



ORDINARY COUNCIL MEETING AGENDA

**7:00pm, Wednesday, 17 June 2026
Council Chambers
6177 Great Northern Highway, Bindoon**

PUBLIC QUESTION TIME

Time Permitted

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

Protocol

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

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

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

General Rules

The following general rules apply to Public Question Time:

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

DEPUTATIONS

Time Permitted

A minimum of 10 minutes is permitted for Deputations.

Protocol

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

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

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

General Rules

The following rules apply when making a Deputation:

- Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- Deputations must not exceed 10 minutes without the agreement of the Council.
- Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.
- Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council Agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

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

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

Recording of Proceedings

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

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

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

Access to Recordings

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

Retention of Recordings

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

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

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

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

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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 David Dewar	President
Cr Mary Angus	Deputy President
Cr John Curtis	
Cr Beck Foulkes-Taylor	
Cr Nicholas Grayer	

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

Cr Kylie Hughes

Announcements

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

Cr David Dewar			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	20 May 2026	Approved Leave of Absence	
President & CEO Meeting	5 June 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	
AMP-UP Meeting – Toodyay	8 June 2026		
WA Housing Forum – Perth	10 June 2026		

Cr Mary Angus			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	20 May 2026	In attendance	
President & CEO Meeting	5 June 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 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	20 May 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Beck Foulkes-Taylor			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	20 May 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Nicholas Grayer			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	20 May 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 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	20 May 2026	In attendance	
Councillor Information Session Agenda Forum	10 June 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: 20 May 2026

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Wednesday, 20 May 2026, as published on the Shire website, be confirmed.

ITEM 8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

ITEM 9. REPORTS

DEVELOPMENT SERVICES

DS01 – 06/26	Lot 301 (No. 88) Wandena Rd, Lower Chittering – State Administrative Tribunal Reconsideration - Amendment to Development Approval for Construction and Demolition Landfill
Applicant	Demo Investments 3 Pty Ltd / Rowe Group
File ref	A12059
Author	Principal Strategic Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Map Lot 301 Wandena Road, Lower Chittering 2. Application to Amend Development Approval P025-23 3. Further Information Supplied by the Applicant (Confidential) 4. Schedule of Submissions 5. Legal Advice from McLeods (Confidential)

	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, under section 31 of the *State Administrative Tribunal Act 2004*, whether Conditions 9 and 13 of development approval P025/23 for the approved landfill at Lot 301 (No. 88) Wandena Road, Lower Chittering should remain in their current form.

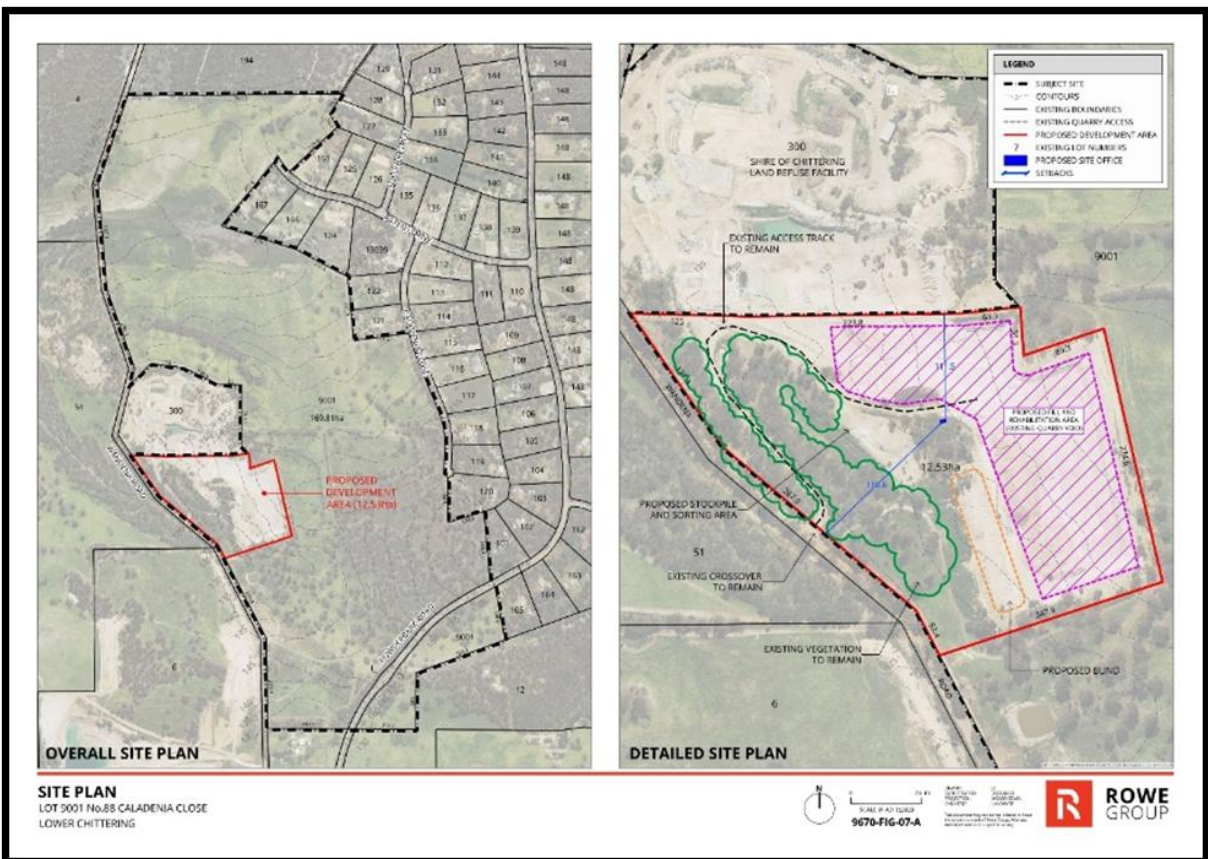
This is not a reconsideration of whether landfill is acceptable in principle on the site. The central planning question is whether an absolute prohibition on asbestos disposal remains a proper planning control in this rural Lower Chittering locality, and whether the existing stormwater condition should be amended to better reflect the staged nature of the approved development while still protecting adjoining land and local amenity from off-site impacts.

