



# **ORDINARY COUNCIL MEETING AGENDA**

**7:00pm, Wednesday, 18 February 2026  
Council Chambers  
6177 Great Northern Highway, Bindoon**

## PUBLIC QUESTION TIME

### Time Permitted

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

### Protocol

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

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

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

### General Rules

The following general rules apply to Public Question Time:

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

## DEPUTATIONS

### Time Permitted

A minimum of 10 minutes is permitted for Deputations.

### Protocol

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

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

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

### General Rules

The following rules apply when making a Deputation:

- Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- Deputations must not exceed 10 minutes without the agreement of the Council.
- Additional members of the delegation 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 delegation without first considering an officer's report on that subject in a later Council Agenda.

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### Objective

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

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

### Recording of Proceedings

Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.

Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.

No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

### Access to Recordings

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

### Retention of Recordings

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

**DURING THE MEETING, NO MEMBER OF THE PUBLIC MAY INTERRUPT THE MEETINGS PROCEEDINGS OR ENTER INTO CONVERSATION.**

**MEMBERS OF THE PUBLIC SHALL ENSURE THAT THEIR MOBILE TELEPHONE, AND/OR AUDIBLE PAGER IS NOT SWITCHED ON OR USED DURING ANY MEETING OF THE COUNCIL.**

**MEMBERS OF THE PUBLIC ARE HEREBY ADVISED THAT USE OF ANY ELECTRONIC, VISUAL OR AUDIO RECORDING DEVICE, OR INSTRUMENT TO RECORD PROCEEDINGS OF THE COUNCIL IS NOT PERMITTED WITHOUT PERMISSION OF THE PRESIDING MEMBER.**

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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**

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

### **Attendance**

The following members will be in attendance:

Cr Mark Campbell	President
Cr David Dewar	Deputy President
Cr Mary Angus	
Cr John Curtis	
Cr Beck Foulkes-Taylor	
Cr Nicholas Grayer	
Cr Kylie Hughes	

The following staff will be in attendance:

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

### **Apologies**

Nil

### **Approved leave of absence**

Nil

**Announcements**

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

<b>Cr Mark Campbell</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
President & CEO Meeting	6 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

<b>Cr David Dewar</b>			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
President & CEO Meeting	6 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Mary Angus			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr John Curtis			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Wheatbelt North Regional Road Group Meeting	16 February 2026	Apology	
Other Attendances	Date	Written Feedback/Report	

Cr Beck Foulkes-Taylor			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Wheatbelt North Regional Road Group Meeting	16 February 2026	Apology	
Other Attendances	Date	Written Feedback/Report	

Cr Nicholas Grayer			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Kylie Hughes			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	10 December 2025	In attendance	
Annual General Meeting of Electors	4 February 2026	In attendance	
Councillor Information Session Agenda Forum	11 February 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

### 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.*

### ITEM 4. PUBLIC QUESTION TIME

#### Public question time

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

Nil

**Deputations**

Nil

**Presentations**

Nil

**ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE****ITEM 7. CONFIRMATION OF MINUTES****Ordinary Meeting of Council: 10 December 2025****OFFICER RECOMMENDATION**

That the minutes of the Ordinary Meeting of Council held on Wednesday, 10 December 2025, as published on the Shire website, be confirmed.

**ITEM 8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER****ITEM 9. REPORTS**

## **DEVELOPMENT SERVICES**

<b>Applicant</b>	Bailey Hall
<b>File ref</b>	A12001
<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. Building Envelope Relocation Development Application and Amended Revegetation Plan</li><li>2. DS02 – 09/25 Council Resolution 040925</li><li>3. DS02 – 09/25 Attachments</li><li>4. DWER Correspondence</li><li>5. Aerial Overlay</li></ol>

	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 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	<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 reconsider its previous decision on the application to modify the building envelope at 99 (Lot 201) Polinelli Road, Lower Chittering, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*. The decision was appealed by the applicant at the State Administrative Tribunal. The applicant has submitted additional information, and the matter is now referred back to Council for reconsideration and determination.

**Aerial Imagery***Aerial Screenshot of Lot 201 from February 2022 (Landgate)**Aerial Screenshot from September 2024 (Landgate)***Background**

At the Ordinary Council Meeting (OCM) on Wednesday, 16th April 2025, Council resolved to refuse an application for a building envelope relocation at Lot 201 Polinelli Road, Lower Chittering (subject site). The application had proposed to relocate the building envelope on the subject site as it was their preference to build at the rear of the property. The property currently has an approved building envelope at the front of the property as per the plans in Attachment 1. Attachment 1 also shows the location of the proposed building envelope.

The applicant has undertaken clearing of the vegetation at the rear of the property where they wish to place the new building envelope. This clearing was done prior to obtaining any relevant Council approvals. The Council resolution is provided below:

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040425**

*Moved Cr Curtis, seconded Cr King*

*That Council:*

- 1. Refuse the application for Development Approval for the building envelope relocation on Lot 201 Polinelli Road, Lower Chittering for the following reasons:*
  - a. The application is inconsistent with Clause 3.2.8 and the Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6 due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope;*
  - b. The application is inconsistent with the endorsed 'Local Structure Plan Lot 8 (No. 100 Buckthorn Drive, Lower Chittering' due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope.*

2. *Instructs the Chief Executive Officer to seek legal advice regarding punitive options for the Shire to explore regarding the unauthorised clearing on Lot 201 Polinelli Road, Lower Chittering in conjunction with any other punitive measures that the Department of Water and Environmental Regulation has resolved to pursue, and report back to Council for a further decision on any compliance action to be taken.*

**CARRIED: 4 / 3**

TIME: 7.56pm

FOR: Cr King, Cr Angus, Cr Curtis, Cr Ross

AGAINST: Cr Dewar, Cr Campbell, Cr Hughes

The previous assessment and Council determination can be viewed in Attachment 2 of this report.

After the application was refused at the April 2025 OCM, Shire officers then proceeded to obtain legal advice as per the above resolution regarding the possibility of pursuing punitive measures for the unauthorised clearing that has taken place. Legal advice was then obtained and presented as a confidential item to the OCM of Wednesday 16<sup>th</sup> July 2025. A resolution was determined by Council to consider punitive actions after the SAT proceedings have concluded.

The Council resolution is provided below:

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 150725**

*Moved Cr Ross, seconded Cr Angus*

*That Council:*

- 1. Notes the legal advice received from McLeods Barristers & Solicitors regarding unauthorised clearing and development works undertaken at Lot 201 (No. 99) Polinelli Road, Lower Chittering.*
- 2. Instruct the CEO to report back after the State Administrative Tribunal process has been concluded on whether any further punitive action should be considered based on the recommendations contained in the legal opinion.*

**CARRIED: 5 / 1**

TIME: 8.05pm

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

AGAINST: Cr Dewar

After Council determined to refuse the application to relocate the building envelope in April 2025, the applicant lodged an appeal with the State Administrative Tribunal (SAT) of this decision. Shire officers and the Shire President attended a SAT Mediation session on the 23 May 2025 with the applicant (Mr Bailey Hall) and the applicant's planning consultant (Mr Steven Allerding).

The application was then brought back to Council for reconsideration (with additional information including a revegetation plan) at the Ordinary Council Meeting on Wednesday 17<sup>th</sup> September 2025. Council determined to uphold its original determination of refusal.

The Council resolution is provided below:

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040925**

*Moved Cr Angus, seconded Cr Ross*

*That Council:*

- 1. Pursuant to s.31(2)(a) of the State Administrative Tribunal Act 2004, maintains its refusal as per decision DS02 - 04/25 to not approve the application for development approval to relocate the building envelope at 99 (Lot 201) Polinelli Road, Lower Chittering for the following reasons:*

- a. *The application is inconsistent with Clause 3.2.8 and Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6 due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope;*
- b. *The application is inconsistent with the endorsed 'Local Structure Plan Lot 8 (No. 100 Buckthorn Drive, Lower Chittering' due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope.*
- c. *It sets an undesirable precedent which would support the removal of native vegetation and is inconsistent with the Shire's local planning framework.*

**ADVICE NOTE**

1. *In relation to Council's previous decision DS02 – 04/25 to refuse the application of a building envelope relocation at 99 (Lot 201) Polinelli Road, Lower Chittering, Council have deferred any decision on punitive measures until such time as the SAT Appeal has been concluded. Punitive measures can still be considered at this later time.*

**CARRIED: 4 / 3**

TIME: 7.37pm

FOR: Cr King, Cr Angus, Cr Curtis, Cr Ross

AGAINST: Cr Dewar, Cr Campbell, Cr Hughes

Another SAT mediation session was then held between Shire officers and applicant on Monday 17<sup>th</sup> November 2025. As this SAT matter is still ongoing, the specific details of this meeting cannot be shared within this report, however the outcome of the second mediation session was that the applicant would re-engage Chittering Landcare to refine the 'Revegetation Plan' and then submit this new information to the Shire to be brought back to Council for reconsideration.

The applicant has since re-engaged Chittering Landcare to amend the revegetation plan and has submitted this plan (and other documentation) to the Shire. This revegetation plan will be discussed in further detail in the 'officer comment' section of this report and the full revegetation plan can be viewed in Attachment 1.

Pursuant to the SAT Orders dated 17 November 2025, this further submission of information is provided under s31 of the SAT Act, in which the Shire has been invited by the Tribunal to reconsider its decision.

As the main change to the previous determination is the amended revegetation plan and the applicant's response to previous points of refusal of the application, the majority of this report remains unchanged from the previous report to Council regarding this matter.

**Consultation Summary**

Local

Nil

State

The matter of the clearing of native vegetation, which has occurred on the subject site, is concurrently being investigated by the Department of Water and Environmental Regulation (DWER) under the *Environmental Protection Act 1986* (EP Act). This investigation is occurring independently of Council's process and the SAT appeal, which is a town planning matter being deliberated under the *Planning and Development Act 2005*.

