



Shire of  
**Chapman Valley**  
*Love the Rural Life*

# **AGENDA**

## **JULY 2013**

**ORDINARY COUNCIL MEETING**

**Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 17 July 2013  
at the Council Chambers, Nabawa, commencing at 10:00am.**

## DISCLAIMER



Shire of  
**Chapman Valley**  
*Love the Rural Life*

No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

### **WRITTEN CONFIRMATION**

of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in blue ink, appearing to read 'Barrye Thompson', is written over a light blue horizontal line.

Barrye Thompson  
**ACTING CHIEF EXECUTIVE OFFICER**

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## **ORDER OF BUSINESS:**

### **1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

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Nil

### **8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

8.1 Ordinary Meeting of Council held on Wednesday 19 June 2013

That the minutes of the Ordinary Meeting of Council held Wednesday 19 June 2013 be confirmed as a true and accurate record.

### **9.0 OFFICERS REPORTS**

# **Manager of Planning**

## **July 2013**

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<b>AGENDA ITEM:</b>	<b>9.1.1</b>
<b>SUBJECT:</b>	<b>LOCAL PLANNING SCHEME No.2</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>204.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>08/00-4, 07/01-8, 12/04-10, 12/05-9, 11/06-9, 02/07-11, 03/07-14, 05/08-14, 06/09-4, 05/10-8, 10/10-10 &amp; 06/11-7</b>
<b>DATE:</b>	<b>8 JULY 2013</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

The Minister for Environment has made a determination in relation to the Buller Environmental Review and Shire of Chapman Valley Local Planning Scheme No.2 can now be returned to Council for its formal consideration of the Minister for Environment's determination, the submissions as received during the advertising of Scheme No.2, and the Shire's own final modifications to Scheme No.2, prior to forwarding it to the Minister for Planning seeking final approval.

## COMMENT

On 18 August 1998 Council resolved to review the Shire of Chapman Valley Town Planning Scheme No.1 that had been gazetted on 20 August 1982. The Shire of Chapman Valley Local Planning Scheme No.2 was then presented to the 15 August 2000 Council meeting where it was resolved to:

*“adopt the draft Town Planning Scheme 2 – Local Planning Strategy, draft Town Planning Scheme 2 – District Zoning Scheme Text and draft Town Planning Scheme 2 District Zoning Scheme Maps provided to Councillors with this agenda and signed by the Principal Planner dated 7 July 2000, as the draft ‘Shire of Chapman Valley Town Planning Scheme 2’ pursuant to Section 7 of the Town Planning and Development Act 1928 and Section 12 of the Town Planning Regulations 1967 and forward them to the Environmental Protection Authority for advice regarding the level of environmental assessment and to the Ministry for Planning seeking the Western Australian Planning Commission’s and Hon. Minister for Planning’s consent to advertise, subject to a number of modifications to the documentation being undertaken.”*

Scheme No.2 was subsequently referred to the Western Australian Planning Commission (‘WAPC’) and the Environmental Protection Authority (‘EPA’) on 10 October 2000 in accordance with Section 7 of the (then) *Town Planning and Development Act 1928* and Section 48 of the *Environmental Protection Act 1986*. The EPA responded on 28 May 2001 that the overall environmental impact of the implementation of Scheme No.2 would not be severe enough to warrant assessment under Part IV of the *Environmental Protection Act 1986*, and did not require the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for Environment.

The version of Scheme No.2 assessed by the EPA designated the area of land bordered by the Indian Ocean to the west, the Oakajee buffer to the north, the North West Coastal Highway to the east and Drummond Cove Road to the south, as ‘General Farming’ zone with an overlying ‘Special Control Area No.3-Future Urban Development’ zoning.

Discussions between Shire and WAPC staff led to the reclassification of this Buller area to a ‘Development’ zone, and this modification (along with several others) was received and considered at the 17 July 2001 Council meeting where it was resolved to:

*“note the informal advice provided by the Department of Environmental Protection on the draft Town Planning Scheme No.2 Text and Maps, and pursuant to Section 7 of the Town Planning and Development Act 1928 and Section 12 of the Town Planning Regulations 1967 forward the draft Town Planning Scheme No.2 Text and Maps to the Department for Planning and Infrastructure seeking the Western Australian Planning Commission’s and Hon. Minister for Planning and Infrastructure’s consent to advertise, subject to the following modifications to the documentation:”*

Scheme No.2 was forwarded to the WAPC on 30 July 2001, however, due to refusal by the (then) Minister for Planning to sign off on the rezoning for the Oakajee Industrial Estate (Amendment No.18 to Scheme No.1), and the same zoning provisions as contained within Scheme No.2, the documentation was returned at the request of Shire correspondence dated 19 April 2002.

In July 2004, after considerable lobbying by the Council, Scheme Amendment No.18 was finally endorsed by the Minister thereby allowing Scheme No.2 to proceed. Further modifications were made to Scheme No.2 to incorporate all Scheme No.1 Amendments that had been approved over the previous 3 years, as well as ensuring the document was consistent with the Model Scheme Text and draft Local Planning Strategy. Council resolved at its 21 December 2004 meeting to:

- “1 Again, note the informal advice provided by the Department of Environmental Protection on the draft Shire of Chapman Valley Town Planning Scheme No.2 Text and Maps;*
- 2 Adopt the draft Shire of Chapman Valley Town Planning Scheme No.2 – December 2004 Text and Maps pursuant to Section 7 of the Town Planning and Development Act 1928 and Section 12 of the Town Planning Regulations 1967 (as presented to Council and inclusive of all changes and modifications as outlined in this report), and proceed to forward the documents to the Department for Planning and Infrastructure seeking the Western Australian Planning Commission’s and Hon. Minister for Planning and Infrastructure’s consent to advertise.*
- 3 Grant delegation to the Chief Executive Officer to undertake minor modifications that do affect or amend the intent of the document (i.e. changes to format, spelling, grammar, numerical numbering, etc.) as may be required by the Western Australian Planning Commission or Minister for Planning and Infrastructure prior to advertising consent being granted.”*

Scheme No.2 was forwarded to the WAPC on 18 January 2005, with a follow-up letter sent on 19 May 2005, and on 7 December 2005 the WAPC granted consent to advertise LPS2 (and the Local Planning Strategy) subject to both documents being modified as per their Schedule of Modifications. Council resolved at its 20 December 2005 meeting to:

- “1 Endorse the Western Australian Planning Commissions Schedule of Modifications to the Shire of Chapman Valley draft Town Planning Scheme No.2 and Shire of Chapman Valley Draft Local Planning Strategy;*
- 2 Proceed with the preparation of the Shire of Chapman Valley Draft Town Planning Scheme No.2 and Shire of Chapman Valley draft Local Planning Strategy pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) and regulation 14 (4)(a) and regulation 12B respectively of the Town Planning Regulations 1967 (as amended);*
- 3 Request approval for an extension of time from the Minister for Planning and Infrastructure to complete the modifications to both the draft Town Planning Scheme No.2 and draft Local Planning Strategy with the revised date of submission to be 3<sup>rd</sup> March 2006 due to:*
  - a) The 42 day period falling across Christmas and New Year, and staff annual leave; and*
  - b) Two documents are required to be modified as opposed to one which will require some additional time to complete.”*

The WAPC advised on 2 May 2006 that the modifications had been undertaken to their satisfaction and the advertising of Scheme No.2 took place between 9 June 2006 and 11 September 2006 with 11 submissions being received.