Having regard to the planning purpose of the existing conditions, the approved status of the landfill, the further material provided through SAT mediation, and the need to distinguish planning controls from operational and environmental licensing matters, officer support is given to deleting Condition 9 and amending Condition 13 subject to continued Shire oversight of stormwater management details.

Location Plan



Site Plan



Background

At its meeting held 15 November 2023, Council granted development approval (P025/23) for a landfill and rehabilitation of an existing clay quarry at Lot 301 (No. 88) Wandena Road, Lower Chittering as per the below resolution:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031123

Moved Cr Angus, seconded Cr King

That Council pursuant to Clause 3.4.2 b) of the Shire of Chittering Local Planning Scheme No. 6 determine the use is consistent with the objectives of the Agricultural Resource zone and approve the application for development approval (use not listed) for the landfill and rehabilitation of a clay quarry on Lot 9001 Wandena Road, Lower Chittering subject to the following conditions:

- 1. This Development Approval shall be valid for a period of 20 years from the date of this approval.*
- 2. All landfill and rehabilitation works within Lot 9001 shall be undertaken in accordance with the approved development plan.*
- 3. Dust mitigation measures in accordance with the Dust Management Plan dated 7 February 2023 shall be implemented at all times. Dust from operations must not cause nuisance to neighbouring properties to the satisfaction of the Shire.*
- 4. Noise mitigation measures in accordance with the Noise Management Plan dated 6 October 2023 shall be implemented at all times to the satisfaction of the Shire.*
- 5. All vehicle loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent any spread of material on the local road network to the satisfaction of the Shire.*
- 6. Operation of the proposed landfill site shall be in accordance with the Environmental Management Plan submitted with the subject application at all times, unless otherwise approved through a condition of this development approval, to the satisfaction of the Shire.*
- 7. The proposed development is only permitted to operate at the following times:*
 - Monday – Friday: 0700 – 1800;*
 - Saturday: 0700 – 1500; and*
 - No works are permitted on Sundays and Public Holidays.*
- 8. Material being imported to the site for fill shall be restricted to ‘inert waste’ only, comprising ‘construction and demolition waste’ as those terms are defined in the Department of Environment and Conservation (DEC) Landfill Waste Classification and Waste Definition 1996 (as amended 2019) and meeting the requirements for a ‘Class 1 – Inert Landfill Site’ as defined in Environmental Protection Regulations 1987 to the satisfaction of the Shire.*
- 9. No asbestos containing material is permitted to be disposed of at the subject site. Any asbestos containing material that is imported to the site shall be managed in accordance with the Asbestos Management Plan dated 7 February 2023 at all times to the satisfaction of the Shire.*
- 10. Prior to the commencement of any landfill operations the entire development site shall be fenced off with the fencing maintained in a condition so as to prevent illegal access and unauthorised dumping of waste to the satisfaction of the Shire and thereafter maintain for the life of the development.*
- 11. Prior to the commencement of any landfill operations, appropriate signage shall be installed on the entry gate/fencing advising that the landfill site is not open to the general public to the satisfaction of the Shire, and maintained for the life of the development.*
- 12. A report shall be submitted annually to the Shire that includes:*
 - The progress of the landfill activity including the total tonnage of material imported to the site ;*
 - Any reportable incidents and any mitigating actions ;*
 - Complaints received from the public and any mitigating actions; and*
 - Groundwater quality monitoring results*
- 13. A stormwater management plan shall be prepared and approved by the Shire to demonstrate how stormwater will be contained within the development site. The approved Stormwater Management Plan shall be implemented prior to the commencement of any landfill operations to the satisfaction of the Shire, and maintained for the life of the development.*

14. *Prior to the commencement of any landfill operations, the existing crossover servicing Lot 9001 from Wandena Road shall be upgraded to a sealed standard in accordance with the Shire's specifications and maintained for the life of the development.*
15. *Prior to the commencement of any landfill operations, a rehabilitation plan shall be prepared and submitted to the Shire for approval and shall demonstrate how the progressive rehabilitation of the site shall occur including revegetation, re-contouring of the land and ongoing maintenance and management to ensure the success of the rehabilitation. The approved Rehabilitation Plan shall be implemented progressively throughout the life of the proposed development with full rehabilitation of the site to have been completed within 12 months from the expiry of this approval or at the cessation of landfill operations, whichever occurs first, to the satisfaction of the Shire.*
16. *No vehicles carrying landfill material to be deposited at Lot 9001 Wandena Road are to use the section of Wandena Road north of the proposed vehicle access to the landfill site. Vehicles carrying landfill material are to use the portion of Wandena Road to the south of the proposed vehicle access to the landfill site and its connection with Muchea East Road to the satisfaction of the Shire.*
17. *A contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route, calculated by reference to the WALGA publication "User Guide: Estimating the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks", shall be paid to the Shire on an annual basis for the life of the proposed development. That contribution amount shall be calculated with reference to the WALGA User Guide (May 2015) and that amount is to be agreed between the landowner of Lot 9001 and the Shire prior to the commencement of any landfill operations. Council delegates to the Chief Executive the authority to negotiate and agree a fair and equitable contribution on behalf of Council and with the landowner of Lot 9001, to meet this condition. The contribution shall be calculated by the amount of material reported to be imported for fill in the required annual progress report and paid to the Shire within 30 days of the Shire's receipt of the annual progress report.*

