



# **ORDINARY COUNCIL MEETING CONFIRMED MINUTES**

**7:00pm, Wednesday, 19 March 2025  
Council Chambers  
6177 Great Northern Highway, Bindoon**

## PUBLIC QUESTION TIME

### Time Permitted

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

### Protocol

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

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

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

### General Rules

The following general rules apply to Public Question Time:

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

## DEPUTATIONS

### Time Permitted

A minimum of 10 minutes is permitted for Deputations.

### Protocol

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

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

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

### General Rules

The following rules apply when making a Deputation:

Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.

Deputations must not exceed 10 minutes without the agreement of the Council.

Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

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

## RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

### **Objective**

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

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

### **Recording of Proceedings**

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

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

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

### **Access to Recordings**

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

### **Retention of Recordings**

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

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

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

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

### **PREFACE**

When the Chief Executive Officer approves these minutes for distribution, they are in essence “Unconfirmed” until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The “Confirmed” minutes are then signed off by the Presiding Member.

Attachments that formed part of the Agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

### **UNCONFIRMED MINUTES**

These minutes were approved for distribution on 21 March 2025



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

### **CONFIRMED MINUTES**

These minutes were confirmed at a meeting held on 16 April 2025



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

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

### **DISCLAIMER**

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

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

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

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



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

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

The Presiding Member declared the meeting open at 7.02pm.

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

### **Attendance**

The following members will be in attendance:

Cr Aaron King	President
Cr John Curtis	
Cr David Dewar	
Cr Kylie Hughes	
Cr Carmel Ross	

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Monique Di Francesco	Technical Officer – Environmental Health
Anna Bateman	Executive Assistant

Members of the General Public: 6

Media: 0

### **Apologies**

Cr Mary Angus	Deputy President
Cr Mark Campbell	
Leo Pudhota	Executive Manager Technical Services

### **Approved leave of absence**

Nil

**Announcements**

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

***Cr Aaron King***


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19 February 2025	Councillor Information Session
	Ordinary Meeting of Council
21 February 2025	Site visit to Pique Display Village
7 March 2025	President and CEO meeting
12 March 2025	Councillor Information Session
	Agenda Forum

***Cr Mary Angus***


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19 February 2025	Councillor Information Session
	Ordinary Meeting of Council
21 February 2025	Site visit to Pique Display Village
7 March 2025	President and CEO meeting
12 March 2025	Councillor Information Session
	Agenda Forum

***Cr Kylie Hughes***


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19 February 2025	Councillor Information Session
	Ordinary Meeting of Council
26 February 2025	Local Emergency Management Committee
12 March 2025	Councillor Information Session
	Agenda Forum

***Cr Carmel Ross***


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19 February 2025	Councillor Information Session
	Ordinary Meeting of Council
21 February 2025	Visit to Pique Display Village
26 February 2025	Meeting with the Deputy CEO and Economic Development Officer
11 March 2025	Chittering Bushfire Advisory Committee
12 March 2025	Councillor Information Session
	Agenda Forum



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**Cr John Curtis**

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19 February 2025	Councillor Information Session Ordinary Meeting of Council
26 February 2025	Chittering Residents and Ratepayers Association
12 March 2025	Bindoon Historical Society
12 March 2025	Councillor Information Session Agenda Forum
17 March 2025	Moora Road Group

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**Cr Mark Campbell**

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19 February 2025	Councillor Information Session Ordinary Meeting of Council
12 March 2025	Councillor Information Session Agenda Forum

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**Cr David Dewar**

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10 February 2025	Wannamal Community
19 February 2025	Councillor Information Session Ordinary Meeting of Council
12 March 2025	Councillor Information Session Agenda Forum

**ITEM 3. DISCLOSURE OF INTEREST**

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

Nil

**ITEM 4. PUBLIC QUESTION TIME****Response to public questions at Agenda Forum: 12 March 2025****PQT01 – 03 / 25 Clint O’Neil, Chittering**

**Question:** Will the rates generated from the Muchea Industrial Park be sufficient to progress the plans for the Lower Chittering Community Centre?

**Response:** *The Chief Executive Officer responded to the question during the Agenda Forum:*

*The rates from the Muchea Industrial Park have not been taken into consideration for funding the first stage of the development for the Lower Chittering Community Centre. However, the funding will be budgeted in the upcoming financial year.*

**Response to previous public questions taken on notice**

Nil

**Public question time****PQT02 – 03 / 25 Clint O’Neil, Chittering**

**Question 1:** Do Councillor’s consider it appropriate and consistent with the discharge of their obligations that residents and ratepayers of Lower Chittering should endure further continuing disappointments and lack of tangible progress on the development of the sport and recreation facility in Lower Chittering that first receive Council endorsement in 2016 and gained competitive Federal government grant funding of some \$4.71M in early 2019 (Council resolution 260319). In response to a signed petition of some 362 residents supporting a request for Councils commitment to commence construction of the facility as soon as possible (July 2019), a response was provided that Council and the Shire would use its ‘best endeavours’ for that to occur.

**Response:** *Since the 2019 and 2020 resolutions referred to in the question, a reference group was established to engage the community on their requirements, the design was finalised, with council adopting the Design on 20 July 2022. The successful grant that was returned by the*

*Shire was from the now defunct Building Better Regions Program. Subsequently a grant application was submitted to the Growing Regions Program to fund the building, but the shire was unsuccessful in securing the grant.*

*Council has consistently made every endeavour to find a way to deliver a facility at Lower Chittering. This latest effort is aimed to address the needs of the community whilst we continue to seek financial assistance for the designed facility. The proposed Hub will not encroach on any of the footprint for the designed facility. It is a measure to ensure we deliver a solution to the community that is affordable and can be delivered in a relatively short timeframe.*

**Question 2:** How does the officer recommendation put to Council, being subject to a number of maybe decisions by third parties, demonstrate Council's 'best endeavour' commitment to any works on the site being commenced in the near future or at all.

**Response:** *Council has been fully briefed on the likely timeframes to deliver this project. Council remains firmly committed to delivering a project on this site and works will commence as soon as practicable should Council agree with the Officer Recommendation. To fund the development, a loan must be raised. The Local Government Act 1995 requires public notification of the intention to borrow. Therefore, the item requests in principle support for the project, so the community can be gauged on the appetite for the Shire to raise a loan. Following the advertising period, Council will be presented with a further item to consider community feedback and if positive, to formalise commitment to this project. If council approves for this stage to commence, the necessary regulatory requirements will be fulfilled at the prescribed timeframes.*

**Question 3:** Taking into consideration that both the Shire and community of Chittering determined the highest priority use of the parcel of land was for a fully operational multi-purpose senior AFL sized oval with lighting, with costs being independently quantity surveyed at some \$900,000 (CEO report CEO01-07/22), is it now time for Council to approve the Shire's commencement of works on the site, inclusive of the removal of material and waste stored on the site, utilising reserved funds in the Shire's recreation development reserve, until the Council has had the opportunity to make provision for completion of the oval development in its 25/26 budget deliberations.

In support of commencing work on the oval, at the Council meeting 20 July 2022, the CEO provided advice that the sum of \$1.5M had been set aside in the 23/24 budget for a Muchea AFL sized overflow oval to be located in Lower Chittering.

Whether those funds have been preserved or otherwise, gaining external funding support for the multi-purpose oval is likely to have a higher prospect of success when compared to gaining external funding support for the construction of a prefab building and carpark, more particularly where the existing Lower Chittering facility can adequately accommodate the intended use.

*Response: Council has taken into account the community's needs, as shared through engagements with local groups, and is moving forward with a project that will, in part, address the requirements of the Lower Chittering community. In this case, the community identified the building as a key priority, with the design allowing space for an oval or soccer field. This was adopted by Council in July 2022. However, only the building and the reflections area were included in the grant applications, as the building was deemed the most urgent need, as identified by the community group. Council always considers capital projects in the context of long term financial impact, current economic environment, and external funding sources available. This project is no different.*

**PQT03 – 03 / 25 Nick Deathridge, Chittering**

**Question 1:** The Chittering visitor guide is being reprinted shortly. I understand Shire Officers receive draft .pdfs for editing/approval. The current edition carries a map which denotes the area at the corner of Chittering and Julimar Roads as “Camping”. Explanatory text and image appear on page 20 marked “Camping” under the heading “Camp in the valley” describing it as: “Brockman River Rest Area: A free gravel overnight rest area located in the heart of the Chittering Valley. Unpowered. Suitable for caravans’ (sic) wanting to stay overnight for 24 hours only” (see attached 250319 pqt.pdf). Will the Shire ensure promotion of camping at this area is removed from the 2025 and all future editions of the Chittering visitor guide and the Chittering Region Map and associated signage?

*Response: Should Council resolve to approve the officer’s recommendation not to proceed with dedicating the Road Side Rest Area at the Julimar Rd/Chittering Rd intersection, the appropriate updates to the Shire’s visit Chittering booklet, and signage follow.*

**Question 2:** Will the Shire reinstate ‘No Camping’ signage and/or install signage similar to that employed at Djidi Djidi Ridge?

*Response: Should Council resolve to approve the officer’s recommendation not to proceed with dedicating the Road Side Rest Area at the Julimar Rd/Chittering Rd intersection, the appropriate updates to the Shire’s visit Chittering booklet, and signage follow.*

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

Nil

**Presentations**

Nil

**Deputations**

**DEP01 – 03 / 25                  Sandra Klarich & Barbara Schenk**

Speaking to the Officer Recommendation - DS01 – 03 / 25 Application for Development Approval – 2178 (Lot 28) Chittering Road, Lower Chittering – Farmstay Accommodation

**ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**ITEM 7. CONFIRMATION OF MINUTES****Ordinary Meeting of Council: 19 February 2025****OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010325**

Moved Cr Dewar, seconded Cr Ross

That the minutes of the Ordinary Meeting of Council held on Wednesday 19 February 2025, as published on the Shire website, be confirmed.

**CARRIED UNANIMOUSLY: 5 / 0**

**TIME: 7.31pm**

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

- Blue Plains roadworks will commence in the next week. Traffic flow may be disrupted during the completion of the works. Traffic management will be in effect throughout the day with normal access overnight, and on weekends. Only one lane will be closed at a time for the duration of the month that this project is expected to last. Delays could occur when machines are turning around. Line marking will be carried out once the project is finished.

**ITEM 9. REPORTS**

**DEVELOPMENT SERVICES****DS01 – 03 / 25****Application for Development Approval – 2178 (Lot 28) Chittering Road, Lower Chittering – Farmstay Accommodation**

<b>Applicant</b>	Harley Dykstra
<b>File ref</b>	A3312
<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>	<b>Simple Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Planning Report</li> <li>2. Plans</li> <li>3. Schedule of Submissions</li> <li>4. Bushfire Management Plan and Bushfire Emergency Plan</li> </ol>

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

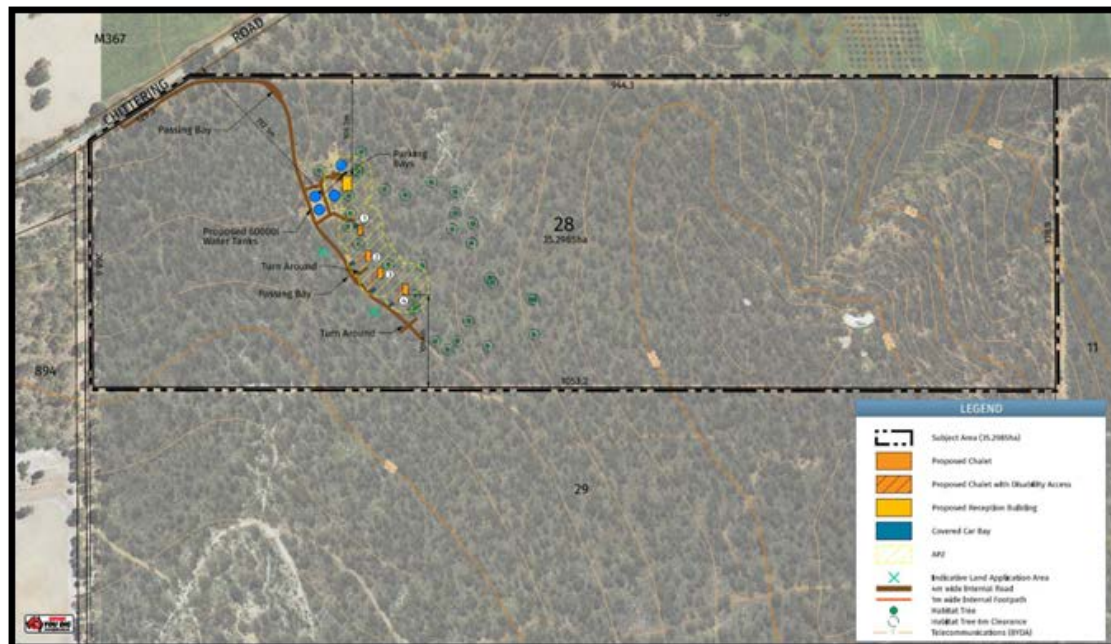
**Executive Summary**

Council is requested to consider an application for development approval at Lot 28 (No. 2178) Chittering Road, Lower Chittering (subject site). The application is proposing four farmstay chalets for short term rental accommodation. This application is required to be determined by Council due to an objection to the application being received during the advertising period.