In addition to the received submissions the EPA wrote to the Shire on 11 September 2006 requesting information on changes that had been made to Scheme No.2 since 10 October 2000 when it had last been referred to the EPA. This information was provided to the EPA on 22 September 2006, and as a result correspondence was received from the EPA on 6 November 2006

requiring that Scheme No.2 be referred back to the EPA under Section 48 of the *Environmental Protection Act 1986*. The basis for this request was the rezoning of the strip of land west of North West Coastal Highway between the Shire boundary and Buller River to 'Development' zone, which had not been included in the version of Scheme No.2 previously assessed by the EPA.

Council resolved at its 16 November 2006 meeting to:

- "1 Refer the draft Town Planning Scheme No.2 back to the Environmental Protection Authority (EPA) for assessment of the proposed 'Development' zone area on the west side of North West Coastal Highway pursuant to Section 48 of the Environmental Protection Act, 1986; and*
- 2 Respectfully request the EPA give priority to assessing the subject area as;*
  - the current operative Town Planning Scheme No.1 is 24 years old and causing difficulties for the Council;*
  - considerable delay has already being incurred through the rezoning of the Oakajee Industrial Estate; and*
  - draft Scheme No.2 has been advertised with pending submissions."*

Whilst the discussions between the Shire and EPA continued concerning environmental assessment, the submissions received during the Scheme No.2 advertising period were presented to the 21 February 2007 Council meeting, where Council resolved to:

- "1 Endorse the submission on the draft Town Planning Scheme No.2 prepared by staff on behalf of the Shire Council; and accept the late submission prepared by the majority of owners along Richards Road, Buller;*
- 2 Receive the 'Schedule of Submissions' for the draft Town Planning Scheme No.2, provided as Attachment 9.2.1.1.a to this report and continue to work with DPI and others to prepare a regional vegetation strategy as required by the EPA to progress the Scheme Review;*
- 3 Endorse the 'Schedule of Submissions' (with or without changes) for the draft Town Planning Scheme No.2, as presented in Attachment 9.2.1.1.a, in readiness to proceed to final approval from the WAPC and the Minister for Planning and Infrastructure pending resolution of the EPA's concerns;*
- 4 Request assistance from the Oakajee Project Team to lobby the EPA to ensure the draft Town Planning Scheme, and more specifically the Buller area, is given a high priority and is progressed without undue delay;*
- 5 Pro-actively participate with the Department for Planning and Infrastructure, Shire of Greenough and City of Geraldton to prepare a Region Vegetation Strategy as required by the EPA, and advise the respective organisations accordingly."*

On 19 February 2007 the EPA advised that it did not support the Shire's suggested modifications to the Scheme No.2 text that related to the proposed Buller 'Development' zone and that it would require formal environmental assessment of Scheme No.2. The EPA correspondence noted that:

*"The Shire's concerns with regard to the delay to its Scheme Review Process and the outdated nature of Town Planning Scheme No.1 are noted. It may be in the Shire's interests to progress the scheme without the inclusion of the "development zone" which can then be considered separately through the scheme amendment process."*

The correspondence of the EPA was presented to the 21 March 2007 Council meeting, with the Minutes noting that Council had 2 options open to it at that time:

*"Option 1 - The excision of the subject area of the Buller locality from the draft Scheme. This option will effectively allow the draft Town Planning Scheme to progress ensuring there will be no additional delay to the balance of zoning changes across the Shire. Should the Council support this approach it would then be recommended a 'Special Control Area' with appropriate provisions be re-instated over the area to ensure incompatible land uses could not be approved under the existing 'General Farming' zone. Furthermore, this approach would also require a formal Scheme Amendment be*

*undertaken to the new Town Planning Scheme to introduce the proposed 'Development' zone. On all accounts a separate Scheme Amendment process will likely take a further 2 years from the time the Scheme is approved and gazetted.*

*Option 2 – Maintain the current position where by the whole of the draft Town Planning Scheme is referred to the EPA.*

*Whilst this will incur further delay in the change in zoning across the Shire for up to 2 years, it will ensure a significant portion of the growth area of the Shire is not be compromised and those affected in the Buller locality be unfairly disadvantaged, particularly given the subject area has already been advertised with the change in zoning from 'General Farming' to 'Development' zone as part of the Scheme review process.*

*With consideration being given to both options it is the staff view the second option be maintained, as this would appear to be the most expeditious and equitable for all ratepayers. With this said, it should also be understood the Council can still entertain development for Oakajee, inclusive of a deep water port and rail infrastructure under the current zoning provisions contained in Town Planning Scheme No.1."*

Council resolved at its 21 March 2007 meeting:

*"That Council resolve to re-iterate its current position and advise the EPA:*

- 1 it does not support the excision the Buller locality (west) from the draft Town Planning Scheme No.2;*
- 2 it seeks advice as to the level assessment set for the Scheme and the specific detail required by the environmental review in order for the draft Town Planning Scheme to be progressed without un-necessary delay."*

The EPA subsequently issued instruction on 17 May 2007 for Council to undertake an Environmental Review for the area of land in the Buller locality west of North West Coastal Highway and south of the Buller River, proposed to be rezoned to a 'Development' zone in Scheme No.2.

Council engaged environmental consultants GHD to undertake the review that included a detailed analysis and assessment of the existing vegetation and how it relates in a regional context, assessment of fauna and associated habitat, and coastal dynamics with designation of appropriate foreshore setback distances from the Indian Ocean and the Buller River. The process involved a detailed desktop assessment of available data, a spring survey of the area conducted by a qualified botanist to capture and assess environmental qualities and constraints in accordance with EPA instructions, and documentation of all relevant findings texturally and graphically using broad scale mapping.

The consultant's final report for the Environmental Review was presented to Council's 21 May 2008 meeting with it being resolved:

*"That Council endorse the 'Shire of Chapman Valley Town Planning Scheme No.2 Environmental Review - May 2008' for the Buller Locality west of North West Coastal Highway, as prepared by GHD Environmental Consultants, and refer to the document to the Environmental Protection Authority as its submission in response the instruction set under Formal Assessment No. 1674 on the 17 May 2007."*

The EPA responded on 30 June 2008 requesting modifications and additional information to the Environmental Review document, with the most significant of these being the requirement for an intensive (Level 2) Fauna Survey. Shire staff and the appointed consultant subsequently engaged in arduous discussion with the EPA seeking clarification on the justification for this requirement. On 18 February 2009 the EPA reiterated that the issues they had raised remain unresolved within the Environmental Review document and the consultant was requested to provide a quote to undertake the necessary additional work to satisfy the EPA.