Advice Notes:

- i. *If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.*
- ii. *Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- iii. *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.*
- iv. *The applicant is advised that the Department of Water and Environmental Regulation will require an application for a Works Approval as a Class 1 Inert Landfill Site.*
- v. *Any onsite waste water treatment facilities are to be approved by the Department of Health.*
- vi. *The applicant is to at all times be compliant with the requirements of the Environmental Protection (Noise) Regulations (1997).*
- vii. *With regard to Condition 6), the Environmental Management Plan includes, but is not limited to, the following aspects which need to be adhered to at all times:*
 - *Fire management;*
 - *Odour management;*
 - *Chemical and fuel storage;*
 - *Incident prevention;*
 - *Unacceptable waste material management; and*
 - *Groundwater and surface water monitoring.*
- viii. *With regard to Condition 14), the applicant is advised that a crossover application is required to be submitted to the Shire, and approval granted prior to any works commencing on the crossover.*
- ix. *With regard to Condition 15), the Rehabilitation Plan shall include the final land contours of the site, proposed revegetation species and areas, timelines for the progressive rehabilitation of the site to occur, and the indicators for success and management measures for any failures of survival of the revegetation. Any adjustments required to the approved Rehabilitation Plan at the end of the*

approval timeframe may be made through negotiations with the Shire, as the implementation of the Plan is to the satisfaction of the Shire.

CARRIED 4 / 2

TIME: 7.16PM

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

Against: Cr Dewar, Cr Curtis

The approval included Condition 9, which prohibits the disposal of asbestos-containing material, and Condition 13, which requires a stormwater management plan to ensure stormwater is contained on-site for the life of the development.

It is important to highlight that the imposition of Condition 9 in 2023, relating to the prohibition of asbestos, was imposed on the development approval to reinforce the details of the application submitted to the Shire. The application submitted to the Shire included the provision that no asbestos was to be disposed at the site, and management measures would be put in place (through an asbestos management plan) to deal with inadvertent and accidental asbestos received. Condition 9 was therefore imposed by Council to enforce an existing provision of the application.

An application to amend the development approval was received by the Shire, which involved the removal of Condition No. 9 and an adjustment to condition No. 13, allowing for a stormwater management plan to be periodically modified by the proponent to respond to the changing landform of the landfill operations.

The proposed amendments were referred for consultation with State agencies and the local community. That process identified strong local concern, particularly regarding asbestos acceptance, stormwater management and broader environmental effects in the rural Lower Chittering locality, while also confirming that detailed operational and environmental regulation would occur through separate State approval processes. Those matters form the central issues for Council's reconsideration. For further detail regarding the proposal and supporting material, refer to Attachment 2.

An application of this nature has 90 days to be determined pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The application was not determined within the 90-day timeframe, which automatically afforded the applicant to take the matter to the State Administrative Tribunal (SAT) for a decision, as the application can be regarded as a 'deemed refusal'. The timeframe largely ran over the December holiday period, during which the assessing officer was on leave for a significant period and no Ordinary Council Meeting was scheduled in January 2026. As such, the applicant has since sought amendment of those conditions under section 31 of the *State Administrative Tribunal Act 2004*, seeking deletion of Condition 9 and amendment of Condition 13 to allow stormwater management to be addressed in stages as the landfill progresses.

Subsequent to the applicant's appeal to SAT, mediation has occurred between the applicant and the Shire whereby the applicant provided further technical and operational material in support of the proposed amendments. That material includes further information regarding waste acceptance procedures, source controls and environmental management measures, and indicates that any asbestos proposed to be accepted would be managed through the separate works approval and licensing framework administered by the Department of Water and Environmental Regulation. That material is available under confidential cover as Attachment 3.

Consultation Summary

Local

Public consultation was undertaken in accordance with Clause 64 of Schedule 2 of the Regulations, which requires the local government to have due regard to submissions received in determining the application. Consultation included written notification to nearby landowners and referral to Chittering Landcare, with submissions invited over a 21-day period.

Twelve public submissions were received, with all objecting to the proposed amendments. The principal concern was the proposed deletion of Condition 9 and the prospect of asbestos-containing material being accepted at the site. Submissions also raised concerns regarding possible effects on human health, rainwater tanks, groundwater, dust, traffic, rural amenity and property values.

Chittering Landcare did not raise a categorical objection, but emphasised the need for any asbestos material to be managed strictly in accordance with the relevant regulatory framework and with due regard to longer-term site disturbance and rehabilitation outcomes.

The consultation outcome demonstrates a level of concern within the Chittering community about the suitability of removing the asbestos prohibition in this locality. While that concern is not determinative, it is relevant to Council's assessment because it speaks to the planning sensitivity of the area and the perceived risk of off-site impacts.

State

The proposal was also referred to the following State agencies:

- Department of Water and Environmental Regulation;
- Department of Health; and
- Department of Biodiversity, Conservation and Attractions.

DWER advised that it had no comment on the proposed amendments. That response is material because detailed regulation of asbestos acceptance, landfill operations and associated environmental controls would occur through its separate works approval and licensing regime.

The Department of Health did not provide new substantive advice on the amendment request, but its earlier comments on the original application remain relevant, particularly in relation to wastewater management, drinking water quality and risks associated with construction and demolition waste.

DBCA did not provide further comment on the proposed amendments.

Taken together, the State agency responses do not disclose any formal objection to the proposed amendments, but they do not displace the need for Council to make its own planning assessment of the off-site implications of amending Conditions 9 and 13 in the Lower Chittering context.

A full copy of the schedule of submissions is provided in Attachment 4.