## Location Plan



## Site Plan



## Background

An application for development approval was submitted to the Shire for the establishment of a 'farmstay' short term accommodation, consisting of four chalets on Lot 28 Chittering Road, Lower Chittering. The proposal also includes an administrative building and associated ancillary infrastructure.



The landowners are looking to provide for and implement small-scale experiences for guests to use the property, beyond the experiences that are already established within proximity to the site. These experiences are likely to include installation and ongoing establishment of breeding nests and habitats for native birds, animals, star gazing (equipment to be provided to each chalet), enjoyment and experience of wildflower walks through the property on marked paths and bird watching. A full copy of the application report is provided in Attachment 1, with a copy of the development plans provided in Attachment 2.

The chalets have been clustered together in a semi cleared area of the lot to ensure minimal impact to the environment by way of clearing and fire mitigation measures and suitably located on the lower/flatter portion of the land to comply with the requirements of Clause 5.2 of the Shire's Local Planning Scheme No. 6 (LPS6) Special Control Area: Landscape Protection.

Lot 28 is 35.2985ha in size and is zoned as 'Agricultural Resource' under the LPS6. The proposal is categorised as a 'farmstay' use class under LPS6 which has a 'D' permissibility in the Agricultural Resource zone (which means that the use is not permitted unless the Local Government exercises its discretion and grants development approval).

As the 'Farmstay' land use is a 'D' permissibility, it is at the Shire's discretion whether or not the application is advertised to surrounding properties, however, as this application has the potential to impact on neighbouring properties, Shire officers decided to advertise the application to all five neighbouring properties. Following a period of advertising, an objection was received by an adjoining landowner (discussed below in the consultation period of this report), meaning Shire officers no longer have delegated authority to determine the application. Therefore, this report has been prepared for Council to determine the application.

## Consultation Summary

### Local

In accordance with Sch. 2, Pt. 8, Cl. 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), the application was advertised to surrounding landowners for a period of 21 days. Two submissions were received (one in objection and one supporting pending further information), the objecting submission objected to the proposal on the grounds of:

- Vegetation clearing; and
- Security concerns.

*A copy of the adjoining landowner's submission is provided in Attachment 3 of this report, including the applicant's response to the concerns raised and the Shire officer's comments. The adjoining landowner's objections are addressed in detail in Attachment 3, and also within the 'Officer Comments' section of this report.*

### State

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

- Department of Fire and Emergency Services (DFES);
- Department of Health (DoH);
- Department of Biodiversity, Conservations & Attractions (DBCA); and
- Chittering Landcare.

Two rounds of state advertising were required to be conducted, as DBCA and Chittering Landcare were not advertised to in error during the first round of advertising. Responses from all agencies were received with no objections from any agency.

DFES did not support the application in its advertised form as the Bushfire Management Plan (BMP) provided with the application required further modification. The applicant has since updated the BMP to reflect the comments provided by DFES and Shire officers are satisfied with the modifications made to the BMP. This will be further discussed in the Policy Implications section of this report.

## Legislative Implications

### Local

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

The proposed activity of short-term accommodation is classified as ‘Farmstay’ under LPS6 which is defined as:

*‘is development designed for short term detached tourism accommodation units, which may be fully self-contained or not, and which are generally of single storey or split level construction and have a character not dissimilar to farm dwellings or cabins and may be limited to 6 per lot’.*

Pursuant to Schedule 2 – Zoning Table of LPS6, ‘Farmstay’ is a ‘D’ permissibility in the ‘Agricultural Resource’ zone and as such, can be considered for approval following the period of advertising.

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

Lot 28 is located within a Special Control Area (SCA) for Landscape Protection as defined by the LPS6 Scheme map. Clause 5.2.4 of LPS6 lists the following planning requirements for the Landscape Protection Area:

##### *‘5.2.4 Planning Requirements*

*In dealing with an application for Development approval, the local government will not support:*

- (a) A dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- (b) Land uses which are not related to the general objectives of the zone;*
- (c) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- (d) the removal of any natural vegetation from any ridgeline;*
- (e) the removal or lopping of trees other than for –*
  - (iii) fire fighting or fire protection purposes;*
  - (iv) the removal of dead or dying trees;*
  - (v) clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
  - (vi) if the vegetation is posing a risk to public safety;*

- (vii) the vegetation is part of an area planted for fodder, timber plantation, or any other crop;*
- (viii) in association with the establishment of a building envelope.*

*The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.'*

The proposed short-term accommodation would require approximately 10,000sqm (1 hectare) to be cleared as the block is heavily vegetated, with no possibility of further vegetation being replanted on the property to offset any clearing required.

Further to the above, Clause 5.2.5 of LPS6 lists the following considerations that need to be given regard when determining this application:

*'5.2.5 Relevant Considerations*

*In considering an Application for Development Approval, the local government shall have regard to:*

- (a) the statement and the nature of the key elements of the landscape and its character;*
- (b) the conservation and enhancement of the landscape values;*
- (c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;*
- (d) the requirement for all roofing of any building to be of a non-reflective nature;*
- (e) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.*

This aspect of the application will be further discussed in the 'Officer Comments' section of this report.

State

Planning and Development (Local Planning Scheme) Regulations 2015:

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

- (c) any approved State planning policy*

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

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

The development is proposed in a rural setting on 'Agricultural Resource' zoned land. The activities proposed are considered rural-type activities. All lots abutting Lot 28 are also zoned 'Agricultural

Resource' and undertake rural activities. The appearance of the four chalets is not considered to be out of character for the area.

*(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*

The amenity of the locality can be described as a rural area in which rural activities are conducted in conjunction with rural living. There is also a rural residential area to the north of the subject site (Maryville Downs), however the proposal can generally be categorised as consistent with these surrounding activities.

## **Policy Implications**

### Local

#### Shire of Chittering Local Planning Policy 12 – Additional Accommodation and Ancillary Dwellings

In accordance with Clause 3.1 of this policy, Council may permit the construction and occupation of 'Additional accommodation for an employee of the landowner or transient workforce or for tourists in the Agricultural Resource zone, except where:

- a) The lot is less than 4ha;*
- b) The accommodation falls within a Water Prone, Basic Raw Materials, Military Considerations or Land Refuse Special Control Area;*
- c) The accommodation will detract from the landscape values of the locality as seen from any public road or from any dwelling on adjacent land.'*

This application complies with the above provisions as Lot 28 is larger than four hectares, is not located within any of the mentioned Special Control Areas and the proposed chalets will not be seen from any public road or any nearby dwelling (please refer to site visit images below to illustrate that the proposal will not be seen from a public road and/or any nearby dwelling).

### State

#### State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) is a Western Australian Planning Commission (WAPC) Policy which provides guidance on all development on properties that are located within a Bushfire Prone Area (as designated by DFES). The entirety of the Shire is located within the Bushfire Prone Area, and therefore the provisions of this policy apply to Lot 28 and the proposed chalets.

When a development application is received by the Shire for a dwelling (or in this case a short-term accommodation) a Bushfire Management Plan (BMP) is required to accompany the application to ensure that the proposed development is compliant with SPP3.7. The applicant has also provided a Bushfire Emergency Plan (BEP) as part of this application.

These documents were sent to DFES as part of the advertising process so that they could provide their expert assessment of the BMP and BEP against SPP3.7.

The full assessment provided by DFES can be found in Attachment 3, however a general summary of the applications assessment against SPP3.7 is provided below.

DFES have stated that the BMP is not compliant due to a number of issues including location, access and water. In response to this, the applicant updated their BMP to reflect the comments and concerns expressed by DFES. Shire officers reviewed the amended BMP and BEP against the comments by DFES and are satisfied that the changes made to the BMP accurately address the concerns held by DFES.

Shire officers are able to exercise a level of discretion to be applied in relation to SPP3.7. The application can still be considered for approval even though some prescriptive measures of SPP3.7 cannot be achieved, by implementing mitigation measures to ensure maximum effort has been made to mitigate any issues of bushfire occurring.

As the proposed business will be 'hosted' (hosts on site at all times) and is located in a location that is considered non vulnerable (located in a townsite, or close to a major road/highway, and limited vegetation to obscure the evacuation route), one such measure which will be recommended for this application is to place a condition on the approval that the business is to cease operation on any given day of the year in which the Fire Behaviour Index (FBI) reaches or exceeds 50. This is when a bushfire is at a high level of threat and by closing the business on these days, it will not contribute to the risk of a bushfire starting, or the risk on any occupants of the accommodation. The applicant has been consulted prior to this report being prepared and has agreed to this proposed condition, should Council grant approval.

This will allow the business to remain compliant with SPP3.7 when there is less risk of a bushfire occurring (e.g. outside the bushfire season and/or on low threat days) and also not contribute to any potential bushfire risk when the threat of a bushfire is too large (when the FBI exceeds 49 on any given day). The applicant has also agreed to limit the operation of the business to between April 1<sup>st</sup> – 31<sup>st</sup> October to mitigate the bushfire risk.

Should the above recommended conditions be applied to any development approval granted, Shire officers are satisfied that the application is generally compliant with the objectives of SPP3.7, and the proposed development has a suitable level of bushfire safety applied.

### **Financial Implications**

Nil

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024 – 2034  
Community Aspiration: Stimulate Sustainable Economic Growth  
Strategy: Strategy 4.1 – Support Local Business

State

Nil

**Site Inspection**

Site Inspection undertaken: Yes

Shire officers attended the property in February 2025 to inspect the property and the proposed chalet locations. No vegetation has yet been removed or altered in any way and the potential habitat trees for black cockatoos have been clearly marked to ensure that they are not removed.

The property is in a very good condition, with clear access ways to the potential cabin locations. Shire officers have confirmed during this site visit that the dwelling located on Lot 29 Chittering Road cannot be seen from the proposed chalet locations, as seen in images three and six below.



**Image 1:** Location of proposed chalet no. 4, the most southern chalet location (Senior Planning Officer, 2025)





**Image 2:** *Black Cockatoo potential habitat tree to be retained next to proposed chalet no. 4 (Senior Planning Officer, 2025)*





**Image 3:** Photo taken from proposed location of chalet no. 4 (closest chalet towards lot 29) towards southern adjoining lot (Executive Manager Development Services, 2025)



**Image 4:** Proposed location of admin building/storage shed (Senior Planning Officer, 2025)





**Image 5:** Accessway to chalets and proposed location of water tanks (Senior Planning Officer, 2025)



**Image 6:** Lot boundary between lots 28 and 29 in direction of lot 29 dwelling location (Senior Planning Officer, 2025)

## Environmental Consideration

Environment consideration given: Yes

Environmental consideration has been thoroughly investigated for this application as it is a very heavily vegetated lot which has been identified as being 'indicative high conservation value area' within the *Shire of Chittering Local Planning Strategy 2019* and of 'high conservation value asset' within the *Local Biodiversity Strategy 2022*. Whilst these strategies are Shire documents, they are not legislative documents and Shire officers are employed with a level of discretion when it comes to proposals for development within this identified area.