On the 12<sup>th</sup> September 2025, DWER served the landowner of 99 Polinelli Road, Lower Chittering with notification that a Vegetation Conservation Notice (VCN) has been placed over a portion of the land to ensure that no further clearing or development is carried out on the property whilst DWER investigate the matter further.

The landowner has since appealed this decision by DWER and are currently going through the respective appeals process regarding the VCN that has been placed over the property. The full VCN document can be viewed in Attachment 4.

Shire officers requested an updated status report from DWER to inform the preparation of this item. DWER has provided the following update regarding their investigation:

*DWER have not taken any further action on this property. A restorative VCN or prosecution action may still be considered.*

*The VCN currently on the property is under appeal with the Office of the Appeals Convenor (appeal reference 037-25). A search of their website shows that it has not yet been determined.*

To clarify, a Vegetation Conservation Notice is a statutory mechanism available to DWER that can require a landowner to undertake revegetation of an area that has been removed of vegetation without the necessary permission under the EP Act.

### Legislative Implications

#### Local

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

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

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

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

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

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

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

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

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

Based on the above excerpts of Clause 4.8.2 from LPS6, this application is not considered compliant with this clause of LPS6.

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

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

- 1. These conditions are to be read in conjunction with the Scheme requirements for the Rural Residential zone. Where conflicts exist, these conditions prevail.*
- 2. The minimum lot size shall be 2 hectares.*
- 3. The structure plan is to respond to the significant environmental features of the site and is to contain the following:*

- a) *the provision of a lot layout that minimises impact on areas of remnant vegetation in excellent and very good condition;*
- b) *the identification of building envelopes in locations that minimise the need for clearing of vegetation including for asset protection zones, access, firebreaks and fencing;*
- c) *the identification of measures for the protection and retention of existing and potential Black Cockatoo habitat trees and priority flora species;*
- d) *lot boundaries that do not dissect areas of remnant vegetation that are in excellent condition.*

4. *The structure plan is to provide for a road network that connects Buckthorn Drive and Navelina Drive.*

5. *The structure plan is to be supported by a Bushfire Management Plan prepared to the specifications and satisfaction of the local government and the Department of Fire and Emergency Services.*

6. *All lots are to be provided with a demonstrated sustainable fit-for-purpose water supply in accordance with Scheme requirements, including the provision of a 120,000L tank.*

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

State

• Planning and Development (Local Planning Scheme) Regulations 2015

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

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

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

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

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

(n) *the amenity of the locality including the following;*

- i. *Environmental impacts of the development;*
- ii. *The character of the locality; and*
- iii. *Social impacts of the development*

This proposal has had significant impacts because of the unapproved development that has occurred.

• State Administrative Tribunal Act 2004 – Section 31

Council have been requested to reconsider the original application DS02 – 04/25 via Section 31 of the State Administrative Tribunal Act 2004, this clause states that:

- “(1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may*
  - (a) affirm the decision; or*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.*

(3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*

### Policy Implications

#### State

Nil

#### Local

Nil

### Financial Implications

Should Council resolve to refuse the application for development approval, the SAT appeal could proceed towards a formal SAT hearing. It is likely that the Shire will need to engage legal support to assist with this process, which may attract a cost. The amount it is likely to cost the Shire is unknown at this stage.

### Strategic Assessment / Implications

#### Local

- *Strategic Community Plan 2024 - 2034*

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

#### State

Nil

### Site Inspection

Site inspection undertaken: Site inspection was undertaken in March 2025 as part of DS02-04/25

### Environmental Consideration

Environment consideration given: Yes

### Risk Assessment / Implications

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

### Officer Comment/Details

The main aspects of this report, which will be further analysed in this section, is the additional information that the applicant has provided after the second SAT mediation session. The full report of additional information that has been provided can be viewed in Attachment 1. The additional information includes an amended revegetation plan prepared by Chittering Landcare and the applicant has also provided a detailed response to the key points of refusal of DS02 – 09/25.

### Amended Revegetation Plan

The applicant had previously engaged Chittering Landcare to prepare a revegetation plan to demonstrate how the landowner can begin taking the necessary steps to rectify the illegal clearing that has occurred on the property. This initial revegetation plan (dated August 2025) in conjunction with the application to relocate the building envelope was not supported by Shire officers, as the proposal was considered inconsistent with the applicable planning framework. Additionally, it was recognised that the revegetation proposed was less than what was cleared from the property.

An amended revegetation plan has been provided, which has increased the proposed area of revegetation to now be greater than what was removed. The full amended revegetation plan can be viewed in Attachment 1, however the key differences between the original and amended revegetation plan are:

- Area of proposed revegetation has been increased from approximately 8,810m<sup>2</sup> to 10,698m<sup>2</sup>.
  - The increased total is inclusive of a driveway that is approximately 480m<sup>2</sup>, therefore bringing the revegetation area to approximately 10,218m<sup>2</sup>.
- An increase from 2,000 seedlings per year to 3,000 seedlings per year to be planted; and
- An increase from the initial three year replanting program to become a three to five year staged replanting program allowing for revegetation to occur quicker over a greater area and allow a greater timeframe for plant replacement if necessary.

All other elements of the revegetation plan remain unchanged.

Shire officers acknowledge the increase in the revegetation area provided in the revegetation plan to an amount that is greater than the 1ha that was removed.

Should Council be inclined to approve the application, the proposed revegetation area of 10,218m<sup>2</sup> is considered acceptable given it exceeds the amount of vegetation that was cleared.

#### **Applicant's Response to Previous Points of Refusal**

Along with the applicant providing an amended revegetation plan, they have also provided further information addressing the reasons for refusal of the application presented at the September 2025 OCM (DS02 – 09/25). These points will be addressed below individually, along with the Shire officer's response.

The below points raised by the applicant will be summarised, with the full response from the applicant available to be viewed in Attachment 1.

#### ***Reason 1: Application is inconsistent with Clause 3.2.8 and 4.8.2 of the Shire of Chittering Local Planning Scheme No.6 (LPS6)***

The applicant has provided a response to this point of refusal, with a summary of the applicant's statement of response as follows:

- Clause 4.8.2 is a discretionary provision and does not operate as a compliance standard which results in refusal when vegetation is removed.
- The Shire has the ability to vary the boundaries of a building envelope where it is satisfied that the variation, as it now stands, is desirable and will not detrimentally affect the area.
- When conditioned, the amended revegetation plan will ensure that the environmental objectives of the Rural Residential zone are actively enhanced, not undermined.
- The relocated building envelope achieves a tangible environmental avoidance outcome that would not be available under the existing approved envelope.
- Accordingly, the proposal is capable of approval under Clause 3.2.8 and 4.8.2 of LPS6.

Whilst it is correct that the Shire has the ability to apply discretion and approve building envelope variations, Shire officers maintain the original position that this proposal is not consistent with Clauses 3.2.8 and 4.8.2 of LPS6. It is acknowledged that the application as presented would present a positive environmental outcome when assessed against the landform as it currently stands (given the extent of clearing that has occurred), however it is maintained that there are still legal means available to the Shire to require the rehabilitation of the land that was impacted. This could occur through Section 214 of the *Planning and Development Act 2005* and can occur as a separate process to the consideration of the subject application. As such, officers consider that the application assessment needs to consider the potential of the land to be reverted back to its vegetated state and therefore consider whether the building envelope relocation is appropriate in this context.

Further to the above, it is acknowledged that the current building envelope contains trees which cannot be guaranteed to be protected should they remain within the building envelope. These trees are mature native

trees that are considered to have environmental value. It is clarified however, that the applicant has indicated a tree within the current building envelope is a 'habitat tree with one or more possible small/medium hollows. Shire officers have reviewed the habitat tree survey that was conducted as part of the structure plan along with a site inspection and confirm that the structure plan does not identify any known habitat trees within the current building envelope. An aerial overlay of the approved building envelope and the habitat tree survey can be found in Attachment 5. Whilst there is no evidence that indicates a habitat tree is contained within the current building envelope location, it is important to note that there may be locational discrepancies with the mapping provided and therefore this cannot be confirmed with absolute certainty.

***Reason 2: Application is inconsistent with the endorsed 'Local Structure Plan Lot 8 (No. 100) Buckthorn Drive, Lower Chittering'***

The applicant has provided a response to this point of refusal, with a summary of the applicant's statement of response as follows:

- The endorsed Local Structure Plan establishes a framework for orderly development and environmental protection, but does not remove the Shire's discretion to approve variations under clause 4.8.2.
- The amended revegetation plan materially improves the environmental outcome when compared to earlier revegetation proposals and provides certainty through enforceable conditions.
- The structure plan is a due regard document, it cannot be applied inflexibly by Council.

Whilst the structure plan is a 'due regard' document, it is linked to LPS6 through Clause 4.8.1 which provides more statutory weight to the structure plan. Notwithstanding, the building envelopes identified within the structure plan can be amended by the Shire through the planning process.

The structure plan identifies the areas of the subdivision with significant vegetation and building envelopes for each lot strategically located outside of these vegetated areas.

The structure plan identifies Lot 201 as having 'excellent' vegetation in the area that has been nominated for the building envelope relocation. As noted previously, if the subject application is assessed only against the current landform (given the clearing that has occurred), there could be a positive environmental outcome. However, the option to pursue other legal means to have the vegetation reinstated in the same location as identified by the structure plan still remains available to Council. As such, assessment of the application takes into consideration this potential and acknowledges the area of potential revegetation would likely reflect that area identified as 'excellent' condition vegetation within the structure plan. The proposed building envelope relocation, if approved, would compromise the Shire's ability to have revegetation occur in the same location as identified by the structure plan, which could further contribute to the fragmentation of vegetation in this locality.