Legislative Implications

State

- *Planning and Development (Local Planning Schemes) Regulations 2015*

The amendment request falls to be assessed under the *Planning and Development Act 2005* and Schedule 2 (Deemed Provisions) of the Regulations. In determining whether Conditions 9 and 13 should be amended, Council must have due regard to the matters in Clause 67, including the approved landfill use, the submissions received, the character of the Lower Chittering locality, and whether the conditions in their present or amended form remain necessary to achieve an acceptable planning outcome.

Of particular relevance is clause 67 (r) which states:

'the suitability of the land for the development taking into account the possible risk to human health or safety'

One of the key concerns received as part of the neighbour consultation was the potential adverse health implications from asbestos disposal. This concern can be regarded as a legitimate planning concern if there is factual or realistic basis for those concerns. However, the concern itself, or the perception of a health risk from the community is not enough for a planning application to be refused. The review of the application, in conjunction with the additional information provided through the SAT mediation, is not considered to provide cause for a planning condition to be imposed prohibiting asbestos disposal at the subject site, however acknowledging that a separate regulatory process of the works approval, administered by DWER, is better

placed to make an appropriate determination on the suitability of this site to be used for asbestos disposal. This is not making an assessment that there is no risk on the community from exposure to asbestos from its proposed disposal at the subject site, only that DWER are better placed with in-house expertise to make a determination on the suitability of this site for asbestos disposal, while considering the potential health risks on residents in the locality.

- State Administrative Tribunal Act 2004

The matter is before Council in the context of SAT proceedings under section 31 of the *State Administrative Tribunal Act 2004*, following the deemed refusal of the amendment application. Council is therefore not reconsidering the original approval for landfill, but determining the position it will adopt in relation to the proposed amendment of Conditions 9 and 13, having regard to the further material exchanged through the SAT process.

Local

- Shire of Chittering Local Planning Scheme No. 6

Under the Shire of Chittering Local Planning Scheme No. 6, the site already benefits from a valid development approval for landfill and rehabilitation. The local legislative question is therefore confined to whether Conditions 9 and 13 should remain in their current form or be amended, having regard to their planning purpose and the need to manage off-site impacts in the surrounding rural locality.

Policy Implications

State

- State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 is directly relevant because the site is within a rural locality and landfill is recognised in the policy framework as a regional facility that may be accommodated on rural land where off-site impacts are satisfactorily managed. The present question is therefore whether amendment of Conditions 9 and 13 would continue to protect rural amenity, environmental values and compatibility with nearby land uses in Lower Chittering, rather than whether the approved landfill use itself should be revisited.

SPP 2.5 also recognises that development on rural land may engage separate environmental approvals and that planning should not duplicate specialist regulation. Read with the Rural Planning Guidelines, the policy supports waste infrastructure being accommodated on rural land subject to effective management of amenity, water and air quality impacts and the avoidance of unacceptable effects on nearby sensitive uses.

Local

Nil

Financial Implications

There are no direct financial implications arising from the reconsideration of the proposed amendments to Conditions 9 and 13. Any costs associated with the SAT process or external legal representation would be met from existing operational budgets.

Strategic Assessment / Implications

Local

- Strategic Community Plan 2024-2034

Community Aspiration 2 – *Sustainable and Environmentally-Responsible Future*
Strategy 2.4 – *Resource Management and Planning*

The application has broader strategic relevance because it involves Council determining whether amended conditions for an approved landfill remain consistent with the Shire's objectives for environmentally responsible decision-making and sustainable land use outcomes.

- Local Planning Strategy 2019

The Local Planning Strategy is also relevant because the approved landfill is a sequential use of a former clay

extraction site within a rural locality. The strategy supports protection of rural character, environmental values and land use compatibility, and in this context the strategic question is whether the proposed amendments to Conditions 9 and 13 would remain consistent with those objectives, rather than whether landfill use on the site should be revisited.

State

- State Waste Infrastructure Plan: Western Australia

At a State level, the matter is strategically relevant because the *State Waste Infrastructure Plan: Western Australia 2024* (provided by DWER), recognises that landfill will continue to play a necessary role in managing residual, specialised and hazardous waste, while also emphasising the need for better practice siting, design and operation. That broader context does not determine the present application, but it supports Council recognising that the approved landfill forms part of the State's wider waste infrastructure system and that the strategic issue is whether the proposed condition changes remain appropriate planning controls for this site, having regard to local amenity and the separate environmental licensing framework.

Site Inspection

Site inspection undertaken: Yes

Environmental Consideration

Environmental consideration given: Yes

The environmental considerations relevant to this reconsideration are not whether landfill operations should be regulated in detail through the planning approval, but whether the existing planning conditions remain necessary to address genuine off-site impacts on the Lower Chittering locality. The surrounding area is rural in character and community submissions raise concerns about potential effects on amenity, dust, water quality, drainage and health risk, including for nearby properties that rely on rural living outcomes and environmental quality. Those concerns are relevant because they speak to the sensitivity of the locality and the potential for land use conflict if impacts are not properly controlled.

At the same time, Council must be careful not to use planning conditions to duplicate or substitute for the separate environmental approvals regime. The classification, acceptance, burial and monitoring of asbestos, together with detailed landfill cell design, stormwater engineering and ongoing compliance, are matters ordinarily dealt with through works approval and licensing under the *Environmental Protection Act 1986*. In this case, the environmental question for Council is therefore narrower: whether Conditions 9 and 13 continue to serve a legitimate planning purpose directed to off-site land use impacts, rather than broader operational regulation of the landfill.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: Inadequate planning control of potential off-site impacts	Possible	Moderate	Medium	Mitigated by ensuring Council's position is based on the planning purpose of Conditions 9 and 13, retaining any conditions necessary to address genuine off-site planning impacts, and recognising that detailed asbestos handling and landfill operations are regulated through separate DWER approvals.
Opportunity: The reconsideration of Conditions 9 and 13 provides an opportunity to ensure that planning controls are confined to genuine off-site environmental and amenity impacts, while detailed				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
operational and engineering matters are addressed through the appropriate environmental approval framework. This can result in a clearer, more defensible approval structure for the site.				

