



ORDINARY COUNCIL MEETING AGENDA

**7:00pm, Tuesday, 15 September 2026
Council Chambers
6177 Great Northern Highway, Bindoon**

PUBLIC QUESTION TIME

Time Permitted

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

Protocol

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

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

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

General Rules

The following general rules apply to Public Question Time:

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

DEPUTATIONS

Time Permitted

A minimum of 10 minutes is permitted for Deputations.

Protocol

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

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

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

General Rules

The following rules apply when making a Deputation:

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

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

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

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

Recording of Proceedings

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

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

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

Access to Recordings

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

Retention of Recordings

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

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

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

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

TABLE OF CONTENTS

ITEM 1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS	5
ITEM 2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	5
ITEM 3.	DISCLOSURE OF INTEREST.....	8
ITEM 4.	PUBLIC QUESTION TIME	8
	Previous Public questions taken on notice – August Ordinary Council Meeting.....	8
	Public question time	8
ITEM 5.	PETITIONS / DEPUTATIONS / PRESENTATIONS	9
ITEM 6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	9
ITEM 7.	CONFIRMATION OF MINUTES	9
	Ordinary Meeting of Council: 19 August 2026.....	9
ITEM 8.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	9
ITEM 9.	REPORTS.....	9
	DEVELOPMENT SERVICES	10
	DS01 – 09/26 Extractive Industries Local Law Review.....	10
	DS02 – 09/26 Swimming Pool Barrier Inspections – Survey Results	17
	TECHNICAL SERVICES.....	23
	CORPORATE SERVICES	24
	CS01 – 09/26 Monthly Financial Report for the Period Ending 31 July 2026.....	24
	CS02 – 09/26 List of Accounts Paid for the Period Ending 31 August 2026.....	26
	CS03 – 09/26 Monthly Financial Report for the Period Ending 31 August 2026	28
	CS04 – 09/26 Santa Gertrudis Dual Use Path Design Project - Budget Amendment.....	30
	CHIEF EXECUTIVE OFFICER	34
	CEO01 – 08/26 Work Health and Safety Statistics Report – August 2026.....	34
ITEM 10.	REPORTS OF COMMITTEES	37
ITEM 11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	38
	MWPN01 - 09/26 Cr Curtis – Charging EV Station	38
ITEM 12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	39
ITEM 13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	39
ITEM 14.	MEETING CLOSED TO THE PUBLIC	39
ITEM 15.	CLOSURE.....	39

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

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

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

Attendance

The following members will be in attendance:

Cr David Dewar	President
Cr Mary Angus	Deputy President
Cr John Curtis	
Cr Beck Foulkes-Taylor	
Cr Nicholas Grayer	
Cr Kylie Hughes	
Cr Rene van Eeden	

The following staff will be in attendance:

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

Apologies

Nil

Approved leave of absence

Nil

Announcements

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

Cr David Dewar			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
President & CEO Meeting	9 September 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Mary Angus			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
President & CEO Meeting	9 September 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr John Curtis			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Beck Foulkes-Taylor			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Nicholas Grayer			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Kylie Hughes			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

Cr Rene van Eeden			
Meeting / Event	Date	Attendance	
Councillor Information Session Ordinary Meeting of Council	19 August 2026	In attendance	
Councillor Information Session Agenda Forum	9 September 2026	In attendance	
Delegated Meeting Attendance	Date	Attendance	Written Feedback/Report
Other Attendances	Date	Written Feedback/Report	

ITEM 3. DISCLOSURE OF INTEREST

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

CS04 – 09/26 – Santa Gertrudis Dual Path Design Project – Budget Amendment		
Councillor / Staff Member	Type of Interest	Nature / Extent of Interest
Alison Reliti, Community Development and Grants Coordinator (Author of Report)	Proximity and Impartiality Interest	Alison lives on Santa Gertrudis Drive, her children attend Immaculate Heart College, and she is managing the design planning project.

ITEM 4. PUBLIC QUESTION TIME**Previous Public questions taken on notice – August Ordinary Council Meeting****PQT03 – 08/26 Mark Campbell, Lower Chittering**

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

Response: The Chief Executive Officer responded that she could confirm that the original design was too small, it was signed off by the DFES CESM and the Captain, and when the trucks arrived it seemed to be not fit for purpose. We have in the meantime, with the help of our new CESM, secured funding from DFES to rectify the situation. The Shire received a quote for a total of \$30,480.00 to supply and install two new doors which includes the removal of existing sheeting, framework and doors. Original roller doors will be left on site. DFES have approved this quote as part of their Capital Grants.

Public question time

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

Nil

Deputations

Nil

Presentations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE**ITEM 7. CONFIRMATION OF MINUTES****Ordinary Meeting of Council: 19 August 2026****OFFICER RECOMMENDATION**

That the minutes of the Ordinary Meeting of Council held on Wednesday, 19 August 2026, as published on the Shire website, be confirmed.

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

DEVELOPMENT SERVICES**DS01 – 09/26 Extractive Industries Local Law Review**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-125679
Author	Governance Officer
Authorising Officer	Executive Manager Development Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Shire of Chittering Extractive Industries Local Law 2014 2. Submissions received

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

Executive Summary

Council is requested to consider the submissions received as part of the statutory review of the *Shire of Chittering Extractive Industries Local Law 2014* and determine that the Local Law remain unchanged, thereby concluding the review in accordance with s3.16 of the *Local Government Act 1995*. Matters raised through consultation may be considered as part of any future broader review of the Shire's extractive industries regulatory and planning framework.

Background

The *Shire of Chittering Extractive Industries Local Law 2014* (2014 Local Law) was adopted by Council in September 2014 and published in the Government Gazette on 24 October 2014. It provides the Shire's current framework for regulating extractive industries, including licensing, operating requirements, restoration, reinstatement and enforcement.

s3.16 of the *Local Government Act 1995* (the Act) requires local governments to periodically review their local laws and determine whether they should be repealed, amended or remain unchanged. If council does not complete the review by making a determination under s3.16(4) within the applicable review period, the Local Law is automatically repealed under s3.16(5). As the 2014 Local Law was overdue for review when the amended review provisions commenced, the transitional provisions provide until 6 December 2026 for the review to be completed. If the review is not completed by that date, the Local Law will be repealed and will no longer be applicable or enforceable.