Council resolved at its 17 June 2009 meeting:

*“That Council reiterate its previous position from the 21 March 2007 meeting to maintain the Buller ‘Development’ zone within Shire of Chapman Valley Town Planning Scheme No.2 and:*

- 1 List for consideration in the 2009/2010 Council Budget the amount of \$100,000 for GHD to undertake the outstanding environmental works outlined by the Environmental Protection Authority as being required for the rezoning of the Buller locality west of North West Coastal Highway to ‘Development’ zone;*
- 2 Grant delegation to the Chief Executive Officer to undertake minor modifications to Shire of Chapman Valley Town Planning Scheme No.2 that do not affect or amend the intent of the document (i.e. changes to format, spelling, grammar, numbering, Model Scheme Text provisions, WAPC requests for modifications etc.) and to reflect Scheme Amendments that have been given final approval in the interim period and have therefore already been assessed/approved by the Environmental Protection Authority/Western Australian Planning Commission through the separate Scheme Amendment process; &*
- 3 That a specified area rating be initiated for the 2009/2010 financial year for the lots comprising the Buller ‘Development’ zone on the draft Scheme No.2 Map.”*

GHD commenced the Level 2 Fauna Survey in spring 2009 and the collected information was forwarded to the EPA along with the updated Environmental Review document on 4 May 2010 seeking confirmation that the documents met with their requirements and that the Shire was able to proceed to advertising.

Shire staff also updated the Scheme No.2 to include the following:

- recently gazetted Scheme Amendments to current Scheme No.1 thereby avoiding an unfortunate scenario of a landowner completing a rezoning application only to find that the newly gazetted Scheme makes the oversight of not including their Scheme Amendment;
- modifications arising from the previous advertising period for Scheme No.2 (conducted between 9 June 2006 and 11 September 2006) as detailed in the Schedule of Submissions;
- modifications arising from the draft report prepared by WAPC staff in November 2008 for the WAPC on Scheme No.2; &
- modifications arising from the Model Scheme Text format, similar to those required by the WAPC to the neighbouring City of Greater Geraldton Local Planning Scheme No.5.

Council received the updated Scheme No.2 at its 19 May 2010 meeting and resolved:

*“That:*

- 1 Council adopt the draft Shire of Chapman Valley Local Planning Scheme No.2 pursuant to the Planning and Development Act 2005 and forward the document to the Department of Planning seeking the Western Australian Planning Commission’s and Minister for Planning’s consent to advertise;*
- 2 Prior to the advertising consent being requested forward notice of the resolution to adopt the Shire of Chapman Valley Local Planning Scheme No.2 and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed; &*
- 3 Delegate to the Chief Executive Officer to undertake minor modifications to Shire of Chapman Valley Town Planning Scheme No.2 that do not affect or amend the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model Scheme Text provisions; updates necessitated by Scheme Amendments that have been given final approval in the interim period and have therefore already been assessed/approved by the Environmental Protection Authority/Western Australian Planning Commission through the separate Scheme Amendment process) as may be required by the Western Australian Planning Commission or Minister for Planning prior to advertising consent being granted.”*

The May 2010 version of Scheme No.2 was forwarded to the EPA on 9 June 2010 who advised on 9 July 2010 that:

- Scheme No.2 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* relevant to the proposed Buller 'Development' zone;
- the Buller 'Development' zone Environmental Review document has been prepared in accordance with the instruction of the EPA and was approved for release (subject to 3 minor modifications being made);
- the modifications included within Scheme No.2 (May 2010 version) did not raise any additional environmental issues to those described in the instructions issued by the EPA on 17 May 2007, and the Buller 'Development' zone Environmental Review is considered to be in accordance with those instructions.

The Shire subsequently wrote to the WAPC on 19 July 2010 seeking their consent to advertise Scheme No.2 and the WAPC responded on 17 September 2010 that the Minister for Planning had given consent to advertise Scheme No.2 subject to the modifications outlined in their 'Schedule of Modifications'. The required modifications largely related to minor formatting and editing issues and could have been undertaken under the delegated authority as per Council's 19 May 2010 resolution. However, there was one area where the WAPC's demands were considered to be a major modification and required the deliberation of Council, this being the requirement that the anti-nuclear provisions of Scheme No.1 be removed from Scheme No.2 on the following provided basis:

*"Appropriateness of referring to exclusion of nuclear activity in Local Planning Schemes is uncertain in consideration of Commonwealth and State legislation."*

Scheme Amendment No.33 to Scheme No.1 introduced various anti-nuclear provisions to the Scheme and was given approval by the then Minister for Planning on 7 April 2003. Since this time (which has witnessed a change of government and Minister) the WAPC have been requiring that anti-nuclear provisions not be included within Local Planning Schemes.

In other instances in this region, particularly the Scheme Reviews covering the Shire of Northampton and (former) Shire of Greenough the WAPC required that anti-nuclear provisions not be inserted in the new Schemes. This has been accommodated as those provisions were not contained within the Scheme text previously, and may therefore not be considered a major departure during the Scheme Review process. However, in the case of the Shire of Chapman Valley Scheme (and also the City of Greater Geraldton Scheme through its Scheme Amendment No.23 to its Scheme No.3) the anti-nuclear provisions already exist within the Scheme due to past Scheme Amendments approved by a past Minister. The requirement of the WAPC to remove existing Scheme gazetted provisions may be viewed as a different level of direction. It is considered that many of the community members who felt strongly about this issue during the initiation of Scheme Amendment No.33 maintain their views and would likely raise objection at the deletion of the anti-nuclear provisions.

With this in mind Shire staff requested that the WAPC provide their stated reasons for requesting the removal of the anti-nuclear provisions so that in the event of Scheme No.2 being advertised without them, and objections being received, then the Shire would either be able to provide these reasons for their removal, or make clear that they have been removed at the behest of the WAPC and not the Shire. The WAPC responded as follows:

*"with regard to Modification 5, to remove proposed scheme provisions to control nuclear activity, the WAPC will be seeking advice on whether it is necessary to include these provisions local planning schemes given that this is also a matter of Commonwealth and State significance. The Commission intends to use this advice in making its recommendation to the Minister for Planning when the draft scheme is submitted for final approval."*

Council was required to make a decision on whether to undertake the modification to its Scheme No.2 of removing the anti-nuclear provisions. To not do so would mean that consent to advertise Scheme No.2 would not be granted by the Minister, causing further delay to what had been an already arduous and time consuming process for the Shire and its residents. To seek the WAPC and Minister's reconsideration of this requirement was considered to have little chance of success given their recent history in relation to other Schemes, the current Premier's stated views in regard to uranium mining, and the unlikelihood of anti-nuclear provisions within a Local Planning Scheme overriding State and Commonwealth legislation.