The specifics of the vegetation clearing will be further discussed in the 'officer comments' section below.

## Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>People:</b> Bushfire Risk	Rare	Moderate	Low	Bushfire Management Plan measures implemented to mitigate bushfire risk.
<b>Opportunity:</b> Provides an opportunity to improve the bushfire mitigation measures for the property and surrounds.				

## Officer Comment / Details

As mentioned in the Consultation Summary section of this report, one objection was received from an adjoining landowner, who raised several areas of concern with the proposal. The main concerns were in relation to the vegetation clearing proposed, along with noise and security concerns. There are also concerns in relation to the bushfire risk of the property due to the vegetated nature of the lot. Each of these areas will be addressed below.

## Vegetation Clearing

The most significant concern with this application is in relation to vegetation that is required to be cleared for the proposed chalets. There is approximately 10,000sqm (1 hectare) required to be cleared and/or managed to accommodate for the four chalets. As mentioned in the 'environmental consideration' section of this report, the subject site is within an area identified as an 'indicative high conservation value area' within the *Shire's Local Planning Strategy 2019*.

Whilst the site is located within this high conservation value area, development is still able to be considered on these lots. The applicant has prepared a flora and fauna report, conducted by Del Botanics, for the subject site which has identified that no species of threatened, priority flora or threatened ecological communities were located within the assessment site. 58 potential black cockatoo habitat trees were recorded on site, with 25 trees recorded with hollows suitable for black cockatoos, and 10 of these trees having more than one suitable size hollow.

In the application's current form, no habitat trees are proposed to be removed for the chalets, and any habitat trees located within the Asset Protection Zone of a chalet will be protected and will not be removed. Should Council choose to approve the application, this will be enforced via a condition. The main form of vegetation proposed to be removed is undergrowth vegetation, grass trees and minor trees which are not considered to be 'mature' in growth. The applicant has proposed the chalets in locations which will require the least amount

of vegetation to be removed. The type of vegetation proposed to be removed can be viewed in the site visit images above.

As part of the applicant's initial research into the feasibility of the proposal, Chittering Landcare were contacted by the applicant to make them aware of the proposal and to take onboard any advice recommended. The applicant initially wished to apply for 10 chalets, however they took the advice of Chittering Landcare and reduced the proposal to four chalets to limit the amount of vegetation clearing required. Chittering Landcare also were advertised to after realising they were not advertised to during the Shire's first round of advertising. They did not object to the application and noted that a habitat tree within an asset protection zone needs to be retained.

DBCA did not object to the application, noting that the Department of Water and Environmental Regulation (DWER) will need to be contacted by the applicant to determine if a clearing permit will be required, which can be added as an advice note, should an approval be granted. Under the DWER guidelines 'A guide to the exemptions and regulations for clearing native vegetation' (which is governed under part V of the *Environmental Protection Act 1986*) the application may be exempt from requiring a clearing permit to be obtained, however it is the responsibility of the applicant to ensure that they are compliant with all requirements of DWER and Shire officers are therefore satisfied with this aspect of the application.

As mentioned throughout this report, lot 28 is zoned as 'Agricultural Resource' and is an extremely vegetated lot to the point that it cannot be used for any agricultural purpose other than tourism. The Shire is lacking in diverse tourism opportunities, and the Shire needs to be proactive in encouraging more tourism facilities. As a result, some vegetation clearing is to be expected to allow tourism opportunities to grow within the Shire.

### **Security and Fencing concerns**

The objecting neighbour also has concerns regarding the security and privacy of their property should the chalets be approved. As stated in the neighbour's submission in Attachment 3, the neighbour is concerned that they will be able to see the proposed chalets from their dwelling and from their property in general. They are also concerned that guests of the chalets would enter the property as the fencing between the properties is very easy to pass through (refer to image six of the site visit images to view the style of fencing). There are also concerns that guests would enter the property towards the south-east boundary as there is no fencing at this portion of the lot boundary.

The applicant is intending to fence the remainder of the lot boundary with similar style fencing to prevent potential guests from accessing lot 29 at any time. The applicant has agreed for this to be enforced via a condition of approval should the application be approved.

The applicant has also stated that they have a 5km walking trail that exists on lot 28 and guests will be encouraged to utilise this trail to avoid going near lot 29. This trail will take guests on a route north of the chalets to ensure that they are walking further away from lot 29 as opposed to getting close to the lot boundaries between the two properties.

Concerns were also held by the neighbour that the chalets could be seen from the dwelling of lot 29, and from the property in general. Shire officers have confirmed via a site visit that the chalets cannot be seen from the public road and from the dwelling on lot 29. It is noted that the chalets may be partially visible from portions of the driveway on lot 29, however it is not reasonable to expect development on a property to be completely screened from view on such large properties.

Finally, it was also a concern of the neighbour that domestic pets would be brought to the property, which could then have a significant impact on the native flora and fauna to the area. The applicant has been made aware that should dogs and/or pets be present on the site, any movement of those dogs across a property boundary (without the permission of the subject landowners) can be enforced by the *Dog Act 1976*.

Whilst the neighbouring landowner holds genuine concerns of privacy and security of their own property, Shire officers believe that the mitigation measure of installing fencing along the remainder of the southern boundary of lot 28 will efficiently manage this concern and will not increase the risk of privacy or security concerns to 2180 Chittering Road, Lower Chittering.

### **Bushfire**

Bushfire is an ever-present risk on properties within the Shire of Chittering, and when tourism facilities are proposed it is of paramount importance to ensure that these facilities effectively implement the appropriate mitigation measures to ensure that the risk of bushfire is kept to a minimum.

As mentioned in the Consultation Summary, DFES have reviewed the BMP and BEP provided for the application and have stated that the current version of these documents (at the time of advertising) is not compliant with SPP3.7 and that the documents require updating in order to demonstrate the appropriate bushfire compliance.

The applicant has since updated the BMP and BEP to reflect the comments provided by DFES to ensure that the proposal is compliant with SPP3.7. The updated BMP and BEP can be viewed in Attachment 4, and the applicant's response to the comments by DFES addressing their concerns can be viewed in Attachment 3.

The BMP has been updated to accurately reflect all concerns held by DFES and all chalets can achieve a rating of BAL-29. There is appropriate and clear access in and out of the property, with a passing bay to be installed along the accessway. There is also clear two-way access from the property running east and west onto Chittering Road, and it is located within very close proximity to Lower Chittering Fire Station.

The submission objecting to the proposal held concerns about the building material to be used, which is 'strawbale' and how that can achieve a BAL-29 rating. This is an element of the proposal that will be confirmed at the building permit stage and therefore is not considered to be relevant to this application.

To further ensure that the application does not increase the risk of bushfire, the applicant has agreed to conditions which will limit the operation of the business to between 1 April– 31 October, and to also shut down the development on any day of the year when the Fire Danger Rating exceeds FBI 49 (Extreme) as this is when a risk of bushfire is at its greatest risk.

Whilst the risk of bushfire is a key aspect of this application, Shire officers are satisfied that the applicants are implementing all of the necessary measures to ensure that the development can succeed and will not increase the bushfire risk for the occupants or locality.

Based on the above assessment and the existing and conditional mitigation measures that will be put into effect to effectively address all of the concerns listed with the application, it is recommended that the application be approved subject to appropriate conditions.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020325**

Moved Cr Curtis, seconded Cr Ross

That Council grants Development Approval for a short-term accommodation (farmstay) development on Lot 28 Chittering Road, Lower Chittering subject to the following conditions:

1. All development shall be in accordance with the approved plans.
2. Prior to the use of the farmstay, the mitigation measures identified within the Bushfire Management Plan dated 14 November 2024 and the Bushfire Emergency Plan dated 6 May 2024 shall be implemented at all times for the life of the development to the satisfaction of the Shire.
3. A notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of the lot stating the following:  
"This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. The management measures within the Bushfire Management Plan are required to be implemented at all times."  
The notification shall be placed on the Certificate of Title of the lot prior to occupation of the proposed development, at the full cost of the proponent.
4. On any day(s) when the Fire Behaviour Index for the locality exceeds a rating of 49 as determined by the Bureau of Meteorology, no patrons are permitted to use the farmstay and all bookings are to be cancelled, to the satisfaction of the Shire.
5. The farmstay is only permitted to accommodate patrons between 1 April – 31 October each calendar year.
6. Prior to the use of the farmstay, the applicant is required to install suitable fencing along the remainder of the southern boundary to restrict patron access to the adjoining property to the satisfaction of the Shire.
7. The approved farmstay must be 'hosted' at all times to the satisfaction of the Shire.
8. No habitat trees identified in the approved 'Detailed Flora and Vegetation Survey and Black Cockatoo Habitat Assessment' dated October 2023 are permitted to be removed during or after the construction of the proposed farmstay, to the satisfaction of the Shire.
9. The approved buildings shall be clad in a non-reflective material which is sympathetic to the colours of the natural environment, to the satisfaction of the Shire.

**ADVICE NOTES**

1. 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. In regard to this application, substantial commencement is considered to be the laying of the concrete slab of at least one of the approved farmstay buildings.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
4. This approval does not constitute a building permit. You are to submit to the Shire either an Application for Building Permit Certified (BA1), or Application for Building Permit Uncertified (BA2). Building work cannot be commenced until a building permit has been issued. Should that occur, the penalty for a first offence is \$50,000.
5. In regard to Condition 4, the operator of the farmstay is encouraged to monitor the Fire Behaviour Index (FBI) forecast for the 'Swan Inland North' locality provided by the Bureau of Meteorology to enable prior arrangements for the closure of the farmstay to be made, when the FBI is forecasted to be above 49.

6. In regard to Condition 7, 'hosted' means that the host lives on-site; is present at the property for a majority of the duration of a guest's stay; and is present overnight when guests are occupying the approved development.
7. The applicant is advised of the requirement to contact the Department of Mines, Industry Regulation and Safety to register the proposed development as 'short-term rental accommodation' pursuant to the *Short-Term Rental Accommodation Act 2024*.
8. The applicant is made aware of the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* when clearing native vegetation. The applicant is encouraged to contact the Department of Water and Environmental Regulation for any information regarding the need for a clearing permit.
9. The applicant is made aware of the *Environment Protection and Biodiversity Conservation Act 1999* regarding impacts of the development on Black Cockatoos and any requirement for further action under this legislation.
10. The applicant is advised that guests bringing domestic pets to the property are required to adhere to relevant legislation including the *Dog Act 1976*, which requires dogs to be kept within the boundaries of the property it is lawfully being contained within.

CARRIED: 4 / 1

TIME: 7.38pm

For: Cr King, Cr Curtis, Cr Ross, Cr Hughes

Against: Cr Dewar

DS02 – 03 / 25

**Local Development Plan – Lot 1942 (293) Morley Road, Lower Chittering**

<b>Applicant</b>	Hatch
<b>File ref</b>	WAPC 164182
<b>Author</b>	Executive Manager Development Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Disclosure of Interest</b>	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	1. Local Development Plan 2. Schedule of Submissions

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

**Executive Summary**

Council is requested to consider the approval of the Local Development Plan that has been prepared for an 18-lot rural residential subdivision Lot 1942 (293) Morley Road, Lower Chittering. The Local Development Plan provides restrictions on building envelope locations and vegetation removal.



**Location Plan****Aerial Plan**



## Background

The Shire is in receipt of a Local Development Plan prepared over Lot 1942 (293) Morley Road, Lower Chittering. Lot 1942 is zoned Rural Residential under the Shire's Local Planning Scheme No. 6 (LPS6), is 54 hectares in area and has been granted a conditional 18 lot (minimum 2ha) subdivision approval from the Western Australian Planning Commission (WAPC). The land contains numerous stands of vegetation that consists of mature native trees (Marris, Jarrahs, Wandoo) that have been identified as having high environmental value. Additionally, a number of these trees have been identified as being habitat trees for Black Cockatoos.