***Reason 3: The application sets an undesirable precedent which would support the removal of native vegetation and is inconsistent with the Shire's local planning framework.***

The applicant has provided a response to this point of refusal, with a summary of the applicant's statement of response as follows:

- It is well established that precedent is not a determinative planning consideration.
- Each application must be assessed on its own merits, having regard to its particular circumstances, impacts and mitigation measures.
- Approval of this proposal would not create a general entitlement to remove vegetation or vary building envelopes on other sites.
- The Shire retains full discretion to refuse future proposals that do not demonstrate comparable planning merit.

Shire officers acknowledge the argument presented that the 'setting of an undesirable precedent' is not a strong planning rational for the refusal of an application. It is acknowledged that from a legal sense, it would not be an argument that is likely to be defended in its own right, nor will approval of the application set any legal precedent that Council would be bound to in the future.

It is contended however, that while approval of the application would not legally constrain Council to future decisions of a similar nature, it may establish an undesirable expectation within the community that unauthorised clearing for development can simply obtain retrospective approval. It is not uncommon for applicants to reference previous approvals or other instances of non-compliance within the Shire as a precedent to support their own application being approved.

The Shire utilised its discretion to initially refuse this application at the April 2025 OCM, and then again uphold this decision at the September 2025 OCM, as Shire officers did not believe that the application is compliant with the Shire's planning framework. This position is maintained for the current request for reconsideration.

### **Legal Options**

As mentioned in the background section of this report, Shire officers were instructed by Council (as per determination of DS02 – 04/25) to seek legal advice regarding the potential to pursue punitive measures for the unauthorised clearing that has occurred on the property. Council then instructed Shire officers to pursue any legal options after the SAT proceedings have concluded as per Council determination CON01 – 07/25)

The legal advice received advised the Shire that prosecution for the illegal works is no longer an available option, as the aerial imagery available indicates activity occurred more than 12 months ago and as such, the 12-month statute of limitations applies.

Whilst prosecution is not an option, the Shire is still able to serve the landowner of Lot 201 with a Section 214 notice (of the *Planning and Development Act 2005*) to remediate the land to as close to its original state.

This notice could involve a written direction to remove the gravel hardstand which has been constructed and to revegetate this land in accordance with a new revegetation plan that is approved by the Shire which covers the 10,000m<sup>2</sup> of vegetation that has been illegally removed.

### **Alternative recommendation**

Whilst Shire officers are recommending that the decision of refusal is upheld as the application is not considered to comply with the Shire's planning framework, it is acknowledged that there has been considerable effort made towards the proposed revegetation of the site, which now exceeds the area that was initially cleared. Council do have the ability under the local planning framework to approve the application as presented should it consider that the building envelope relocation, coupled with the revised revegetation plan submitted is an acceptable outcome. Should Council be inclined to approve the application, the following alternative resolution is provided:

That Council:

1. Grants Development Approval for the building envelope relocation on Lot 201 Polinelli Road, Lower Chittering subject to the following conditions:
  - a. All development shall be contained within the approved building envelope unless otherwise approved by the Shire;
  - b. The landowner shall revegetate the land in accordance with the approved revegetation plan (Chittering Landcare Centre, December 2025) including all planting, maintenance and monitoring requirements in perpetuity to the satisfaction of the Shire.
2. Instructs the Chief Executive Officer to contact the Department of Water and Environmental Regulation and advise of Council's Resolution above.

Advice Notes:

1. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**OFFICER RECOMMENDATION**

That Council, pursuant to s.31(2)(a) of the *State Administrative Tribunal Act 2004*, maintains its refusal as per decision DS02 - 09/25 to not approve the application for development approval to relocate the building envelope at 99 (Lot 201) Polinelli Road, Lower Chittering for the following reasons:

1. The application is inconsistent with Clause 3.2.8 and Clause 4.8.2 of the Shire of Chittering Local Planning Scheme No. 6 due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope.
2. The application is inconsistent with the endorsed 'Local Structure Plan Lot 8 (No. 100 Buckthorn Drive, Lower Chittering)' due to the amount of remnant vegetation that has been removed to accommodate the proposed relocation of the building envelope.
3. It sets an undesirable precedent in the community which could encourage or be used to justify the unauthorised removal of native vegetation.

**ADVICE NOTE**

1. In relation to Council's previous decision DS02 – 09/25 to refuse the application of a building envelope relocation at 99 (Lot 201) Polinelli Road, Lower Chittering, Council have deferred any decision on punitive measures until such time as the SAT Appeal has been concluded. Punitive measures can still be considered at this later time.

**TECHNICAL SERVICES****TS01 – 02/26 Bindoon Landfill Trash and Treasure Trial**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-111795
<b>Author</b>	Leo Pudhota, Executive Manager Technical Services
<b>Authorising Officer</b>	Melinda Prinsloo, 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>	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**

Following a request from Council based on the Resolution 161225 below, staff have put forward this feasibility study for consideration.

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 161225**

*Moved Cr Curtis, seconded Cr Hughes*

*That Council instructs the Chief Executive Officer to investigate the feasibility of establishing a Trash or Treasure picking area at the Bindoon Tip.*

**CARRIED: 5 / 1**

**TIME: 8.35PM**

**FOR: Cr Angus, Cr Campbell, Cr Curtis, Cr Grayer, Cr Hughes**

**AGAINST: Cr Dewar**

**Background**

As per the West Australian Waste Management Strategy, the main objective is to divert reusable materials from landfill and encourage waste avoidance and resource recovery.

Diverting reusable items from landfill and recycling is an effective basic setup to encourage waste diversion and reuse. If implemented, this project aligns with this Strategy. This proposal is to encourage quality items, to be placed in the recycle area, and can be taken at no additional cost to the community.

Bindoon Landfill currently operates as per the following hours:

DAY	STAFFED HOURS	BINDOON LANDFILL OPEN TO PUBLIC
Tuesday	9:00am – 4:00pm	10:00am – 3:00pm
Saturday	9:00am – 4:00pm	10:00am – 3:00pm
Sunday	9:00am – 4:00pm	10:00am – 3:00pm

*Photo 1: Existing Entrance Gate*



*Photo 2: Map of Bindoon Landfill*





### Consultation Summary

#### Local

Nil

#### State

Nil

### Legislative Implications

#### State

- *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*

The primary objectives of the *Waste Avoidance and Resource Recovery Act 2007* (the Act) under Section 5(1) are to:

*“contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste free society by—*

- promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
- reducing environmental harm, including pollution through waste; and*
- the consideration of resource management options against the following hierarchy—*
  - avoidance of unnecessary resource consumption;*
  - resource recovery (including reuse, reprocessing, recycling and energy recovery);*
  - disposal.”*

- 

#### Local

- *Shire of Chittering Waste Local Law 2018*

The purpose of the Shire of Chittering Waste Local Law 2018 is to make provisions about the regulation of storage, collection and disposal of waste and recyclable materials in the Shire of Chittering. It allows the Shire to control storage, collection and disposal of waste and recyclable materials for the benefit of the community and protection of the environment.

## Policy Implications

### State

- *Waste Avoidance and Resource Recovery Strategy 2030*

The 'Waste Avoidance and Resource Recovery Strategy 2030' (the Strategy) sets the objectives, targets and strategies with a vision for Western Australia to become a sustainable low-waste, circular economy, in which human health and the environment are protected from the impacts of waste. The strategy has set targets for waste generators and waste managers with the objectives of generating less waste; recovering more value and resources from waste; and by protecting the environment by managing waste responsibly. It is the task of government, the community and industry to meet the necessary targets through improved technology, procedures and practices. The key strategy elements are shown below:

## Key strategy elements

<b>VISION</b>	<i>Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.</i>		
<b>OBJECTIVES</b>	<b>Avoid</b> Western Australians generate less waste.	<b>Recover</b> Western Australians recover more value and resources from waste.	<b>Protect</b> Western Australians protect the environment by managing waste responsibly.
<b>TARGETS</b>	<ul style="list-style-type: none"> <li>● 2025 – 10% reduction in waste generation per capita</li> <li>● 2030 – 20% reduction in waste generation per capita</li> </ul>	<ul style="list-style-type: none"> <li>● 2025 – Increase material recovery to 70%</li> <li>● 2030 – Increase material recovery to 75%</li> <li>● From 2020 – Recover energy only from residual waste</li> </ul>	<ul style="list-style-type: none"> <li>● 2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled.</li> <li>● 2030 – All waste is managed and/or disposed to better practice facilities</li> </ul>
<b>HEADLINE STRATEGIES</b>	<ol style="list-style-type: none"> <li>1. Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.</li> <li>2. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.</li> <li>3. Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.</li> <li>4. Implement local government waste plans, which align local government waste planning processes with the <i>Waste Avoidance and Resource Recovery Strategy 2030</i>.</li> <li>5. Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.</li> <li>6. Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.</li> <li>7. Review the scope and application of the waste levy to ensure it meets the objectives of <i>Waste Avoidance and Resource Recovery Strategy 2030</i> and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.</li> <li>8. Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials.</li> </ol>		

6 Waste Avoidance and Resource Recovery Strategy 2030 Western Australia's Waste Strategy

### Local

Nil

## Financial Implications

Providing the minimum infrastructure to support the proposal would include signage, direction arrows and levelling an area (as per the proposed location) and is estimated to cost \$2,000. This can be budgeted from maintenance expenses. It is not foreseen that operating this proposal will increase the required staffing hours and therefore will not add any additional ongoing operational costs.

## Strategic Assessment / Implications

### Local

- Strategic Community Plan 2024-2034

Community Theme: Natural Environment  
 Community Aspiration: Sustainable and Environmentally-Responsible Future  
 Strategy: 2.1 – Promoting Sustainable Practices  
 Strategic Objectives: Preserve natural resources and ecosystems for current and future generations by promoting sustainability and environmental stewardship.

### State

- Waste Avoidance and Resource Recovery Strategy 2030

The subject proposal is considered to align with the key objectives of the Strategy as it endeavours to reduce the amount of waste that will ultimately end up in landfill.