At its Ordinary Council Meeting on 15 July 2026, Council resolved to commence the statutory review, undertake the required public consultation and invite submissions for a period of not less than six weeks. Public

consultation was undertaken from 16 July to 28 August 2026. Eight submissions were received within the advertised period, with a further late submission received on 31 August 2026.

The submissions raise differing views on the continued need for the Local Law and its relationship with planning, environmental and other State regulatory frameworks. This report presents those submissions for Council's consideration and seeks Council's determination under s3.16(4) that the 2014 Local Law remain unchanged, thereby concluding the statutory review.

Consultation Summary

Local

In accordance with Council's resolution of 15 July 2026, public notice of the statutory review was given from 16 July to 28 August 2026. Eight submissions were received within the advertised period, with a further late submission received from Cement Concrete & Aggregates Australia (CCAA) on 31 August 2026. The late submission has been included for Council's information and consideration.

The submissions reflect two broad positions. Five submissions oppose continuation of the existing Local Law framework or seek its substantial narrowing, while three generally support continued local regulation but seek stronger environmental, community and compliance controls. The late CCAA submission broadly supports reconsideration of the current regulatory approach.

Submissions opposing or seeking substantial reduction of the Local Law

Five submissions were lodged through the same legal representative on behalf of separate landowners, businesses and extractive industry interests. While submitted separately, they raise substantially consistent concerns.

The submissions contend that contemporary planning, environmental, work health and safety, dangerous goods and other State regulatory frameworks now regulate many matters historically addressed through extractive industry local laws. They argue that retaining a separate local licensing framework may result in regulatory duplication, additional cost, administrative burden and potentially inconsistent requirements.

Particular concerns include prescribed setbacks, adjoining landowner consent, duplication of application requirements, road and haulage provisions and limited flexibility to respond to site-specific circumstances. The submissions also refer to approaches adopted by other Western Australian local governments that have repealed, narrowed or otherwise changed their regulation of extractive industries.

The submissions recommend that the Local Law be repealed and greater reliance placed on planning and State regulatory mechanisms. Alternatively, they propose that any retained Local Law be limited to legacy operations or substantially amended to reduce duplication and provide greater flexibility.

Submissions supporting continued regulation and seeking strengthen provisions

The Chittering Landcare Group, in collaboration with the Ellen Brockman Integrated Catchment Group, supports continued regulation but seeks stronger environmental provisions. Matters raised include groundwater and wetland protection, native vegetation, excavation depths and batters, rehabilitation securities, dieback and weed management, dewatering, environmental buffers and controls relating to dust, noise, vibration, contaminated water and erosion.

Sarah McHiggins also supports continued local regulation but seeks stronger consultation and assessment requirements, including notification of adjoining and nearby landowners, ecological and traffic assessments, ongoing rehabilitation and monitoring, review of rehabilitation securities and greater consideration of rural character and amenity.

Michelle Davies supports the environmental matters raised by the Landcare submission and separately recommends that the prescribed penalties in Part 9 and Schedule 1 be reviewed to ensure they remain meaningful and proportionate.

Late submission – Cement Concrete & Aggregates Australia

CCAA recommends that the Shire reconsider whether a separate Local Law remains necessary for contemporary operations already subject to planning, environmental, safety and other statutory approvals. Its submission raises similar concerns regarding regulatory duplication, prescribed setbacks and adjoining landowner consent.

CCAA also supports a more risk-based and site-specific approach and recommends that, if the Local Law is retained, consideration be given to limiting its application to legacy operations, avoiding duplication with existing approvals, providing greater flexibility in relation to setbacks, ensuring road contribution requirements are proportionate and updating legislative and technical references.

Collectively, the submissions raise competing views about the appropriate future regulation of extractive industries and broader questions concerning the relationship between local law licensing, the planning framework, State regulation, environmental and community protection, existing licences and compliance and enforcement. These matters are considered further in the Officer Comment/Details section.

State

No formal State Government consultation was undertaken as part of the statutory review.

Administration has previously sought advice from WALGA Governance regarding the use of a Local Law compared with a Local Planning Policy. WALGA advised that each mechanism has advantages and disadvantages, particularly in relation to enforceability, flexibility, compliance and the treatment of existing licences and transitional arrangements.

Legislative Implications**State**

- **Local Government Act 1995**

- s3.5 – provides that a local government may make local laws for the good government of persons in its district. The 2014 Local Law was made under this general legislative power and remains the current local law regulating extractive industries within the Shire.
- s3.7 – provides that a local law is inoperative to the extent that it is inconsistent with the Act or any other written law. The 2014 Local Law therefore operates subject to applicable State legislation, including relevant planning, environmental, work health and safety and other statutory requirements.
- s3.16 – requires a local government to periodically review its local laws and determine whether they should be repealed, amended or remain unchanged. The Shire commenced the statutory review of the 2014 Local Law in July 2026. In accordance with s3.16(2), local public notice was given, and submissions were invited for a period of not less than six weeks. The public submission period has now concluded.
- s3.16(3) – requires the local government, following the close of the submission period, to consider any submissions received and prepare a report of the review for submission to Council. This report satisfies that requirement.
- s3.16(4) – requires Council, after considering the review report to determine by absolute majority whether the Local Law should be repealed, amended or remain unchanged. WALGA Governance has confirmed the Council's determination under s3.16(4) concludes the statutory process.
- s3.16(5) – if the required determination under s3.16(4) is not made within the applicable review period, the Local Law is repealed at the end of that period. Completion of Council's determination through this report will therefore satisfy the outstanding statutory review requirement within the applicable transitional timeframe.

- **Local Government Amendment Act 2024**

- Amendments to the Act extended the general periodic review period for local laws from eight years to 15 years and introduced transitional arrangements for local laws that were due or overdue for review.

The 2014 Local Law is subject to those transitional arrangements. WALGA Governance has confirmed that the relevant requirement is for Council to complete its determination under s3.16, rather than to make and gazette a replacement local law.