Condition No. 19 of the WAPC subdivision approval states:

*'19. Local Development Plan(s) being prepared and approved that address the following:*

*The location of building envelopes, taking into consideration vegetation, habitat and environmental protection, for:*

*Bushfire hazard mitigation and protection in accordance with the bushfire management plan addendum dated 16 October 2023; and*

*Wastewater disposal broadly consistent with the direction set by the Local Water Management Strategy.*

*(Local Government)'*

This is a condition that the developer is required to comply with, to the satisfaction of the Local Government.

To satisfy this condition, a Local Development Plan (LDP) has been prepared and submitted to the Shire (Attachment 1). The preparation of the LDP has been informed by the environmental reporting for the site with regards to suitable waste water disposal and protection of important vegetation which has been conducted during the Scheme amendment and subdivision stages. Additionally, the applicant has consulted with Shire staff prior to the lodgement of the LDP with particular emphasis on adjusting the building envelope locations with an intent on protecting those trees identified as fauna habitat trees (including for Black Cockatoos).

Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*, it is the responsibility of the Local Government to be the decision-maker for an LDP. As such, the Lot 1942 Morley Road Local Development Plan is presented to Council for its consideration.

## Consultation Summary

### Local

In accordance with the Regulations, the LDP was advertised between 22<sup>nd</sup> January 2025 and the 6<sup>th</sup> February 2025 (14 days) in the following ways:

- Emailed to all landowners that adjoin Lot 1942 Morley Road;
- Emailed to:
  - Chittering Landcare;
  - Department of Biodiversity Conservation and Attractions;
  - Department of Water and Environmental Regulation; and
  - Department of Health; and
- Notice placed on the Shire's website inviting comment.

As a result of the advertising five responses were received from the community, which were typically asking for further clarification on aspects of the LDP, but also requesting some modifications and can be summarised as:

- Protection of Black Cockatoo habitat trees; and
- Building envelopes of 803,804,805,806 located too close to existing Rural Residential lots;

A full copy of all the submissions received is provided in Attachment 2 to this report. The above matters raised from the community consultation is addressed in the officer comment section of this report.

### State

All four of the agencies that were invited to comment on the application provided a response (albeit the response from DBCA was after the advertising had closed, but can still be considered), with only some guidance provided (no objections). A copy of these responses received are also contained with the schedule of submissions (Attachment 2).

### **Legislative Implications**

#### Local

#### Shire of Chittering Local Planning Scheme No. 6

Schedule 12 of LPS6 provides bespoke provisions relating to the subdivision and development of Lot 1942, in addition to the matters that should be included in an LDP. The Schedule 12 provisions that relate to the development of the site and future vegetation protection, includes the following:

#### *Development and clearing of land*

6. *Development shall be in accordance with the approved local development plan.*
7. *Other than to provide for subdivision in accordance with the conditions above, no further areas of vegetation shall be cleared felled or removed unless –*
  - a. *the vegetation is dead, diseased or possess a danger to human or stock; or*
  - b. *the clearing is necessary for any firebreak required by law; or*
  - c. *the clearing is required to provide for access to an approved dwelling or outbuildings; or*
  - d. *the clearing is consistent with the parameters of an established building envelop/exclusion area; or*
  - e. *the clearing is necessary to comply with the required bushfire management plan.*

These above provisions form part of LPS6, which is an enforceable statutory document. While the LDP itself is a planning tool that needs to be given 'due regard', having the above provisions in LPS6 gives the requirements of the LDP statutory weight and makes it enforceable.

### State

#### Planning and Development (local Planning Scheme) Regulations

Schedule 2, Part 6 of the Regulations dictate the process for considering a Local Development Plan. Following a period of advertising and consideration made towards the submissions received during the advertising period, the local government is to make a determination on the LDP.

Pursuant Schedule 2, Part 6, Clause 52 of the Regulations, the local government is to either:

- (a) Approve the Local Development Plan; or
- (b) Require the person who prepared the Local Development Plan to –
  - (i) Modify the plan in a manner specified by the local government; and
  - (ii) Resubmit the modified plan to the local government for approval; or
  - (iii) Refuse to approve the plan

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024 - 2034  
Community Aspiration: Balance Between Development and Conservation  
Strategy: Strategy 3.1 – Integrated Planning and Design

State

Nil

**Site Inspection**

Site Inspection undertaken: Yes

Multiple site inspections have been undertaken by Shire officers, both from an environmental and bushfire safety perspective. The locations of the building envelopes have been adjusted by the applicant at the request of Shire officers in an effort to preserve as much of the native vegetation as possible, with a particular emphasis on preserving those trees identified as 'habitat trees'. The below photos were taken at one of the site inspections and simply illustrate the nature and type of vegetation that is present across the subdivisional area.



**Image 1:** *Vegetation on proposed Lot 814 (Executive Manager Development Services, November 2024)*





**Image 2:** Identified Black Cockatoo habitat tree (Executive Manager Development Services, November 2024)

### Environmental Consideration

Environment consideration given: Yes

The consideration on the environment was a key aspect of the assessment of the subject LDP. As stated in the above section, the location and size of the proposed building envelopes have been strategically located and adjusted (at the Shire's request) to achieve the best level of protection of the native vegetation. The identification of all potential habitat trees, habitat trees with hollows (not suitable for Black Cockatoos) and habitat trees (suitable for Black Cockatoos) has been illustrated on the LDP. Furthermore, a provision has been included on the LDP that prevents any trees from being removed by landowners without the prior consent of

the Shire. This adds another layer of awareness for the importance of the vegetation for future lot owners and decision-makers, in addition to the current provisions of LPS6 that aims to protect native vegetation in the Rural Residential zone.

### Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Natural Environment:</b> Loss of important vegetation through the application of excessively sized and poorly located building envelopes.	Possible	Major	High	To strategically located building envelopes that protects the important native vegetation.
<b>Opportunity:</b> To create awareness to the habitat tree across the site for future owners and the community.				

### Officer Comment / Details

Lot 1942 Morley Road, Lower Chittering has been previously rezoned to Rural Residential to enable subdivision to occur, and to accommodate Rural Residential type development. The provision of an LDP as a subdivisional requirement imposed on the landowner has the intent on protecting the site's natural assets, while facilitating development.

The applicant and the Shire have worked together on refining the LDP to achieve the maximum amount of vegetation protection, whilst still accommodating future residential development, which often entails a house, water tanks, sheds and other ancillary development. The building envelopes illustrated on the LDP will be the only areas that 'development' can occur, enforceable through Schedule 12 of LPS6.

As a result of the advertising period, comments were received from nearby landowners which largely related to the subdivisional works themselves, or other matters relating to the subdivision which were not pertinent to the consideration of the LDP. Two key matters that were raised that are relevant to the LDP were the protection of the native vegetation (Black Cockatoo habitat trees), and the location of the building envelopes for proposed lots 803, 804, 805 and 806 in relation to the existing Rural Residential lots in the adjacent Rosa Park Estate. The matter of the tree protection has been covered in the previous sections of this report, and it is considered that the LDP has adequately addressed the protection of native vegetation.

The matter of the building envelopes for proposed lots 803, 804, 805 and 806 being sited too close to the existing lots to the south of the site is a valid consideration. Proposed lots 803, 804, and 805 have building envelopes that extend over a large portion of the lots as there is limited vegetation restricting developable areas. The intent for the larger envelopes is to offer greater flexibility for future owners for developing their properties. It is effectively creating 'building exclusion zones' as the proposed building envelopes allow for development in places that do not possess significant native vegetation, have separation from watercourses and comply with the standard boundary setback requirements of LPS6. This is an approach that is supported by the LPS6 Schedule 12 provisions, which allows for the LDP to designate either building envelopes or building exclusion areas. It also offers the Shire a more administratively efficient method of control development in the Rural Residential zone, given that the need for a future owner to modify a building envelope (which requires a Development Approval), is unlikely. Consideration has been given to the existing Rosa Park Estate and the dwellings constructed within their allotted building envelopes. There will be minimum separation distances between dwellings from the Rosa Park Estate, and the southern-most part of the proposed building envelopes,

that are consistent with the Rural Residential zoning throughout the Shire. It is therefore suggested that the proposed building envelopes on lots 803, 804 and 805 are appropriate for this style of subdivision.

Proposed lot 806 is more unique in its location, but is informed by the drainage and landform of this particular lot, and so is restricted in suitable locations for residential development to occur. Officers also consider that the location of this building envelope is appropriate.

It is considered that the necessary aspects of the subdivision have been addressed in the LDP, and it is recommended that Council approve the Local Development Plan as provided in Attachment 1, without any modifications.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030325****Moved Cr Hughes, seconded Cr Ross****That Council:**

- 1. Approve the Lot 1942 Morley Road, Lower Chittering Local Development Plan as provided in Attachment 1, pursuant to Schedule 2, Part 6, Clause 52 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Publishes the approved Local Development Plan pursuant to Schedule 2, Part 6, Clause 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED UNANIMOUSLY: 5 / 0****TIME: 7.41pm**

DS03 – 03 / 25

**Proposed 'Road Side Rest Area' Corner of Julimar Road and Chittering Road, Lower Chittering**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	24/01/2
<b>Author</b>	Technical Officer – Environmental Health
<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>	<b>Simple Majority</b>
<b>Attachments</b>	1. Schedule of Submissions 2. Advertising map

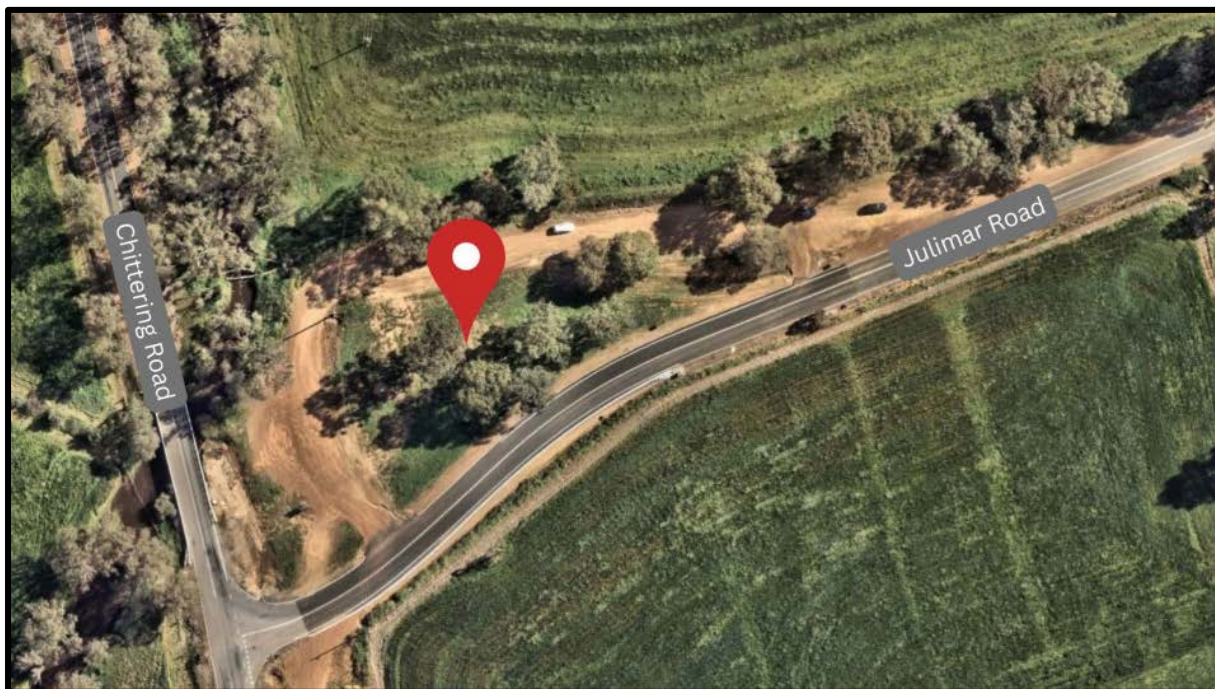
	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	<b>Executive</b>	<b>The substantial direction setting and oversight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

**Executive Summary**

Council is requested to provide strategic direction on the designation of a 'road side rest area' at the corner of Julimar Road and Chittering Road, Lower Chittering. A 'road side rest area' is a formal designation that allows for travellers to stay overnight, inside a vehicle, for a period not exceeding 24 hours.