## Site Inspection

Not applicable

## Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Unlikely	Minor	Low	Ensuring compliance with landfill licence conditions and the WAARL Act
<b>Opportunity:</b> Promoting waste reduction through community education using website and social media.				

## Officer Comment/Details

Officers have reviewed the feasibility for a trash and treasure' picking area at the Bindoon landfill, and consider that it could possibly be achieved, however recommend that it be established for an initial trial period. It is considered that a trial period can be undertaken under the following criteria:

- Trash and treasure trial is conducted for six months as a 'no fee' option only, due to unavailability of a till or power at the site;
- Items are to be received on an 'as is' basis, and they will not be repaired or fixed by the Shire;
- Trash and treasure will only operate during public opening hours to not create an additional burden on current staffing hours;
- An area for trash and treasure pick up and drop off will be specifically isolated at the site and will include appropriate directional signage. The location for the trash and treasure is likely to be consistent with the plan provided in the background of this report;
- Items will be stored in the open air and not undercover to avoid the need for machines to move items in and out of the shed, which would create additional staff resources and machinery. This will create the potential for items to become damaged due to being stored outdoors, however the Shire will not be bearing responsibility for the quality of the items that may be taken by the community and reused; and
- The loading and unloading of trash and treasure items will not be undertaken by Shire staff. The responsibility for this will be on the customer, on a 'self-service' basis.

The Bindoon Waste Facility has established documented Work Health and Safety (WHS) procedures, appropriate signage, and active staff supervision to ensure visitors can safely dispose of waste at the tip face and other designated areas.

The proposed Trash and Treasure area will be restricted to low-risk items only, including:

- Furniture
- Bicycles
- Petrol-powered and manual gardening equipment

Electrical items will not be permitted for rehoming within the Trash and Treasure area.

The physical activities associated with placing and removing items from the Trash and Treasure area will not introduce processes that are more complex or higher risk than those already undertaken at the tip face.

There will be no increase in interactions between people and vehicles beyond what currently exists under normal site operations.

Accordingly, existing WHS procedures and the current Public Liability insurance coverage will apply to the Trash and Treasure area, with no additional cost implications.

**OFFICER RECOMMENDATION****That Council:**

1. **Instruct the Chief Executive Officer to Commence trash and treasure trial at Bindoon Landfill for six months from 15 April 2026.**
2. **Instruct the Chief Executive Officer to inform ratepayers and general public of the six month trash and treasure trial period through social media, website and signage at the Bindoon landfill site.**
3. **Instruct the Chief Executive Officer to report back to Council after the trial period has concluded on the feasibility of the trash and treasure programme continuing, whilst allowing the service to continue during this period.**
4. **Authorise the Chief Executive Officer to terminate the trial period if significant issues arise as a direct result of the service.**

**CORPORATE SERVICES**

CS01 – 02/26

**List of Accounts Paid for the Period Ending 31 December 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 December 2025 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 2025.

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

**Background**

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

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**State*Local Government Act 1995**Local Government (Financial Management) Regulations 1996*Local

Nil

**Policy Implications**State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Low	Minor	Low	Quality assurance prior to publishing
<b>Opportunity:</b> To provide a level of transparency regarding the Shire's expenditure				

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION**

**That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,647,167.77, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 December 2025:**

1. PR7002, PR7010, PR7012;
2. EFT29458 – EFT29664;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

CS02 – 02/26	<b>Monthly Financial Report for the Period Ending 31 December 2025</b>
File ref	12/03/4
Author	Finance Manager
Authorised by	Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 31 December 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 receive the financial statement for the period ending 31 December 2025.

### Background

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

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

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

### Consultation Summary

This document has been prepared in consultation with responsible officers for review and analysis.

### Legislative Implications

#### State

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

#### Local

Nil

**Policy Implications**Local

Finance Policy 2.1 Investment of Funds

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION**

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

CS03 – 02/26

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

<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 2026 or other purchasing cards

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

**Executive Summary**

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

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

**Background**

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

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

**Policy Implications**State

Nil

Local

Nil

**Financial Implications**

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

**Strategic Implications**State

Nil

Local

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION**

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,281,153.96, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 January 2026:

1. PR7015, PR7038;
2. EFT29665 – EFT29821;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

**CS04 – 02/26      Monthly Financial Report for the Period Ending 31 January 2026**

<b>File ref</b>	12/03/4
<b>Author</b>	Finance Manager
<b>Authorised by</b>	Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 31 January 2026

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

**Executive Summary**

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

**Background**

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

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

*Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2025/26 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances."*

**Consultation/Communication Implications**

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

**Legislative Implications****State**

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

**Local**

Nil

**Policy Implications**Local

Finance Policy 2.1 Investment of Funds

**Financial Implications**

Nil

**Strategic Implications**

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION**

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

CS05 – 02/26	<b>2025 – 2026 Budget Review</b>
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-70369
<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 2025-2026 (Doc Id: SOCR-1845402348-111755)

	<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 2025 – 2026 Budget.

### Background

Section 33A of the Local Government (Financial Management) Regulations 1996 requires each local government to conduct a review of its annual budget between 1 January and the last day of February of every financial year.

The completed budget review must then be presented to Council on or before 31 March of that same financial year.

Council must consider the budget review and decide whether to adopt it, along with any recommendations arising from the review.

### Consultation Summary

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

### Legislative Implications

#### State

##### Local Government Act 1995

*6.34. 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.

Local Government (Financial Management) Regulations 1996

**33A. Review of budget**

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
  - (d) include the following —
    - (i) the annual budget adopted by the local government;
    - (ii) an update of each of the estimates included in the annual budget;
    - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
    - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- \*Absolute majority required.
- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Local  
Nil

**Policy Implications**

Nil

**Financial Implications**

Adopting the budget review will amend Council's 2025/26 Budget as outlined in this report and will result in a budget surplus of \$22,116.

**Strategic Assessment / Implications**

Local

CON1 - 05/25 Strategic Community Plan 2024-2034

Community Aspiration 5: Council Accountability and Transparency  
Strategy 5.2: Responsible Financial Management

**Risk Assessment / Implications**

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

**Officer Comment/Details**

The budget review was conducted through the standard process of examining all budget line items to assess their performance against actual year-to-date expenditure.

A summary of the budget adjustments identified through this review is provided below.

Proposed Amendments to the 2025/26 Annual Budget	Debit	Credit	Surplus / (deficit)
	\$	\$	\$
<b>Opening surplus more than budgeted</b>			<b>120,356</b>
<i>Note: this variance is partly due to carryover assumptions at budget adoption. Corresponding offset changes to income and expenditure are captured further in this report.</i>			
Employee costs	94,747		
<i>Majority of increase related to FBT expenses / LSL payouts and other employee overhead expenses rather than salaries directly</i>			
Materials and contracts		133,326	
<i>Reduction as a result of Edmonds Place properties transferred back to the State. Reduction in hire machinery at Muchea Tip, various other minor adjustment across individual programs</i>			
Utility charges		2,895	
<i>Reduction as a result of Edmonds Place properties transferred back to the State.</i>			
Depreciation	181,279	181,279	
<i>Non-cash item excluded from calculation of surplus/(deficit)</i>			
Insurance expenses		31,580	
<i>Premiums less than budgeted</i>			
Other expenditure	7,325		
<i>Additional members travel / accommodation</i>			
Loss on asset disposals	1,545	1,545	
<i>Non-cash item excluded from calculation of surplus/(deficit)</i>			
Operating grants, subsidies and contributions		140,719	
<i>FAGS, ESL Operating grant, various other minor grant adjustments</i>			
Fees and charges		66,422	
<i>Septic tank, planning applications, works supervision, building applications, other various fees greater than budgeted. House rent less than budgeted as a result of the social and aged housing being transferred to the state</i>			
Interest earnings		58,075	
<i>Instalment and municipal fund interest greater than budgeted</i>			
Other revenue	14,410		
<i>Reduction in reimbursements from social and aged housing, employee cost reimbursements from Shire of Victoria Plains. Increase in reimbursement for LSL and Workers Compensation</i>			
Profit on asset disposal	1,828	1,828	
<i>Non-cash item excluded from calculation of surplus/(deficit)</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>436,891</b>
<b>Investing Activities - Capital Projects / Purchases</b>			
Community Notice Board		8,000	
<i>Transfer from Opening Surplus to 25/26 Budget</i>			
Muchea Fire Shed Extension		9,097	
<i>Cost greater than budgeted</i>			
Fence Replacement - 1/6194 Great Northern Highway, Bindoon		365	

Proposed Amendments to the 2025/26 Annual Budget	Debit \$	Credit \$	Surplus / (deficit) \$
<i>Completed under budget</i>			
Wannamal Public Conveniences	305		
<i>Completed over budget</i>			
Chinkabee Complex	5,400		
<i>Remove painting</i>			
Lower Chittering Hall	531		
<i>Completed under budget</i>			
Lower Chittering Youth and Community Hub	70,000		
<i>Updated project costs</i>			
Sandown Park	2,224		
<i>Completed under budget</i>			
Chittering Museum	3,953		
<i>Completed under budget</i>			
Muchea Recreation Centre	925		
<i>Completed over budget</i>			
Depot Building	2,000		
<i>Completed under budget</i>			
Forrest Hills Parade	1,622		
<i>Completed under budget</i>			
Ghost Gum Ridge	8,272		
<i>Completed under budget</i>			
Sugar Gum Drive	453		
<i>Completed under budget</i>			
Bindoon-Dewars Pool Road	2,395		
<i>Completed under budget</i>			
North Road	77,407		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Chittering Road	2,676,000		
<i>New Project - Rural Road Safety Program</i>			
Julimar Road	400,000		
<i>New Project - Rural Road Safety Program</i>			
Mooliabeeenee Road	8,120		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Blue Plains Road	44,730		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Muchea South Road	126,236		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Plant Changeover	40,159		
Grab Bucket for Loader	35,000		
<i>Not required</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>(2,228,569)</b>
<b>Investing Activities - Capital Grants</b>			
Regional Road Group - Wells Glover Road	1,000		
<i>minor adjustment</i>			
Regional Road Group - North Road	88,908		
<i>Adjust carryover figure - Budget to opening surplus</i>			

