

# COUNCIL MINUTES

Confirmed: 19 March 2025

## Ordinary Meeting of Council

7pm, Wednesday, 19 February 2025

Council Chambers, 6177 Great Northern Highway, Bindoon

## PUBLIC QUESTION TIME

### 1. Time Permitted

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

### 2. Protocol

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

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

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

### 3. General Rules

The following general rules apply to Public Question Time:

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

## DEPUTATIONS

### 1. Time Permitted

A minimum of 10 minutes is permitted for Deputations.

### 2. Protocol

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

Members of the public 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.

### 3. General Rules

The following rules apply when making a Deputation:

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

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

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### Objective

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

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

### Recording of Proceedings

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

### Access to Recordings

- 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 21 February 2025



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

### **CONFIRMED MINUTES**

These minutes were confirmed at a meeting held on 19 March 2025



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

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

### **DISCLAIMER**

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7.00pm.

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

### **Attendance**

The following members will be in attendance:

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

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Leo Pudhota	Executive Manager Technical Services
Isaac Parfrey	Senior Planning Officer
Anna Bateman	Executive Assistant

Members of the General Public: 4

Media: 0

### **Apologies**

Cr David Dewar	
Scott Clayton	Deputy Chief Executive Officer

### **Approved leave of absence**

Nil

**Announcements**

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

**Cr Aaron King**


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11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
12 February 2025	Councillor Information Session Agenda Forum
14 February 2025	Australian Citizenship Ceremony

**Cr Mary Angus**


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11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
12 February 2025	Councillor Information Session Agenda Forum
14 February 2025	Australian Citizenship Ceremony

**Cr Kylie Hughes**


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11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
10 February 2025	Muchea Recreation Centre User Group Meeting
12 February 2025	Councillor Information Session Agenda Forum
17 February 2025	Sandown Park User Group Meeting

**Cr Carmel Ross**


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11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
12 February 2025	Councillor Information Session Agenda Forum

**Cr John Curtis**


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11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
12 February 2025	Councillor Information Session Agenda Forum



*Cr Mark Campbell*

11 December 2024	Ordinary Meeting of Council
12 February 2025	Councillor Information Session Agenda Forum
17 February 2025	Sandown Park User Group Meeting

*Cr David Dewar*

11 December 2024	Ordinary Meeting of Council
26 January 2025	Australia Day Event
5 February 2025	Annual Electors Meeting
12 February 2025	Councillor Information Session Agenda Forum

**ITEM 3. DISCLOSURE OF INTEREST**

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

<b>DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store)</b>		
<b>Councillor</b>	<b>Type of Interests</b>	<b>Nature / Extent of Interest</b>
Cr Carmel Ross	Financial	<b>Nature:</b> A business owned by spouse is a supplier of an existing liquor store in Bindoon
Declaration pursuant to <i>Section 5.61 of the Local Government Act 1995</i>		

<b>CON01 – 02/25 Tender No. SC25-001 – Complete Road Widening Works of Blue Plains Road Chittering</b>		
<b>Individual</b>	<b>Type of Interests</b>	<b>Nature / Extent of Interest</b>
Leo Pudhota – Executive Manager Technical Services	Financial	<b>Nature:</b> The individual's son is employed by a company that has submitted a tender
Declaration pursuant to <i>Section 5.61 of the Local Government Act 1995</i>		

**ITEM 4. PUBLIC QUESTION TIME****Response to previous public questions taken on notice**

Nil

**Public question time**

Nil

**ITEM 5. PETITIONS / PRESENTATIONS / DEPUTATIONS****Petitions****PET01 - 02/25 Joel Diano**

Petition to support Officer Recommendation DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store) with 61 signatures.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010225****Moved Cr Angus, seconded Cr Hughes****That Council receive the petition.****CARRIED UNANIMOUSLY: 6 / 0****TIME: 7.05pm****PET02 - 02/25 Steve Scott**

Petition to oppose Officer Recommendation DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store) with 135 signatures.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020225****Moved Cr Curtis, seconded Cr Campbell****That Council receive the petition.****CARRIED UNANIMOUSLY: 6 / 0****TIME: 7.06pm****Presentations**

Nil

**Deputations****DEP01 - 02/25 Steve Scott**

Speaking to the Officer Recommendation DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store)

**DEP02 - 02/25 Nick Humphry**

Speaking to the Officer Recommendation DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store)

**ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE****MOTION / COUNCIL RESOLUTION 030225**

Moved Cr Hughes, seconded Cr Campbell

That Council approve the following leave of absence:

- Cr Kylie Hughes – Thursday, 27 February 2025 through to Monday, 3 March 2025 (inclusive).

CARRIED UNANIMOUSLY: 6 / 0

TIME: 7.25pm

**ITEM 7. CONFIRMATION OF MINUTES**

Ordinary Meeting of Council: Wednesday, 11 December 2024

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040225**

Moved Cr Curtis, seconded Cr Campbell

That the minutes of the Ordinary Meeting of Council held on Wednesday, 11 December 2024, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY: 6 / 0

TIME: 7.26pm

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

- This is our first Council meeting of the year and we have already had two citizenship ceremonies, welcoming 12 new Australian citizens into our Shire. We've had the Australia Day Celebrations and we have had our Annual Electors Meeting.
- This week we have also had a large fire in Bindoon, and I would like to sincerely thank our bushfire brigades, volunteers, DFES and community members for all the support. The long hours fighting the fire throughout the night is sincerely appreciated, as can be attested to by all the positive feedback the brigades are getting on social media. Thank you very much!

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES****DS01 - 02/25                      Amendment to Council Policy 9.7 – ‘Temporary Accommodation During Construction of a Dwelling’**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Author</b>	Principal Environmental Health Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Draft Amended Policy 9.7 – ‘Temporary Accommodation’ 2. Current Policy 9.7 – ‘Temporary Accommodation During Construction of a Dwelling’

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

**Executive Summary**

Council is requested to consider adopting the proposed amendments to Policy 9.7 - ‘Temporary Accommodation During the Construction of a Dwelling’. The updated policy aligns with recent changes to the *Caravan Parks and Camping Grounds Regulations 1997*, permitting the use of caravans or tiny homes on wheels as temporary accommodation. The amendments also ensure that minimum standards for environmental health, safety and amenity are upheld.

**Background**

Western Australia is currently facing a housing crisis due to a combination of factors, including a shortage of available housing, population growth, increased demand for rentals, and rising rental prices. To address these issues, the Department of Local Government, Sport and Cultural Industries has amended the *Caravan Park and Camping Grounds Regulations 1997 (Regulations)*. These changes provide more flexibility for temporary housing solutions. Consequently, it is necessary for Council to update their policy to reflect the amended regulations and support their implementation.

### Current Housing Challenges

1. Housing shortages: Housing supply has not kept up with demand due to construction delays and increased costs, contributing to a lack of availability across the state.
2. Population Growth: A rise in population through interstate migration and international arrivals has further strained the housing market.
3. Rental Demand and Costs: Vacancy rates are at historic lows, leading to significant increases in rental prices, which has placed pressure on tenants and increased the risk of homelessness.

### Amendments to the Regulations

The recent amendments to the Regulations aim to alleviate housing pressures by:

- allowing property owners to seek temporary accommodation approval for up to 24 months.
- introducing provisions for applicants to re-apply for approval upon expiry of an initial permit.
- empowering local governments to revoke approvals in cases where permit conditions are breached.

These changes provide local governments with the tools to address temporary accommodation needs while ensuring compliance with regulatory standards.

### Implications for Council Policy

The previous Council policy permitted property owners to reside on-site for up to 12 months while constructing a dwelling, however this was limited to properties zoned as agricultural resource, rural residential, rural smallholdings and rural retreat. The updated policy will:

- expand eligibility to property owners in townsite and residential areas
- remove the restriction to vacant properties intended for permanent dwelling construction, allowing approvals for temporary accommodation on already established properties.

Given the inclusion of established properties, the policy name will need to be updated to reflect that temporary accommodation approvals may be sought for purposes beyond the construction of a dwelling.

In addition to updates, the persons authorised to approve permits has been amended, to align with the Council's Delegated Authority, ensuring delegates officers are empowered to make decisions in accordance with Council's governance framework.

### **Consultation Summary**

#### Local

Nil

#### State

- Western Australia Local Government Association (WALGA)  
Shire officers contacted WALGA to obtain guidance on the changes to the Regulations and the best approach to implement these changes. WALGA offered some broad guidance on the development of a Council Policy to assist the Shire in implementing the changes to the regulations.

### **Legislative Implications**

#### Local

Nil

State

- Caravan Parks and Camping Grounds Regulations 1997

The *Caravan Park and Camping Grounds Regulations 1997* were amended in September 2024. The proposed amendment to Council Policy incorporates the changes to the Regulations whilst considering and addressing the potential amenity and public health safety elements that temporary living arrangements may create.

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

There is an application fee of \$100.00 in the 2024/25 fees and charges, for persons wishing to apply for temporary accommodation.