## Location Plan



## Background

The Shire of Chittering has been exploring the establishment of a 'road side rest area' at the corner of Julimar Road and Chittering Road to provide motorists with a secure location for breaks and temporary overnight parking. The establishment and designation of a 'road side rest area' is an option offered to local governments through the *Caravan Park and Camping Grounds Regulations 1997* (Regulations). The proposed rest area would allow up to 24 consecutive hours of vehicle parking, strictly for resting purposes. While rooftop tents would be considered part of the vehicle, other camping activities, such as tent camping or swags, would be prohibited. Although toilet facilities are not required as per the Regulations, visitors would be directed to the nearby Djidi-Djidi Ridge for toilet facilities. As per the current signage at the location, campfires would be strictly forbidden.

The Shire of Chittering has initiated the proposal for a 'road side rest area' at the corner of Julimar Road and Chittering Road in response to an increasing number of campers within the region and the growing issue of illegal camping in various areas of the Shire. Notably, there are no approved camping or rest locations in the lower part of the Shire, which has led to a rise in unauthorised camping activities. The proposal was workshopped with Council on 11 December 2024, with a general agreement for the proposal to be advertised to the community to garner the level of support for the idea at this particular location, and for further Council consideration.

The primary objective of the project is to provide a designated, 'road side rest area' that can offer an alternative for campers, thus helping to mitigate the ongoing issue of illegal camping across the Shire. The introduction of a rest area in the lower part of the Shire would address this concern, providing a safe and secure space for motorists to rest during their travels. Additionally, a 'road side rest area' facilitate travellers and tourists to plan an overnight stop at the facility, encouraging them to spend more time in the Shire adding to the area's tourism viability.

A roadside rest area is designed to offer a brief stop for travellers to rest, ensuring safety without the intention of functioning as a traditional campground or caravan park. The key characteristics of the proposed rest area include:

- No tents or camping setups are allowed (only sleeping inside a vehicle is permitted);
- Stays must not exceed 24 consecutive hours;
- No ablution facilities are required to be provided at the site; and
- The area is not intended for long-term stays or recreational camping.

This differs from an emergency stop, which typically involves a temporary stop on a road reserve due to unforeseen circumstances (i.e. mechanical failure of vehicle, medical emergency etc.). In these instances, a vehicle must resume its journey once the emergency has been resolved

The proposed location at the corner of Julimar Road and Chittering Road has several benefits, including its readiness for immediate use, ample space for parking, and seating areas. However, there have been several concerns from surrounding property owners, which have included the lack of toilet facilities, the potential for campfires, confusion regarding whether the site is a designated rest area, and the risk of increased usage that could result in overcrowding or damage to neighbouring properties.

### **Consultation Summary**

#### Local

Landowners within a 1km radius of the intersection as well as all properties within the Shire of Chittering that are located on Julimar Road were given the opportunity to provide feedback regarding the proposal. This was done by email on 18 December 2024 and recipients had until 13 January 2025 to provide feedback. 16 Properties were contacted via email and given an opportunity to comment. Five out of the 16 property owners submitted a comment. A spatial summary of the advertising and responses is provided in Attachment 2.

Feedback received from landowners included:

- Concerns about increased users and traffic in the area;
- Potential campfires;
- Lack of ablution facilities;
- Concerns relating to types of vehicles making use of the area (i.e. trucks);
- Interference with existing bus stop;
- Damage to surrounding property fences;
- Trespassing onto private properties surrounding the location;
- Lack of bins provided;
- Disturbance of the countryside serenity by allowing an increase of people at the area;
- Free ranging dogs disturbing stock on private property;
- Costs that could be involved in terms of maintenance and enforcement/monitoring;
- Concerns about road safety and dangerous driving on Julimar Road; and
- Concerns about the degradation of the site.

All submissions received have been included in a Schedule of Submissions, which has been included as an attachment to this report (Attachment 1).

Feedback from the community also indicated that the timing and extent of the consultation process was done with poor timing and not extensive enough. The timing of the advertising was arranged by Shire staff following a workshop held with Council, and was considered appropriate in order to keep the project idea progressing. It was also prudent to efficiently continue the exploration of this project, as Shire staff were in the process of installing 'no camping' signs around the Shire (at hotspots where illegal camping was occurring), and exploring the option of providing a 'legal' camping option was considered timely. The Shire wanted to give the Council

an opportunity to add a designated 'road side rest area' instead of simply installing 'no camping' signs, with no alternative option. Advertising is not required from a legislative perspective as any road reserve can be nominated as a 'road side rest area' without the requirement of community consultation. During the Council workshop it was mentioned that advertising to the neighbouring landowners would be beneficial in being transparent about the process, which was then extended to a 1 kilometre radius as well as all properties on Julimar Road within the Shire to gain a better understanding of community feedback.

State

Nil

**Legislative Implications**

Local

Nil

State

- Caravan Parks and Camping Ground Regulations 1997

The *Caravan Park and Camping Grounds Regulations 1997* provides the statutory guidance for all types of camping and caravanning activities in the State. It provides provision for camping in a place outside of an approved caravan park through Regulation 11, which states:

*Regulation 11 Camping other than at caravan park or camping ground*

(1) A person may camp —

(b) for up to 24 consecutive hours in a caravan or other vehicle on a 'road side rest area';

Or

(c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve

AND

(3) In this regulation —

**emergency** means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

**'road side rest area'** means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

(a) resting; or

(b) stopping; or

(c) camping, in a vehicle;

Additionally, the definition of the word 'camp' has been clarified in Regulation 8A, which states:

**Camp:** when used as a verb, includes to camp in a vehicle

## Policy Implications

### Local

Nil

### State

Nil

## Financial Implications

Endorsement of the 'road side rest area' will require the installation of suitable signage designating the area as such, which likely attract an estimated cost of \$800.

## Strategic Assessment / Implications

### Local

- Strategic Community Plan 2024 - 2034  
Community Aspiration: Stimulate Sustainable Economic Growth  
Strategy: Strategy 4.3 – Promoting Tourism

### State

Nil

## Site Inspection

Site Inspection undertaken: Yes

Health Officers went out for multiple inspections at different times to assess the site and to establish what signage currently exists, and what may be required.







### Environmental Consideration

Environment consideration given: Not applicable

### Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Reputation:</b> Responses received from affected landowners are raising concerns about the implementation of the 'road side rest area'. Proceeding with the project without mitigating the concerns raised could cause a reputational damage to the Shire.	Likely	Minor	Moderate	To consider responses from landowners and reconsider the allocation of a 'road side rest area' due to impacts on landowners.
<b>Opportunity:</b> Ensuring that the rest area is not advertised as a free camping location which causes confusion within the community about the use of a road reserve.				

### Officer Comment / Details

Officers believe that there are benefits to designating a 'road side rest area' at the subject location which include the following:

Reducing instances of illegal camping: The establishment of a designated rest area would help mitigate illegal camping activities, ensuring that travellers have a legitimate space to stop for the night and thereby reducing the strain on other parts of the Shire.

Improving road safety: Providing a safe location for motorists to take a break. A 'road side rest area' could potentially reduce fatigue-related accidents, improving overall road safety for travellers and providing a safe location for motorists to stay for up to 24 hours.

Tourism benefits within the Shire: A designated rest area could attract more visitors, encouraging tourists to spend additional time in the Shire and potentially contribute to local economic growth.

Planned rest stop for travellers: As the proposed area is in an accessible location, the site could provide a convenient and easily accessible planned stop for travellers passing through the Shire of Chittering, offering them a secure area to rest before continuing their journey.

While the proposal for a 'road side rest area' at the corner of Julimar Road and Chittering Road offers several potential benefits identified above, it is recommended that Council not proceed with the designation at this particular location. This recommendation arises from the significant concerns and feedback from surrounding landowners, as well as the potential for unforeseen challenges related to overcrowding, property damage, and the lack of essential amenities such as toilets.

Landowners within the vicinity have raised concerns about the proposed site, including the risk of overcrowding, the lack of facilities such as toilets, the possibility of campfires, and potential damage to surrounding properties. Although there are no statutory limitations with turning the proposed road reserve into a 'road side rest area', the site does not fully meet the expectations of the local community, which may result in continued opposition and challenges to the proposal's success.

While the proposal offers benefits, particularly for tourism and road safety, the concerns raised by local residents associated with the current site are considered and have informed officer's recommendation.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 040325**

**Moved Cr Ross, seconded Cr Dewar**

**That Council:**

- 1. Do not proceed with allocating the Julimar Road/Chittering Road reserve as a 'road side rest area' due to the community concerns received through the consultation period;**
- 2. Notes the existing portion of road reserve on the corner of Julimar Road/Chittering Road can continue to be used for passive day use and can be used for overnight vehicle stopping in the event of an emergency pursuant to Regulation 11(c) of the *Caravan Park and Camping Grounds Regulations 1997*; and**
- 3. Advise all landowners who were directly invited to make a submission on the 'road side rest area' that Council has resolved not to proceed with the designation of a 'road side rest area', however the existing portion of road reserve on the corner of Julimar Road/Chittering Road can continue to be used for passive day use and can be used for overnight vehicle stopping in the event of an emergency pursuant to Regulation 11(c) of the *Caravan Park and Camping Grounds Regulations 1997*.**

**CARRIED: 4 / 1**

**TIME: 7.56pm**

**For: Cr King, Cr Dewar, Cr Ross, Cr Hughes**

**Against: Cr Curtis**

**TECHNICAL SERVICES**

Nil

**CORPORATE SERVICES****CS01 – 03 / 25****List of Accounts Paid for the Period Ending 28 February 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>	<b>Simple Majority</b>
<b>Attachments</b>	1. List of Accounts Paid as at 28 February 2025, inclusive of payments made using credit, debit or other purchasing cards

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

**Executive Summary**

To present the list of accounts paid by the Chief Executive Officer under delegated authority for the period ending 28 February 2025.

To present the List of Payments made by authorised employees using credit, debit and other purchasing cards for the period ending 28 February 2025.

**Background**

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



**Consultation/Communication Implications**Local

- Deputy Chief Executive Officer

State

Nil

**Legislative Implications**Local

Nil

State

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

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

All expenditure has been approved via adoption of the 2024-2025 Annual Budget, or resulting from a Council resolution for a budget amendment.

**Strategic Implications**Local

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

State

Nil

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

**Officer Comment/Details**

The attached "List of Accounts Paid as at 28 February 2025" is presented to Council, inclusive of payments made using credit, debit or other purchasing cards.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 050325**

Moved Cr Curtis, seconded Cr Dewar

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$ 949,103.68, inclusive of payments made using credit, debit or other purchasing cards for the period ending 28 February 2025:

1. PR 6796, PR 6799;
2. EFT28111 – EFT28248; and
3. Direct Debits, Cheques as listed.
4. Purchasing Card as listed.

CARRIED UNANIMOUSLY: 5 / 0

TIME: 7.58pm

CS02 – 03 / 25

**Monthly Financial Report for the Period Ending 28 February 2025**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Author</b>	Finance Manager
<b>Authorising Officer</b>	Deputy Chief Executive Officer
<b>Disclosure of Interest</b>	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	1. Monthly Financial Report for the Period Ending 28 February 2025

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

**Executive Summary**

Council is requested to consider the financial statement for the period ending 28 February 2025.

**Background**

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

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

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

**Consultation/Communication Implications**

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

**Legislative Implications**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 Budget Preparation
- Finance Policy 2.2 Investment of Funds
- Finance Policy 2.7 Significant Accounting Policies

**Financial Implications**

Nil

**Strategic Implications**

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

**Site Inspection**

Not applicable

**Environmental Consideration**

Not applicable

**Risk Assessment/Implications**

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

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

**Officer Comment/Details**

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

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 060325**

Moved Cr Ross, seconded Cr Dewar

That Council receives the Monthly Financial Report for period ending 28 February 2025, as per Attachment 1.