Proposed Amendments to the 2025/26 Annual Budget	Debit	Credit	Surplus / (deficit)
	\$	\$	\$
Roads to Recovery	317,568		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Black Spot - Mooliabeenee Road	79,120		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Black Spot - Muchea South Road	111,089		
<i>Adjust carryover figure - Budget to opening surplus</i>			
Rural Roads Safety Program	3,076,000		
<i>New Grant</i>			
Lower Chittering Youth & Community Hub	430,000		
<i>New Grant - Lotterywest \$200,000 (Additional \$200,000 in 26/27)</i>			
<i>New Grant - DPIRD \$230,000</i>			
Santa Gertrudis pathway	30,000		
<i>New project - Grant income</i>			
Muchea Fire Shed Extension	9,097		
<i>Grant increased</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>718,843</b>
<b>Investing Activities - Other</b>			
Proceeds on disposal of assets	3,273		
<b>Sub-Total running surplus / (deficit)</b>			<b>722,116</b>
<b>Financing Activities - Borrowings</b>			
Lower Chittering Youth & Community Hub	700,000		
<i>Reduce loan offset by grant income and updated costs</i>			
<b>Sub-Total running surplus / (deficit)</b>			<b>22,116</b>

Additional details of changes within each program are included in Attachment 1. 2025-2026 Budget Review.

The proposed budget review results in an estimated surplus of \$22,116.

**OFFICER RECOMMENDATION**

**That Council, BY AN ABSOLUTE MAJORITY, adopt the 2025–2026 Budget Review as presented in Attachment 1, noting a closing surplus of \$22,116, and amends the 2025–2026 Budget accordingly.**

CS06 – 02/26

**Bindoon Bowling Green Replacement**

<b>Applicant</b>	Bindoon & Districts Bowling Club/Bindoon Sport and Recreation Assoc.
<b>File ref</b>	SOCR-1845402348-111526
<b>Author</b>	Community Development and Grants Coordinator
<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. <i>Bindoon &amp; Districts Bowling Club – Green Replacement Proposal 2026</i></li> <li>2. <i>Bindoon &amp; Districts Bowling Club - Financial Support Request letter</i></li> <li>3. <i>Bindoon Sport and Recreation Association minutes 9 Feb 2026</i></li> </ol>

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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**

That Council make provision for the allocation of \$48,000 in the 2026/2027 Annual Budget (currently under development) as a contribution for the replacement of the existing bowling green at the Chinkabee Complex, Bindoon, as requested by the Bindoon and Districts Bowling Club (Bindoon Bowling Club), with the project to be managed by the Bindoon Sport and Recreation Association in collaboration with the Bindoon Bowling Club.

**Background**

The first synthetic bowling green at the Chinkabee Complex was installed in 2006 to replace the original grass greens, at an approximate cost of \$300,000. Funding for the project was shared equally between the Bindoon Bowling Club, the Bindoon Sport and Recreation Association (BSRA), and the Shire of Chittering.

The existing bowling green is the second synthetic green installed at the Chinkabee Complex and was constructed during the 2015/2016 financial year at an approximate cost of \$180,000. Funding was again jointly provided by the Bindoon Bowling Club, the Bindoon Sport and Recreation Association, and the Shire of Chittering.

Over the past nine years, ongoing issues with the current green have been addressed through repairs undertaken by the Bindoon Sport and Recreation Association and the Bindoon Bowling Club. Despite these efforts, the surface has now deteriorated significantly, with extensive thinning and threadbare areas that are beyond practical repair. As a result, the green is no longer able to meet the functional requirements of the club and requires full replacement within the next 12 months to remain fit for purpose.

An insurance claim was submitted by the Bindoon Bowling Club in relation to the bowling green, resulting in a payout of \$122,000. These funds are currently being held by the Bindoon Sport and Recreation Association for the purpose of contributing to the replacement of the green.

Shire financial forecasting has previously identified a contribution of \$100,000 in the 2028/2029 financial year towards the replacement of the synthetic bowling green at the Chinkabee Complex. The current proposal would bring this project forward by three years, with a reduced Shire contribution of \$48,000 proposed in the 2026/2027 financial year.

The Bindoon Bowling Club has undertaken research into cost-effective, suitable, and reliable synthetic surface options for the replacement green. A formal proposal was submitted to the Shire on 5 February 2026 requesting a contribution of \$48,000, with the remaining project costs to be shared between the Bindoon Sport and Recreation Association and the Bindoon Bowling Club.

At the General Meeting of the Bindoon Sport and Recreation Association held on 9 February 2026, it was confirmed that the Association supports the proposed project. The BSRA nominated Dan Bam as its preferred project manager, with the project to be managed by the Bindoon Sport and Recreation Association in collaboration with the Bindoon Bowling Club.

### **Consultation Summary**

#### Local

Bindoon and Districts Bowling Club  
Bindoon Sport and Recreation Association

#### State

Nil

### **Legislative Implications**

#### State

Nil

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

Nil

### **Financial Implications**

The project proposal submitted by the Bindoon Bowling Club includes the removal of the fence to create access, removal and disposal of the old carpet surface, new green, reticulation, water tank, pump, paving, conversion of existing mower to roller brush unit, new ride on roller machine and contingency.

- Proposed Total Project Cost: \$268,252 (including \$20,000 contingency)
- Insurance payout: \$122,000 (received and held by the BSRA)
- Proposed Bowling Club contribution: \$50,252 (including in kind contributions)
- Proposed BSRA contribution: \$48,000
- Proposed Shire contribution: \$48,000

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024-2034

Community Aspiration: 3. Balance Between Development and Conservation.

Strategy: 3.3 Infrastructure Investment and Enhancement

*Investing in enhancements infrastructure upgrades and enhancements that improve connectivity, accessibility, and quality of life for residents*

*while minimising environmental impact. This includes upgrading roads, bridges, and transportation networks, expanding public transit options, and investing in green infrastructure such as parks and trails.*

### 3.5 Recreation Opportunities for All

*Providing diverse and accessible recreational opportunities that cater to the needs and interests of all community members. This includes developing parks, greenways, and recreational facilities that accommodate a range of activities such as walking, cycling, picnicking, and nature observation, as well as providing inclusive amenities for people of all ages and abilities.*

Community Aspiration: 5. Council Accountability and Transparency

### Strategy: 5.2 Responsible Financial Management

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

#### State

Nil

#### **Site Inspection**

Site inspection undertaken: Yes.

There are consistent areas of threadbare carpet, holes, and tears. Images of the damage are included in the proposal.

#### **Environmental Consideration**

Environment consideration given:

- Future collection of rainwater to assist with water supply.
- Longer lasting surface to reduce landfill.

#### **Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation / Financial:</b> Council does not approve allocation of funding to the replacement of the bowling green at Chinkabee Complex. Could result in media attention, and community cynicism. Delaying the project could mean additional costs in future years.	2 (unlikely)	3 (moderate)	6 (moderate)	Council is provided sufficient information about the project including all known and anticipated costs. Council is informed of the planned allocation of funding, and the savings available by bringing the project forward.
<b>Opportunity:</b> Approving the allocation of funding will show respect and support for the expertise and capacity of local community groups.				

#### **Officer Comment/Details**

The Bindoon and Districts Bowling Club has committed considerable time and financial resources to the ongoing maintenance and repair of the existing synthetic surface in recent years. In addition, the Club has undertaken detailed investigation into best-practice replacement options, assessed value-for-money synthetic surfaces, and actively fundraised to contribute towards the replacement costs.

While membership numbers at the Bindoon Bowling Club are smaller than some other local clubs, the Club provides significant community benefit. It regularly hosts events open to the general public, supports a range

of Shire senior and volunteer activities, and its members play an active role in the management and operation of the Chinkabee Complex facility.

The Bindoon Bowling Club's preferred replacement surface is a sand-filled alternative synthetic grass, which provides a high-quality playing surface and is widely used across the Wheatbelt, with strong satisfaction reported by clubs where it has been installed.

This surface requires an ongoing supply of water with low iron, calcium, and salt content, along with regular rolling maintenance to ensure the sand remains properly integrated within the surface. To meet these requirements, the Bindoon Bowling Club has requested that a water tank be installed as part of the project to be connected to scheme water. This arrangement would ensure appropriate water quality for surface maintenance, allow usage to be dedicated and monitored, and enable water costs to be forwarded to the Bindoon Bowling Club or the Bindoon Sport and Recreation Association for reimbursement. There is also the possibility of collecting rainwater from the Chinkabee Complex roof in the future if required.

By providing a more durable and fit-for-purpose synthetic green, the replacement surface is expected to meet the needs of the Bowling Club, its members, and other corporate and social users for approximately 14 to 15 years. The improved durability will also support membership growth while reducing wear and maintenance impacts on the surface.

For sporting facility upgrades within the Shire, the standard process is to seek external funding through the Department of Creative Industries, Tourism and Sport's Community Sporting and Recreational Facilities Fund (CSRFF). The bowling green replacement would fall under the Small Grants funding stream, which typically opens in February and July each year.

Under CSRFF requirements, local government is generally required to contribute up to one-third of the total project value, which for this project would equate to approximately \$90,000. There are currently no CSRFF funding rounds available for the 2026/2027 financial year, and the successful insurance claim received by the Bindoon Bowling Club has significantly reduced the need to pursue grant funding.

In addition, the project is subject to long lead times for the manufacture and supply of the synthetic surface, and there is a limited window during which construction works can be undertaken. Delaying the project to await a future CSRFF funding round and approval may render the project timeline unachievable.