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034

Community Engagement Theme: Community

Community Aspiration: Inclusive, Active, and Resilient Community

Strategy: Safety and well-being

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk:</b> Compliance	Unlikely	Minor	Low	Ensure temporary accommodation is approved in accordance with the policy.
<b>Opportunity:</b> allow temporary accommodation to reduce the risk of homelessness and unauthorised camping within the Shire.				

**Officer Comment/Details**

To address the pressing housing challenges facing Western Australia and to ensure consistency with the amended Regulations, which are already in effect, it is necessary for Council to adopt an updated policy.

The revised policy will provide flexibility for temporary accommodation solutions, address local housing needs, and enable the Council to uphold appropriate health, safety, and amenity standards in its decision-making.

The below table summarises the proposed amendments to the Council Policy:

Current Policy	Proposed Amendments
Living in a caravan only permitted with a building permit for a dwelling.	Living in a caravan only permitted with a building permit for a dwelling or an approved permanent dwelling already exists on the site.
A permit to live in a caravan to not exceed 12 months.	A permit to live in a caravan not to exceed 24 months.
Temporary accommodation not permitted in the Townsite zone or Residential zone.	Temporary accommodation can be permitted in the Townsite and/or Residential zone.
The following persons are authorised under the <b><i>Caravan Parks and Camping Grounds Act 1995</i></b> , to approve temporary accommodation applications: <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Executive Manager Development Services</li> <li>• Principal Environmental Health Officer</li> </ul>	The Chief Executive Officer (or a delegated authority per the Council's delegated register), is authorised under the <b><i>Caravan Park and Camping Grounds Act 1995</i></b> to approve temporary accommodation applications.

The updated policy will maintain its focus on managing health and environmental impacts while providing a structured framework for assessing applications for temporary accommodation. Expanding the Policy to include townsite and residential zoned properties will enable property owners to seek approval for temporary accommodation, thereby reducing the risk of homelessness and minimising complaints and administrative challenges for officers.

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050225

Moved Cr Angus, seconded Cr Curtis

That Council adopt amended Policy 9.7 – 'Temporary Accommodation' as provided in Attachment 1, in replacement of Policy 9.7 – 'Temporary Accommodation During Construction of a Dwelling'.

CARRIED UNANIMOUSLY: 6 / 0

TIME: 7.31pm

DS02 - 02/25

**Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store)**

<b>Applicant</b>	DIANO FAMILY SUPER FUND PTY LTD
<b>File ref</b>	A9533
<b>Author</b>	Senior Planning Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Planning Report &amp; Plans</li> <li>2. Schedule of Submissions</li> <li>3. Bushfire Management Statement</li> </ol>

DS02 – 02/25 Application for Development Approval – 17 (Lot 12) Binda Place, Bindoon (Liquor Store)		
Councillor	Type of Interests	Nature / Extent of Interest
Cr Carmel Ross	Financial	<b>Nature:</b> A business owned by spouse is a supplier of an existing liquor store in Bindoon
Declaration pursuant to <i>Section 5.61 of the Local Government Act 1995</i>		

*\*Cr Ross exited Council Chambers at 7.31pm*

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

**Executive Summary**

Council is requested to consider an application for development approval at Lot 12 (No. 17) Binda Place, Bindoon (subject site). The application is proposing a liquor store to be constructed on the subject site. This application is being processed as a 'use not listed' application as the land use 'liquor store' is not an identified land use within the Shire of Chittering Local Planning Scheme No. 6 Zoning Table.



## Location Plan

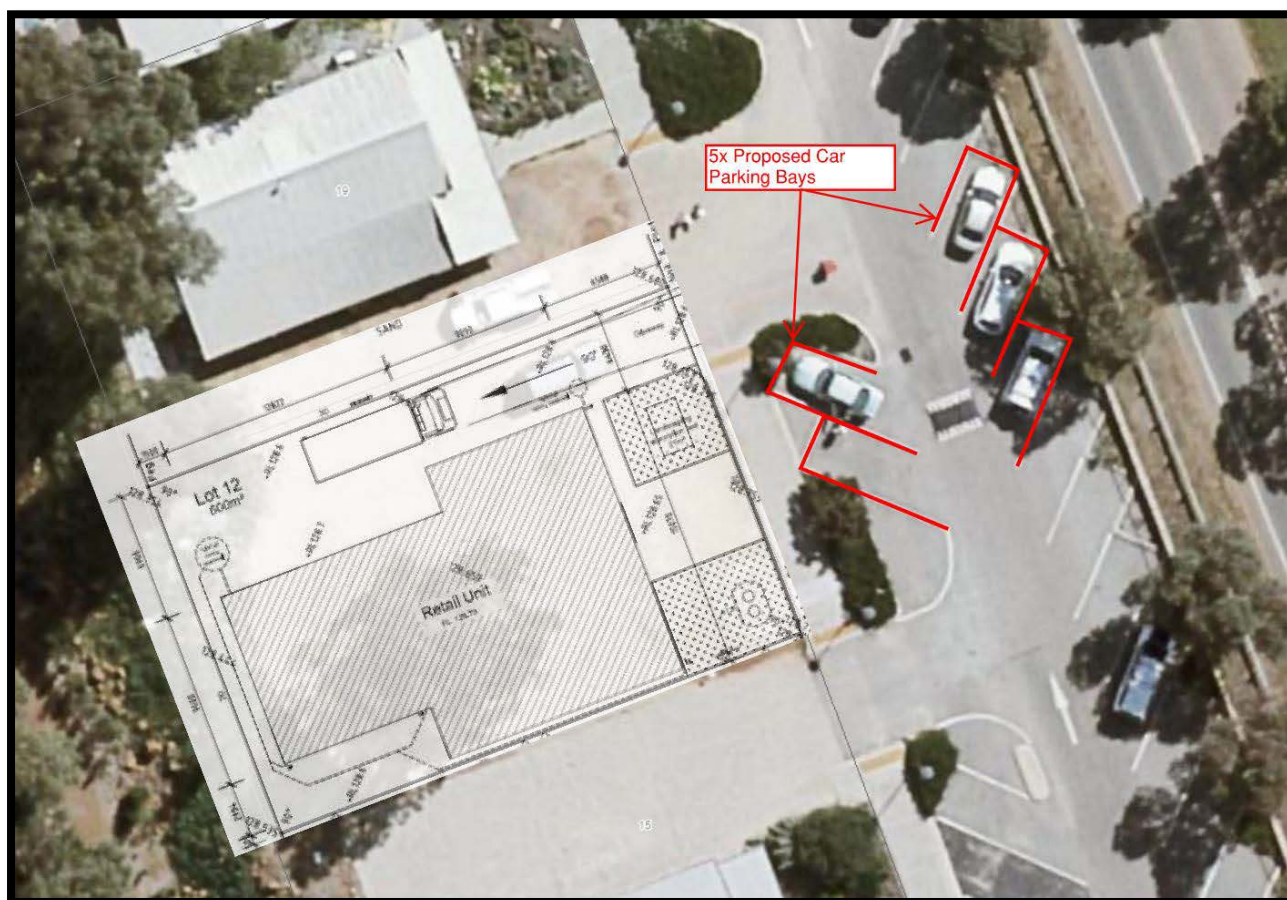
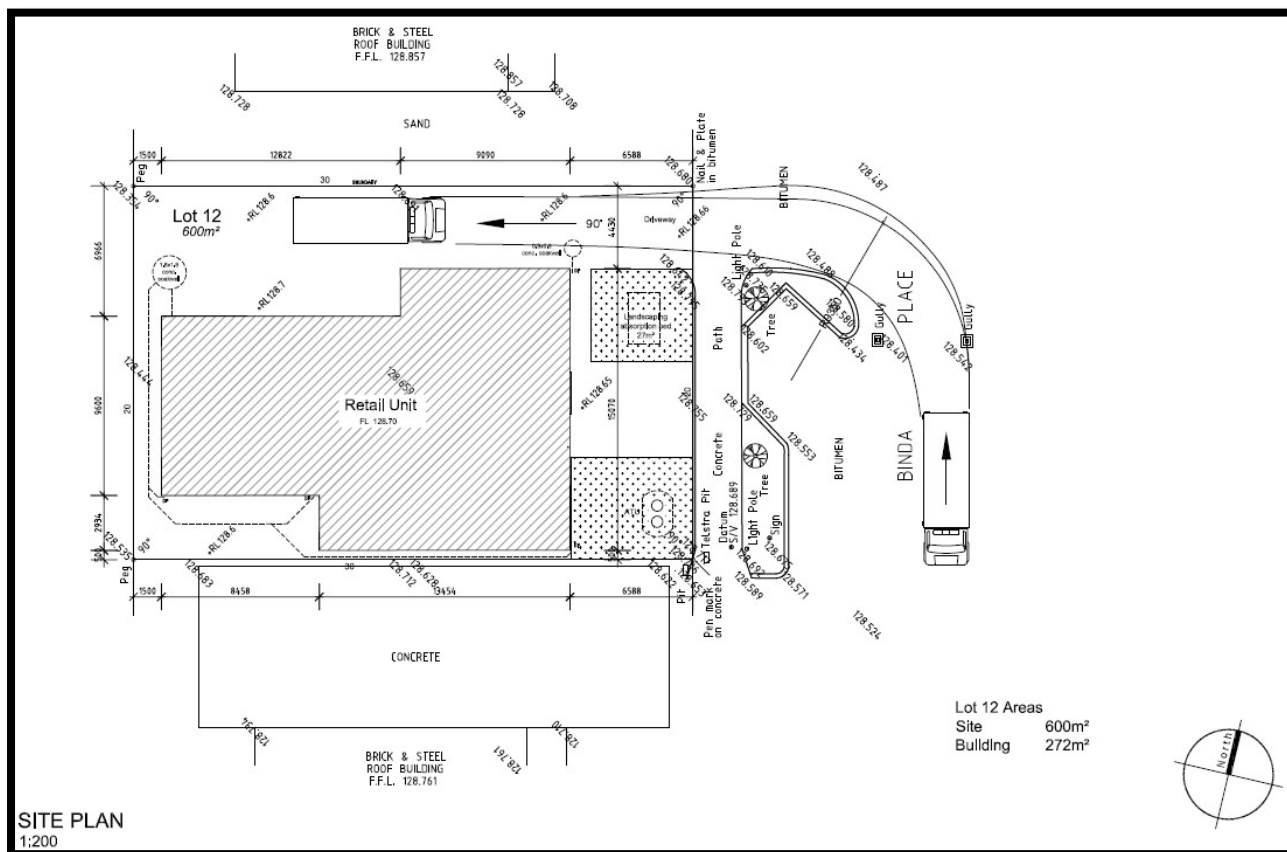