Council resolved at its 20 October 2010 meeting as follows:

*“That Council:*

- 1 Receive the correspondence from the Western Australian Planning Commission dated 17 September 2010 advising that consent to advertise Shire of Chapman Valley Local Planning Scheme No.2 has been granted by the Minister for Planning subject to the modifications outlined in their ‘Schedule of Modifications’ being effected prior to advertising;*
- 2 Undertake the modifications to the Shire of Chapman Valley Local Planning Scheme No.2 as outlined in the ‘Schedule of Modifications’ noting that they are a requirement of the Western Australian Planning Commission and that these modifications have not been sought by the Council;*
- 3 Return the modified Shire of Chapman Valley Local Planning Scheme No.2 to the Western Australian Planning Commission for their subsequent confirmation that the modifications have been undertaken to their satisfaction;*
- 4 Upon receipt of this confirmation commence the necessary advertising process for the Shire of Chapman Valley Local Planning Scheme No.2 and Buller Environmental Review.”*

On 17 November 2010 the WAPC advised that the modifications to Scheme No.2 had been undertaken to its satisfaction and advertising may commence.

Scheme No.2 and the Buller Environmental Review were advertised concurrently from 23 November 2010 to 23 February 2011. At the conclusion of the advertising period 21 submissions had been received, with 10 of these submissions relating to the Buller ‘Development’ zone and the remaining 11 addressing other issues within the Scheme.

All submissions received that related to the proposed Buller ‘Development’ zone were forwarded to the EPA on 24 February 2011 as required by the *Planning and Development Act 2005*. The Shire also submitted a Schedule of Submissions for the EPA’s consideration and a Ministerial decision on this aspect of the Scheme recommending that the Buller ‘Development’ proceed without application of environmental conditions. The Shire also wrote to all parties who lodged a submission thanking them for their interest in this matter and advising that it would write again to update them once the EPA’s decision had been made.

On 7 June 2011 the EPA published notice that it had released its report and recommendations concerning the Buller Environmental Review. The Shire wrote to the effected 11 landowners (of the 13 subject lots) on 7 June 2011 advising them of the EPA’s decision and providing each with a copy of the complete EPA report. The landowners were advised of their right of appeal and provided with a copy of the appeal form to the Office of the Appeal Convenor.

The EPA recommendation identified a 70.85ha Special Control Area in the 196ha Buller ‘Development’ zone equating to 36.15% of the total area. The EPA sought to require that clearing of remnant native vegetation within the Special Control Area would not be permitted unless for the following purposes:

- fire management;
- vehicular access to the western ‘island’ portion of the ‘Development’ zone (this is to be limited to one access point in the north and one in the south);
- clearing allowed under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
- trees that are diseased or dangerous.

**Figure 1 – Special Control Area as recommended by EPA on 7 June 2011**



The EPA required that any appeals must be lodged by 21 June 2011, Shire staff requested a 1 day extension to this deadline to enable Council to consider the EPA's report and recommendation at its 22 June 2011 meeting. The EPA advised that the 14 day appeal period formed part of a legislated timeframe and could not be extended. On this basis Shire staff lodged an appeal within the required timeframe and Council were provided the opportunity to endorse the appeal lodged by its staff or request that the appeal be withdrawn at its 22 June 2011 meeting. Council resolved as follows:

*"That Council:*

- 1 *Endorse the appeal lodged by Shire staff against EPA report No.1403 concerning the scale of the Special Control Area proposed for Lots 3, 7, 9, 11 and 12 North West Coastal Highway, Buller; and*
- 2 *Instruct staff to prepare a report for Council's consideration on Shire of Chapman Valley Local Planning Scheme No.2 and the submissions received during the advertising period thereof, upon receipt of the final decision of the EPA concerning the Buller 'Development' Zone Environmental Review.*

In addition to the Shire, 7 of the 11 effected landowners lodged appeals with the Office of Appeals Convenor by the closing date of 21 June 2011 objecting to the overly restrictive EPA Recommendation, the EPA's lack of consultation and the limited time in which to consider the EPA's Recommendation particularly when contrasted with the time and manner in which the original Shire prepared Environmental Review was required to be advertised. Shire representatives and landowners who had lodged objection met with representatives from the Office of Appeals Convenor on 28 July 2011.

Given the ever lengthening timeframe that this process had imposed upon the Shire and all landowners (not just the 11 Buller landowners but all landowners in the Scheme area who have

remained in limbo awaiting resolution of this matter) the Shire wrote to the Office of Appeals Convenor on 9 January 2012 seeking an update on what stage this appeal was currently at, and an estimated timeframe on when the matter might be concluded. The Shire also wrote directly to the previous Minister of Environment on 25 June 2012, 26 October 2012 and 25 January 2013 enquiring on the progress of this matter.

Following the 2013 state election a new Minister of Environment was appointed and the Shire wrote to the new Minister on 28 March 2013 seeking an update on when this matter might be resolved so that it may relay this information back to the landowners.

The new Minister for Environment made a determination on 4 June 2013 in relation to the appeals lodged by the Shire and 7 of the Buller landowners against the recommendation of the EPA in relation to the Buller Environmental Review. A copy of the Minister's correspondence to the Shire and the reasons for the Minister's determination dated 4 June 2013 have been provided as **Attachment 1**. A copy of the Minister's Statement dated 6 June 2013 has been provided as **Attachment 2**.

The Shire had previously requested access to a copy of the Office of Appeals Convenor report to the Minister for Environment and been denied access due to it being an appellant in this matter. With the matter now concluded a copy of the Office of Appeals report has been made available. It is noted that the Office of Appeals Convenor report concluded that the overly restrictive recommendations of the EPA should be upheld and the appeals dismissed, and the Office of Appeals Convenor report underscores the concerns previously expressed by several of the appellants over the flawed Environmental Review process and the appeals process that do not appear to offer reasonable timeframes, or a level of transparency, or an objective initial hearing process for appellants.

It would be fair to state that the Minister for Environment's determination to delete the EPA Recommendation is a welcome outcome for the Shire, and one to which it has been working at great length to achieve. The Shire has received valuable assistance and support from many of the objecting landowners, the Department of Planning staff and the Member for Moore, Mr Shane Love MLA.

With the determination of the Minister for Environment in relation to the Buller 'Development' Zone having now been made Scheme No.2 can be returned to Council for its formal consideration of the Minister for Environment's determination, the submissions as received during the advertising of Scheme No.2, and the Shire's own final modifications to the Scheme, prior to forwarding Scheme No.2 to the Minister for Planning seeking final approval.