By approving support for the project in February 2026, Council would enable preliminary works and surface orders to proceed, reduce the risk of project delays, and minimise potential cost escalations.

As the Bindoon Sport and Recreation Association is registered for GST, the Bindoon Bowling Club has requested that the Association manage the financial components of the project. Dan Bam, who is a member of both organisations, has been nominated to manage the project delivery, including coordination with contractors and suppliers, on behalf of the Bindoon Sport and Recreation Association in collaboration with the Bindoon Bowling Club.

**OFFICER RECOMMENDATION**

That Council approve the replacement of the Bindoon Bowling Green surface and support the project being managed by the Bindoon Sport and Recreation Association, in collaboration with the Bindoon and Districts Bowling Club, and note that provision will be made for an allocation of \$48,000 in the 2026/2027 financial year annual budget, subject to the following conditions:

1. The Bindoon Sport and Recreation Association, in collaboration with the Bindoon and Districts Bowling Club, will manage the project:
  - a. The Shire's financial contribution will be provided to the Bindoon Sport and Recreation Association upon receipt of a compliant tax invoice made out to the Shire of Chittering following the adoption of the 2026/27 Annual Budget.
  - b. All relevant licences and approvals must be approved before any works commence.
  - c. The Shire of Chittering will require all contractors to meet WHS requirements and complete relevant inductions before attending site.
  - d. The Shire of Chittering must approve any amendments to the project scope.
  - e. Upon request, the Bindoon and Districts Bowling Club will deliver updates on all aspects of the project, including financial reporting, logistical planning, and timeline progress.
2. The Bindoon Sport and Recreation Association will be responsible for the ongoing maintenance of the surface, including the reimbursement of any water consumption costs.
3. An acquittal document will be provided to the Shire of Chittering upon completion of the project, and will include:
  - a. Technical specifications for the green surface and associated equipment or infrastructure.
  - b. Full financial record of cash expenditure and in-kind support.
  - c. Site plan for the bowling green area including all reticulation and underground works.
  - d. Acknowledgment of the Shire's financial support in local media.

**CHIEF EXECUTIVE OFFICER****CEO01 – 02/26      Work Health and Safety Statistics Report – Monthly and Quarterly**

<b>Applicant</b>	N/A
<b>File ref</b>	SOCR-1845402348-258
<b>Author</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. WHS Statistics Report – Monthly December 2025 and January 2026 2. WHS Statistics Report – 2nd Quarter October – December 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 receive the following Shire of Chittering's Work Health and Safety Statistics Reports:

- Monthly Report - December 2025;
- Monthly Report – January 2026; and
- 2<sup>nd</sup> Quarter Report for the quarter ending 31 December 2025.

**Background**

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

**MOTION / COUNCIL RESOLUTION 231121**

*Moved Cr King, seconded Cr Angus*

*That:*

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

*g. Average overtime per person by department.*

3. *Council requires the Chief Executive Officer to provide a monthly report to be tabled at each Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:*

- a. Number of Drug and Alcohol tests performed;*
- b. Number of positive Drug test and BAC Exceedances;*
- c. Number of worker compensation claims;*
- d. Number of "current" worker compensation claims;*
- e. Number of Near Misses;*
- f. Number of Medically Treated Injuries;*
- g. Number of Restricted Work Injuries;*
- h. Number of Lost Time Injuries.*

**CARRIED UNANIMOUSLY 7 / 0**

TIME: 9.53pm

### **Consultation Summary**

#### Local

Nil

#### State

Nil

### **Legislative Implications**

#### State

- *Work Health and Safety Act 2020*

#### Local

Nil

### **Policy Implications**

#### State

Nil

#### Local

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

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- *Strategic Community Plan 2024-2034*

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

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

#### State

Nil

### **Site Inspection**

Not applicable

### **Environmental Consideration**

Not applicable

**Risk Assessment / Implications**

Nil

**Officer Comment/Details**

Nil

**OFFICER RECOMMENDATION****That Council receive the following Shire of Chittering Work Health and Safety Statistics Reports:**

1. **Monthly Report for December 2025 and January 2026 (Combined)**
  - a) Statistics
  - b) Near Miss, Incident and Damage Report
  - c) WHS Training
  - d) Site Inspections
  - e) Safety Observations
2. **2<sup>nd</sup> Quarter Report (October 2025 – December 2025)**
  - a) Working hours
  - b) Average overtime per person by department
  - c) Training hours
  - d) Toolbox Talks
  - e) Equipment Breakdown

CEO02 – 02/26

**Ferguson House Lease – Bindoon Family Chiropractic**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-110880
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Proposal – Bindoon Family Chiropractic

<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 accept and approve the proposal for the five-year lease of Lot 91 Great Northern Highway, Bindoon (Ferguson House), to Bindoon Family Chiropractic for the entirety of the premises.

**Background**

Ferguson House is a Shire-owned property located on Lot 91 Great Northern Highway, Bindoon. By previous Council resolution, the building has been used as a Community Wellness Hub, supporting a mix of community, not-for-profit and private health-related activities through licence and hire arrangements.

Since February 2023, Bindoon Family Chiropractic has occupied part of Ferguson House under a facility licence and service level agreement. The clinic provides chiropractic and allied health services to residents of Bindoon and surrounding areas. The remainder of the building has not been consistently leased and is currently vacant, therefore the property is not being used to its full potential.

Bindoon Family Chiropractic has submitted a proposal seeking:

- a five-year lease of the entire Ferguson House premises;
- consolidation and expansion of clinical and reception space;
- continuation and expansion of allied health services; and
- commercial lease payments at a higher level than the current partial-occupancy arrangements.

**Consultation Summary**Local

Consultation has occurred between the proponent and Shire officers over an extended period regarding lease terms, facility use, and future intentions for the site. The proposal has been refined in response to officer feedback and includes detailed service, utilisation, and community impact information for Council's consideration.

**State**

Not applicable

**Legislative Implications****State**

- Local Government Act 1995
  - s3.58 – Disposing of Property
  - s9.49A – Execution of Documents
- Local Government (Functions and General) Regulations 1996
  - s30(2)(f) – Exemption of s3.58 of the Local Government Act 1995 on the grounds that disposal of property is to a person registered under the Health Practitioner Regulation National Law (WA) in the medical profession to be used to carry out the person's medical practice.
- Interpretation Act 1984
  - Part II s5 – Person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate.
- Commercial Tenancy (Retail Shops) Agreements Act 1985
  - Applies to medical clinics. The lease will comply with disclosure requirements and statutory obligations.

**Local**

Nil

**Policy Implications****State**

Nil

**Local**

- Shire of Chittering – Execution of Documents and Use of the Common Seal Policy

Leases of Shire property fall within Category 1A documents, requiring:

- A specific resolution of Council
- Affixing of the Common Seal attested by the Shire President and Chief Executive Officer (or authorised senior employee)

**Financial Implications**

Approval of the proposed lease will:

- Provide a guaranteed rental income stream for the next five years;
- Generate higher rental income than the current partial-use licence arrangement; and
- Reduce the risk of the building remaining vacant.

**Strategic Assessment / Implications****Local**

- Strategic Community Plan 2024-2034

Community Aspiration: Community Aspiration 5

Strategy: Strategy 5.2 Responsible Financial Management

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

**State**

Nil

**Site Inspection**

Site inspection undertaken: Yes

The property is inspected regularly as part of normal asset management practices.

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Financial:</b> loss of rental income if lease not approved	High	Medium	High	Lease approval secures full occupancy and income
<b>Reputation:</b> Community loss of local health services	Medium	Medium	Medium	Lease supports continuity and service expansion
<b>Opportunity:</b> Better use of the building, increased income, and improved access to health services.				

**Officer Comment/Details**

The proposed lease is a practical and sensible use of Ferguson House at a time when there are no immediate plans to redevelop the site. The proponent has demonstrated strong ties to the local community, a consistent level of service, and a clear intention to formalise their use of the building through a long-term lease.

Information provided in the proposal shows that Bindoon Family Chiropractic provides services to a wide range of people, from around 7 months old through to older residents in their 90s. While most patients live within the Shire, a noticeable number travel from outside the Shire specifically to attend appointments in Bindoon. This means the clinic operates not only as a local health service, but also attracts visitors into the area.

The operational information included in the proposal shows strong demand for the clinic's services, with high patient retention and regular bookings. This indicates that expanding into the full building is commercially realistic and that the risks of the premises becoming vacant is low.

It is also noted that Ferguson House has been identified for early investigation as a possible future development site, potentially for aged care, or subsidised housing. This work is still at a very early stage, with no approved concept, funding, or timeframe. Approving a five-year lease allows the Shire to generate income and make good use of the building in the meantime, while keeping future options open for Council to consider.

Overall, the proposal improves the use of a Shire-owned asset, provides steady income, supports access to health services, and contributes positively to the local economy. On balance, it represents a beneficial outcome for both the Shire and the wider community.

The concession rates contained with the proposal are considered reasonable, however it is considered appropriate to escalate the annual costs in line with the consumer price index increases and this will form part of the final negotiations that the CEO will be conducting on behalf of Council.

**OFFICER RECOMMENDATION****That Council:**

1. **Approve the lease of Ferguson House, Lot 91 Great Northern Highway, Bindoon, to Bindoon Family Chiropractic for a term of five (5) years, with no option to renew;**
2. **Approve the lease of the entire premises under commercial terms, at a rental rate and conditions as negotiated by the Chief Executive Officer and outlined in the proposal (Attachment 1); and**
3. **Authorise the Chief Executive Officer to execute all documents necessary to give effect to this resolution including the affixing the common seal attested by the Shire President and the Chief Executive Officer.**

CEO03 – 02/26

**Delegation – Dwelling Unfit for Habitation**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-101675
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Delegations Register – Adopted by Council 16 July 2025</li> <li>2. Proposed New Delegation – s135 <i>Health (Miscellaneous Provisions) Act 1911</i></li> </ol>

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

**Executive Summary**

Council is requested to approve an additional delegation, 11.1.1 – Dwellings unfit for habitation, to be included in the Delegations Register, under the *Health (Miscellaneous Provisions) Act 1911*, enabling the Chief Executive Officer, and through sub-delegation the Executive Manager Development Services, to exercise powers under s135 – Dwellings unfit for habitation.