Local

- Shire of Chittering Extractive Industries Local Law 2014

The *Shire of Chittering Extractive Industries Local Law 2014* is the current local law regulating extractive industries within the district.

If Council determines that the Local Law remain unchanged, it will continue to operate in its existing form and no amendment, replacement, further public consultation or gazettal is required as a consequence of the current review. Any future proposal to amend, repeal or replace the Local Law will be considered separately through the applicable statutory process. Additionally, if the review is not completed by the 6 December 2026 deadline, the Local Law will be automatically repealed.

Policy Implications

State

Nil

Local

- Shire Policy 1.17 – Community Engagement

The statutory review included public consultation from 16 July to 28 August 2026, providing community members, affected landowners, industry representatives and other stakeholders with an opportunity to comment on the continued operation of the Local Law.

All submissions received have been presented to Council for consideration. While the statutory consultation requirements operate independently of Policy 1.17, the process undertaken is consistent with the Policy's objectives of transparent decision-making and stakeholder participation.

Financial Implications

There are minimal financial implications associated with this report. Costs associated with the statutory review and public consultation have been accommodated within existing operational resources. As no amendment or replacement of the Local Law is proposed, no further local law-making, advertising or gazettal costs arise from the current review. Any costs associated with a future broader review will be considered separately.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036

Outcome: Rural Way of Life

Strategic Objective 3: Preserve the rural lifestyle by ensuring infrastructure meets current and future community needs.

The proposed remaining Local Law supports this outcome by maintaining a local regulatory framework for the management of extractive industries and their potential impacts on surrounding land, infrastructure, rural amenity and the environment.

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: Failure to complete the statutory review of the 2014 Local Law within the applicable transitional timeframe.	Unlikely	Major	Moderate	Council consideration of this report and determination under s3.16(4) of the Act that the Local Law remain unchanged will conclude the statutory review.
Reputation: Community or stakeholder concern that submissions received during the statutory review have not been adequately considered where Council determines that the Local Law remain unchanged.	Possible	Minor	Moderate	All submissions received are presented to Council and the matters raised are addressed within this report. Administration acknowledges that the submissions raise matters warranting further consideration and proposes that these inform a future broader review of the Shire's extractive industries regulatory and planning framework.
Opportunity: Completion of the statutory review within the required timeframe provides certainty that the 2014 Local Law remains in force, while the submissions received provide an evidence base for a future comprehensive review of the Shire's approach to the planning and regulation of extractive industries.				

Officer Comment/Details

The purpose of this report is to conclude the statutory review of the 2014 Local Law in accordance with s3.16 of the Act.

Council commenced the review on 15 July 2026 following Administration's preliminary assessment that no immediate amendments were required. Public consultation has now been completed and the submissions received have been considered. The remaining statutory step is for Council to determine, by absolute majority, whether the Local Law should be repealed, amended or remain unchanged.

Consideration of submissions

The submissions present differing views on the future regulation of extractive industries. Some submitters consider that the Local Law duplicates contemporary planning and State regulatory requirements and should be repealed, narrowed or limited to legacy operations. Others support continued local regulation but seek stronger environmental, community, rehabilitation, monitoring and enforcement provisions.

The submissions therefore do not identify a single alternative regulatory model. Rather, they raise broader questions about the relationship between the Local Law, the Shire's planning framework and applicable State legislation.

Administration considers that a number of the matters raised warrant further consideration. However, making selected amendments through the current review without examining their interaction with the wider regulatory framework, existing licences and operational requirements may result in unintended consequences. Administration therefore does not recommend amending or repealing the Local Law as part of the current statutory review.

A number of submissions opposing the Local Law were made by or on behalf of landowners, businesses and industry interests directly affected by extractive industry regulation. These submissions provide relevant

industry and operational perspectives and have been considered on their merits. No greater or lesser weight has been attributed to a submission solely because of the interests of the submitter.

Local Law and planning framework

Administration acknowledges the concerns raised through the submission regarding potential overlap between the Local Law and planning, environmental and other State regulatory frameworks. These concerns are valid considerations and warrant further examination as part of the Shire's ongoing review of how extractive industries are most appropriately regulated.

A Local Law and Local Planning Policy provide different regulatory mechanisms. A Local Law has the force of subsidiary legislation and can establish offences and prescribed penalties, providing a direct compliance mechanism. A Local Planning Policy can provide greater flexibility in planning decision-making and responding to site specific circumstances, but it is not legislation and does not itself create offences or penalties.

WALGA Governance has advised that each approach has advantages and disadvantages and that the appropriate model depends on the Shire's circumstances. WALGA also identified the treatment of existing licences and transitional arrangements as important considerations if the Shire were to move away from the current Local Law framework.

Administration is currently in the planning stages of the development of a Local Planning Policy relating to extractive industries. The preparation of that policy is itself a separate statutory process under Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A Local Planning Policy must be based on sound town planning principles.

This work is not yet sufficiently advanced to determine precisely how the Local Planning Policy and the existing Local Law should operate together. It is therefore important that each is developed and reviewed on its own merits, while also considering their interaction, to ensure the overall framework is robust, legally appropriate and operationally workable and does not result in unnecessary duplication, inconsistent requirements or gaps in regulation. A Local Planning Policy must also operate consistently with the Local Planning Scheme.

Retaining the Local Law unchanged at this time does not dismiss the concerns raised by submitters or prevent Council from reconsidering the regulatory framework in the future. Rather, it allows the existing licensing, compliance and enforcement framework to remain in place while the Local Planning Policy is properly developed, and the respective roles of both instruments are considered comprehensively.

It is possible, that once the Local Planning Policy has been completed and its operation and scope are fully understood, the Shire may determine that the planning framework provides sufficient regulation for extractive industries and that the Local Law is no longer required or could be substantially reduced. Administration cannot make that determination at this stage, as the Local Planning Policy is still being developed and the interaction between the two instruments has not yet been fully assessed.

