin Boyd
Fire Control Officer – Limited Power	Barry Cilliers
Fire Control Officer – Limited Power	Daniel Bandy
Fire Control Officer – Limited Power	Brendan Spotswood

3. Determine that the respective seniority of the appointed Bush Fire Control Officers is to be in accordance with the positions specified in paragraph 2 above;
4. Adopt the amended Chittering Bush Fire Advisory Committee Terms of Reference, as provided at Attachment 2;
5. Note that the Shire will publish notice of the Bush Fire Control Officer appointments and issue certificates of appointment in accordance with section 38 of the *Bush Fires Act 1954*.

CARRIED: 7 / 0

TIME: 8.47PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**MWPN01 - 08/26 Cr Curtis – Relocation of Visitors Centre****COUNCILLOR MOTION / COUNCIL RESOLUTION 120826****Moved Cr Curtis, seconded Cr Van Eeden****That Council instructs the Chief Executive Officer to investigate the possibility of co-locating the Visitor Centre with the Library.****CARRIED: 7 / 0**

TIME: 8.54PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

Reasoning

Visitor numbers don't support the financial outlay that is provided by Council, the service that is provided can be all accessed digitally.

Comment

Tourist information would be better covered by information kiosks at strategic locations and businesses.

Officer Comment:

Co-location of the Visitors Centre with the Library is one of the important options that is currently under investigation to address current and future office space requirements.

Officers are supportive of the motion in the context of workforce planning and future organisational growth, rather than in response to the number of tourists attending the Visitor Centre.

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**QMWN01 – 08/26 Cr Foulkes-Taylor – Bindoon Tip Users**

Question: I would like to request the number of users at the Bindoon Tip per day for the last 12 months.

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

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****OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130826**

Moved Cr Foulkes-Taylor, seconded Cr Dewar

That Council moves into a confidential session to discuss the following item:

- CON01 – 08/26 Compliance Matter: Sea Container at Lot 4 (No.5A) Myrtle Way, Bindoon

Under the terms of the *Local Government Act 1995*, s5.23(2)(d)(f):

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(f) a matter that if disclosed, could be reasonably expected to —

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

CARRIED: 7 / 0

TIME: 8.56PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

CON01 – 08/26	Compliance Matter: Sea Container at Lot 4 (No. 5A) Myrtle Way, Bindoon
Applicant	Shire of Chittering
File ref	A11142
Author	Principal Strategic Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor the Authorising Officer has any impartiality, financial or proximity interest requiring disclosure.
Voting requirements	Simple Majority
Attachments	1. Chronology of compliance events

Reason for confidentiality:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (f) *a matter that if disclosed, could be reasonably expected to –*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*

	Authority / Discretion	Definition
☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
☒	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>
☐	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140826

Moved Cr Angus, seconded Cr Foulkes-Taylor

That Council:

- Determine that the placement of the sea container on Lot 4 (5A) Myrtle Way, Bindoon constitutes unauthorised development under the Shire of Chittering Local Planning Scheme No. 6.**
- Authorise the Chief Executive Officer to engage Mcleods Lawyers to commence prosecution against the landowner(s) of Lot 4 (5A) Myrtle Way, Bindoon with respect to the unauthorised sea container placed on the land.**

CARRIED: 7 / 0

TIME: 9.09PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

PROCEDURAL MOTION / COUNCIL RESOLUTION 150826**Moved Cr Angus , Seconded Cr Foulkes-Taylor****The Council come out from behind closed doors.****CARRIED: 7 / 0**

TIME: 9.09PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Foulkes-Taylor, Cr Hughes, Cr Grayer, Cr Van Eeden

AGAINST: Nil

Public reading of resolution that may be made public

The Presiding member read aloud the resolution.

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 9.10pm.