Officer Comment/Details

As part of the SAT mediation process, the applicant has provided additional information in support of the proposed amendments (Attachment 3). This additional information includes active examples of landfill operations within the perth metropolitan area that can legally dispose of asbestos, and that have separation distances to suburban residences of lesser distance than the subject application (Tamala Park with a minimum separation distance to dwellings of 500m and Hester Landfill and Recycling Facility with a separation distance of 250m).

The subject landfill operations on Wandena Avenue currently have a separation distance calculated at a minimum of 700m from the nearest residence on Caladenia Close. The Environmental Protection Authority's 'Guidance for the Assessment of Environmental Factors – Separation Distances Between Industrial and Sensitive Landuses' identifies a separation distance of 150m between a landfill of this nature, and residential uses. Furthermore, the Shire's landfill operations directly to the north of the subject site has the ability to have asbestos disposed of (as permitted through the DWER works approval), although does not practically occur at this stage.

Legal advice has also been received by the Shire on the matter (provided under confidential attachment 5) which indicated that imposing a planning condition on a development approval for a matter that could also be captured by other legislation, can still legally occur. In the context of this application, the legal advice suggests that the Shire is entitled to maintain condition 9 on the development approval on planning grounds. Therefore, Council has the ability to maintain the current position of prohibiting asbestos being disposed at the site, if it can be justified on planning grounds.

The matter before Council is confined to whether Conditions 9 and 13 remain appropriate planning controls for an already approved landfill in a rural Lower Chittering setting. It is not a rehearing of the original merits of the landfill approval. The proper question is whether those conditions continue to serve a planning purpose, are fairly and reasonably related to the approved development, and remain necessary to manage off-site impacts on surrounding landowners and the wider locality.

Condition 9 is the more contentious issue. In planning terms, an absolute prohibition on asbestos can only be justified if it is necessary to address a genuine land use impact that would not otherwise be adequately managed. The consultation material demonstrates strong local concern about asbestos in this part of Chittering, including concern about potential effects on rural amenity, water quality, dust and the perceived suitability of such material being accepted in the locality. Those concerns are relevant and should not be dismissed. However, concern alone is not sufficient to retain a planning condition if the effect of that condition is to regulate matters that are, in substance, controlled under a separate statutory regime.

On the material presently before Council, including the further information provided under confidential cover, the better view is that Condition 9 should not remain as an absolute planning prohibition. If asbestos is accepted at the site, the critical controls relate to waste classification, transport, handling, burial methodology, cell design, environmental monitoring and compliance enforcement. Those matters are more appropriately regulated through the environmental approvals framework than through the planning approval. Retaining an absolute prohibition as a planning condition risks extending the approval beyond its proper planning function, particularly where the site already has approval for landfill and the relevant State regulator has not objected to the matter being addressed through works approval and licensing processes.

Condition 13 stands differently. Stormwater management has a direct planning dimension because inadequate drainage or discharge has the potential to affect adjoining land, local drainage conditions and amenity outcomes. Officer support is therefore given only to amending, rather than relaxing, the condition. Any revised wording should preserve the Shire's ability to require stormwater details to be submitted and

reviewed at each relevant stage of the landfill operation, so that flexibility for a staged development model does not reduce Council's oversight of potential off-site impacts.

The level of community concern recorded through consultation remains highly relevant to Council's assessment, particularly given the rural character of Lower Chittering and the sensitivity of nearby landowners to amenity and environmental issues. That concern is not, of itself, determinative of the application, but it is relevant evidence of the planning sensitivity of the locality and should be expressly acknowledged. It is also appropriate that the substance of the submissions be forwarded for consideration through any future DWER works approval or licensing process, so that the Shire's local knowledge and the concerns of the Chittering community are clearly placed before the specialist regulator.

OFFICER RECOMMENDATION

That Council:

- 1. Amend the Development Approval granted 15 November 2023 (P025/23) for Landfill and Rehabilitation (use not listed) at Lot 301 (No. 88) Wandena Road, Lower Chittering by:**
 - a) Amending Condition No. 9 and adding an associated advice note, to read:**
'Management of asbestos must be carried out at all times in accordance with an asbestos management plan approved by the Shire of Chittering, to the satisfaction of the Shire.'

Advice Note:
With regard to Condition No. 9, the Asbestos Management Plan to be approved by the Shire shall be reflective of the Department of Water and Environmental Regulation (DWER) Works Approval/Licence position on the acceptance and disposal of asbestos at the subject site. Should a DWER Works Approval/Licence permit the receipt and disposal of asbestos at the site, the Asbestos Management Plan shall detail measures how this can be achieved safely. Should a DWER Works Approval/Licence prohibit the receipt and disposal of asbestos at the subject site, the Asbestos Management Plan shall detail measures for incidental asbestos received at the site to be appropriately managed and removed from the subject site.
 - b) Amending Condition No. 13 to read:**
'A stormwater management plan shall be prepared (and may be subsequently modified to suit the relevant stage/operations of the site) and approved by the Shire to demonstrate how stormwater will be contained within the development site for the life of the development. The approved stormwater management plan (as subsequently modified) shall be implemented upon commencement of the relevant stage of landfill operations to the satisfaction of the Shire, and maintained for the life of the relevant stage.'
- 2. Note the concerns of residents contained within the schedule of submissions (Attachment 4) and instructs the Chief Executive Officer to forward these concerns to the Department of Water and Environmental Regulation for consideration in the assessment of any future works approval/licence for the site.**