Completion of the statutory review

Following the close of consultation, Administration sought further procedural advice from WALGA Governance. WALGA confirmed that where Council considers the review report and determines under s3.16(4) that the Local Law remain unchanged, that determination concludes the statutory review and the existing Local Law continues in force. There is no requirement to replace the Local Law merely to provide it with an updated year or demonstrate that it has been reviewed.

WALGA also confirmed that any future amendment, repeal or replacement of the Local Law would be a separate process under s3.12 of the *Act*. Council's determination through this report will therefore complete the current statutory review within the applicable transitional timeframe.

Administration's view

Having considered the submissions, the existing operation of the Local Law and WALGA Governance advice, Administration recommends that the *Shire of Chittering Extractive Industries Local Law 2014* remain

unchanged at this time.

This approach maintains the Shire's existing regulatory framework, completes the statutory review without undertaking an unnecessary replacement local-law-making process and allows the broader issues raised through consultation to inform any future review of the Shire's extractive industries regulatory and planning framework.

OFFICER RECOMMENDATION

That Council, BY AN ABOLSUTE MAJORITY:

- 1. Receive and considers the eight submissions received during the advertised submission period for the statutory review of the *Shire of Chittering Extractive Industries Local Law 2014*;**
- 2. Pursuant to s3.16(4) of the *Local Government Act 1995*, determine that the *Shire of Chittering Extractive Industries Local Law 2014* remain unchanged, thereby concluding the statutory review of the Local Law; and**
- 3. Note that the matters raised through the submissions received will inform any future broader review of the Shire's extractive industries regulatory and planning framework.**

DS02 – 09/26**Swimming Pool Barrier Inspections – Survey Results**

Applicant	Shire of Chittering
File ref	07/03/0002
Author	Executive Manager Development Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Survey Results Report

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

Executive Summary

Council is requested to receive and review the results of the community consultation undertaken for the removal of the swimming pool barrier exclusion areas from the Shire of Chittering. The results indicated that a significant majority of the respondents do not want mandatory 4-yearly barrier inspections undertaken by the Shire. The officer recommendation is to acknowledge the results of the survey and not proceed with any legislation changes, but maintain other avenues for continued safety of children in community with respect to pool drownings.

Background

The *Building Regulations 2012* (Regulations) currently exempt those areas outside of gazetted townsites within the Shire of Chittering from mandatory 4-yearly inspections of swimming pool barriers. The Department of Local Government, Industry Regulation and Safety, through the Building Commission are encouraging the Shire of Chittering (along with other regional local governments) to reconsider this approach, in an effort to mitigate the risks of children drowning in swimming pools. In order for the Shire to change its approach to where mandatory 4-yearly inspections apply, it would need to recommend a change to the Regulations through the WA Building Commission

The Shire of Chittering has previously entertained this matter in 2017, whereby community consultation was undertaken. This consultation resulted in 245 responses being received with 139 objecting to the proposed change, generally on the grounds of:

- Rural properties have dams and creeks therefore pools in a regional setting should be treated the same;
- The supervision of children is a more effective means for protecting kids against drowning; and
- There would be a cost implication on the ratepayer to fund the 4-yearly inspection and potentially for the installation of a barrier that is not already installed.

Ultimately, the Council of 2017/18 determined not to mandate the requirement for Shire-wide barrier inspections.

Despite the 2017 Council decision, the WA Building Commission have still been encouraging of the Shire to review its position for a potential change to the legislation. Given the time that has passed since the 2017 decision and the developing nature of the community, it was considered prudent to revisit the matter.

Staff held a workshop with Council on the matter on the 18th March 2026. Following, and at its meeting held 15th April 2026, Council resolved:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 030426

Moved Cr Angus, seconded Cr Curtis

That Council:

1. *Instructs the Chief Executive Officer to commence a 28 day period of community consultation on the potential change to Part 8, Division 2, Schedule 5 of the Building Regulations 2012, to mandate 4-yearly inspections of swimming pool barriers on all properties within the Shire of Chittering, in the following ways:*
 - a) *Prepare an online survey for members of the community to complete;*
 - b) *Promote the online survey through the Shire's website and social media account;*
 - c) *Contact all registered pool owners within the Shire of Chittering directly either through email or posted letters, with an invitation to complete the online survey.*
2. *Instructs the Chief Executive Officer to report back to Council following the conclusion of the 28 day period of community consultation for Council to determine whether it makes a recommendation to the WA Building Commission to change Part 8, Division 2, Schedule 5 of the Building Regulations 2012 to mandate 4-yearly inspections of swimming pool barriers on all properties within the Shire of Chittering.*

CARRIED: 4 / 0

TIME: 7.10PM

FOR: Cr Dewar, Cr Angus, Cr Curtis, Cr Hughes

AGAINST: Nil

Community consultation has been undertaken in accordance with Council's resolution. This report presents the results of the community consultation, and gives Council an opportunity to determine whether or not it recommends a change to the areas in which 4-yearly pool barrier inspections are conducted.

Consultation Summary

Local

Consultation was undertaken in the following ways:

- An online survey was conducted between 6th July 2026 and 3rd August 2026 (28 days);
- Promotion of the survey occurred on the Shire's website and Facebook page encouraging participation;
- Emails and letters were sent directly to all 576 registered pool owners outside gazetted townsites in the Shire encouraging participation in the survey.

As a result of the above, 139 responses to the survey were received, with 115 of those claiming to have a swimming pool on the property. The below is a brief summary of the survey results:

- 111 responses objected to 4-yearly inspections across the entire Shire (79.8%);
- 28 responses supported 4-yearly inspections across the entire Shire (20.2%);
- 66 responses stated they currently have a compliant pool barrier installed;
- 67 responses stated they do not have a compliant barrier installed, however 6 stated to have contacted the Shire about installing a barrier (noting that 15 responses stated not to have a pool on their property)

A full account of the survey results is provided in the Survey Results Report provided in Attachment 1.

The survey provided the opportunity for respondents to offer comment and raise concerns with the proposal. The key concerns for the proposed change to inspection areas were:

- Financial burden on ratepayer;
- Not supported due to other water hazards in community that don't require barriers; and
- Waste of Shire resources.