CARRIED UNANIMOUSLY: 5 / 0

TIME: 7.59pm

**CHIEF EXECUTIVE OFFICER****CEO01 – 03 / 25****Work Health and Safety Statistics Report – February 2025**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-258
<b>Author</b>	Human Resources 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>Simple Majority</b>
<b>Attachments</b>	1. WHS Statistics Monthly Report – February 2025

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

**Executive Summary**

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

#### Local

Nil

#### State

- Work Health and Safety Act 2020

### Policy Implications

#### Local

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

#### State

Nil

### Financial Implications

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024 - 2034

Community Aspiration: Accountable Governance

Strategy: Strategy 3.1 – Good Governance which supports efficient and effective service delivery

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> Sufficient OSH practices	Possible	Moderate	Moderate	Rare chance of there being an insignificant impact
<b>Opportunity:</b> Nil				

**Officer Comment / Details**

Nil

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 070325**

Moved Cr Ross, seconded Cr King

That Council receive the Shire of Chittering Work Health and Safety Statistics Report for the month ending January 2025 which includes:

1. Monthly Report for February 2025
  - a. Statistics
  - b. Near Miss, Incident and Damage Report
  - c. WHS Training
  - d. Site Inspections
  - e. Safety Observations

CARRIED UNANIMOUSLY: 5 / 0

TIME: 8.02pm

## CEO02 – 03 / 25

## Compliance Audit Return

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-60794
<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>	<b>Simple Majority</b>
<b>Attachments</b>	1. Audit and Risk Committee Meeting Minutes 2. Compliance Audit Return for 2024

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

**Executive Summary**

Council is requested to adopt the Compliance Audit Return for 2024, which was presented to the Audit Committee on 12 March 2025; and also receive the 'unconfirmed' minutes from that meeting.

**Background**

Each local government is to carry out a Compliance Audit for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government.

The CAR was presented to the Audit Committee on 12 March 2025, and the following recommendation is now presented to Council:

**OFFICER / COMMITTEE RECOMMENDATION**

*That the Audit Committee reviews the Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024 and presents to Council for adoption at the Ordinary Meeting of Council on 19 March 2025.*

**Consultation Summary**Local

Nil

State

Nil

**Legislative Implications**Local

Nil

State

- Local Government Act 1995

5.22. *Minutes of council and committee meetings*

*The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*

*The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*

*The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

- Local Government (Audit) Regulations 1996

15. *Certified copy of compliance audit return and other documents to be given to Department CEO*

(1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*

*(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

*(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024 - 2034

Community Aspiration: Council Accountability and Transparency

Strategy: Strategy 5.1 – Enhancing Accountability & Transparency

State

Nil

**Site Inspection**

Site Inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Compliance:</b> Following legislation	Unlikely	Minor	Low	Rare chance of there being an insignificant impact
<b>Opportunity:</b> Nil				

**Officer Comment / Details**

1. The CAR for the 2024 calendar year has been completed. It has been presented to the Audit and Risk Committee on 12 March 2025, and was reviewed and recommended for adoption by Council.
2. The following table summarises the Shire's performance in each of the compliance categories for 2024 CARs. The Shire is 100% compliant for the 2024 CAR.
3. The President and CEO to sign the Compliance Audit Return for 2024.

Category	2024 CAR	
	Audit questions	% Compliant
Commercial Enterprises by Local Governments	5	5 – n/a
Delegation of Power/Duty	13	8 – yes 5 – n/a
Disclosure of Interest	22	19 – yes 3 – n/a
Disposal of Property	2	2 – n/a
Elections	3	2 – yes 1 – n/a
Finance	7	5 – yes 2 – n/a
Integrated Planning and Reporting	3	3 – yes
Local Government Employees	5	4 – yes 1 – n/a
Official Conduct	4	4 – yes
Optional Questions (Other)	9	9 – yes
Tenders for Providing Goods and Services	22	11 – yes 11 – n/a
<b>TOTAL</b>	<b>95</b>	<b>95/95 = 100%</b>

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 080325****Moved Cr Hughes, seconded Cr Ross****That Council:**

- 1. Adopts the Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024.**
- 2. Receives the unconfirmed minutes from the Audit and Risk Committee meeting held on 12 March 2025.**

**CARRIED UNANIMOUSLY: 5 / 0****TIME: 8.05pm**



## CEO03 – 03 / 25

## Lower Chittering Stage 1 &amp; 2 Project

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-402
<b>Author</b>	Executive Assistant
<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 Document 2. Proposed Plans

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

**Executive Summary**

Council is requested to approve Stage 1 of the Lower Chittering Youth and Community Hub (LCYCH) project and give in-principal support for raising a loan of \$1,400,000 to fund Stage 1. This approval includes authorising the Chief Executive Officer to publicly advertise the Shire's intention to borrow the funds as required by law.

**Background**

Over the past several years, the Shire has undertaken extensive planning and community consultation to replace the aging Lower Chittering Hall with a modern community hub. Key milestones include:

Community Consultation & Planning: Through the Community Development Review (2019/2020), Sport and Recreation Plan Review (2020/2021), and the Lower Chittering Hall Reference Group (2021/2022), the community's needs and site options were explored. In August 2021, Lot 100 Muchea East Road, Lower Chittering was selected as the preferred site for a new community centre. An architectural Schematic Design Report (SDR) was completed in July 2022 and opened for public comment in August 2022, yielding valuable feedback for final designs.

Business Case Development: In 2022, the Shire engaged consultants (Whitney Consulting) to prepare a Business Plan and Asset Management Plan for the proposed Lower Chittering Community Centre, as provided for in the 2022/2023 budget. These plans outlined the facilities financial and operational strategy over its lifecycle.

Council Endorsement: At the Ordinary Council Meeting of 15 February 2023, Council unanimously endorsed the Business Plan and noted the community feedback on the SDR. Council also resolved to pursue funding for construction in 2024/2025 in line with the Long Term Financial Plan (LTFP). This resolution confirms Council's commitment to the project and set the timeline now being actioned with Stage 1.

Rationale for two-staged approach: The original vision (stage 2) is a comprehensive 600m<sup>2</sup> community centre with an estimated cost of \$12.2 million, featuring multiple function rooms, a library area, bar, playground, etc. However, proceeding directly with the full project is deemed financially imprudent under current conditions. In particular, borrowing the entire amount at today's high interest rates would heavily strain the Shire's finances. To balance community needs with fiscal responsibility, the project has been split into stage 1 and stage 2. Stage 1 (the LCYCH) is a scaled-down, approximately \$1.4 million development that delivers the most urgently needed facilities in the short term, while stage 2 (the remainder of the original plan) will be pursued when additional funding (e.g. grants or developer contributions) becomes available. This phased approach aligns with long-term strategic planning and allows Council to deliver immediate benefits without overextending financially.

Stage 1 scope: Stage 1 will provide a 130m<sup>2</sup> modular building, including a community hall, a breakout/activity room, a commercial kitchen, ablution facilities, car parking and landscaped outdoor areas. This facility will be a multi-use community space that can host meetings, events, and programs for all ages. Notably, the modular construction means it can be installed quickly (estimated 12 months from funding approval) and even relocated or repurposed in future if needed. Stage 2, when funded, will expand the hub into a state-of-the-art centre as originally envisioned, complementing stage 1's facilities rather than duplicating them.

Council's approval is now sought for the stage 1 project budget and the associated loan financing, in accordance with the requirements outlined below. This will enable the Shire to initiate detailed design, contractor engagement, and financing arrangements for stage 1, while continuing to seek external funding for stage 2.

## **Consultation Summary**

### Local

The need for a new Lower Chittering community facility has been confirmed through multiple community engagement processes in recent years. This includes the Community Development Survey (2020), Sport and Recreation Plan workshops (2021), and meetings of the Lower Chittering Hall Reference Group (2021–2022). A public comment period on the draft Schematic Design was held in August 2022, and community feedback from that process has been incorporated into the project planning. Residents consistently supported a modern multi-purpose centre, and the chosen site and staged approach reflect the community's input for a centrally located, scalable facility.

Looking ahead, the community will have a further opportunity for input during the statutory public notice period for the proposed loan (see "Public Borrowing Requirements" below). In accordance with the *Local Government Act 1995*, the Shire will advertise its intention to borrow for this project for one month, inviting any comments or submissions from the public. This will ensure transparency and allow ratepayers to voice any concerns before the loan is finalized.

State

Nil

**Legislative Implications**Local

- Local Government Property and Public Places Local Law 2023

The construction and use of the new community hub will be subject to the Shire's Property and Public Places Local Law. All necessary permits for works on Council land will be obtained, and once operational, the facility will be managed in accordance with this local law (e.g. bookings, usage policies) to ensure it remains a safe and accessible public space.

State

- Local Government Act 1995 – Financial Management (Expenditure & Oversight)

Under Section 6.8 of the *Local Government Act 1995*, a local government cannot incur expenditures not included in its annual budget unless approved by an **absolute majority** of Council (or unless the expense meets limited exceptions). In practice, this means that if the LCYCH Stage 1 costs were not fully provided for in the 2023/24 budget, Council must authorise a budget variation to allocate funds to the project. The required budget adjustment will be prepared and presented to Council, ensuring compliance with Section 6.8 before any unbudgeted funds are spent.

- Local Government (Financial Management) Regulations 1996

The *Local Government (Financial Management) Regulations 1996* impose ongoing financial management obligations. The CEO must ensure that effective financial systems and controls are in place for project expenditure, and that Council is kept informed of the Shire's financial position. The project's finances will be integrated into the Shire's regular reporting cycle – including the statutory mid-year Budget Review (Regulation 33A) – to monitor any variances and keep the budget on track

- Local Government Act 1995 – Public Borrowing Requirements

Section 6.20 of the *Local Government Act 1995* empowers a local government to borrow money, subject to certain conditions. Council approval by absolute majority is required to take out a loan, and if the proposed borrowing was not included in the original annual budget, the Act mandates a period of public notice before proceeding. Specifically, the Shire must give one month's local public notice of its intent to borrow, including details of the amount and purpose, and then consider any community feedback received. This notice (to be published on the Shire's website and local news outlets as per Section 1.7 of the Act) ensures residents are informed and have the chance to make submissions. After the notice period, Council can then make a final decision to enter into the loan. The resolution to borrow will require an absolute majority vote of Council, in accordance with Section 6.20(2)(b).

- Local Government Act 1995 & Functions and General Regulations – Procurement Compliance

The procurement of the stage 1 building works will be undertaken in accordance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, which govern local government purchasing and tendering. Under Regulation 11 of the *Functions and General Regulations*, a public tender is generally required for goods or services valued above \$250,000. However, Regulation 11(2) provides exemptions to the tender requirement, one of which is when the purchase is made through the WALGA Preferred Supplier Program (PSP). WALGA (Western Australian Local Government Association) has already conducted competitive tender processes to establish panels of pre-qualified suppliers for local governments. Engaging a WALGA Preferred Supplier is recognized as a compliant procurement method that obviates the need for a separate public tender, since the supplier has been selected through WALGA's rigorous tender process.

In this case, Pique Modular has been identified as the preferred supplier by WALGA.

### Policy Implications

#### Local

- Shire of Chittering Purchasing Policy – Procurement of Goods and Services

The Shire's Purchasing Policy reflects the requirements of the *Local Government Act and Regulations*. In particular, it permits using WALGA Preferred Supplier contracts for purchases over the public tender threshold, in line with Reg 11(2). By engaging Pique Modular through the WALGA panel, the project is consistent with Council's policy guidelines on procurement.

- Shire of Chittering Policy – Asset Management (Infrastructure Assets)

This policy emphasizes sustainable management of new assets. The Lower Chittering community hub (Stage 1) will be added to the Shire's asset register and managed under our Asset Management Plan to ensure ongoing maintenance and renewal are planned for. The earlier Asset Management Plan developed for this project (endorsed by Council in Feb 2023) will guide how we care for the building so it serves the community well into the future.