TECHNICAL SERVICES

Nil

CORPORATE SERVICES

CS01 – 06/26

List of Accounts Paid for the Period Ending 31 May 2026

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

	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 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	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

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

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

Background

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

Consultation/Communication ImplicationsLocal

Deputy Chief Executive Officer

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

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

Strategic ImplicationsState

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
Opportunity: None				

Officer Comment/Details

The attached "List of Accounts Paid as at 31 May 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 \$1,517,205.33 , inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 May 2026:

- 1. PR7095, PR7103;**
- 2. EFT30149 – EFT30329;**
- 3. Direct Debits, Cheques as listed; and**
- 4. Purchasing Card as listed.**

CS02 – 05/26 Monthly Financial Report for the Period Ending 31 May 2026

File ref	SOCR-1845402348-122827
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 May 2026

	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 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	<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 financial statement for the period ending 31 May 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 ImplicationsState

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 ImplicationsLocal

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
Opportunity: None				

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

Officer Comment/Details

Council adopted the Annual Budget for the 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 May 2026, as per Attachment 1.

CS03 – 06/26**Bindoon Bowling Green Replacement – April and May Progress Reports**

Applicant	Bindoon Sport and Recreation Association
File ref	SOCR-1845402348-111526
Author	Alison Reliti, Community Development and Grants Coordinator
Authorising Officer	Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. April 2026 Progress Report 2. May 2026 Progress Report

	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 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	<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 April 2026 and May 2026 Monthly Progress Reports for the Bindoon Bowling Green Replacement Project from the Bindoon Sport and Recreation Association.

Background

The Bindoon Bowling Club operates from the Chinkabee Complex and has been a long-standing community facility supporting recreational, social and wellbeing activities within the Shire. The original grass bowling greens were progressively replaced with synthetic surfaces due to increasing maintenance demands and water supply challenges. The first synthetic green was installed in 2006 at an approximate cost of \$300,000, with funding shared between the Bindoon Bowling Club, the Bindoon Sport and Recreation Association (BSRA), and the Shire.

In the 2015/2016 financial year, the synthetic surface was replaced at a cost of approximately \$180,000 under a similar shared funding arrangement.

Since installation, the current surface has required ongoing maintenance and repairs; however, after approximately nine years of use, it has reached the end of its practical lifespan. The surface is now significantly deteriorated, with thinning, tears, and threadbare areas that are no longer suitable for safe or functional use.

An insurance claim submitted by the Bindoon Bowling Club in relation to the deteriorated surface resulted in a payout of approximately \$122,000, which is currently being held by the BSRA to contribute toward replacement costs.

In response to the condition of the facility, the Bindoon Bowling Club has undertaken detailed investigation into replacement options, including cost, durability, and maintenance requirements, and submitted a formal

request to the Shire seeking financial support. The total project cost is estimated at approximately \$268,000, to be jointly funded by the insurance proceeds, the Bowling Club, BSRA, and the Shire.

At the February 2026 Ordinary Council Meeting, Council resolved to approve the replacement of the Bindoon Bowling Green surface and support the project being managed by the Bindoon Sport and Recreation Association (BSRA), in collaboration with the Bindoon and Districts Bowling Club. Council also noted that provision will be made for an allocation of \$48,000 in the 2026/2027 Annual Budget, subject to specified conditions.

In accordance with Council Resolution 090226, reporting and accountability requirements apply to the delivery of the project. The BSRA, in collaboration with the Bindoon Bowling Club, is responsible for project management and is required to provide progress updates to the Shire as requested, including financial reporting and milestone tracking.

These requirements support appropriate governance, accountability, and financial oversight, ensuring the effective delivery of the project in line with Council's resolution.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090226

Moved Cr Foulkes-Taylor, seconded Cr Dewar

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.*

CARRIED: 7 / 0

TIME: 8.03PM

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

AGAINST: Nil

Consultation Summary

Local

Nil

State

Nil

Legislative ImplicationsState

Nil

Local

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- 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: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Council challenges the report and requests further information, delaying the project, and creating concern for the BSRA	1 (Rare)	2(Minor)	2(Low)	Council has been provided with significant background to the project and staff have been kept informed at all stages of the project.
Opportunity: Acknowledgment of the project management expertise, and fulfillment of requirements by the BSRA.				

Officer Comment/Details

Mr Daniel Bam, acting as Project Manager and representative of the Bindoon Sport and Recreation Association, has provided detailed progress updates throughout the project, including cash flow analysis and implementation schedules. Mr Bam has maintained regular liaison with Shire staff over the past three months to ensure the project remains compliant with Council resolution conditions and relevant local government legislative requirements.

The monthly reporting includes updates on project procedures, procurement activities, site works, program scheduling, and budget status.

As at 02 June 2026, the project is progressing as planned, and no variations to the approved project schedule are forecast.

OFFICER RECOMMENDATION**That Council:**

1. **Receive the April 2026 and May 2026 Monthly Progress Reports from the Bindoon Sport and Recreation Association for the Bindoon Bowling Green Replacement Project; and**
2. **Note the progress of the project to date, including adherence to the approved project schedule and budget; and**
3. **Acknowledge that reporting has been provided in accordance with the requirements of Council Resolution 090226; and**
4. **Endorse the continued delivery of the project in accordance with the approved scope, budget, and governance arrangements.**

CHIEF EXECUTIVE OFFICER

CEO01 – 06/26

Work Health and Safety Statistics Report – May 2026**Applicant**

N/A

File ref

SOCR-1845402348-122379

Author

Chief Executive Officer

Disclosure of interest

Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure

Voting requirementsOfficer Recommendation 1 – Simple Majority
Officer Recommendation 2 – **Absolute Majority****Attachments**

1. WHS Statistics Report – Monthly May 2026

	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 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	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the Shire of Chittering's Work Health and Safety Statistics Report for the month ending May 2026 and amend Council Resolution 231121.