## Site Plan



## Background

The subject application seeks approval to construct a liquor store at the subject site. The subject site is zoned as Townsite and is located within the commercial strip along Binda Place. The property is currently vacant with no development on the property. The applicant is proposing to construct a building which is to be utilised as a liquor store and operated by the company 'Liquor Barons'. The building will be constructed out of both Colorbond and concrete sheeting. The rear portion will be constructed out of Colorbond sheeting in a 'wind spray' colour with the trimming being a 'surf mist' finish. The frontage of the building will be constructed out of concrete materials with a 'classic cream' colour finish. The lot has been vacant for several decades.

The application estimates the business will serve between 100 and 150 customers on the peak traffic days of Friday, Saturday and Sunday with the maximum number of customers per hour being under 30. During the peak time period, the minimum car bays needed to service the customers at any given point is estimated to be three bays. The applicant has proposed to utilise five of the existing car parking bays, which are located in front of the building, with an overflow parking available at the intersection of Great Northern Highway and Binda Place if necessary.

The liquor store would propose the following operating hours of:

- Monday – Thursday: 09:00 – 19:00;
- Friday – Saturday: 09:00 – 20:00; and
- Sunday: 11:00 – 18:00.

The liquor store would also employ two full-time staff members and two casual staff members once the business is fully operational.

### **Consultation Summary**

#### Local

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the application was advertised as a 'complex application', which included the following:

- A letter sent to landowners within 200m of the proposed development;
- A notice of the application, and the application itself, published on the Shire's website; and
- A sign giving notice of the application at the site.

Five objections and two submissions of support were received from the neighbouring landowners or the general public.

These submissions are discussed in further detail within the 'Officer Comment' section of this report.

#### State

The application was also advertised to the following agencies:

- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH); and
- Department of Racing, Gaming and Liquor (DLGSC).

No objections were received from the agencies advertised to, with DLGSC the only agency to not provide a submission.

All submissions received are contained as an attachment to this report (Attachment 2).

## Legislative Implications

### Local

- Local Planning Scheme No. 6 – Clause 3.4.2 – Interpretation of the Zoning Table

Clause 3.4.2 of the Scheme states the following:

*If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for Development approval;*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

As this application is being processed as a 'Use Not Listed', this clause applies to the application. The assessment of this proposal against the objectives of the Townsite zone is provided below.

- Shire of Chittering Local Planning Scheme No. 6 – Clause 3.2.1

Lot 12 is zoned as 'Townsite', and this application must be consistent with the objectives for the Townsite zone within Clause 3.2.1 of the Scheme. The objectives of the Townsite zone and officers' assessment against each are:

- a) Provide a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*

Binda Place currently has a range of existing commercial services, such as an IGA, Mitre 10, butchers, cafe and local goods. There is also an existing liquor store located at the Bindoon General Store, which is located within close proximity to Binda Place. Shire officers believe that the proposed liquor store is in line with the existing uses of the Bindoon Townsite. Although there is an existing business in Bindoon that offers liquor for sale, the threat of commercial competition is not regarded as a valid planning reason to refuse an application of this nature.

- b) Prohibit land uses which may adversely affect the living and visual amenity of the location;*

The proposed liquor store will not adversely affect the living and the visual amenity of the location, as it will be placed within a commercial area and will not be a visual eyesore on the locality.

- c) Provide for the protection of the natural environment*

This does not apply to this application.

- d) Protect or enhance any local reserves*

The property is situated with the Brockman River to its rear, however this proposed development will not affect the Brockman River and therefore the application is compliant with this objective.

Pursuant to Cl. 3.4.2(b) of LPS6, it is considered that the proposal is consistent with the objectives of the Townsite zone.

#### State

- Planning and Development (Local Planning Scheme) Regulations 2015;

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

- c) any approved State planning policy*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas is further addressed in the ‘Policy Implications’ section of this report.

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

The development is proposed within the main commercial strip within the Bindoon Townsite which is zoned as ‘Townsite’. There are several commercial businesses along Binda Place and the activity proposed is also considered to be of a commercial nature, and therefore Shire officers believe that the proposed development is compatible with the area.

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

The application estimates that the business will serve between 100 and 150 customers on the peak traffic days of Friday, Saturday and Sunday with the maximum number of customers per hour being under 30. During the peak time period, the estimated minimum car bays needed to service the customers at any given point will be three bays. The applicant has identified the non-exclusive use of five of the existing car parking bays, which are located in front of the building, with an overflow parking available at the intersection of Great Northern Highway and Binda Place, if necessary.

‘Local Planning Policy 13 – Car Parking’ (LPP13) is a guide for Shire officers to utilise when new developments require car parking bays to be exclusively allocated. Table 1 within LPP13 does not contain the land use of liquor store to calculate the required number of carparking bays. However, within this policy, a ‘shop’ is provided as a land use and is considered to be the ‘closest fit’ to a liquor store to provide a carparking estimate. Table 1 indicates that a ‘shop’ is required to provide “1 bay per employee, plus 1 bay for every 20m<sup>2</sup> of net lettable floor space”.

There is proposed to be a total of four employees (two full-time and two casual), and it is stated that these employees will utilise the overflow parking at the intersection of Great Northern Highway and Binda Place. This overflow parking is utilised by employees of businesses within the area (such as Shire staff), and it is not unreasonable to suggest that the employees for this business can also use this area for parking.

The proposed liquor store will comprise a total of three ‘rooms’. These rooms consist of the retail space (104.6m<sup>2</sup>), the cool room (28.7m<sup>2</sup>) and the storeroom (116m<sup>2</sup>), totalling 249.3m<sup>2</sup>. Based off Table 1, and using the land use of a ‘shop’ as a guide, a minimum of 12 bays will be required for this proposal for customer use,

based on the net lettable area of the proposed liquor store. There are flaws in using a 'shop' as a comparable car parking estimator for a liquor store, as the time spent of a customer in a 'shop' is typically longer than that spent in a liquor store. As such, it is not recommended to use this method of calculation for determining the required number of parking bays to service the proposed liquor store. A further carparking estimation using estimated customer numbers and peak times has also been provided to better inform decision-making on this application.

With regard to the expected peak customers at any one time, the proposed management for this proposed Liquor Barons have provided the statistics recorded for the average customer attendance at the Liquor Barons store in Bayswater that they currently manage. These statistics as provided by the applicant are:

	Total Count	Peak per Hour
<b>Monday</b>	46	11
<b>Tuesday</b>	66	17
<b>Wednesday</b>	64	15
<b>Thursday</b>	102	19
<b>Friday</b>	112	24
<b>Saturday</b>	136	24
<b>Sunday</b>	72	15

It is worth noting that these statistics are for the Bayswater store, which is one of multiple liquor stores in the Bayswater area which services a population of 69,283 in accordance with the Australian Bureau of Statistics (ABS) for 2021. As the Bindoon locality has a population of 1,215 (according to the same ABS source), it can be practically assumed that the average customer count and peak per hour are likely to be less than the Bayswater store.