A **Schedule of Submissions** has been prepared by Shire staff for Council's consideration, and due to its size is provided as a separate document to the Agenda for review. The Schedule of Submissions identifies the respondents, the nature of their submissions, and provides individual comment and recommendation upon any raised issues. Copies of the received submissions can be provided to Councillors upon request. Regulation 18 of the *Town Planning Regulations 1967* requires that the Schedule of Submissions is forwarded to the WAPC with Council's resolution.

A **Schedule of Modifications** has also been prepared by Shire staff for Council's consideration, and due to its size is provided as a separate document to the Agenda for review. The Schedule of Modifications draws upon the individual recommendations of the Schedule of Submissions and lists the suggested changes to the Scheme Text and Maps. Copies of the Scheme No.2 Text and maps with the red-inked suggested modifications has also been included as a separate attachment to the Agenda for Council's review. Regulation 18 of the *Town Planning Regulations 1967* requires that the Schedule of Modifications is forwarded to the WAPC with Council's resolution.

## **STATUTORY ENVIRONMENT**

Section 81 of the *Planning and Development Act 2005* and Section 48 of the *Environmental Protection Act 1986* provided the EPA the power to call in Scheme No.2 for Environmental Review.

Section 84 of the *Planning and Development Act 2005* and Section 14 of the *Town Planning Regulations 1967* provide the requirements for the 3 month advertising of the Scheme that the Shire adhered to, which included the following actions:

- display of Scheme No.2 at the Shire office;
- display of Scheme No.2 at the WAPC office;
- display of Scheme No.2 on the Shire website;

- notice published in the Government Gazette;
- notice published in the West Australian, Geraldton Guardian and Mid West Times;
- notice being sent to the 16 government agencies listed by the WAPC in Attachment 2 of their 17 September 2010 correspondence;
- notice being sent to the landowners listed by the WAPC in part (e) of their 17 September 2010 correspondence;

The *Environmental Protection Act 1986* allowed for a lesser period of time for the advertising of the Buller Environmental Review, however, given the interlinked nature of the two documents the Shire ran the greater 90 day advertising period concurrently for both documents.

The concurrent advertising of the Buller Environmental Review included the following additional actions:

- notice published in the West Australian, Geraldton Guardian and Mid West Times;
- display of Buller Environmental Review at the Shire office;
- display of Buller Environmental Review at the JS Battye Library;
- display of Buller Environmental Review at the EPA office;
- display of Buller Environmental Review on the Shire website;
- notice being sent to the landowners of the 13 lots within the proposed Buller 'Development' zone.

Section 85 of the *Planning and Development Act 2005* required that within 7 days of the conclusion of the 3 month advertising period the submissions containing environmental issues relevant to the Buller 'Development' zone area were to be forwarded to the EPA for assessment.

Sections 17(1)(a) and/or 17(1)(c) of the *Town Planning Regulations 1967* require that within 42 days of receiving a statement made under the *Environmental Protection Act 1986* that Council consider all submissions to the Scheme and in respect of each submissions consider whether the Scheme should be modified or otherwise, and advise the WAPC accordingly within 28 days of Council's resolution as per Section 18 of the *Town Planning Regulations 1967*.

With the determination of the Minister for Environment upon the Buller Environmental review having been gazetted on 6 June 2013, Council can now make its deliberation upon Scheme No.2 and subsequently forward it to the WAPC. Section 87 of the *Planning and Development Act 2005* enables the Minister for Planning to then resolve to either:

- approve Scheme No.2; or
- require modification to Scheme No.2; or
- refuse Scheme No.2.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

The preparation of the Buller 'Development' zone Environmental Review cost the Shire \$38,100 in the 2008/2009 budget (\$37,000 from the Strategic Planning Project allocation–Code 7032 and \$1,100 from the Other Expenses–Town Planning allocation–Code 2202) and \$5,000 in the 2009/2010 budget from the Strategic Planning Project allocation–Code 170320-02.

The preparation of the Level 2 Fauna Survey cost the Shire \$94,558.73 in the 2009/2010 budget from the Strategic Planning Project allocation–Code 170320-02.

The preparation, review and modification of Scheme No.2 was undertaken in-house by the Shire and the hours spent on this project since 1988 would be substantial. The cost of advertising Scheme No.2 and the Buller 'Development' zone Environmental Review were also borne by the Shire.

## **STRATEGIC IMPLICATIONS**

The final approval of Scheme No.2 would conclude an unsatisfactory and frustrating process that has been running since 1998 with considerable delay and expense incurred for the Shire arising from the decision of state government departments. Scheme No.2 will provide the statutory planning framework by which the Shire can realise its strategic planning vision.

## **VOTING REQUIREMENTS**

Simple majority of Council

## **STAFF RECOMMENDATION**

That Council:

- 1 Determine the submissions for Shire of Chapman Valley Local Planning Scheme No.2 as outlined in the Schedule of Submissions pursuant to Regulation 17(1) of the *Town Planning Regulations 1967*.
- 2 Adopt Shire of Chapman Valley Local Planning Scheme No.2 subject to the modifications as outlined in the Schedule of Modifications pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*.
- 3 Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulation 18 of the *Town Planning Regulations 1967*:
  - (a) Notice of Council's resolution to adopt Shire of Chapman Valley Local Scheme No.2;
  - (b) Schedule of Submissions made on Shire of Chapman Valley Local Scheme No.2;
  - (c) Schedule of Modifications made to Shire of Chapman Valley Local Scheme No.2.
- 4 Write to the Minister for Environment expressing Council's appreciation for their prompt resolution of the matter of the Buller Environmental Review since their recent appointment to the office.

804.04  
Record No PA131657

**Hon Albert Jacob MLA  
Minister for Environment; Heritage**

Our Ref: 069/11

Mr Simon Lancaster  
Manager of Planning  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

Dear Mr Lancaster

**APPEALS AGAINST ENVIRONMENTAL PROTECTION AUTHORITY REPORT  
AND RECOMMENDATIONS – SHIRE OF CHAPMAN VALLEY LOCAL  
PLANNING SCHEME NO. 2 (EPA REPORT 1403)**

Thank you for the Shire of Chapman Valley's appeal lodged in June 2011 against the content of the report of the Environmental Protection Authority (EPA) on the above scheme. Seven other appeals were also received.

I note the aspect of the scheme that was of significance to the EPA was the proposed 'Development' zoning of Lots 3, 7 to 12, 15 to 17, 154, 156 and 1891 North West Coastal Highway, Buller (the development area). The EPA concluded that its objectives can be met provided certain conditions are incorporated into the scheme. Specifically, the EPA recommended that a 'special control area' (SCA) be inserted into the scheme.