#### State

Nil

### Financial Implications

Project Cost and Budget: The estimated total cost for Stage 1 of the LCYCH is \$1,400,000. This encompasses all construction costs for the modular building, site works (parking, utilities, landscaping), project management, and contingencies.

Loan Details: The proposed self-supporting loan of \$1,400,000 (principal) will be sourced through the Western Australian Treasury Corporation (WATC).

## Strategic Assessment / Implications

### Local

- Strategic Community Plan 2024 - 2034

Community Aspiration: Balance Between Development and Conservation

Strategy: 3.2 – Smart Growth and Sustainability Development

The proposed project aligns closely with the Shire's long-term growth strategy, ensuring that community infrastructure keeps pace with population expansion. By proceeding with Stage 1 of the LCYCH, the Council will be making a cost-effective investment that provides essential services in the short term while allowing for future expansion.

## Site Inspection

Site Inspection undertaken: Yes – Shire officers have inspected the site.

Site: Lot 100 Muchea East Road, Lower Chittering

The chosen site has been confirmed as suitable for immediate development. It is Shire-owned land, centrally located in Lower Chittering, and was selected with community input. The layout for Stage 1 has been designed to fit within a corner of the site, leaving ample space for Stage 2 construction in the future. Overall, the site is ready for development, and preliminary works can commence promptly once approvals and funding are in place.

## Environmental Consideration

Environment consideration given: Yes

Environmental management has been factored into the project's planning. The Stage 1 works will require only minimal clearing of vegetation, as the building footprint and parking have been sited on already disturbed ground where possible.

## Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Environmental:</b> Impact on local flora and fauna due to construction activity.	Unlikely	Moderate	Low	Use environmentally friendly construction methods, adhere to environmental regulations, and implement landscaping restoration plans.
<b>Opportunity:</b> Opportunity to incorporate sustainability initiatives into Shire projects				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Financial:</b> Budget overruns due to unforeseen costs	Possible	Major	High	Implement strict financial oversight within proposed budget
<b>Opportunity:</b> Potential to establish improved cost-control measures for future developments				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Project Delivery:</b> Construction delays due to weather or supply chain issues	Possible	Moderate	Medium	Select reliable contractors, include timeline contingencies, and ensure access to backup suppliers
<b>Opportunity:</b> Improved project planning and contractor engagement strategies.				

### Officer Comment / Details

The LCYCH project represents a critical investment in community infrastructure at a time of growth for the Shire. Population growth in the Chittering area has accelerated in recent years, with many young families moving in. This has increased demand for quality community facilities – places to hold events, deliver youth services, and foster social connections. The existing Lower Chittering Hall is no longer adequate to serve these needs. By proceeding with Stage 1 of the LCYCH now, Council will address an immediate service gap, providing residents with a modern and accessible space much sooner than if we waited to fund the entire project. This proactive step will contribute to the community's well-being and satisfaction, and reinforce the Shire's commitment to supporting its growing population.

Council's recent site visit to a Pique Modular facility (in February 2025) provided first-hand insight into the quality and flexibility of their modular buildings. Councillors had the opportunity to inspect the build quality, layout, and finishes of a comparable project. Pique's modular design suits our needs for a quick, cost-contained deployment that can be expanded or relocated in the future if necessary. The company's inclusion on the WALGA Preferred Supplier list further indicates that they have been vetted for capability and value.

By approving the recommendations below, Council will enable the Shire to move forward to the next steps (community loan notice, detailed design finalization, and contracting) with a solid foundation of authority. Once the advertising period has lapsed, a further item to Council detailing any comments received as a result of the public notice will be presented seeking Council to consider a budget amendment to recognise the cost of the development, the loan principal amount and any grants or contributions that may be approved. This project exemplifies how Council's strategic vision (for improved community facilities) can be achieved through careful staging and governance.

### OFFICER RECOMMENDATION / COUNCIL RESOLUTION 090325

Moved Cr Ross, seconded Cr Curtis

That Council BY ABSOLUTE MAJORITY:

1. Gives in principle support for the Lower Chittering Youth and Community Hub stage 1 project, including the proposed budget of \$1,400,000; and
2. In accordance with section 6.20(2) of the *Local Government Act 1995*, authorises the Chief Executive Officer to give local public notice of the Shire's intention to exercise its power to borrow, by applying for a loan for the Lower Chittering Youth and Community Hub stage 1 project as follows:
  - a. Lender – Western Australian Treasury Corporation
  - b. Amount – up to \$1,400,000

CARRIED UNANIMOUSLY: 5 / 0

TIME: 8.13pm



## CEO04 – 03 / 25

## Annual Meeting of Electors – Speed Limit in Bindoon Townsite

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-55714
<b>Author</b>	Executive Assistant
<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>Simple Majority</b>
<b>Attachments</b>	Nil

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

**Executive Summary**

Council has been requested to consider a motion passed at the Annual General Meeting of Electors regarding the speed limit on the southern approach to the Bindoon townsite. Electors have expressed concerns that vehicles, particularly heavy trucks, approach the town at speeds that may pose safety risks. They have requested a review of speed limits and the implementation of improved speed monitoring measures.

**Background**

At the Annual General Meeting of Electors held on Wednesday 5 February 2025, the following motion was carried:

**ELECTORS DECISION**

*Moved Robert Pizzino, second Tuarn Brown*

*Request the Shire to contact Main Roads and request the review of speed limits and speed monitoring in the Bindoon townsite. Assessment of progressive speed limit on the south side of the Townsite.*

**CARRIED: 7 / 0**

Electors raised concerns about the speed at which vehicles, particularly heavy trucks, enter the Bindoon townsite from the south. The community has proposed implementing a progressive speed reduction to ensure a smoother transition into the lower-speed townsite area.

The Shire has engaged with Main Roads WA, the Road Safety Commission, and local Members of Parliament over several years to address traffic safety concerns in Bindoon. Despite these efforts, Main Roads WA has maintained that the current speed zoning is appropriate, and no changes have been proposed. Further advocacy on this matter is unlikely to yield a different outcome and may not represent a responsible use of Shire resources.

#### Key Issues Raised by Electors

The primary concern underlying this motion is that the current speed limit on the Great Northern Highway as it enters Bindoon from the south may be too high or reduces too abruptly, creating safety risks for local traffic and pedestrians. Community members have reported near-miss incidents involving heavy haulage trucks and local vehicles turning into town facilities, such as the post office, IGA, and other businesses.

There is a prevailing perception that the combination of high-speed trucks and local traffic poses a significant safety hazard, particularly in light of past incidents such as the 2023 Ammonium Nitrate truck fire in New Norcia, which highlighted the potential risks of hazardous goods transport through town environments.

The Shire of Chittering has previously sought improvements to road safety in Bindoon by requesting that Main Roads WA consider additional measures, including pedestrian crossings and speed limit reductions. These requests have been primarily motivated by concerns for vulnerable road users, including elderly residents using mobility aids, school children, and families. However, previous formal requests for a dedicated pedestrian crossing on the Great Northern Highway in Bindoon were denied by Main Roads WA, citing studies that suggest uncontrolled crossings may increase accident risk in high-speed environments.

Main Roads WA instead implemented physical safety measures, such as bollards and handrails, at informal crossing points and, in 2024, engaged an independent consultant to review pedestrian safety and traffic issues within the Bindoon townsite. The upcoming Bindoon Bypass is expected to divert a significant portion of heavy traffic away from the town in the coming years. However, in the interim, the community and Council are seeking immediate solutions to improve safety, particularly through improved speed management.

### **Consultation Summary**

#### Local

Concerns raised by Electors.

#### State

- Main Roads WA

Main Roads WA is responsible for setting speed limits on state highways, including the Great Northern Highway. The Shire has had ongoing dialogue with Main Roads regarding road safety in Bindoon.

- In 2024, Shire representatives met with Main Roads WA (Northam Office) to discuss speed-related concerns.
- The Shire has specifically requested that a progressive speed reduction be considered.
- Main Roads acknowledged the community's concerns but indicated that the criteria for a formal pedestrian crossing had not been met.
- The CEO has requested MRWA to install variable speed signage allowing speed levels to be reduced to 40km/h throughout the townsite during traditional school zone hours. This item has

been referred to MRWA Perth who responded that they will consider this request in March 2025. This matter is repeatedly pursued.

- Road Safety Commission

In 2023, the Shire sought advice from the WA Road Safety Commission (RSC) regarding potential speed enforcement solutions in Bindoon. The RSC indicated that:

- Fixed speed cameras are not planned for Bindoon due to state-level prioritisation based on crash data.
- Alternative measures such as vehicle-activated signs (VAS) (which flash speed warnings to drivers exceeding the limit) could be considered through Main Roads' approval process – this has already been implemented.
- WA Police operate mobile speed cameras and can target areas with unsafe speeding behaviour if community reports indicate a significant issue.

- WA Police

WA Police have been consulted regarding speed enforcement through mobile speed cameras and targeted patrols in Bindoon.

- State Representatives

Hon Martin Aldridge MLC and Hon Shane Love MLA have been engaged on the matter. While they acknowledge community concerns, no commitment for speed limit reductions has been secured from Main Roads WA.

Despite extensive engagement, no substantive changes have been implemented, and Main Roads WA has not indicated a willingness to alter the existing speed zoning.

## Legislative Implications

### Local

- Local Government Act 1995 (WA)

Section 5.33 requires that all decisions from an electors' meeting be considered by Council.

### State

- Road Traffic Code 2000 (WA)

The authority to determine speed limits rests exclusively with the Commissioner of Main Roads.

## Policy Implications

### Local

Nil

### State

- Main Roads WA Speed Zoning Guidelines

These guidelines dictate speed limit determinations based on factors such as road environment, crash history, and traffic composition.

- Road Traffic Code 2000 (WA)

Advocates for safe speed management as part of a broader road safety framework.

## Financial Implications

Further advocacy efforts would require additional staff time and administrative resources, with minimal likelihood of success. The Shire has no legislative authority to impose speed limit reductions or enforce traffic control measures on Great Northern Highway. The Shire has already made multiple submission to Main Roads WA, with no indication that speed limits will be altered.

## Strategic Assessment / Implications

### Local

- Strategic Community Plan 2024 - 2034  
Community Aspiration: Inclusive, Active, and Resilient Community  
Strategy: Strategy 1.3 – Social and Support Systems

### State

Nil

## Site Inspection

Site Inspection undertaken: Yes

## Environmental Consideration

Environment consideration given: Not applicable

## Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Governance &amp; Reptation:</b> Continuing to pursue this matter despite clear jurisdictional limitations may result in wasted resources and set unrealistic community expectations	Likely	Moderate	High	Clear communication to electors that this is beyond the Shire's control
<b>Opportunity:</b> To educate the community on the roles and responsibilities of different government agencies, ensuring greater understanding of road management processes				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Financial &amp; Operational:</b> Further engagement in this matter would consumer officer time and administrative resources without a realistic outcome.	Likely	Minor	Moderate	No further action recommended
<b>Opportunity:</b> To direct resources to matters where the Shire can made a direct impact, improving efficiency				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>Public Safety:</b> Main Roads WA remains responsible for determining safe speed limits and traffic control measures	Unlikely	Major	Moderate	Continue to encourage community members to report concerns directly to Main Roads WA and WA Police
<b>Opportunity:</b> To strengthen relationships with Main Roads WA and WA Police for future road safety concerns where the Shire has a greater role				

### Officer Comment / Details

The Shire acknowledges the electors' concerns regarding traffic safety in Bindoon; however, the matter of speed limits on Great Northern Highway is entirely under the control of Main Roads WA.

The Shire has already exhausted all reasonable avenues to advocate for changes, including formal correspondence, meetings with Main Roads WA, engagement with State MPs, and consultation with road safety authorities. These efforts have not led to any changes, nor has Main Roads WA indicated a willingness to alter the speed limits.