Based on the maximum assumption (provided in the application) that the peak per hour customer count for Friday, Saturday and Sunday will be 30 customers per hour (with a 5-minute shopping time), a total of 2.5 bays would be required to support the subject application (rounded up to 3). However, as this estimated peak count of 30 is higher than that of the Bayswater store (which serves a significantly higher population), it is reasonable to assume that a lower peak count is to be expected on these days.

There are zero car parking bays proposed within Lot 12, as all the parking required already exists along Binda Place. As all the existing businesses along Binda Place also do not provide parking within their respective lots, there is no expectation for Lot 12 to then provide car parking bays within Lot 12.

In the immediate vicinity of the proposed liquor store exists the butcher, hairdresser, bank and an office building (Martin Aldridge's Office). The customer traffic and car parking bay occupation of these businesses is typically low, with Shire Officers considering there to be typically available car parking bays within this area of Binda Place during business hours (N.B this is from officer observations as there is no traffic data available). It is recognised that the proposed liquor store has daily operating hours beyond those of existing businesses (the proposed liquor store operates until 6pm, 7pm and 8pm) and the nature of the store would typically attract more customers in the afternoons and evenings. This is provided in comparison to the other businesses in the immediate vicinity that do not operate past 5pm. This would mean that the car parking bays in the subject area would be 'reciprocal' in nature and likely to be used at different times of the day for the different

businesses.

It is considered that there are sufficient parking spaces available along Binda Place to accommodate the proposed liquor store and will not result in traffic issues for other existing businesses and their customers. Based on this information, Shire Officers are satisfied with this element of the application but recommend (as a safeguard) that a condition of approval be imposed that requires staff vehicles of the liquor store to be parked in the overflow carparking area adjacent to the northern portion of the Shire administration building. This will ensure that customers and visitors to the Binda Place businesses have priority car parking over staff of the liquor store.

*v) the potential loss of community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.*

The proposed liquor store is replicating a service that currently exists in the Bindoon Townsite, currently offered through the Bindoon General Store on Lot 133 Great Northern Highway, Bindoon. An element of an objection received, argues that the Bindoon locality is already serviced for its liquor demand and with the additional option of home deliveries from larger retailers, suggesting that the local residents already have sufficient offerings.

Economic competition is not a valid planning consideration on its own. As stated in the above matter of consideration (v), a loss of community service or benefit from the development is a valid matter of consideration for this application, however this potential loss of service or benefit cannot be a result from economic competition. Competition for the purchase of liquor in the Bindoon locality currently exists with the Bindoon General Store being a primary retailer, and the delivery service offered by larger retailers. The addition of a further competitor in this market should not be a consideration by itself, when determining the subject application.

There is some planning case law which exists on the matter of economic consideration in planning decision-making. Officers understanding of this case law is that it is not a planning decision-maker's role to interfere with, or regulate economic competition, but to have regard to a potential loss of amenity or facilities that may arise from approving a development, and that is not made good by the proposal itself. It is a focus on the development's potential impact on the community by any loss of an important service or facilities that approving a development may cause. With regard to the proposed liquor store on Lot 12, it is a business that will offer the sale of liquor, replicating a service that is currently offered through multiple means (through the General Store or delivery from larger retailers). Officers cannot deduce that the potential approval of the proposed liquor store will have a significant impact on a community amenity or a significant reduction in the facilities currently offered by a business operating in the locality. While the approval of the subject application may have economic impact on competing businesses, the impact of this potential approval is not considered to have a significant impact on the community's current ability to access facilities or services.

## **Policy Implications**

### Local

- *Local Planning Policy 13 – Car Parking*

The majority of LPP13 has been addressed in the above section of this report. However, Clause 5.3 of LPP13 makes provision for a cash-in-lieu payment to be made to the Shire when there is a shortfall of carparking spaces provided by a proposed business. Shire officers investigated this provision and its application for the existing businesses along Binda Place with Shire records indicating that no other lots along Binda Place have been made to provide a cash-in-lieu payment for each of the respective businesses. Lot 20 Binda Place



(Bakehaus complex) was required to provide payment to the Shire for a shortfall of parking bays as part of the Development Approval granted in 2009. However, this matter was contested for several years following the approval, resulting in an agreement being entered into for the construction of public facilities being constructed instead (seating, landscaping, shading outside of the Bindoon Bakehaus). This agreement appears to have coincided with the redevelopment of car parking of the entire Binda Place, undertaken by the Shire in 2017, creating a surplus of car parking for all current and future businesses.

Given the age of LPP13 (adopted in 2006), the lack of application of Clause 5.3 on other businesses in Bindoon, and the Shire redevelopment of the Binda Place carparking in 2017, it would be considered unfair and unnecessary to apply any form of cash-in-lieu requirement on the subject application.

### State

- State Planning Policy 3.7: Planning in Bushfire Prone Area:

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) is a Western Australian Planning Commission (WAPC) Policy which provides guidance on all development on properties that are located within a Bushfire Prone Area (as designated by DFES). The entirety of the Shire is located within the Bushfire Prone Area, and therefore the provisions of this policy apply to Lot 12 and the proposed liquor store.

The applicant obtained a Bushfire Attack Level assessment for the building, which returned a rating of BAL-FZ. As the property is situated with the Brockman River to its rear, the vegetation within the river and its embankment has resulted in the BAL-FZ rating. As this vegetation is not possible to be cleared, the applicant has also provided a Bushfire Management Statement (BMS) which identifies the measures that will be undertaken to mitigate any bushfire impacts on the property. These management measures are:

- 21m Asset Protection Zone implemented surrounding the building (To the edge of lot boundary);
- Reticulated water is provided to the site via a hydrant approximately 87m from Lot 12;
- The building will be constructed to the requirements of BAL-FZ.

This application was advertised to DFES to provide comment on the bushfire documentation provided. DFES confirmed that the bushfire management plan (BMP) is compliant with SPP3.7 and confirmed that *“it may be considered unreasonable to restrict the development to areas of BAL-29 or lower. The applicant is unable to manage the vegetation in the reserve.”*

As the vegetation to the rear of the lot within the reserve is causing the BAL rating to stay at a rating of BAL-FZ (and the applicant is unable to modify this vegetation in any form), Shire officers consider that the application is consistent with SPP3.7 and that the building can be constructed on the lot with the appropriate bushfire measures in place as stated within the BMS.

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Economy  
Community Aspiration: Stimulate Sustainable Economic Growth  
Strategy: Support Local Businesses

#### State

Nil

**Site Inspection**

Site inspection undertaken: Site inspection undertaken in January 2025.



***Figure 1: Lot 12 Binda Place, Bindoon (Senior Planning Officer, 2025)***



***Figure 2: Vegetation within Brockman River reserve behind Lot 12 (Senior Planning Officer, 2025)***

## Environmental Consideration

Environment consideration given: Yes.

There is a large tree in the middle of Lot 12 (refer to site visit photos), however due to the small size of the lot, this tree would need to be removed if the application is approved. As the lot is zoned as Townsite and is only large enough to accommodate for a building, Shire officers consider the eventual removal of this tree to be acceptable.

## Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Community concerns of new liquor store	Unlikely	Minor	Low	Thorough planning and consultation process has been undertaken to ensure proposed development meets all relevant planning framework.
<b>Opportunity:</b> Allows for the further activation of Binda Place in line with the Shire's Local Planning Strategy.				

## Officer Comment/Details

### Land Use Definition

This application for a proposed liquor store has been processed as a 'Use Not Listed' application as a liquor store cannot be defined within any land use definitions within LPS6. The proposal cannot be classified under the 'shop' land use as the definition of this land use is defined as:

*"premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services."*

As there are no other land uses that the proposal could be classified within, the application is then required to be processed as a 'Use Not Listed' application in accordance with Clause 3.4.2 of LPS6 and assessed against the objectives of the 'Townsite' zones within Clause 3.2.1 of LPS6.

An assessment against the objectives of the 'Townsite' zone has been completed in the 'Legislative Implications' section of this report which demonstrates that the proposed development is compliant with these objectives and can therefore be recommended for approval.

### Consultation Summary

As a result of the public consultation period, a total of seven submissions were received, with five being in objection and two being in support of the application.

The two submissions of support were from local businesses within the Shire of Chittering, with one being the owner of the butcher located at Lot 11 Binda Place, and the other being the owner of Stringybark Winery in Lower Chittering. Both of these business owners expressed their support for the application as it will provide additional jobs to the community, and that will allow the economic growth of the town to increase further whilst continuing to further development opportunities.

Five submissions objecting to the application were also received. These objections oppose the application for the following reasons:

- The Bindoon Townsite/locality does not need another liquor store;

- It will negatively affect existing businesses of a similar nature;
- It will have a negative effect on the community regarding alcohol-related violence; and
- Does not meet the rural character standards of the area.

Attachment 2 provides the Shire officers full breakdown to each of these individual objections and provides detailed comments to each individual point raised. A summary of these points of objections is provided below.