The key matters raised in objection to the proposal are addressed in the officer's comment section of this report.

State

Nil

Legislative Implications

State

- Building Regulations 2012
Part 8, Division 2, Schedule 5 of the Regulations mandates that 4-yearly swimming pool barrier inspections are required in the townsites of the Shire of Chittering. It is this part of the Regulations that is currently being explored to amend, to require inspections across the entire Shire.

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Should Council decide to enforce the inspection of barriers across the entire Shire, a fee charged on all registered pool owners is expected to cover all costs associated with the 4-yearly inspections. At present, there is a fee in the Shire's 2026/27 adopted fees and charges requiring a \$78 annual fee to be paid by every pool owner within the townsites. This fee would be imposed on all pool owners across the Shire should Council wish to mandate Shire-wide barrier inspection, with the fee charged at the commencement of the financial year following the regulation change.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036
Outcome: Communities Connected
Strategic Objective 3: Advocate for and support communities to prepare for emergencies and local risks.

State

The WA Building Commission have been more active in promoting regional local governments to reconsider their current position in an effort to mitigate the risks of children drowning in swimming pools. This has been instigated from a 2017 report produced by the Ombudsman Western Australia ('Investigating into ways to prevent or reduce deaths of children by drowning'), which recommended the Building Commission further support local governments in making barrier inspections mandatory across the entirety of a local government.

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Not acknowledging the	Possible	Significant	Moderate	Acknowledge the sentiments of the

sentiment in the community against mandatory 4-yearly inspections.				community received through the survey and make a balanced decision following consideration of all aspects of the matter.
<u>People:</u> Death of a young child	Rare	Extreme	High	Ensure the Shire is exploring all available avenues to mitigate against non-compliant pool barriers.
Opportunity: To further reduce the risks of children drownings through Shire-wide mandatory barrier inspections or other measures considered appropriate.				

Officer Comment/Details

The survey results indicate a strong community sentiment against the Shire-wide mandatory 4-yearly barrier inspections. It is understood from the results, that the majority of participants are pool owners outside of townsites, and are not currently required to have mandatory inspections. The key reasons for objecting to the proposal are addressed individually below.

Financial Burden on Ratepayer

A key concern raised through the survey was the additional cost on the swimming pool owner to have the pool barrier inspected once every 4 years. The cost of the barrier inspection would be a \$78 annual charge on the ratepayer (collected through the rates notice), equating to a total cost of \$312 per inspection.

This is a legitimate concern raised, particularly for those pool owners who maintain a compliant barrier throughout the year and don't see a tangible or realised benefit of this charge. The \$78 annual charge on the ratepayer is not insignificant, but is necessary should Shire-wide inspections commence, in order to recover the Shire's cost of the exercise.

Other Water Hazards Don't Require Barriers

The *Building Regulations 2012* dictates that swimming pools are required to have a compliant barrier. The proposed change to the Regulations that Council is currently considering does not incorporate other water bodies, as the legislation does not cater for such. The Shire can only recommend a change to the swimming pool barrier inspection requirements, and not incorporate other water bodies, as barrier requirements for other water bodies are not governed by legislation. The *Building Regulations 2012* is State legislation that is managed by the State Government. The Shire of Chittering has no opportunity to mandate barrier requirements of other bodies in this legislation.

The concerns raised through the survey are acknowledged, and considered legitimate, because other water bodies such as ponds, dams, creeks etc. do still present a risk to child drownings. Shire officers do not dismiss that a risk attached to other water bodies is present. The argument however, for only swimming pools to require a barrier, and not other water bodies, relates to the level of risk.

A traditionally located swimming pool is adjacent to a dwelling for ease of use and convenience for the pool owners. This proximity to a dwelling, with a dwelling being where children would spend the vast majority of their time when at home, creates a higher risk to children accessing the swimming pool, as opposed to a creek or dam, which are not traditionally found as close to a dwelling. If a swimming pool is more accessible to a child than a creek or dam on the same property, there is inherently more risk of a child drowning attached to the swimming pool, simply due to the increased frequency and ease it can be accessed by a child.

Again, this is not to discount the risk a pond, dam, creek or similar pose to children drowning, which is considered to be a legitimate risk in itself. However, a risk assessment of these water bodies against a swimming pool would place a swimming pool at a higher risk of children drowning, due to its location to a dwelling. Furthermore, the Shire only has the ability to recommend a change to the *Building Regulations 2012*

through this process, and is therefore limited to addressing the risk of a swimming pool only, and does not have the ability to incorporate additional barrier requirements for other water bodies.

Waste of Shire Resources

The concern about wasting Shire resources is acknowledged. These concerns are centred around the Shire involving itself in a matter that does not need government intervention, as it is thought that ensuring barrier compliance can be self-regulated. Furthermore, there is some sentiment that the resources required to conduct the swimming pool barrier inspections across the whole Shire, would be better spent elsewhere.

As noted in the financial implications of this report, the proposal of Shire-wide barrier inspections would be self-funded by the owners, with the collection of a \$78 annual fee through the annual rates notice. It is anticipated that the monies collected through this fee would be sufficient to resource the labour and administration required to conduct the necessary barrier inspections.

Swimming Pools Don't Need Barrier Misconception

It was revealed through the submissions received that there may be a misconception around the requirement to have a barrier around a swimming pool and it is important to clarify this point. Pursuant to the *Building Regulations 2012* and consistent with the WA Building Commission's legal position on the matter, a swimming pool without a barrier is considered to be a structure in a 'dangerous state', and as such, every swimming pool is required to have a compliant barrier installed and maintained, regardless of whether the swimming pool is within a townsite or not.

The misconception in the community may have arisen through a historical interpretation of the Regulations whereby it was unclear whether a barrier was required or not for swimming pools outside of townsites. As swimming pools outside of townsites have never been subjected to a mandatory inspection by the Shire, pools without barriers may have been in existence for some time, leading a landowner to believe that their swimming pool without a barrier was compliant. The recent clarification of the Regulations on this matter by the WA Building Commission has enabled the Shire to undertake compliance action against those swimming pools without barriers, and to enforce the installation of barriers around these pools when the Shire becomes aware of them.