The Chief Executive Officer has been consistent with contacting Main Roads, and all the relevant authorities regarding the speed limit and all other safety matter within the Bindoon townsite, and it remains a key priority to ensure everything is done to keep our community safe. This will continue remain a priority in the future.

### OFFICER RECOMMENDATION

Moved Cr Curtis, seconded Cr Ross

That Council:

- Notes the Electors decision at the Annual General Meeting held on 5 February 2025 as follows:  
 "Moved Robert Pizzino, second Tuarn Brown  
 Request the Shire to contact Main Roads and request the review of speed limits and speed monitoring in the Bindoon townsite. Assessment of progressive speed limit on the south side of the Townsite  
 Carried 7 / 0";
- Acknowledges that the setting of speed limits on Great Northern Highway is the exclusive jurisdiction of Main Roads WA;
- Notes that the Shire has previously made multiple representations to Main Roads WA on these issues, and that Main Roads WA has not indicated any intent to change the speed limits;
- Recognises that the speed limit within the Bindoon townsite is a matter of community concern and acknowledges its significance to public safety and the broader interests of the Shire; and
- Recognises the CEO's commitment to continue to advocate for improved speed management measures within the Shire's jurisdiction and capacity, by engaging with relevant authorities to pursue further viable safety enhancements.

**AMENDMENT**

Moved Cr Ross, seconded Cr Dewar

That the Officer Recommendation be amended to add:

6. Instructs the Chief Executive Officer to request Main Road WA to consider relocating the 60kph speed sign on the southern approach to Bindoon approximately 200 metres south of its current location, i.e. south of the crest of the Hill.

CARRIED: 4 / 1

TIME: 8.24pm

*For: Cr King, Cr Curtis, Cr Dewar, Cr Ross*

*Against: Cr Hughes*

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION 100325**

Moved Cr Curtis, seconded Cr Ross

That Council:

1. Notes the Electors decision at the Annual General Meeting held on 5 February 2025 as follows:  
    “Moved Robert Pizzino, second Tuarn Brown  
    Request the Shire to contact Main Roads and request the review of speed limits and speed monitoring in the Bindoon townsite. Assessment of progressive speed limit on the south side of the Townsite  
    Carried 7 / 0”;
2. Acknowledges that the setting of speed limits on Great Northern Highway is the exclusive jurisdiction of Main Roads WA;
3. Notes that the Shire has previously made multiple representations to Main Roads WA on these issues, and that Main Roads WA has not indicated any intent to change the speed limits;
4. Recognises that the speed limit within the Bindoon townsite is a matter of community concern and acknowledges its significance to public safety and the broader interests of the Shire; and
5. Recognises the CEO’s commitment to continue to advocate for improved speed management measures within the Shire’s jurisdiction and capacity, by engaging with relevant authorities to pursue further viable safety enhancements.
6. Instructs the Chief Executive Officer to request Main Road WA to consider relocating the 60kph speed sign on the southern approach to Bindoon approximately 200 metres south of its current location, i.e. south of the crest of the Hill.

CARRIED UNANIMOUSLY: 5 / 0

TIME: 8.27pm



## CEO05 – 03 / 25

## Annual Meeting of Electors – Maximum Stone Chip Size for Roadworks

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-55714
<b>Author</b>	Executive Assistant
<b>Authorising Officer</b>	Executive Manager Technical 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>	<b>Simple Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Austroads Guidelines on Sprayed Seal Aggregate Selection</li> <li>2. MRWA Response</li> </ol>

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

**Executive Summary**

Council is requested to consider a response to the motion passed at the Annual General Meeting of Electors regarding the adoption of a maximum stone chip size for roadworks within the Shire and requesting Main Roads WA to comply with this standard.

**Background**

At the Annual General Meeting of Electors held on Wednesday 5 February 2025, the following motion was presented and carried:

**ELECTORS DECISION**

*Moved Robert Pizzino, second Tuarn Brown*

*That the Shire of Chittering adopt a 10 mm maximum stone chip size for roadworks in the Shire and request that Main Roads WA comply with this maximum stone chip size.*

**CARRIED: 7 / 0**

This motion reflects community concerns about the use of larger road surfacing aggregates on local roads.

### Community concerns

- **Vehicle Damage:** Loose large stones can chip paint or crack windscreens
- **Noise:** 14mm aggregate surfaces increase tyre noise, affecting residents and businesses.
- **Safety:** Larger aggregate can be hazardous to cyclists, motorcyclists, and pedestrians, particularly when loose post-surfacing.

### Technical Standards on Aggregate Size

Road surfacing material selection follows Main Roads WA (MRWA) and Austroads guidelines, which balance durability, safety and noise reduction:

- 10mm aggregate: Preferred for residential areas and low-traffic roads due to reduced noise and smoother surfaces.
- 14mm aggregate: Used on high-traffic or heavy-vehicle routes for enhanced durability and skid resistance.
- Standard practice: Two-coat seals (14mm base, 10mm top) are commonly used to balance durability and surface quality.

### Shire's Advocacy and Resource Constraints

The Shire has limited control over MRWA's road specifications. While it can advocate for the community's preference, MRWA follows state-wide engineering standards. Imposing a 10mm maximum unilaterally may lead to increased maintenance costs and reduced road longevity.

### **Consultation Summary**

#### Local

Community concerns have been raised regarding vehicle damage, road noise, and pedestrian safety.

#### State

Main Road WA was consulted prior to the Annual General Meeting on this matter. A response has been received from MRWA and is attached to this report (Attachment 1).

### **Legislative Implications**

#### Local

- Local Government Act 1995 (WA)

Section 5.33 requires that all decisions from an electors' meeting be considered by Council.

#### State

- Main Roads Act 1930 (WA)

MRWA has statutory responsibility for constructing and maintaining state roads, including material selection. The Shire does not have the authority to impose a maximum stone chip size for roadworks undertaken by MRWA.

- Austroads Standards

MRWA follows Austroads guidelines and the Australian Standard (AS 2758.2) for road surfacing materials, which specify various aggregate sizes based on traffic and environmental conditions.

- Civil Liability Act 2002 (WA)

The Shire could face liability risks if it attempted to enforce a standard not supported by engineering best practices and MRWA standards, particularly if it led to compromised road durability or increased maintenance costs.

### **Policy Implications**

#### Local

Shire follows MRWA standards, Austroads standards and Institute of public works guideline for Road construction

#### State

- MRWA Road Design and Surfacing Policies

The Shire could face liability risks if it attempted to enforce a standard not supported by engineering best practices and MRWA standards, particularly if it led to compromised road durability or increased maintenance costs.

### **Financial Implications**

The Shire could face liability risks if it attempted to enforce a standard not supported by engineering best practices and MRWA standards, particularly if it led to compromised road durability or increased maintenance costs.

### **Strategic Assessment / Implications**

#### Local

- Strategic Community Plan 2024 - 2034

Community Aspiration: Inclusive, Active and Resilient Community

Strategy: Strategy 1.2 – Safety and well-being

#### State

Nil

### **Site Inspection**

Site Inspection undertaken: N/A

### **Environmental Consideration**

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation and Community Perception	Possible	Moderate	Medium	Clear communication with the community to explain that the Shire does not control MRWA standards and that further advocacy would be resource-intensive
<b>Opportunity:</b> Enhance community safety by working with MRWA to optimise aggregate size selection.				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Financial impact on the Shire	Unlikely	Major	Medium	Avoid engaging in costly advocacy efforts that have little likelihood of changing MRWA policy.
<b>Opportunity:</b>				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Legal and Compliance Issues	Unlikely	Moderate	Medium	Adherence to MRWA and Austroads guidelines, ensuring that all road construction projects comply with legal and technical requirements.
<b>Opportunity:</b>				

### Officer Comment / Details

The motion highlights valid concerns regarding the impact of aggregate selection on road users and the broader community. However, the Shire has no jurisdiction to mandate a 10mm maximum stone chip size for MRWA roads. Instead, the Shire formally communicates these concerns to MRWA, advocating for more stringent guidelines that prioritise safety and vehicle protection. The Shire also continues to monitor local roads under its jurisdiction to ensure best practices in road surfacing are upheld.

The concerns raised by the community about road surfacing aggregates are acknowledged. Larger chip seals can have downsides in terms of noise, potential vehicle damage from loose stones, and comfort. National and state road guidelines recognise these issues and provide for use of smaller aggregates where appropriate. In practice, the Shire already uses 10mm aggregate for local low-traffic roads. Main Roads WA considers 10mm surfaces in noise-sensitive areas appropriate.

Ultimately, the choice of aggregate size is an engineering decision guided by safety, durability and cost-effectiveness. For many roads, especially those carrying heavy traffic, a 14mm chip (often combined with a second 10mm layer) is the standard solution. Adopting a blanket policy to never use over 10mm would conflict with these established standards and could inadvertently compromise road quality on higher-order roads.

The responsibility for setting such standards on major roads lies with Main Roads WA, and the Shire has limited ability to influence this. While the Shire can communicate the community's concerns to MRWA, further advocacy or action beyond that is not considered feasible with the Shire's available resources. The Shire must also remain mindful of its budget limitations and technical advice when planning roadworks.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 110325****Moved Cr Curtis, seconded Cr King****That Council:**

1. Acknowledges the Electors decision at the Annual General Meeting held on 5 February 2025 as follows:

“Moved Robert Pizzino, second Tuarn Brown

That the Shire of Chittering adopt a 10 mm maximum stone chip size for roadworks in the Shire and request that Main Roads WA comply with this maximum stone chip size.

Carried 7 / 0”;

2. Recognises that MRWA determines road surfacing standards, limiting the Shire’s ability to mandate changes.
3. Notes that the Shire already prioritises 10mm aggregate where feasible for local roads.
4. Resolves to forward community concerns to MRWA but take no further action, given jurisdictional and financial constraints.

CARRIED UNANIMOUSLY: 5 / 0

TIME: 8.31pm

**ITEM 10. REPORTS OF COMMITTEES****COM01 – 03 / 25****Audit and Risk Committee Meeting Minutes – 12 March 2025**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	SOCR-1845402348-47556
<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>	<b>Simple Majority</b>
<b>Attachments</b>	1. Unconfirmed minutes from Audit and Risk Committee – 12 March 2025

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

**Executive Summary**

Council is requested to receive the unconfirmed minutes from the Chittering Audit and Risk Committee was held on Wednesday, 12 March 2025.

**Background**

The Chittering Audit and Risk Committee met on Wednesday 12 March 2025 to review the Local Government Compliance Audit Return for 2024.

**Consultation Summary**Local

Chittering Audit and Risk Committee

State

Nil



**Legislative Implications**Local

Nil

State

- Local Government Act 1995 (WA)

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –
- (a) presented to the council at a meeting of the council; and
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting at which it is adopted.

**Policy Implications**Local

Nil

State

Nil

**Financial Implications**

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024 - 2034  
Community Aspiration: Inclusive, Active, and Resilient Community  
Strategy: Strategy 1.5 – Resilience and Adaptability

State

Nil

**Site Inspection**

Site Inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Not applicable

**Risk Assessment / Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequences</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Risk Category: Compliance	Likely	Moderate	High	By bringing this through the Council this risk is being mitigated and compliance will be met.
<b>Opportunity:</b> Nil				

**Officer Comment / Details**

To be in accordance with section 14 of the regulations, Council is to receive the unconfirmed minutes of the Chittering Audit and Risk committee meeting minutes.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 120325**

Moved Cr Ross, seconded Cr Hughes

That Council receives the minutes from the Chittering Audit and Risk Committee Meeting held on 12 March 2025.

CARRIED UNANIMOUSLY: 5 / 0

TIME: 8.33pm

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

Nil

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

**QWN01 – 03 / 25**      **Cr Curtis**

Question:                      Can the Chief Executive Officer forward a copy of the Avon Waste Report for 2023/2024?

Response:                      *The Chief Executive Officer will forward the report.*

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

Nil

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

Nil

**ITEM 15. CLOSURE**

The Presiding Member declared the meeting closed at 8.34pm.