Whilst the proposed liquor store has the potential to place commercial strain on other businesses of a similar nature, commercial competition is not a valid planning reason to recommend refusal for an application. It is also not a valid planning reason to refuse an application because there is already existing businesses of a similar nature in the locality. There is no 'limit' to the amount of similar businesses that can exist within the same locality and therefore this aspect of the objections provided cannot justify refusal of the application.

In relation to the reason for objection that the proposal will have a negative effect on the community regarding alcohol-related violence, this also cannot be considered a valid planning reason for refusal. Whilst it is well documented that the consumption of alcohol can increase the risk of violence, it cannot be used as a reason for refusal of this application as it is not a contributing factor when conducting an assessment against the relevant planning framework. It is the responsibility of the manager of the business to ensure that they are upholding their requirements of their 'Responsible Service of Alcohol' (RSA) and that they do not serve any customers who demonstrate signs that they may be 'under the influence'.

It is also the responsibility of the applicant to seek approval to obtain a liquor licence with the Department of Local Government, Sport and Cultural Industries (specifically the division of racing, gaming and liquor) (DLGSC) to sell liquor in accordance with the *Liquor Control Act 1988*. This is an extensive process which occurs after Development Approval has been granted. Should the application be approved, an advice note will be placed on the approval advising the applicant of their requirement to obtain this approval from the DLGSC.

As part of this application process, the DLGSC require a range of documentation and plans, such as a Public Interest Assessment and a Harm Minimisation Plan, to be provided to ensure that the business is going to be viable for the area and that it will not contribute to increasing the risk of anti-social behaviour occurring.

Whilst this cannot be considered as a valid planning reason for refusal, it gives Shire officers confidence that at the next stage of applying for a liquor licence, that the DLGSC will do a thorough assessment as they are able to refuse the licence application if they believe that it will negatively affect the community.

The final main point of objection is that the proposal does not meet the rural character standards of the area. As stated in the 'Legislative Implications' section of this report, the proposal is considered to meet the objectives of the Townsite zone as the objectives cater for a range of services to the Bindoon area. As there is no limit on what these services can be, a liquor store fits within this objective. The proposal will also have a similar shop front aesthetic to the existing IGA on Lot 7 and therefore is considered to fit the aesthetic appeal of the locality.

### **Bushfire & Legacy Issues**

As mentioned in the 'Policy Implications' section of this report, Lot 12 faces significant bushfire issues due to the existing vegetation within the Brockman Reserve to the rear of the lot. This is a result of a legacy issue of when the lots were initially created in the 1990s. When these lots along Binda Place were created, there was no requirement to account for bushfire risk when constructing a building. All of the existing buildings along Binda Place were constructed prior to 2015. In 2015, SPP3.7 was created and as a result of this new state

planning policy, all new buildings constructed after 2015 that are located within a designated Bushfire Prone Area (such as Lot 12) are required to provide a Bushfire Attack Level Assessment (BAL Report) and a Bushfire Management Plan/Statement (BMP/S) to ensure that they can achieve a bushfire rating of BAL-29 or lower.

Typically, no development can be approved to occur within areas of BAL-40 or BAL-FZ as it poses significant bushfire risks for the occupant of the building. After advertising the application and engaging in further correspondence with DFES, Shire officers can consider Lot 12 to be constructed to a standard of BAL-FZ due to a number of factors. These factors are a result of the legacy issues that Lot 12 faces, which are:

- The inability to remove the vegetation within the Brockman Reserve to the rear of the lot;
- All existing buildings along Binda Place were constructed prior to 2015 and the enforcement of the requirements of SPP3.7 could not be applied to these other structures;
- Lot 12 is cleared of vegetation (with the exception of one tree in the middle which would be removed should the application be approved); and
- The applicant's willingness to build the structure with the appropriate fire mitigation measures in place to achieve compliance to the building standards of BAL-FZ (such as fire walls and other measures).

Based on these factors, Shire officers consider the bushfire aspect of this application to be acceptable.

### **Wastewater**

As the subject site is also located within a 'Sewage Sensitive Area' an appropriate wastewater system needs to be installed in compliance with the Government Sewerage Policy 2019 (GSP). The Shire's Principal Environmental Health Officer (PEHO) has reviewed the proposed wastewater system and has provided the following comments:

*"A wastewater application has been submitted for the proposed development. An assessment has been undertaken by PEHO and the system proposed is a FujiClean ACE 1200 with DS Agencies flatbed leach drains for the disposal of effluent. This system complies with the requirement for sewage sensitive properties. The location of the leach drains will need to be modified as currently it doesn't meet the setback requirements however this can be done at the wastewater approval stage."*

As the proposed wastewater system is considered acceptable by the Shire's PEHO, Shire officers consider this aspect of the application acceptable, and the requirements of the minimum setbacks can be addressed at the wastewater application stage.

The application is also required to be compliant with the GSP, with one aspect of this policy being that the minimum land size within Sewage Sensitive Areas is one-hectare. As this lot is 600m<sup>2</sup>, it is significantly less than the one-hectare requirement. The GSP allows for discretion to be utilised on smaller lots which are for non-residential, commercial and industrial uses on a case-by-case basis. Due to the legacy issues of this lot mentioned above (and that the lots were created prior to the GSP being enforced as of 2019) Shire officers consider this variation to the GSP to be acceptable.

It is also worth noting that any wastewater system on this lot will also require approval from the Department of Health, which provides further reassurance to Shire officers that any system that is installed will be suitable for the area.

### **Recommendation**

This application is consistent with the local planning framework and whilst it may result in commercial competition between similar businesses, this is not a valid reason to recommend refusal. Therefore, it is



recommended that this application is conditionally approved.

#### OFFICER RECOMMENDATION

Moved Cr Angus, seconded Cr Campbell

That Council grants Development Approval for a use not listed application of a Liquor Store on Lot 12 Binda Place, Bindoon subject to the following conditions:

1. All development shall be in accordance with the approved plans.
2. The liquor store is hereby restricted in its hours of operation to the following:
  - a. Monday – Thursday: 09:00 – 19:00;
  - b. Friday – Saturday: 09:00 – 20:00; and
  - c. Sunday: 11:00 – 18:00.
3. Prior to the occupation of the proposed building, all bushfire mitigation measures shall be established and the property thereafter maintained in accordance with the Bushfire Attack Level & Planning Report dated 21/07/2024.
4. All staff members of the proposed liquor store are restricted to parking their vehicles at the overflow carparking area on Lot 5 Great Northern Highway, Bindoon as indicated on the approved plans to the satisfaction of the Shire.
5. All stormwater from the proposed development shall be contained on-site in accordance with the approved plans, to the satisfaction of the Shire.
6. Prior to the commencement of any works on site, a construction management plan shall be submitted to, and approved by the Shire. The approved Construction Management Plan shall be implemented for the whole duration of the construction of the proposed development to the satisfaction of the Shire.

#### ADVICE NOTES

- a. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administration Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- d. This approval does not constitute a building permit. You are to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.
- e. The applicant is advised that Lot 12 is located within a Sewage Sensitive Area as defined by the Government Sewerage Policy 2019. Any waste disposal system proposed for this lot should be a nutrient retentive effluent disposal system including amended soil/medium as determined by the Shire's Environmental Health Department. For more information, the Shire's Environmental Health Department should be contacted on (08) 9576 4600.
- f. The applicant is advised of the requirement to obtain approval for the operation of a liquor store via obtaining a Liquor Licence in accordance with the Liquor Control Act 1988. The applicant is advised to contact the Department of Local Government, Sport and Cultural Activities for more information regarding obtaining a Liquor Licence.
- g. With regard to condition No. 6, a construction management plan shall address the impacts of the

construction of the development on the surrounding area such as, but not limited to:

- Noise;
- Dust;
- Vibrations;
- Waste and rubbish management;
- Traffic management; and
- Storage of building materials.

#### AMENDMENT / COUNCIL RESOLUTION 060225

Moved Cr Campbell, seconded Cr Angus

That the Officer Recommendation be amended by:

1. Removing condition 4 and subsequently renumber
2. And adding advice note as follows:
  - Advice Note – The proponent is recommended to instruct staff members of the liquor store to park at the overflow car parking area on Lot 5 Great Northern Highway, Bindoon as indicated on the approved plans. *(Approved development plans would then include a small notation on the plans highlighting the car parking area that is suggested to be used for staff members).*

CARRIED: 4 / 1

TIME: 7.40pm

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

Against: Cr Curtis

#### SUBSTANTIVE MOTION / COUNCIL RESOLUTION 070225

Moved Cr Angus, seconded Cr Campbell

That Council grants Development Approval for a use not listed application of a Liquor Store on Lot 12 Binda Place, Bindoon subject to the following conditions:

1. All development shall be in accordance with the approved plans.
2. The liquor store is hereby restricted in its hours of operation to the following:
  - d. Monday – Thursday: 09:00 – 19:00;
  - e. Friday – Saturday: 09:00 – 20:00; and
  - f. Sunday: 11:00 – 18:00.
3. Prior to the occupation of the proposed building, all bushfire mitigation measures shall be established and the property thereafter maintained in accordance with the Bushfire Attack Level & Planning Report dated 21/07/2024.
4. All stormwater from the proposed development shall be contained on-site in accordance with the approved plans, to the satisfaction of the Shire.
5. Prior to the commencement of any works on site, a construction management plan shall be submitted to, and approved by the Shire. The approved Construction Management Plan shall be implemented for the whole duration of the construction of the proposed development to the satisfaction of the Shire.