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), I have received a report from the EPA on the matters raised in the appeals. In October 2011, the Appeals Convenor provided a final report to my predecessor under section 109 of the Act with recommendations on how the appeals should be determined. A copy of the Appeals Convenor's report is enclosed for your information, which sets out the background and other matters relevant to the appeals.

I am advised that the then Appeals Convenor met with you at the Shire's Office during the course of the investigation, and met with other appellants on site.

I note that all appellants are opposed to the recommended SCA. Among other things, appellants considered it to be excessive in size, inequitable and unmanageable. Appellants submitted that the native vegetation within the recommended SCA is not of significance to warrant any protection or not of significance to warrant complete protection through development exclusion.

12th Floor, Dumas House, 2 Havelock Street, West Perth Western Australia 6005  
Phone: +61 8 6552 5800 Facsimile: +61 8 6552 5801  
Email: Minister.Jacob@dpc.wa.gov.au

Appellants submitted that the vegetation is degraded, is not rare or unique and is represented elsewhere. It was also submitted that the recommended SCA was guided substantially by property boundaries rather than environmental considerations.

In Report 1403, the EPA considered that given the region is highly degraded, any vegetation in good or better condition in the development area is worthy of protection. I am advised that the EPA's view corresponds with the Department of Planning's Geraldton Regional Flora and Vegetation Survey (GRFVS) which states the likelihood that much of the vegetation in good or better condition in the GRFVS area will be considered important for conservation.

As the outcome of the appeal could affect the content of a condition of the scheme, section 101(2d)(a) of the Act requires the Minister for Environment to consult with the Minister for Planning to ascertain whether the conditions can be agreed. To this end, my predecessor commenced consultation with the Minister for Planning in October 2011. Through this process, the Minister for Planning submitted a document *Shire of Chapman Valley Buller Development Zone: Opportunities, Constraints and Concepts* (Buller Constraints Analysis) which included two concepts to analyse the key options for the development of the area. Taking into account the information in this analysis, the Minister for Planning considered that the SCA recommended by the EPA did not represent the best planning outcome for the area.

The EPA was asked to consider and respond to the matters raised by the Minister for Planning. In March 2013, the EPA provided revised advice which recommended that development within conservation areas should generally be in accordance with concept 2A in the Buller Constraints Analysis (see attached Figure 1). The EPA also recommended that any future structure plan for the area shall identify that the areas shown as 'x' and 'y' in attached Figure 2 be low density residential (R5, minimum lot size 2,000 square metres).

The key change encompassed in the EPA's revised advice is that a conservation area/restricted development zone continues to apply to areas adjacent to the coast and Buller River, but that area to be protected along the ridge running from north to south in the centre of the lots is restricted to a core area encompassing part of lots 9, 7, 8, and 3; with a low density residential development restriction applying to areas 'x' and 'y', encompassing part of lots 9, 7, 11 and 12.

The most significant change recommended by the EPA relates to lots 9 and 7. In its original report, the EPA recommended that approximately 80% of each lot be subject to the SCA. In its revised advice, the EPA has recommended the protection of core vegetation on the ridge of these lots, with low density residential zoning for a further area immediately to the west of the conservation area (area 'x' on attached Figure 2). The EPA did not recommend any restriction on development for the area between area 'x' and the coastal protection area.

The Minister for Planning has subsequently advised that the EPA's revised position is consistent with his preferred approach, and he indicated his agreement to this proposal.

Taking into account the information presented to me, I consider that the development area contains significant native vegetation that should be protected for the reasons put forward by the EPA in Report 1403. I am satisfied that this outcome can be achieved through future development of the area being consistent with the EPA's revised advice, that is, conservation areas being generally in accordance with concept 2A as shown in attached Figure 1, with low density residential zoning applying to two areas, as shown in attached Figure 2.

It follows that I have determined to allow appeals to the extent that the EPA's recommendation for the establishment of the SCA in Report 1403 be deleted, and replaced with its revised approach as described above.

Having determined the appeals with the agreement of the Minister for Planning, I will proceed to issue a Statement to give effect to this outcome under section 48F of the Act. Once this is done, the final decision on whether or not the scheme should be approved will be made under the *Planning and Development Act 2005*.

Thank you for bringing your concerns to my attention, and for your patience during the consultation process following the appeal investigation.