**Background**

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

The Shire's Delegations Register was last reviewed and adopted by Council on 16 July 2025.

In December 2025, Council was required to consider a confidential item relating to the declaration of a dwelling as unfit for habitation under s135 of the *Health (Miscellaneous Provisions) Act*. At that time, it was identified that no delegation existed authorising the Chief Executive Officer to exercise this power, not to sub-delegate the function to an appropriate officer.

As a result, the matter was required to be determined by Council, notwithstanding its operational and regulatory nature.

This report seeks Council approval to add the required delegation to the Delegations Register to avoid similar circumstances arising in the future and to ensure that urgent public health matters can be addressed efficiently and lawfully.

**Consultation Summary**Local

Chief Executive Office and Executive Management Team.

State

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

**Legislative Implications**State• Local Government Act 1995

- s5.42 – Delegation of some powers or duties to the CEO
- s5.44 – CEO may delegate some powers and duties to other employees
- s5.46 – Register of delegations

• Health (Miscellaneous Provisions) Act 1911

- s135 – Dwellings unfit for habitation – enables a local government to serve a notice declaring a dwelling unfit for habitation and to require cessation of occupation, including specifying timeframes for relocation where necessary

Local

Nil

**Policy Implications**State

Nil

Local

Delegations Register

**Financial Implications**

There are no direct financial implications arising from the adoption of the proposed delegation. Indirectly, the delegation supports efficient regulatory decision-making and may reduce administrative delays and associated costs in urgent public health matters.

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

Community Aspiration: Community Aspiration 5  
Strategy: Strategy 5.6 Continuous Improvement and Evaluation

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

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Interruption to Service:</b> Delay in responding to urgent public health risks due to lack of delegation	Medium	High	High	Adoption of delegation enables timely officer action
<b>Reputation:</b> Reputational risk arising from perceived inaction	Medium	Medium	Medium	Clear delegation framework improves responsiveness
<b>Compliance:</b> Governance risk from inconsistent regulatory processes	Low	Medium	Low	Delegation aligns with statutory framework
<b>Opportunity:</b> Improved responsiveness to urgent public health risks through streamlined decision-making				

**Officer Comment/Details**

The proposed delegation reflects best practice governance and aligns with other regulatory delegations already contained within the Delegations Register.

The delegation structure ensures:

- Council retain ultimate authority;
- The Chief Executive officer is empowered appropriately; and
- Operational responsibility may be subdelegated to suitably qualified officers.

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

1. Approve the inclusion of a new delegation (11.1.1 – Dwellings unfit for habitation) under s135 of the *Health (Miscellaneous Provisions) Act 1911* in the Delegation Register, delegating the power to the Chief Executive Officer;
2. Note that the Chief Executive Officer may sub-delegate this power to the Executive Manager Development Services in accordance with s5.44 of the *Local Government Act 1995*; and
3. Adopt the updated Delegations Register as amended.

CEO04 – 02/26

**Policy Review Schedule and Template Change**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-100078
<b>Author</b>	Governance Officer
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Updated Policy Template</li> <li>2. Updated Position Statement Template</li> <li>3. Policy Review Calendar 2026 – 2029</li> <li>4. Transition Schedule March – June 2026</li> </ol>

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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 consider the introduction of a structured, rolling Policy Review Calendar to govern the review of all Council Policies over a three-year cycle commencing July 2026 and concluding June 2029, with the cycle to repeat on an ongoing basis every three years thereafter. Council is also requested to endorse the updated Council Policy and Position Statement templates to ensure consistency and clarity.

**Background**

Council Policies are a key governance instrument that guide decision-making, set expectations, and provide transparency for Councillors, staff and the community. Under s2.7(2)(b) of the *Local Government Act 1995*, Council determines the policies of the local government, while s5.41 places responsibility on the Chief Executive Officer (CEO) for the day-to-day management and implementation of Council decisions.

On 16 April 2025, Council resolved by council resolution (180425) to endorse a revised Policy Register and adopt a new Council Policy and Position Statement Framework. That resolution marked a significant reform of the Shire's policy governance arrangements, including the separation of policies from registers, clarification of policy versus operational directives, and improved accessibility and consistency.

As a next step in this reform process, a formalised and predictable review schedule is proposed to ensure all Council Policies remain current, compliant and fit-for-purpose.

**Consultation Summary**Local

- Chief Executive Office
- Executive Management Team

State

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

**Legislative Implications**State

- Local Government Act 1995
  - s2.7(2)(b) – Council determines local government policies
  - s5.41 – Functions of the Chief Executive Officer

Local

Nil

**Policy Implications**State

Nil

Local

- Council Policy Register
- Council Position Statement Register

**Financial Implications**

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034

Community Aspiration: Community Aspiration 5  
Strategy: Strategy 5.1 Enhancing Accountability and Transparency

*Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders.*

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Policies become outdated or inconsistent if not reviewed systematically	Possible	Minor	Low	Adoption of a rolling review calendar ensures regular, structured review and oversight.
Governance or compliance risk arising from unclear policy framework	Unlikely	Minor	Low	Updated templates and scheduled Council review strengthen clarity and compliance
<b>Opportunity:</b> Improved governance, maturity and transparency, predictable and manageable Council workload, enhanced clarity for staff and community regarding Council expectations.				

**Officer Comment/Details**Proposed Rolling Policy Review Calendar

It is proposed that Council adopt a rolling Policy Review Calendar covering the period July 2026 to June 2029, with all Council Policies scheduled for review at least once within each three-year cycle. At the conclusion of each cycle, the calendar will roll forward automatically for a further three-year period.

Key features of the proposed review model include:

- Three-year review cycle: Each policy is formally scheduled for review once every three years, aligning with best practice governance standards.
- Staggered monthly reviews: Policies are distributed across the calendar to allow Council to consider a manageable number of policies at each Ordinary Council Meeting, rather than undertaking large-scale reviews in a single period.
- Flexibility retained: The rolling calendar does not prevent policies from being reviewed earlier where required due to legislative change, changes to administrative practice, operational need, emerging risk, or Council direction. Policies may be brought to Council outside the scheduled review cycle where amendments are required to maintain legislative compliance or effective governance.
- Transparency and forward planning: The schedule provides visibility for Councillors and the organisation, supporting forward planning and resourcing.

The proposed review cycle for each policy is set out in the Policy Review Calendar 2026 – 2029 (Attachment 3).

Policy and Position Statement Templates

As part of the governance review process, the existing Council Policy and Position Statement templates have been reviewed and updated. The revised templates are designed to:

- Improve clarity and readability for Councillors, staff and the community;
- Clearly distinguish between policy intent and operational implementation;
- Strengthen alignment with legislative requirements and strategic planning documents;
- Provide consistent structure, terminology and review controls across all policies and position statements.

The updated templates are attached for Council consideration (Attachments 1 and 2).

Transition to Updated Templates

Subject to Council approval of the updated templates, it is proposed that all existing Council Policies and Position Statements be progressively transitioned to the new formats.

To ensure appropriate oversight and transparency:

- Policies will be converted in stages over a four-month period (March – June 2026);
- Converted policies will be presented back to Council for formal adoption in accordance with a scheduled program;
- No substantive policy changes will be introduced through the template conversion process unless separately identified and reported to Council.

A transition schedule (Attachment 4), drawn from the Policy Register, will guide when each policy is to be brought back to Council during this period.

The proposed rolling Policy Review Calendar represents the final step in embedding a sustainable and transparent policy governance framework for the Shire. By spreading policy reviews evenly over time, Council can focus on quality consideration and oversight, while retaining the flexibility to respond to emerging issues as required.

The adopting of updated templates will further support consistency, professionalism and legislative alignment across all Council policies and position statements.

**OFFICER RECOMMENDATION****That Council:**

1. Endorse the rolling Policy Review Calendar for the period July 2026 to June 2029, as set out in Attachment 3, with the cycle to repeat every three years thereafter.
2. Approve the updated Council Policy Template as per Attachment 1.
3. Approve the updated Council Position Statement Template as per Attachment 2.
4. Authorise the progressive transfer of existing Council Policies and Position Statements to the approved templates as per Attachment 4.
5. Note that converted policies will be returned to Council for formal adoption in accordance with the approved transition schedule over the next four months.

CEO05 – 02/26 **Mid-Year Corporate Performance Report 2025/26**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-110101
<b>Author</b>	Manager Governance and Corporate Performance
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Mid-Year Corporate Performance Report 2025/26

	<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**

To present the Mid-Year Corporate Performance Report for the 2025/26 financial year, providing Council with an update on organisational performance against the Corporate Business Plan and Annual Implementation Plan, alongside the Mid-Year Budget Review.

**Background**

The Corporate Business Plan 2025–2029 is delivered through the Annual Implementation Plan (AIP), which sets out year-one projects, improvement activities and business-as-usual (BAU) deliverables across 20 defined service areas.

In accordance with the Integrated Planning and Reporting Framework and the *Local Government Act 1995*, the Shire reports on its performance at the mid-year point to:

- assess progress against adopted commitments;
- consider delivery performance alongside financial performance; and
- identify any material delivery, financial or compliance risks.

This report aligns performance reporting with the Mid-Year Budget Review to provide Council with an integrated view of progress, resourcing and expenditure.

**Overall Performance**

At the mid-year point (1 July – 31 December 2025), organisational performance remains largely on track, with strong alignment between service delivery, governance oversight and financial management across the organisation.