Shire Officer Comment

The consequences of a swimming pool barrier not being compliant, or not being in place could be catastrophic, with the risk of young children drowning. To date, the Shire's administration has implemented as many measures as the legislation permits to ensure the compliant barriers have been installed around swimming pools in the Shire. This applies to all pools in the Shire as every pool constructed is required to have a compliant barrier, whether the pool is within a townsite or not. These measures the Shire's administration undertake include:

- Installation of new swimming pools – The Shire has been enforcing the installation of a compliant barrier when a new swimming pool is installed. The barrier is subject to inspection from the Shire's Building Department and only receives a Compliance Certificate once it has been verified to meet the Australian Standard;
- Sale of property with swimming pool – Upon the sale of a property and upon receipt of an 'account enquiry' from a settlement agency, the Shire undertakes a review to ensure any swimming pools have a compliant barrier installed;
- Action upon complaint – Upon receipt of a concern from an external party about a non-compliant or non-existent barrier, the Shire undertakes compliance action and ensure a compliant barrier is installed;
- Voluntary Inspection – The Shire offer inspection of a barrier by an authorised inspector when voluntarily requested by a resident, at a fee of \$312.

A change in the legislation to enforce mandatory 4-yearly inspections on every swimming pool barrier in the Shire would be another step towards reducing the risk of children drowning in swimming pools. How much that risk would be reduced cannot be quantified. The general sentiment from the Shire of Chittering community, as revealed from the survey results, is that it doesn't want mandatory inspections forced upon it due to the additional cost burden this would place on the ratepayer, and that the community itself should be

responsible for ensuring a compliant barrier at all times. This general sentiment was shared across 80% of pool owners outside townsites that responded to the survey.

While it is considered that mandatory inspections of pool barriers outside of townsites would assist in reducing the risk of children drowning, the sentiment of those who would be affected by the change is strongly against such change. As such, it is considered that it is not the right time to force mandatory inspections on those pool owners outside of Townsites, and the WA Building Commission should be advised of such.

It is considered that as the Shire of Chittering grows and develops with more houses and swimming pools, that the risk of children drowning also grows. The areas that are considered as the highest risk areas are those with a higher concentration of the population and a higher concentration of swimming pools. These are typically the Shire's townsites and residential areas of Bindoon, Muchea and Wildflower Ridge. At present, there are areas of each of the two townsites (Bindoon and Muchea) that are technically outside of the gazetted townsite boundaries as defined by the *Land Administration Act 1997*, and are therefore not captured in the Shire's 4-yearly mandatory pool barrier inspections. Additionally, Wildflower Ridge Estate has been developed at a density similar to Bindoon and Muchea but is not technically within a gazetted townsite, and is therefore not an area that is subjected to mandatory pool barrier inspections. According to available records and aerial imagery, the number of pools within these residential built-up areas that are not currently captured by legislated barrier inspections are:

- Bindoon townsite (predominantly Bindoon Vista) – 4 swimming pools;
- Muchea townsite (western portion – Woodlands Estate) – 21 swimming pools; and
- Wildflower Ridge Estate (building permits issued) – 50 swimming pools

It is recommended, that should Council resolve to not extend its mandatory barrier inspections to the whole Shire, that it instructs the Chief Executive Officer to:

- Investigate into altering the current townsite boundaries as gazetted under the *Land Administration Act 1997* for the townsites of Bindoon and Muchea, to include those swimming pools in the genuine built-up residential areas, in the Shire's legislated 4-yearly barrier inspections; and
- Investigate options for including the Wildflower Ridge Estate in the mandatory swimming pool barrier inspections through suitable statutory mechanisms.

It is noted that altering townsite boundaries may have broader implications on other legislation, and these implications will be included in any investigation conducted and reported back to Council before any legislative changes are recommended to the WA Building Commission.

OFFICER RECOMMENDATION

That Council:

- 1. Acknowledge the results of the Swimming Pool Barrier Inspection Survey and recommends to the Western Australian Building Commission (through the Department of Local Government, Industry Regulation and Safety) that there be no change to the Shire of Chittering's 'Excluded Areas' pursuant to Part 8, Division 2, Schedule 5 of the *Building Regulations 2012*; and**
- 2. Instruct the Chief Executive Officer to:**
 - a) Investigate into altering the current townsite boundaries as gazetted under the *Land Administration Act 1997* for the townsites of Bindoon and Muchea, to include the existing built-up residential areas within the gazetted townsite boundaries, for the purpose of including all swimming pools in built-up residential areas within the Shire's legislated 4-yearly swimming pool barrier inspection requirement under the *Building Regulations 2012*; and**
 - b) Investigate options for including the Wildflower Ridge Estate in the Shire's legislated 4-yearly swimming pool barrier inspection requirement under the *Building Regulations 2012*, using appropriate statutory mechanisms.**

TECHNICAL SERVICES

Nil

CORPORATE SERVICES**CS01 – 09/26 Monthly Financial Report for the Period Ending 31 July 2026****File ref** SOCR-1845402348-122827**Author** Finance Manager**Authorised by** Deputy Chief Executive Officer**Disclosure of interest** Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure**Voting requirements** Simple Majority**Attachments** 1. Monthly Financial Report for the Period Ending 31 July 2026

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

Executive Summary

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

Background

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

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

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2026/27 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation Summary

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

Legislative Implications**State**

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

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Investment of Funds

Financial Implications

Nil

Strategic Assessment / ImplicationsState

Nil

Local• Council Plan 2026 - 2036

Outcome: Thriving

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

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

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

Officer Comment/Details

Council adopted the Annual Budget for the 2026/27 financial year on 17 June 2026 (Resolution 110626). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION

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

CS02 – 09/26**List of Accounts Paid for the Period Ending 31 August 2026**

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

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

Executive Summary

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

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

Background

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

Consultation/Communication Implications

State

Nil

Local

Nil

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

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

Strategic ImplicationsState

Nil

Local

- Council Plan 2026 - 2036

Outcome: Thriving

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

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment/Implications

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

Officer Comment/Details

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

OFFICER RECOMMENDATION

That Council receive the List of Accounts Paid as per Attachment 1 totalling \$1,236,846.48, inclusive of payments made using credit, debit or other purchasing cards for the period ending 31 August 2026:

1. PR7187 & PR7198;
2. EFT30608 – EFT30748;
3. Direct Debits, Cheques as listed; and
4. Purchasing Card as listed.

CS03 – 09/26**Monthly Financial Report for the Period Ending 31 August 2026**

File ref	SOCR-1845402348-122827
Author	Finance Manager
Authorised by	Deputy Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 31 August 2026

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

Executive Summary

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

Background

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

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

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2026/27 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation Summary

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

Legislative ImplicationsState

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

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Investment of Funds

Financial Implications

Nil

Strategic Assessment / ImplicationsState

Nil

Local

- Council Plan 2026 - 2036

Outcome: Thriving

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

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

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

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

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

Officer Comment/Details

Council adopted the Annual Budget for the 2026/27 financial year on 17 June 2026 (Resolution 110626). The figures in this report are compared to the Adopted Budget.

OFFICER RECOMMENDATION

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

CS04 – 09/26**Santa Gertrudis Dual Use Path Design Project - Budget Amendment**

Applicant	Shire of Chittering
File ref	SOCR-1845402348-60294
Author	Community Development and Grants Coordinator
Authorising Officer	Deputy Chief Executive Officer
Disclosure of interest	The Author has an Impartiality/ Proximity Interest that requires disclosure
Voting requirements	Absolute Majority
Attachments	1. Santa Gertrudis Dual Use Path Feasibility Report May 2026 2. Project Status Report – Santa Gertrudis Dual Use Path August 2026 3. Lower Chittering Road Safety Masterplan Report 26 May 26

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

Executive Summary

To approve a budget amendment of an additional \$5,000 to the Santa Gertrudis Dual Use Path Design Project Update to accommodate an expanded survey scope required to support project planning and delivery.

Background

Lower Chittering, including the Maryville Downs Estate has the highest population in the Shire of Chittering and is centred around an established community hub that serves as a focal point for community services, social interaction, education, and recreation.

The precinct contains a number of significant community and private assets, including Immaculate Heart College (Pre-Kindergarten to Year 12), the Lower Chittering Volunteer Fire Station, and the Lower Chittering Youth and Community Hub (LCYCH), which is currently under construction and expected to be completed in 2026. Recreational facilities within the area, including the Sussex Bend Reserve playground and pump track, further contributing to the precinct's role as a destination for residents and visitors.

Santa Gertrudis Drive and Muchea East Road are the principal transport corridors servicing the estate and surrounding area. These roads accommodate a diverse range of traffic movements, including local commuter traffic, school-related travel, and heavy agricultural vehicles operating along Chittering Road/Muchea East Road between regional farming districts such as Chittering, Northam and Toodyay, and the Muchea Livestock Centre. Consequently, these routes experience significant traffic volumes and complex transport interactions.

Over the past decade, continued population growth within Lower Chittering, together with the expansion of Immaculate Heart College, has increased traffic demand along these corridors. Traffic congestion is particularly evident during school drop-off and pick-up periods, when high volumes of vehicles, buses, pedestrians and cyclists converge within a relatively short timeframe. This concentration of road users with differing travel modes creates increased potential for conflict and places pressure on the existing road environment.

Recognising these conditions and the availability of external funding opportunities, the Shire sought and obtained grant funding to investigate and design a shared path along Santa Gertrudis Drive. The proposed shared path would provide a dedicated off-road facility connecting the Maryville Downs and Maryville Heights rural residential areas with the Immaculate Heart College and Lower Chittering Youth and Community Hub precinct, improving connectivity and helping to reduce interaction between active transport users and vehicular traffic within the school precinct.

In 2024, the Shire successfully secured \$32,318 of grant funding through the Department of Transport's WA Bicycle Network Grants program to progress the path design project. In the 2024/2025 annual budget, an amount of \$64,636 was allocated for consultancy costs for the project, with income of \$2,318 from the grant expected in the 2025/2026 financial year and the remaining \$30,000 to be received upon completion of the design planning project in 2026/2027. A remaining balance of \$51,500 was carried forward from the 2025/2026 financial year to the 2026/2027 annual budget to finalise the project.

Talis Consultants Pty Ltd (Talis) was subsequently engaged to undertake the concept and detailed design of a shared path extending approximately five kilometres along Santa Gertrudis Drive, between Muchea East Road and Sussex Bend.

Given the highly variable site conditions along the proposed alignment, including differing verge widths, vegetation constraints, property access treatments, and existing underground services, a detailed assessment of multiple path alignments, widths and construction treatments has been undertaken as part of the feasibility and design process. These constraints have significant implications for constructability, environmental impacts and project costs and therefore require careful consideration to ensure an appropriate and cost-effective design outcome.

Further investigations, including detailed survey work, geotechnical assessments, environmental approvals and utility service investigations, are required to refine the preferred design, confirm levels and clearances, identify drainage requirements and improve the accuracy of project cost estimates. These investigations will form the basis for the completion of detailed design and future construction planning.

To facilitate clear identification of an alignment which reduces the environmental impact as much as possible, as well as ensuring the pathway is cost effective and achievable, a change of scope is required to include a full survey of Santa Gertrudis Drive, rather than the alignment which was provided to Talis at the beginning of project.

This increased scope will incur an additional fee for the surveyor.