#### ADVICE NOTES

- a. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the

approval will lapse and be of no further effect.

- b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administration Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- d. This approval does not constitute a building permit. You are to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.
- e. The applicant is advised that Lot 12 is located within a Sewage Sensitive Area as defined by the Government Sewerage Policy 2019. Any waste disposal system proposed for this lot should be a nutrient retentive effluent disposal system including amended soil/medium as determined by the Shire's Environmental Health Department. For more information, the Shire's Environmental Health Department should be contacted on (08) 9576 4600.
- f. The applicant is advised of the requirement to obtain approval for the operation of a liquor store via obtaining a Liquor Licence in accordance with the Liquor Control Act 1988. The applicant is advised to contact the Department of Local Government, Sport and Cultural Activities for more information regarding obtaining a Liquor Licence.
- g. With regard to condition No. 6, a construction management plan shall address the impacts of the construction of the development on the surrounding area such as, but not limited to:
  - Noise;
  - Dust;
  - Vibrations;
  - Waste and rubbish management;
  - Traffic management; and
  - Storage of building materials.
- h. The proponent is recommended to instruct staff members of the liquor store to park at the overflow car parking area on Lot 5 Great Northern Highway, Bindoon as indicated on the approved plans. *(Approved development plans would then include a small notation on the plans highlighting the car parking area that is suggested to be used for staff members).*

CARRIED: 4 / 1

TIME: 7.50pm

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

Against: Cr Curtis

\*Cr Ross re-entered Council Chambers at 7.51pm.



**TECHNICAL SERVICES****TS01 - 02/25****Budget Request for Regional Road Group Funding – North Road**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-117
<b>Author</b>	Executive Manager Technical Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Nil

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

**Executive Summary**

This report seeks an amendment of the 2024/25 Capital Works budget to include North Road to be completed this financial year.

**Background**

The Shire applied for Chittering Road grant funding in the financial year 2023/24 for upgrading. This project has since been completed and there were additional funds left over. The Shire requested to Regional Road Group Moora Sub Committee to reallocate this additional funding of \$337,155 to the 2024/25 Financial Year North Road Project.

**Scope of Works****North Road SLK 9.39 – 10.27**

Scope includes:-

- Base course with 300mm compacted depth of gravel.
- Upgrade unsealed/gravel road to a 7.5m sealed road on a 9m formation. Verge mulching of existing vegetation to improve clearance. Remove, replace and extend culvert at SLK 9.25. Upgrade existing

signage from size A to B. Install guide posts.

### Consultation Summary

#### Local

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Manager Technical Services

#### State

Nil

### Legislative Implications

#### Local

Nil

#### State

- Local Government Act 1995  
6.8. Expenditure from municipal fund not included in annual budget  
(1) A Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-  
(a) is incurred in a financial year before the adoption of the annual budget by the Local Government; or  
(b) is authorised in advance by resolution\*; or  
(c) is authorised in advance by the Mayor or President in an emergency.  
\* Absolute majority required.  
  
(1a) In subsection (1) —  
**additional purpose** means a purpose for which no expenditure estimate is included in the Local Government's annual budget.  
(2) Where expenditure has been incurred by a Local Government:-  
(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and  
(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.

### Policy Implications

#### Local

Nil

#### State

Nil

### Financial Implications

The inclusion of Project RRG North Road SLK (9.39 – 10.27) will increase capital expenditure by \$337,155 and increase capital grant income by \$224,770.

The net effect of this change will negatively impact the 2024/25 budget by \$112,385.

The budget impact will be accounted for during the mid-year budget review included later in this agenda.

### Strategic Assessment / Implications

#### Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Built Environment  
Community Aspiration: Balance Between Development and Conservation  
Strategy: Infrastructure Investment & Enhancement

#### State

Nil

### Site Inspection

Not applicable

### Environmental Consideration

Not applicable

### Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Low	Minor	Low	Quality assurance prior to Publishing
Opportunity: None				

### Officer Comment/Details

Council is requested to add project RG North Road (SLK 9.39 – 10.27) and its corresponding grant income to the 2024/25 budget.

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080225

Moved Cr Curtis, seconded Cr Campbell

That Council, in accordance with section 6.8(1)(b) of *the Local Government Act 1995* and by absolute majority, authorise a budget amendment to add Capital Road Project RRG North Road 5020012 (SLK 9.39 – 10.27) to the 2024/25 budget with the following financial impacts;

- Increase capital road expenditure by \$337,155 and;
- Increase capital grant income by \$224,770.

CARRIED UNANIMOUSLY: 6 / 0

BY AN ABSOLUTE MAJORITY

TIME: 7.53pm

**CORPORATE SERVICES****CS01 - 02/25****List of Accounts Paid for the Period Ending 31 December 2024**

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

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

**Executive Summary**

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

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

**Background**

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

**Consultation/Communication Implications****Local**

- Deputy Chief Executive Officer

State

Nil

**Legislative Implications**Local

Nil

State

- Local Government Act 1995
- Local Government (Financial Management) Regulations

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 2024/25 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**Local

- Strategic Community Plan 2024-2034  
 Community Engagement Theme: Administration and Governance  
 Community Aspiration: Council Accountability and Transparency  
 Strategy: Responsible Financial Management

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090225**

Moved Cr Campbell, seconded Cr Ross

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,230,229.72, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 December 2024:

1. PR 6755 & PR 6767;
2. EFT27792 – EFT27999; and
3. Direct Debits, Cheques as listed.
4. Purchasing Card as listed.

CARRIED UNANIMOUSLY: 6 / 0

TIME: 7.55pm

CS02 - 02/25

**Monthly Financial Report for the Period Ending 31 December 2024**

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

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

**Executive Summary**

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

**Background**

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

*"Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. From the 2021/22 financial year the statement of financial activity will be presented by nature and type.*

*Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2024/25 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances."*

**Consultation/Communication Implications**

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

**Legislative Implications**Local

Nil

State

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

**Policy Implications**Local

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

**Financial Implications**

Nil

**Strategic Implications**Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Administration and Governance  
Community Aspiration: Council Accountability and Transparency  
Strategy: Responsible Financial Management

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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



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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 100225**

Moved Cr Campbell, seconded Cr King

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

**CARRIED UNANIMOUSLY: 6 / 0**

**TIME: 7.56pm**

## CS03 - 02/25

## List of Accounts Paid for the Period Ending 31 January 2025

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

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

**Executive Summary**

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

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

**Background**

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

**Consultation/Communication Implications**Local

Deputy Chief Executive Officer

State

Nil

**Legislative Implications**Local

Nil

State

- Local Government Act 1995
- Local Government (Financial Management) Regulations

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 2024/25 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**Local

- Strategic Community Plan 2024-2034  
 Community Engagement Theme: Administration and Governance  
 Community Aspiration: Council Accountability and Transparency  
 Strategy: Responsible Financial Management

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 31 January 2025" is presented to Council, inclusive of payments made using credit, debit or other purchasing cards.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110225**

Moved Cr Angus, seconded Cr Hughes

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,159,296.01, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 January 2025:

1. PR6770-6772, PR6780 & PR6787;
2. EFT28000 – EFT28110; and
3. Direct Debits, Cheques as listed.
4. Purchasing Card as listed.

**CARRIED UNANIMOUSLY: 6 / 0**

**TIME: 7.57pm**

CS04 - 02/25

**Monthly Financial Report for the Period Ending 31 January 2025**

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

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

**Executive Summary**

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

**Background**

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

*"Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. From the 2021/22 financial year the statement of financial activity will be presented by nature and type.*

*Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2024/25 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances."*

**Consultation/Communication Implications**

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

**Legislative Implications**Local

Nil

State

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

**Policy Implications**Local

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

**Financial Implications**

Nil

**Strategic Implications**Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Administration and Governance  
Community Aspiration: Council Accountability and Transparency  
Strategy: Responsible Financial Management

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120225**

Moved Cr King, seconded Cr Ross

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

**CARRIED UNANIMOUSLY: 6 / 0**  
**TIME: 7.58pm**

CS05 - 02/25

**2024 – 2025 Budget Review**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-23984
<b>Author</b>	Deputy Chief Executive Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	1. Budget Review 2024 – 2025

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

**Executive Summary**

Council is requested to adopt the review of the 2024 – 2025 Budget.

**Background**

Section 33A of the *Local Government (Financial Management) Regulations 1996* requires that a local government carries out a review of its budget between January 1 and the last day of February in each financial year.

The review of the annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

Council is required to consider the review and determine whether or not it should adopt the review and any recommendations made as part of the review.