Yours sincerely

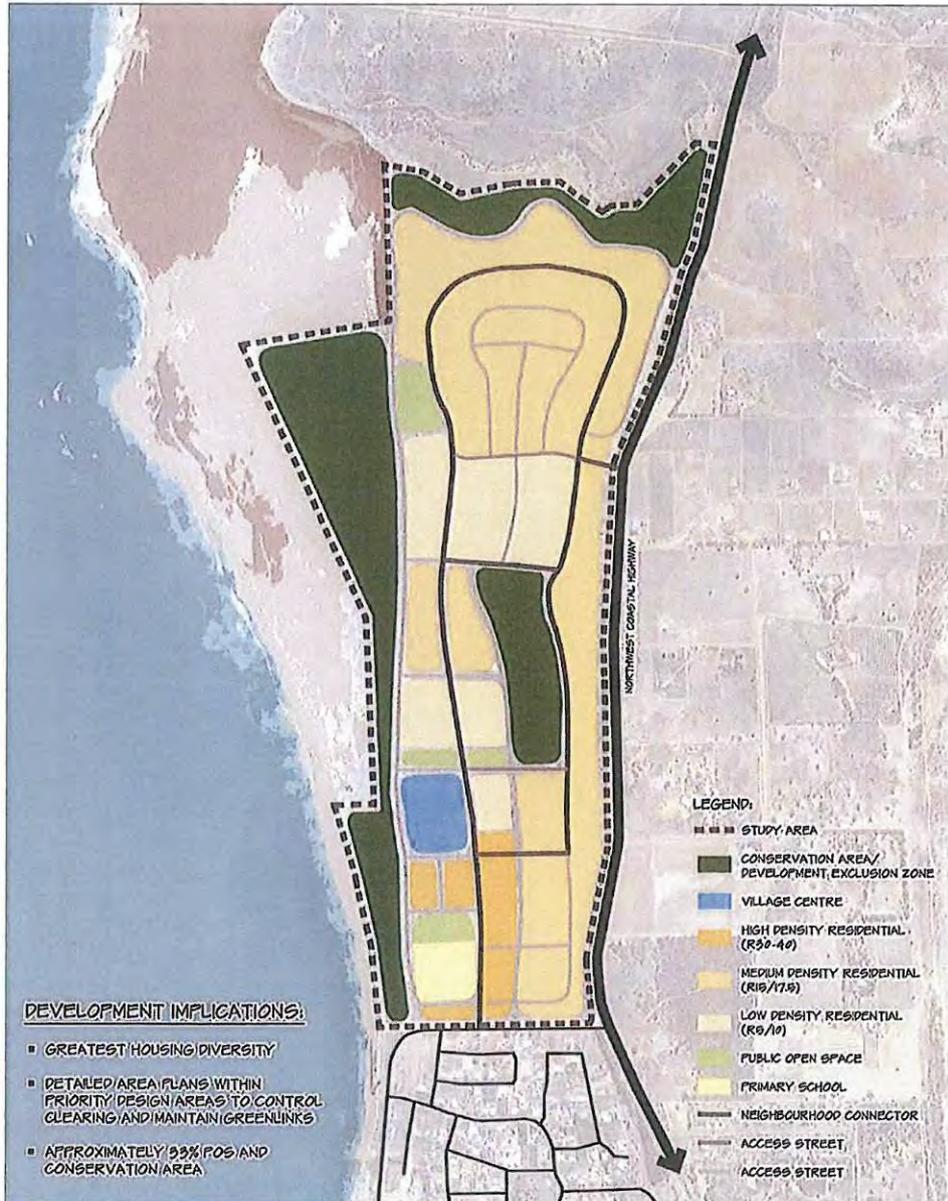


Albert Jacob MLA  
**MINISTER FOR ENVIRONMENT; HERITAGE**

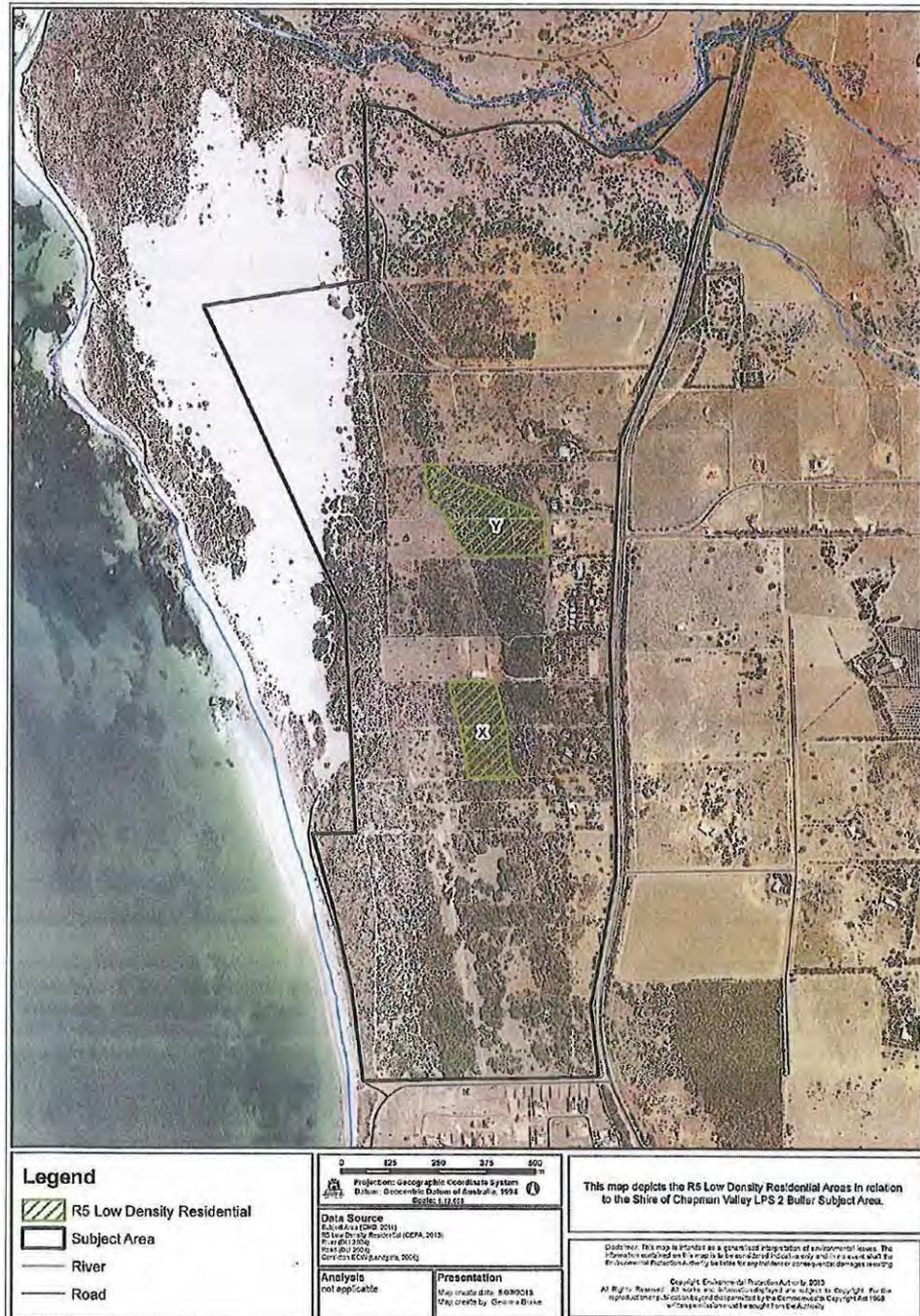
Encl

4 JUN 2013

**Attachment 1 – Concept plan 2A from the Buller Constraints Analysis**



**Attachment 2 – Low density (R5) residential areas identified by EPA**



**THIS DOCUMENT**

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Published on: 6 June 2013

Statement No: 937

**STATEMENT THAT A SCHEME MAY BE IMPLEMENTED  
(PURSUANT TO THE PROVISIONS OF DIVISION 3 OF PART IV OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

Shire of Chapman Valley Local Planning Scheme No. 2 - Lots 3, 7-12, 15-17,  
154, 156 and Street No. 1891, North West Coastal Hwy, Buller

**Scheme Purpose:** The Shire of Chapman Valley Local Planning Scheme (LPS) No. 2 – to rezone Lots 3, 7 to 12, 15 to 17, 154, 156 and Street Number 1891 (Buller Locality), North West Coastal Highway from “General Farming” to “Development” zone.

**Responsible Authority:** Shire of Chapman Valley

**Responsible Authority Address:** Lot 7 Chapman Valley Road  
NABAWA WA 6532

**Assessment Number:** 1674

**Report of the Environmental Protection Authority:** Report 1403

Subject to the following conditions, there is no known environmental reason why the Town Planning Scheme to which the above report of the Environmental Protection Authority relates should not be implemented:

**CONDITIONS TO BE INCORPORATED INTO THE SCHEME BY INSERTION OF PROVISIONS IN SCHEME TEXT**

1. Insert the following into the scheme under 4.2.3 Development Zone:
  - 1.1 The Buller “Development” zone is subject to the conditions as outlined in Schedule 10 – Environmental Conditions.
2. Insert the following conditions into the scheme under Schedule 10 – Environmental Conditions:
  - 2.1 Development within the Buller “Development” zone in relation to the conservation areas shall be generally in accordance with concept 2A as outlined in the *Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study*.