Key performance indicators demonstrate:

- 89% of the Corporate Business Plan (initiatives and projects) are completed, on track or appropriately staged

- 94% of all projects are completed, on track or appropriately staged
- 85% of improvement activities are completed or on track

### Service Delivery Snapshot

Performance across the Shire's 20 service areas shows:

- Strong delivery in community infrastructure, transport, waste, bushfire mitigation, library services, ranger services, building compliance and corporate support services.
- Mixed performance in some statutory planning, emergency management governance and environmental planning reviews, where legislative review cycles and resourcing constraints have impacted timelines.
- No material service delivery failures or critical compliance breaches identified at mid-year.

Where projects or improvement activities are proposed to be carried forward, these will be formally considered through the 2026/27 Annual Implementation Plan and budget process, with updated timeframes, prioritisation and risk assessments.

### Financial Performance

The Mid-Year Budget Review confirms that the Shire's financial position remains sound and within the parameters of the adopted 2025/26 Annual Budget.

#### *At 31 December 2025:*

- A favourable net position of approximately \$5.49 million is reported, primarily driven by income timing, grant receipts and staged capital expenditure.
- Operating expenditure is tracking at approximately 48% of the annual operating budget.
- Capital expenditure and commitments represent approximately 49% of the total capital budget, consistent with the staged nature of capital delivery.
- Rates collection remains strong at approximately 78.5%.

Importantly, the favourable position reflects timing differences and grant receipts rather than reduced service delivery.

### *Governance maturity continues to strengthen through:*

- service-based planning and reporting across 20 service areas;
- integrated performance, risk and financial monitoring;
- continued policy review and compliance oversight; and
- strengthened partnerships, including formal engagement with Traditional Owners.

Key risks associated with delayed statutory reviews and externally-dependent projects are documented within the report and are being actively managed.

### **Consultation Summary**

#### Local

Consultation was undertaken with staff through quarterly feedback sessions and updates on the 2025/26 priorities aligned to the Corporate Business Plan.

#### State

Nil

### **Legislative Implications**

#### State

- The Shire's Corporate Business Plan is governed by *Section 5.56(1) and (2)* of the Act, requiring each local government to plan for the future of the district.
- The Integrated Planning and Reporting Framework and Guidelines recommend quarterly reporting on progress against the Corporate Business Plan.

- 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

Nil

Local

There are no direct policy implications. The Corporate Performance Report illustrates how the Council is progressing towards its medium-term priorities set out in the Corporate Business Plan.

**Financial Implications**

There are no direct financial implications arising from Council's receipt of this report. However, the Corporate Performance Report supports informed decision-making in relation to resource allocation and assists with corporate business planning and the annual budget process.

**Strategic Assessment / Implications**

- Strategic Community Plan 2024–2034

Theme: Administration and Governance  
Aspiration: Council accountability and transparency

Implementing measures to enhance accountability and transparency in Council operations, including regular reporting of financial expenditures, open meetings, and public disclosure of decision-making processes. This includes ensuring that Council meetings, agendas, and financial reports are easily accessible to residents and stakeholders.

State

Nil

**Site Inspection**

Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Corporate delivery	Possible	Moderate	Medium	Ongoing monitoring and reporting
Financial	Unlikely	Moderate	Low	Regular financial reviews
Statutory review timeframes (planning & emergency management instruments)	Possible	Moderate	Medium	Prioritised through CBP, monitored through governance and risk frameworks, scheduled for next planning cycle
<b>Opportunity:</b> Improved transparency and community confidence in Shire operations.				

**Officer Comment/Details**

That Council receives the Mid-Year Corporate Performance Report for the period 1 July to 31 December 2025.

**OFFICER RECOMMENDATION**

**That Council receives the 2025/26 Mid-Year Corporate Performance Report as provided in Attachment 1, noting progress against the Corporate Business Plan, Annual Implementation Plan and Mid-Year Budget Review.**

CEO06 – 02/26	Lower Chittering Youth and Community Hub – Project Status Report
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-111602
<b>Author</b>	Manager Economic and Community Development
<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. Lower Chittering Youth and Community Hub – Project Status Report

	<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 receive the Lower Chittering Youth and Community Hub Project Status Report.

### Background

The Lower Chittering Youth and Community Hub (LCYCH) has been under development since it was first identified as a priority community infrastructure project in 2017. Council has considered multiple reports and resolved on several occasions to progress the project, including selection of the site within the Lower Chittering Hall precinct, adoption of a revised master plan, and pursuit of external funding.

The project is included in the Shire's Strategic Community Plan and Corporate Business Plan, and an allocation for loan funding is provided in the adopted 2025/26 Annual Budget to meet any shortfall after external contributions. All procedural requirements associated with the proposed borrowing have been completed, including public advertising of Council's intention to take out the loan in accordance with the Local Government Act 1995. The facility is intended to provide dedicated space for youth services, community programs, meetings, and events, with associated landscaping, parking, and service infrastructure.

In August 2025, Council resolved to:

1. Acknowledge the confirmation received on 14 August 2025 from Lotterywest of a \$400,000 funding contribution towards the Lower Chittering Youth and Community Hub project;
2. Endorse the official commencement of the Lower Chittering Youth and Community Hub project;
3. Authorise the ordering of the building and associated structure for off-site construction;
4. Approve commencement of necessary earthworks, service connections, and ancillary site works to prepare for the installation of the building; and
5. Approve securing a Treasury loan of up to \$1,000,000 to fund the balance of the project cost, with the final amount to be reduced by any additional external funding secured prior to loan drawdown.

Since this time, Officers have made significant progress towards delivering the project, including securing an additional \$230,000 of third-party funding through the Department of Primary Industry and Regional Development. The balance of the project costs is reduced to \$700,000 and the application for a Treasury loan has commenced.

### Consultation Summary

#### Local

- Council
- Executive Management Team

#### State

- Lotterywest
- DPIRD

### Legislative Implications

#### Local

- Shire of Chittering Delegations Register – relevant delegations to the Chief Executive Officer for procurement and contract management will apply once Council authorises the commencement of works

#### State

- Local Government Act 1995 – section 6.20 permits a local government to borrow funds, subject to Council resolution and the required public advertising process where applicable.
- Local Government (Financial Management) Regulations 1996 – outlines requirements for financial management, including recording of borrowings and grant income in the annual budget and financial reports.

### Policy Implications

#### Local

- Shire of Chittering Purchasing Policy - procurement of the building, site works and associated services must comply with the Shire's purchasing thresholds, quotation/tender requirements, and value-for-money principles.
- Shire of Chittering Asset Management Policy - the LCYCH will become a significant community asset and must be incorporated into the Shire's asset register, with lifecycle cost planning and maintenance provisions.

#### State

- Lotterywest Funding Guidelines – funding must be administered in accordance with the terms and conditions of the grant agreement, including acquittal, milestone reporting and expenditure restrictions.
- Western Australian Treasury Borrowing Policy – compliance requirements for local government loans, including provision of financial ratios and adoption of a formal borrowing resolution by Council.

### Financial Implications

The total project cost for the Lower Chittering Youth and Community Hub is \$1,330,000 including contingency, inclusive of building construction, transport, installation, site works, and associated infrastructure.

Confirmed funding to date includes:

- \$400,000 – Lotterywest grant
- \$230,000 – DPIRD

The remaining balance will be funded through a Treasury loan of \$700,000 as provided for in the adopted 2025/26 Annual Budget. Loan funds will be drawn in due course, once required to meet contractual obligations.

Repayment of the loan will be in accordance with Western Australian Treasury Corporation terms, with principal and interest incorporated into future annual budgets over the agreed repayment period. Interest costs and repayment schedules will be confirmed following the loan application and approval process.

Operational costs for the LCYCH will be incorporated into the Shire's Long Term Financial Plan, with ongoing maintenance provisions under the Shire's Asset Management Framework.

### **Strategic Assessment / Implications**

#### Local

- *Strategic Community Plan 2024 - 2034*

Community Theme:	Community
Community Aspiration:	Inclusive, Active, and Resilient Community
Strategy:	1.3 – Social Services and Support Systems
Strategic Objective:	Foster a sense of inclusivity, activity and resilience where all members feel safe, valued, supported and empowered.

#### State

Nil

### **Site Inspection**

Site Inspection undertaken: Not applicable

### **Environmental Consideration**

Environment consideration given: Not applicable

### **Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Non-delivery of project	Possible	Moderate	Moderate	Updating community on the project progression.
<b>Opportunity:</b> Improved transparency and community confidence in Shire operations.				

### **Officer Comment / Details**

Nil

#### **OFFICER RECOMMENDATION**

**That Council receive the Lower Chittering Youth and Community Hub Project Status Report as attached.**

**ITEM 10. REPORTS OF COMMITTEES**

Nil

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

**MWPN01 - 02/26      Waste Management Costs – Cr John Curtis**

**COUNCILLOR MOTION**

That Council directs the Chief Executive Officer to facilitate a workshop with Council to examine waste management costs and the recovery of those costs from residents and ratepayers of the Shire of Chittering, through the various funding sources, including rates and receptacle charges.

**REASONING**

The breakdown on charges will bring transparency to ratepayers on our waste management charges.

The current fee structure is inequitable as a percentage of ratepayers are not paying for disposal of their waste.

**COUNCILLOR COMMENT**

The breakdown on WMS charges, currently are \$184 per Avon Waste contract and a disposal cost of \$188 per year.

2,253 ratepayers pay the disposal cost and 876 don't pay any disposal cost for their waste.

Currently our waste disposal expenditure exceeds our income by approximately \$261,000, with the 876 ratepayers to be included on the Rate Notices, the Shires objective for the waste service to be cost neutral can be achieved.

Reference: SWMP 2023-2033.

**ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

Nil

**ITEM 14. MEETING CLOSED TO THE PUBLIC**

Matters of which the meeting may be closed

Nil

**ITEM 15. CLOSURE**