**Consultation Summary**

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



**Legislative Implications**State

- Section 6.34 Local Government Act 1995.
- Section 6.11 Local Government Act 1995.
- Section 33A Local Government (Financial Management) Regulations 1996.

Local

Nil

**Policy Implications**

- Finance Policy 2.1 Investment of Funds

**Financial Implications**

The adoption of the budget review will amend the Council Budget for 2024/25 as documented in this item and result in a budget surplus of \$22,446.

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034  
 Community Engagement Theme: Administration and Governance  
 Community Aspiration: Council Accountability and Transparency  
 Strategy: Responsible Financial Management

**Site Inspection**

Site inspection undertaken: Not applicable

**Risk Assessment / Implications**

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

**Officer Comment/Details**

The budget review was undertaken using the regular processes of reviewing all line items contained within the budget to assess how they were tracking against actual expenditure.

Details of changes to each program and notes to the revised budget are included in Attachment 1. 2024-2025 Budget Review.

The budget changes as identified in the review are summarised below.

Proposed Amendments to the 2024/25 Annual Budget	Debit \$	Credit \$	Surplus / (deficit) \$
<b>Opening budget surplus / (deficit)</b>			-
<b>Operating variances by nature or type</b>			
Opening surplus less than budgeted	599,756		
Employee costs	257,729		
<i>More than budgeted workers compensation payments.</i>			
<i>Housing rental rate increases giving a higher FBT liability.</i>			
<i>Higher shared officer costs, of which ½ is recouped through reimbursements.</i>			
<i>Apprentice and Parks/Ovals additional employee costs over budget.</i>			
Materials and contracts	17,430		
<i>Expenditure across the Recreation and Culture program higher than budgeted</i>			
Utilities		5,400	
Other expenditure	2,020		
Insurance	2,401		
Rates Income		163,000	
Operating grants, subsidies and reimbursement		87,949	
<i>MRWA direct grant</i>			
<i>Library grants</i>			
<i>Share officer reimbursements</i>			
Fees and charges		151,261	
<i>Subdivision fees</i>			
<i>Commercial rental CPI increases</i>			
Interest earnings	11,949		
<i>Term deposit interest less than budgeted</i>			
Other revenue		79,250	
<i>Bendigo shares</i>			
<i>Trainee incentive program</i>			
<i>Insurance claim recoup</i>			
<i>Final payment Containers for Change</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>(404,425)</b>
<b>Other Inflows / Outflows</b>			
Proceeds on disposal	42,271		
<i>Trade in price across fleet changeover less than budgeted</i>			
Transfers to reserves		18,865	
<i>Reserve interest less than budgeted</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>(427,831)</b>
<b>Investing Activities - Projects over budget</b>			
Fire Truck	4,304		
<i>Original Budget - \$30,000</i>			
Utility - ranger services	12,544		
<i>Original Budget (vehicle and canopy) - \$72,000</i>			
Shire depot lunchroom upgrade	15,902		
<i>Original Budget - \$15,729</i>			

<b>Proposed Amendments to the 2024/25 Annual Budget</b>	<b>Debit \$</b>	<b>Credit \$</b>	<b>Surplus / (deficit) \$</b>
Wandena Road <i>Original Budget - \$193,985</i>	39,715		
Mooliabeenee Road - Regional Road Group <i>Additional internal employee/overhead/plant operation costs in first payroll of 24/25</i>	13,378		
Other minor over spends	600		
<b>Sub-Total running surplus / (deficit)</b>			<b>(514,274)</b>
<b>Investing Activities - Projects under budget</b>			
Fire Station - Capital Purchases (UV filters / cabinets / generators) <i>Original Budget - \$47,600</i>		22,920	
Sandown Park - Reticulation <i>Original Budget - \$20,000</i>		15,418	
Steer Road		90,000	
<i>Provision for job carryover from 23/24, however, was completed in 23/24</i>			
Bridle Trail <i>Costs to undertake trial have proven to be less than required</i>		17,000	
Plant Purchases - various		38,621	
Other minor savings <i>Bindoon landfill, Bindoon Hall, Wannamal Hall, Brockman precinct, Muchea Recreation Centre, McGlew Road</i>		27,830	
<b>Sub-Total running surplus / (deficit)</b>			<b>(302,485)</b>
<b>Investing Activities - Project Deletion</b>			
CESM Vehicle <i>Less grant income</i>	150,000	150,000	
Bindoon Hall ATU & Dump Point <i>Will trial a localised solution on site through the maintenance budget</i>		60,000	
Djidi-Djidi Trail upgrades <i>Significant clearing permit and revegetation requirement resulting in insufficient funds to undertake the works</i>		50,000	
Forrest Hills Parade <i>Scope requires review - budget insufficient</i>		19,443	
Bagley Street <i>Scope requires review - budget insufficient</i>		9,550	
Mooliabeenee Road - Wheatbelt Secondary Freight Network <i>Less grant income</i>	1,064,157	1,139,919	
<b>Council Decision 041224 (OCM 11 December 2024)</b> <i>Funding application unsuccessful</i>			
Land Purchase <i>Not for sale</i>		140,000	
Land Purchase <b>Council Decision 141224 (OCM 11 December 2024)</b> <i>Council Decision not to proceed</i>		140,000	
<b>Sub-Total running surplus / (deficit)</b>			<b>192,270</b>
<b>Investing Activities - Project Additions</b>			

Proposed Amendments to the 2024/25 Annual Budget	Debit \$	Credit \$	Surplus / (deficit) \$
North Road - Regional Road Group	337,155		
<i>Add grant income</i>		224,770	
<b><i>Council Decision Pending TS02 -02/05 (OCM 19 February 2025)</i></b>			
<i>funding allocated after budget adopted</i>			
Mooliabeenee Road - Blackspot	307,795		
<i>Add grant income</i>		197,800	
<b><i>Council Decision 041224 (OCM 11 December 2024)</i></b>			
<i>funding allocated after budget adopted</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>(30,110)</b>
<b>Investing Activities - Other Capital Grants</b>			
Grant Income - Muchea Recreation Centre - WACA		3,000	
Grant Income - Chittering Road - Regional Road Group		49,556	
<i>additional funding for overspend on project in 2023/24</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>22,446</b>

The proposed budget review results in a estimated surplus of \$22,446.

Section 6.34 of Local Government Act 1995 (Act) states;

***Limit on revenue or income from general rates***

*Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —*

- a) be more than 110% of the amount of the budget deficiency; or*
- b) be less than 90% of the amount of the budget deficiency.*

The budget deficiency in the case of this budget review is \$7,650,512. Therefore, for the purpose of section 6.34 of the Act a budget review with a surplus or deficit of up to \$765,051 can be adopted. Therefore, the presented budget review with a proposed deficit of \$22,446 is compliant with the Act.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 130225**

**Moved Cr Angus, seconded Cr Ross**

**That Council BY AN ABSOLUTE MAJORITY adopts the 2024 – 2025 Budget Review with a closing surplus of \$22,446 as presented in Attachment 1 and amend the 2024 – 2025 Budget accordingly.**

**CARRIED UNANIMOUSLY: 6 / 0**

**BY AN ABSOLUTE MAJORITY**

**TIME: 8.02pm**

**CHIEF EXECUTIVE OFFICER****CEO01 - 02/25****Work Health and Safety Reports**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-258
<b>Author</b>	Human Resource Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. WHS Statistics Report – Monthly December 2024</li> <li>2. WHS Statistics Report – Monthly January 2025</li> <li>3. WHS Statistics Report – Quarterly October – December 2024</li> </ol>

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

**Executive Summary**

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the month ending December 2024, month ending January 2025, and the quarterly October – December 2024 report.

**Background**

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

**MOTION / COUNCIL RESOLUTION 231121**

*Moved Cr King, seconded Cr Angus*

*That:*

1. *"The Shire of Chittering" adopts the following position statement: "Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council".*

2. Council requires the Chief Executive Officer to provide a quarterly report (February (previous quarter), April, July and October of each calendar year) of the following key safety performance indicators (KPI's) for the Shire workforce and contractors; including but not limited to:
  - a. Number of safety observations;
  - b. Number of safety audits and inspections;
  - c. Number of working hours (total, workforce and contractors)
  - d. Number of training hours;
  - e. Number of toolbox talks;
  - f. Number of equipment breakdowns;
  - g. Average overtime per person by department.
3. Council requires the Chief Executive Officer to provide a monthly report to be tabled at each Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:
  - a. Number of Drug and Alcohol tests performed;
  - b. Number of positive Drug test and BAC Exceedances;
  - c. Number of worker compensation claims;
  - d. Number of "current" worker compensation claims;
  - e. Number of Near Misses;
  - f. Number of Medically Treated Injuries;
  - g. Number of Restricted Work Injuries;
  - h. Number of Lost Time Injuries.