Background

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

<p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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

- Policy 3.2 – 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

A review of the current safety KPI reporting has identified that several required metrics do not provide meaningful value in assessing workplace health and safety (WHS) performance.

Specifically, metrics relating to working hours, training hours, toolbox talks, and overtime do not directly contribute to measuring safety outcomes or identifying risk trends. In particular, the allocation and calculation of working hours by department is administratively intensive and provides limited insight for WHS monitoring.

These metrics are currently reported through multiple formal channels, including the Shire's Annual Report, Annual Budget, Corporate Business Plan (inclusive of the Workforce Plan), and are further discussed during the Budget Review process.

The proposed changes aim to ensure that WHS reporting remains focused on relevant, outcome-driven indicators. This will enhance the quality and usefulness of information provided to Council, while also reducing administrative burden and improving reporting efficiency.

OFFICER RECOMMENDATION 1

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

- 1. Monthly Report for May 2026**
 - a) Statistics**
 - b) Near Miss, Incident and Damage Report**
 - c) WHS Training**
 - d) Site Inspections**
 - e) Safety Observations**

OFFICER RECOMMENDATION 2

That Council by an ABSOLUTE MAJORITY resolves to amend Council Resolution 231121 as follows:

- 1. Remove the requirement for quarterly safety KPI reporting and retain monthly reporting only.**
- 2. Amend the list of reported KPIs by removing the following indicators:**
 - a) Total number of working hours (workforce and contractors)**
 - b) Number of training hours**
 - c) Number of toolbox talks**
 - d) Average overtime per person by department**

CEO02 – 06/26	Shire of Chittering’s Integrated Planning and Reporting Framework
Applicant	Shire of Chittering
File ref	SOCR-1845402348-111017
Author	Manger Governance and Corporate Performance
Authorising Officer	Chief Executive Officer
Disclosure of interest	<i>Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure</i>
Voting requirements	Absolute Majority
Attachments	<ol style="list-style-type: none"> 1. Council Plan 2026-2036 2. Corporate Business Plan (CBP) 2026-2030 3. Annual Implementation Plan (AIP) 2026/27 4. Integrated Governance, Planning and Reporting Calendar

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<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 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 consider the Shire of Chittering’s Integrated Planning and Reporting Framework documents.

Background

The Local Government Act 1995 and Local Government (Administration) Regulations 1996 require local governments to plan for the future of the district through integrated strategic and corporate planning.

The Shire has undertaken a comprehensive review of its strategic and corporate planning framework to strengthen alignment between long-term planning, operational delivery, budgeting and reporting.

This review has resulted in the development of:

- Council Plan 2026–2036;
- Corporate Business Plan 2026–2030;
- Annual Implementation Plan 2026/27; and
- Governance, Planning and Reporting Calendar.

The Council Plan establishes the Shire’s long-term community vision and strategic direction under the identity:

Chittering 2036: Our Place, Our Future

Supporting the Council Plan is the Corporate Business Plan 2026–2030, which translates strategic outcomes into organisational services, projects, improvement activities and resourcing priorities over a four-year period.

The Annual Implementation Plan 2026/27 operationalises the first year of the Corporate Business Plan through annual projects, actions, operational priorities and business-as-usual activities.

The Governance, Planning and Reporting Calendar has been prepared as a supporting document to strengthen organisational coordination and alignment between planning, budgeting and reporting processes.

Integrated Planning Framework

The Shire's Integrated Planning and Reporting Framework establishes clear alignment between long-term strategic planning, operational delivery, budgeting and organisational reporting.



The framework is structured as follows:

Strategic Layer	Purpose
Council Plan 2026–2036	Establishes the long-term community vision, strategic outcomes and priorities for the district.
Corporate Business Plan 2026–2030	Translates strategic outcomes into organisational priorities, services, projects and resourcing requirements over four years.
Annual Implementation Plan 2026/27	Identifies annual projects, actions, business-as-usual activities and operational delivery priorities.
Annual Budget & Reporting	Allocates financial resources and monitors organisational delivery and performance.

Key Improvements within the Revised Framework

The revised planning framework introduces several organisational and governance improvements, including:

- clearer alignment between strategic planning and operational delivery;
- improved integration between financial planning and service delivery;
- stronger visibility of organisational priorities and responsibilities;
- enhanced reporting and accountability processes;
- integrated four-year project and improvement planning; and
- annual implementation planning aligned directly to the budget process.

Governance, Planning and Reporting Calendar

The Governance, Planning and Reporting Calendar provides an integrated annual overview of:

- statutory reporting obligations;
- strategic review cycles;
- budget development milestones;
- corporate reporting requirements;
- governance and compliance activities; and
- integrated planning review timeframes.

The calendar supports improved organisational oversight, accountability and coordination between planning, budgeting and reporting processes.

Consultation Summary

Local

The integrated planning framework and supporting documents were developed through consultation with:

- Council Members;
- Executive Management Team;
- operational managers and coordinators;
- subject matter staff;
- community consultation activities undertaken during the Council Plan review process; and
- annual strategic and budget workshop processes.