Consultation Summary

Local

Community consultation was undertaken within Lower Chittering through the following activities:

- Immaculate Heart College survey (2024): Around 50 parents and students were involved in a ride to school day, and shire staff actively sought conversations with parents to understand current walking and cycling patterns along Santa Gertrudis Drive, identify perceived safety risks, and gauge whether the provision of a shared path would encourage greater use of active transport for school travel. All parents involved on the day expressed their concerns over the safety of their children using Santa Gertrudis Drive to walk or ride to school due to unsafe driving habits. Most said they do not currently allow their children to walk or ride to school, but that they would do so if there was a path.
- Lower Chittering Bonfire Night (September 2025): Community members were invited to provide feedback on the proposed shared path alignment and indicate their likely level of use of the facility. 10 people provided responses, with 40% currently using the road to walk or ride to school, or for recreation. All of the respondents expressed concerns over safety. The remaining 60% said they do not use the road as it is too dangerous but would use it to walk or ride to school or LCYCH if there was a path.
- Streets Alive community engagement event (February 2026): Participants were consulted on their current use of Santa Gertrudis Drive for walking and cycling, barriers to active transport, and perceived safety concerns associated with travelling along the corridor. 14 people attended this engagement, with 30% feeling the

street was very unsafe, the main reason being that cars drive too fast along the road and were not aware of pedestrians or cyclists.

- Immaculate Heart College (IHC) Administration (May 2026): Shire staff met with IHC administration to discuss future planning for the school entrances and access easements.

State

Nil

Legislative Implications

State

- Approval of the recommendation will require an amendment to the adopted 2026/27 Annual Budget in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy Implications

State

Nil

Local

- An increased budget has implications for the Shire's Purchasing and Procurement Policy (Policy 2.5).

Financial Implications

The proposed additional allocation of \$5,000 constitutes an amendment to the adopted 2026/27 Annual Budget.

Strategic Assessment / Implications

Local

- Council Plan 2026 - 2036
Outcome: Rural Way of Life
Strategic Objective 1: Advocate for improved investment and maintenance in roads and paths.

Allocation of additional funding to the Santa Gertrudis Dual Use Path Design project will ensure an outcome that is cost-effective and achievable, enabling the Shire to improve connectivity and safety for the residents and road users utilising Santa Gertrudis Drive in Lower Chittering.

State

Nil

Site Inspection

Site inspection undertaken: Yes

Talis Consultants completed a visual inspection of the Santa Gertrudis Drive layout in February 2026.

Environmental Consideration

Environment consideration given: Yes

Talis undertook an initial estimate of the environmental impact of the project, and as a consequence have requested additional funding to ensure the survey undertaken to determine the final alignment of the path minimises the impact on remnant vegetation along Santa Gertrudis Drive.

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Natural Environment: Council does not approve additional	Unlikely (2)	Minor (2)	Low (4)	Sufficient information provided to Council to

funding and a complete survey is not possible, resulting in the final design requiring the unnecessary removal of remnant vegetation.				explain the requirement for additional funding.
Opportunity: Full survey will also assist with identifying internal verge management requirements for Santa Gertrudis Drive.				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project Budget: Council does not approve additional funding and project exceeds allocated 26/27 budget	Unlikely (1)	Minor (2)	Low (2)	Sufficient information provided to Council to explain the requirement for additional funding.
Opportunity: Ensure project continues to meet financial regulations and is within the Shire's Purchases and Procurement Policy (2.5)				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Project Time: Council does not approve additional funding at the September Ordinary Meeting of Council and the project is delayed by one month.	Unlikely (1)	Minor (1)	Low (1)	Sufficient information provided to Council to explain the requirement for additional funding, and staff are available to provide additional information if required to make final decision
Opportunity: Ensure project continues to meet project timelines, in line with funding agreements.				

Officer Comment/Details

The Santa Gertrudis Shared Use Path project was identified following the availability of WA Bicycle Network (WABN) funding in 2024. The project responds to increasing student enrolments at Immaculate Heart College (IHC) and the planned development of the reserve behind the Fire Station, to include the Lower Chittering Youth and Community Hub as stage 1 of proposed additional community-use facilities. As such, the project aligns strongly with the objectives of the funding program by improving safety and accessibility for students walking and cycling to IHC, while also enhancing active transport connections and road safety throughout the broader precinct.

Current funding is limited to the design phase of the project, with construction proposed to be delivered in stages, subject to Council approval and the successful acquisition of future grant funding.

The expanded survey scope will provide the necessary information to determine the most appropriate, cost-effective and deliverable path alignment and construction methodology. The resulting concept design will enable Council to make informed decisions regarding the project's future development and funding opportunities. A draft design will be presented to Council for review and feedback as part of the project management and consultation process.

OFFICER RECOMMENDATION

That Council by ABSOLUTE MAJORITY, authorise a budget amendment of an additional \$5,000 in the 2026/27 Annual Budget for the Santa Gertrudis Dual Use Path Design project.

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

Applicant	N/A
File ref	SOCR-1845402348-161879
Author	Human Resource Coordinator
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. WHS Statistics Report – Monthly August 2026

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

Executive Summary

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

Background

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

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

Consultation SummaryLocal

Nil

State

Nil

Legislative ImplicationsState

- *Work Health and Safety Act 2020*

Local

Nil

Policy ImplicationsState

Nil

Local

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

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Council Plan 2026 - 2036

Outcome: *Thriving*

A thoughtfully planned Shire where our community is supported to grow and thrive through future-ready development that respects rural character.

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

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

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

State

Nil

Site Inspection

Not applicable

Environmental Consideration

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION

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

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

ITEM 10. REPORTS OF COMMITTEES

Nil

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

MWPN01 - 09/26

Cr Curtis – Charging EV Station

COUNCILLOR MOTION

That Council requests the Chief Executive Officer to investigate the installation of a dedicated untethered Type 2 electric vehicle charger within the Administration Centre car park, including options to restrict charging to daylight hours to maximise the utilisation of onsite solar generation, and report back to Council.

Reasoning

Charging electric vehicles at the 15-amp power points allow drivers who are exploring the region or are headed through chittering, to know if needed a slow charge can be found in Bindoon.

Comment

By promoting of these EV slow charging points in Bindoon through the "PLUG SHARE" app and our tourism websites can improve the business activity in Bindoon, through the availability of a 1–2 hour slow charge.

Additional Information

As of 30 June 2026, according to Transport WA, there are 64,000 EVs up from 150 in 2016.

The cost to the Shire for electricity for this proposal is approximately \$1 per 2 hours, a small cost to the tourism budget.

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

ITEM 14. MEETING CLOSED TO THE PUBLIC

Nil

ITEM 15. CLOSURE