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

## Consultation Summary

### Local

Nil

### State

Nil

## Legislative Implications

### Local

Nil

### State

- Work Health and Safety Act 2020

## Policy Implications

### State

Nil

### Local

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

## Financial Implications

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Administration and Governance  
Community Aspiration: Council Accountability and Transparency  
Strategy: Enhancing Accountability & transparency

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 140225****Moved Cr Ross, seconded Cr Campbell****That Council receive the Shire of Chittering Work Health and Safety Statistics Report for the month ending January 2025 which includes:**

- 1. WHS Statistics Report – Monthly December 2024**
- 2. WHS Statistics Report – Monthly January 2025**
- 3. WHS Statistics Report – Quarterly October – December 2024**

**CARRIED UNANIMOUSLY: 6 / 0****TIME: 8.04pm**

## CEO02 - 02/25

## Mid-Year Corporate Performance Report as at December 2024

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-60011
<b>Author</b>	Corporate Performance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Corporate Performance Summary Report 2024 / 25 – Quarter 2</li> <li>2. Annexure 1: Corporate Performance Scorecard (detailed performance information – Quarter 2</li> </ol>

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

**Executive Summary**

Council is requested to receive the Shire's Mid-Year Corporate Performance Report 2024/25. The Report illustrates the Shire's performance results as at 31 December 2024 (Quarter 2) and is aligned to the Shire's Corporate Business Plan that was adopted during the financial year.

**Background**

Section 5.56(1) and (2) of the *Local Government Act 1995* (the Act) requires that each local government is "to plan for the future of the district" by developing plans in accordance with the regulations. This is supported by the *Local Government (Administration) Regulations 1996* (the Regulations). In addition, the Integrated Planning and Reporting Framework and Guidelines recommend that Local Governments provide quarterly reporting on progress against the Corporate Business Plan (CBP).

The purpose of the Corporate Performance Report is to provide Council with regular updates on how we are progressing towards achieving the outcomes and strategies that were adopted by Council and set out in the Strategic Community Plan (SCP) and CBP. These strategic documents are respectively 10-year and 4-year plans, illustrating our long and medium term goals.



To achieve these long- and medium-term goals, Administration has developed an Annual Operational Plan (AOP). This plan is the detail of year one of the CBP and closely aligned to the Shire's annual budget. The plan consists of annual actions that are aligned to performance targets, budget (if required) and responsible service area (job title).

The AOP enables regular monitoring and reporting on corporate performance, aligned to short, medium- and long-term goals set out in the SCP, CBP and AOP.

This report includes the following sections:

1. **Strategic Performance:** provides a strategic overview of quarter 2 performance against the community aspirations (Strategic Objectives) and desired outcomes set out in the SCP; and Council adopted strategies outlined in the CBP - (Attachment 1);
2. **Financial performance:** summary of results against the Annual Budget as at the end of quarter 2 - (Attachment 1);
3. **Operational performance:** outlines a detailed overview of quarter 2 performance results against the targets set for mid-year (Attachment 2).

Some of the key results achieved by mid-year (quarter 2), include:

- 89% of the annual actions were either completed or on target by 31 December 2024 compared to 88% in 2023/24 at the same time.
- 93% of the capital projects were either completed or on target by 31 December 2024.
- The statement of financial activity shows a surplus of \$4,958,748 as at 31 December 2024.
- The Shire has spent 30% (\$865,496) of the YTD budget (\$2,872,075); and 16% of the annual adopted budget (\$5,298,846), on capital works projects.

## Consultation Summary

### Local

Consultation was undertaken with the relevant staff members through quarterly feedback sessions and the updating of the Annual Operational Plan.

Administration has implemented a Corporate Performance Reporting Process that are aligned to the Integrated Planning and Reporting Framework.

### State

Nil

## Legislative Implications

### State

The Shire's CBP is governed by Section 5.56(1) and (2) of the Act which requires that each local government is 'to plan for the future of the district' by developing plans in accordance with the regulations. This is supported by the Regulations.

The Integrated Planning and Reporting Framework and Guidelines also recommend quarterly reporting on progress against the CBP.

The financial performance reporting complies with Section 6.4 of the Act and Regulations 33A and 34 of the Local Government (Financial Management) Regulations 1996.

Local

Nil

**Policy Implications**State

There are no direct policy implications. The effect of a Corporate Performance Report is to illustrate how the Council is progressing towards its medium-term priorities for the future, set out in the Corporate Business Plan.

Local

Nil

**Financial Implications**

There is no direct financial implication from accepting the results illustrating in the Corporate Performance Report, however the purpose of such a report is to guide the decision-making process on proposed allocation of resources and assist Council with its corporate business planning and annual budgeting process.

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034  
Community Engagement Theme: Administration and Governance  
Community Aspiration: Council Accountability and Transparency  
Strategy: Enhancing Accountability & Transparency

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Risk Category:</b> Compliance	Possible	Moderate	Moderate	Providing regular performance updates on the legislative strategic documents: Strategic Community Plan and Corporate Business Plan, enables the Shire to better plan for the future and increase transparency.
<b>Opportunity:</b> Nil				

**Officer Comment/Details**

That Council accepts the Mid-Year Corporate Performance Report 2024/25.

While the Corporate Business Plan is an essential medium term planning document, it is important to note that the adoption of such a plan does not commit Council to funding particular projects or initiatives; that can only occur as part of the annual budget process.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150225****Moved Cr Angus, seconded Cr Campbell****That Council accepts the Mid-Year Corporate Performance Report 2024/25 as per Attachment 1 and the detailed operational performance set out in Attachment 2.****CARRIED UNANIMOUSLY: 6 / 0****TIME: 8.06pm**

**REPORTS OF COMMITTEES**

Nil

**ITEM 10. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****MWPN01 - 02/25 CR CAMPBELL – ELECTRONIC SIGN BOARD – LOWER CHITTERING**

*\*Cr Campbell tabled notice of the following motion for Council's consideration at the February Ordinary Council meeting.*

**COUNCILLOR MOTION / COUNCIL RESOLUTION 160225****Moved Cr Campbell, seconder Cr Angus**

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

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

**CARRIED UNANIMOUSLY: 6 / 0**  
**TIME: 8.12PM**

**Officer Comments**

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

**ITEM 11. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

**ITEM 12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil

**ITEM 13. MEETING CLOSED TO THE PUBLIC****Matters for which the meeting may be closed****OFFICER RECOMMENDATION / COUNCIL RESOLUTION 170225**

Moved Cr Campbell, seconded Cr Angus

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

- CON01 – 02/25 Tender No. SC25-001 – Complete Road Widening Works of Blue Plains Road Chittering

Under terms of the Local Government Act 1995, Section 5.23(2)(c):

*“(2) If a meeting is being held by a council or committee, 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:*

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”*

**CARRIED UNANIMOUSLY: 6 / 0**

**TIME: 8.13pm**

*\*The members of the public exited Council Chambers at 8.14pm.*

## CON1 - 02/25

**Tender No. SC25-001 – Complete Road Widening Works of Blue Plains Road Chittering**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-58159
<b>Author</b>	Executive Manager Technical Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Evaluation Report 2. Tender documents

CON01 – 02/25 Tender No. SC25-001 – Complete Road Widening Works of Blue Plains Road Chittering		
Individual	Type of Interests	Nature / Extent of Interest
Leo Pudhota – Executive Manager Technical Services	Financial	<b>Nature:</b> The individual's son is employed by a company that has submitted a tender
Declaration pursuant to <i>Section 5.61 of the Local Government Act 1995</i>		

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

**Reason for confidentiality**

In accordance with the *Local Government Act 1995*, s5.23:

- (2) *If a meeting is being held by a council or committee, 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:*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180225****Moved Cr Ross, seconded Cr Curtis****That Council:**

- 1. Award the Contract for Road Widening Works RFT-SC25-001 – Road widening Works on Blue Plains Rd to Chittering Valley Contractors Pty Ltd for the sum of \$405,961.00**
- 2. Authorise the Chief Executive Officer to approve the purchase order for the Road Widening Works on Blue Plains Rd, RFT-SC25-001.**

**CARRIED UNANIMOUSLY: 6 / 0****TIME: 8.20pm**



**PROCEDURAL MOTION / COUNCIL RESOLUTION 190225****Moved Cr Angus, seconded Cr King****That Council come out from behind closed doors****CARRIED UNANIMOUSLY: 6 / 0****TIME: 8.20pm***\*The remaining member of the public re-entered the Council Chambers at 8.21pm.***Public reading of resolution that may be made public**

The President read aloud the Council resolution for the benefit of the live stream.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 180225****Moved Cr Ross, seconded Cr Curtis****That Council:**

1. Award the Contract for Road Widening Works RFT-SC25-001 – Road widening Works on Blue Plains Rd to Chittering Valley Contractors Pty Ltd for the sum of \$405,961.00
2. Authorise the Chief Executive Officer to approve the purchase order for the Road Widening Works on Blue Plains Rd, RFT-SC25-001.

**CARRIED UNANIMOUSLY: 6 / 0****TIME: 8.20pm****ITEM 14. CLOSURE**

The Presiding Member declared the meeting closed at 8.22pm.