State

Nil

Legislative Implications

State

- Local Government Act 1995
5.56. Planning for the future
 - (1) A local government is to plan for the future of the district.
 - (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.
- Local Government (Administration) Regulations 1996
Regulation 19DA - Corporate Business Plans
The Regulations require local governments to:
 - *prepare and adopt a Corporate Business Plan covering at least four financial years;*
 - *align the Corporate Business Plan with the Strategic Community Plan / Council Plan;*
 - *integrate workforce planning, asset management and long-term financial planning;*
 - *review the Corporate Business Plan annually; and*
 - *maintain an integrated planning framework supporting future planning and resource allocation.*

Local

Nil

Policy Implications

The proposed framework strengthens implementation of the Council Plan 2026–2036 by improving alignment between:

- strategic community outcomes;
- organisational service delivery;
- financial planning;
- workforce capability;
- asset planning;
- operational implementation; and
- organisational reporting.

Financial Implications

The Corporate Business Plan and Annual Implementation Plan have been developed in alignment with:

- the annual budget process;
- Long Term Financial Planning assumptions;
- workforce and resourcing requirements; and
- identified capital and operational funding priorities.

Future annual reviews will continue to align organisational priorities with available resourcing capacity.

Strategic Assessment / ImplicationsLocal

Focus area: Administration and Governance
 Objective: Accountable and transparent governance
 Strategy: Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Site inspection undertaken: No

Environmental Consideration

Environment consideration given: No

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Possible	Moderate	Moderate	Review, integration and formal adoption of the Council Plan, Corporate Business Plan and Annual Implementation Plan assist in ensuring compliance with the Local Government Act 1995 and associated Regulations relating to integrated planning and reporting requirements. Ongoing annual review and reporting processes further mitigate risks associated with organisational alignment, governance oversight and strategic delivery.
Opportunity: The revised framework strengthens strategic alignment, organisational accountability, reporting capability and integration between financial, operational and service planning.				

Officer Comment/Details

Council previously endorsed the strategic direction and framework elements of the Council Plan 2026–2036 during the April 2026 Ordinary Council Meeting.

The documents presented for adoption represent the final integrated versions of the Shire’s strategic planning framework, including:

- Council Plan 2026–2036;
- Corporate Business Plan 2026–2030;
- Annual Implementation Plan 2026/27; and
- Governance, Planning and Reporting Calendar.

The Council Plan will be promoted under the identity:

Chittering 2036: Our Place, Our Future

This identity reflects the Shire’s long-term community vision and strategic direction.

The Corporate Business Plan and Annual Implementation Plan establish the organisational delivery framework required to implement the Council Plan and support integrated planning, delivery and reporting across the organisation.

While the Corporate Business Plan identifies the Shire's four-year priorities, projects and improvement activities, adoption of the document does not commit Council to funding projects outside of the annual budget process. Funding allocations and project delivery remain subject to future budget considerations, financial capacity and Council priorities.

The adoption of the integrated planning framework represents a significant organisational and governance improvement for the Shire and supports a more coordinated and transparent approach to long-term planning and service delivery.

OFFICER RECOMMENDATION 1

That Council by an ABSOLUTE MAJORITY:

- 1. Adopt the Council Plan 2026–2036 contained in Attachment 1.**
- 2. Authorise the Chief Executive Officer to make minor administrative, typographical, formatting and other non-material amendments to the Council Plan 2026–2036, provided such amendments do not alter the intent or substance of the adopted document.**
- 3. Note that the Council Plan 2026-2036 collectively forms part of the Shire's Integrated Planning and Reporting Framework.**

OFFICER RECOMMENDATION 2

That Council by an ABSOLUTE MAJORITY:

- 1. Adopt the Corporate Business Plan 2026–2030 contained in Attachment 2.**
- 2. Authorise the Chief Executive Officer to make minor administrative, typographical, formatting and other non-material amendments to the Corporate Business Plan 2026–2030, provided such amendments do not alter the intent or substance of the adopted document.**
- 3. Note that the Corporate Business Plan 2026–2030 collectively forms part of the Shire's Integrated Planning and Reporting Framework.**

OFFICER RECOMMENDATION 3

That Council by an ABSOLUTE MAJORITY:

- 1. Adopt the Annual Implementation Plan 2026/27 contained in Attachment 3.**
- 2. Authorise the Chief Executive Officer to make minor administrative, typographical, formatting and other non-material amendments to the Annual Implementation Plan 2026/27, provided such amendments do not alter the intent or substance of the adopted document.**
- 3. Note that the Annual Implementation Plan 2026/27 collectively forms part of the Shire's Integrated Planning and Reporting Framework.**

OFFICER RECOMMENDATION 4

That Council by an ABSOLUTE MAJORITY:

- 1. Adopt the Governance, Planning and Reporting Calendar contained in Attachment 4.**
- 2. Authorise the Chief Executive Officer to make minor administrative, typographical, formatting and other non-material amendments to the Governance, Planning and Reporting Calendar, provided such amendments do not alter the intent or substance of the adopted document.**
- 3. Note that the Governance, Planning and Reporting Calendar collectively forms part of the Shire's Integrated Planning and Reporting Framework.**

ITEM 10. REPORTS OF COMMITTEES

Nil

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

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**ITEM 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****ITEM 14. MEETING CLOSED TO THE PUBLIC****Matters of which the meeting may be closed****OFFICER RECOMMENDATION**

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

- CON01 – 06/26 **Confidential** – Lot 101 (No.116) Humphreys St, Muchea – Proposed Legal Action

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

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

CON01 – 06/26 Confidential - Lot 101 (No. 116) Humphreys St, Muchea - Proposed Legal Action

Applicant	Shire of Chittering
File ref	A12095
Author	Principal Strategic Planning Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Site Inspection Pictures – 18 August 2025 2. Site Inspection Pictures – 14 April 2026 3. McLeods Legal Advice – Commercial Vehicle Parking

Reason for confidentiality:

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

	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>

Public reading of resolution that may be made public

ITEM 15. CLOSURE