- 2.2 Any future structure plan shall identify future local scheme reserves for the purpose of conservation as outlined in concept 2A within the *Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study*.
- 2.3 Any future structure plan shall identify R5- Low Density (minimum Lot size 2000m<sup>2</sup>) residential areas as outlined in areas x and y as depicted in Figure 1.
- 2.4 Any future structure plan shall identify the areas of *Frankenia pauciflora* community on Lots 7 and 9 these areas would be subject to detailed area plans as outlined in the Western Australian Planning Commission's *Liveable Neighbourhoods* policy to address public open space, vegetation protection, future fences, building envelopes and setback of any future lots.

[Signed 5 June 2013]

Albert Jacob MLA  
**MINISTER FOR ENVIRONMENT; HERITAGE**

Attachments: Figure 1



Figure 1 – Low residential density areas

<b>AGENDA ITEM:</b>	<b>9.1.2</b>
<b>SUBJECT:</b>	<b>PROPOSED ROAD NAMING, BULLER</b>
<b>PROPONENT:</b>	<b>R. WILLIAMSON</b>
<b>SITE:</b>	<b>LOT 2 WOKARENA ROAD, BULLER</b>
<b>FILE REFERENCE:</b>	<b>A37</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/10-2, 12/2-4, 04/12-04 &amp; 09/12-7</b>
<b>DATE:</b>	<b>2 JULY 2013</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

Council resolved at its 19 September 2012 meeting to support the subdivision of Lot 2 Wokarena Road, Buller into 25 lots (ranging in area between 4,000m<sup>2</sup> and 5,463m<sup>2</sup>) and the Western Australian Planning Commission ('WAPC') issued approval for the subdivision on 8 October 2012. Site works have now commenced and the subdivider has approached the Shire seeking names for the 3 new roads that will be created by the subdivision.

#### COMMENT

Lot 2 is a cleared 11.5242ha property, with its western boundary fronting North West Coastal Highway, the northern boundary fronting the bitumen sealed Wokarena Road, and the eastern boundary fronting a currently gravel formed 300m section of Richards Road that will be sealed as part of this subdivision.

**Figure 1 - Location Plan for Lot 2 Wokarena Road, Buller**



The WAPC approved subdivision plan has been included as **Attachment 1** with this report, with 3 suggested road names marked upon it for Council's consideration. The WAPC approved Wokarena Heights Structure Plan has been included as **Attachment 2** with this report.

There are only 3 unused names remaining on the list of pre-approved road names for the South-West Ward, these being Fawcett, Mclusky and Meehan. It is suggested that, given subdivision under the Wokarena Heights Structure Plan will create at least 15 new roads as the 11 landowners undertake their respective subdivisions, Council should give consideration to a selection of road names for the structure plan area that has a common unifying theme.

Wokarena Heights rises from its western highway boundary to a ridgeline running north-south through the centre of the structure plan area providing the site with impressive views over the Indian Ocean and back towards Geraldton's CBD, the eastern portion of the structure plan area has views

of the Moresby Range to the east. It is suggested that the theme for the road names within the Wokarena Heights Structure Plan area should be based around the elevation of the site and its afforded views.

**Figure 2 – Aerial photograph of Lot 2 Wokarena Road, Buller**



**Figure 3 – View from centre of Lot 2 looking south towards Geraldton**



The Department of Land's Geographic Names Committee are responsible for the final approval of road names and ensuring that road names are not duplicated wherever possible. The Geographic Names Committee deem under their road naming guidelines that the following are not suitable:

- names of living persons;
- first names;
- derogatory or discriminatory names;
- company or commercialised names;
- names that are duplicated or similar to existing road names within a 50km radius.

A list of potential road names for the Wokarena Heights Structure Plan area (and for application to the 3 roads within Lot 2) is provided for Council's consideration and discussion purposes and should

Council wish to add or remove any road names then this can be undertaken at the 17 July 2013 meeting. However, it should be noted that in the preparation of this list that the high number of roads within the region that have ocean views or are located in proximity to the coast has made avoiding the duplication of names already used elsewhere problematic.

Coastal Vista	Heights Retreat
Crest Street	Hilltop Loop
Dusk Chase	Infinity Rise
Dune Break	Overlook Way
Elevation Loop	Ridge Drive
Endless Vista	Rise Court
Eternal Ridge	Skyline Terrace
Eventide Approach	Sundown Vista
Harbour Views	Wave View

## **STATUTORY ENVIRONMENT**

Council are required to forward its suggested road names to the Department of Land's Geographic Names Committee for consideration and final approval as per Section 26A of the *Land Administration Act 1997*:

### *"26A New subdivisions, names of roads and areas in*

- (1) If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) The local government may require the person so subdividing the land —*
  - (a) to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*
  - (b) to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.*
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.*
- (4) The Minister may —*
  - (a) approve the proposed name; or*
  - (b) direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or*
  - (c) refuse to approve the proposed name.*
- (5) A person must not —*
  - (a) assign a name to the area or road unless the name is first approved by the Minister;*
  - (b) alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.*

*Penalty: \$1 000 and a daily penalty of \$100."*

## **POLICY IMPLICATIONS**

Shire Policy 15.210 'Road Names' provides a Council pre-approved list of road names for application in the Shire of Chapman Valley and Council may wish to select the final 3 pre-approved names available for the South-West Ward for application to the 3 proposed roads.

Alternatively it is suggested that Council may wish to consider alternative names, that could derive from the surname of a person or family that has made a notable contribution to the Buller, or a name of local significance such as local flora and fauna, or a notable landscape or built form feature, or a local event.

Shire Policy 15.210 'Road Names' states:

*"Objective - To allow for the efficient allocation of appropriate names to new roads being created in the Shire, or to existing unnamed roads.*

*Policy Statement - In the case of new roads being created by subdivision, Council is supportive of proposed road names, which meet one or more of the following criteria -*

*Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, a physical feature within, adjacent to, or nearby the land.*

*Where more than three new roads are being created as part of a subdivision; names that follow a consistent theme (where this option is taken at least three new roads must follow the same thematic approach); or*

*Any name on the reserved list"*

In addition to the actual road name a road type (e.g. street, road, terrace etc.) will also need to be applied and a list of these has been included as **Attachment 3** for Council's information.

### **FINANCIAL IMPLICATIONS**

The decision of Council arising from this report will not have a budgetary impact.

### **STRATEGIC IMPLICATIONS**

The recognition of notable landmarks, local identities, local flora, local heritage places and events as road names will assist in promoting the appeal of the Shire of Chapman Valley rather than the application of more generic titles.

### **VOTING REQUIREMENTS**

Simple majority required.

### **STAFF RECOMMENDATION**

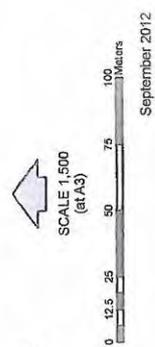
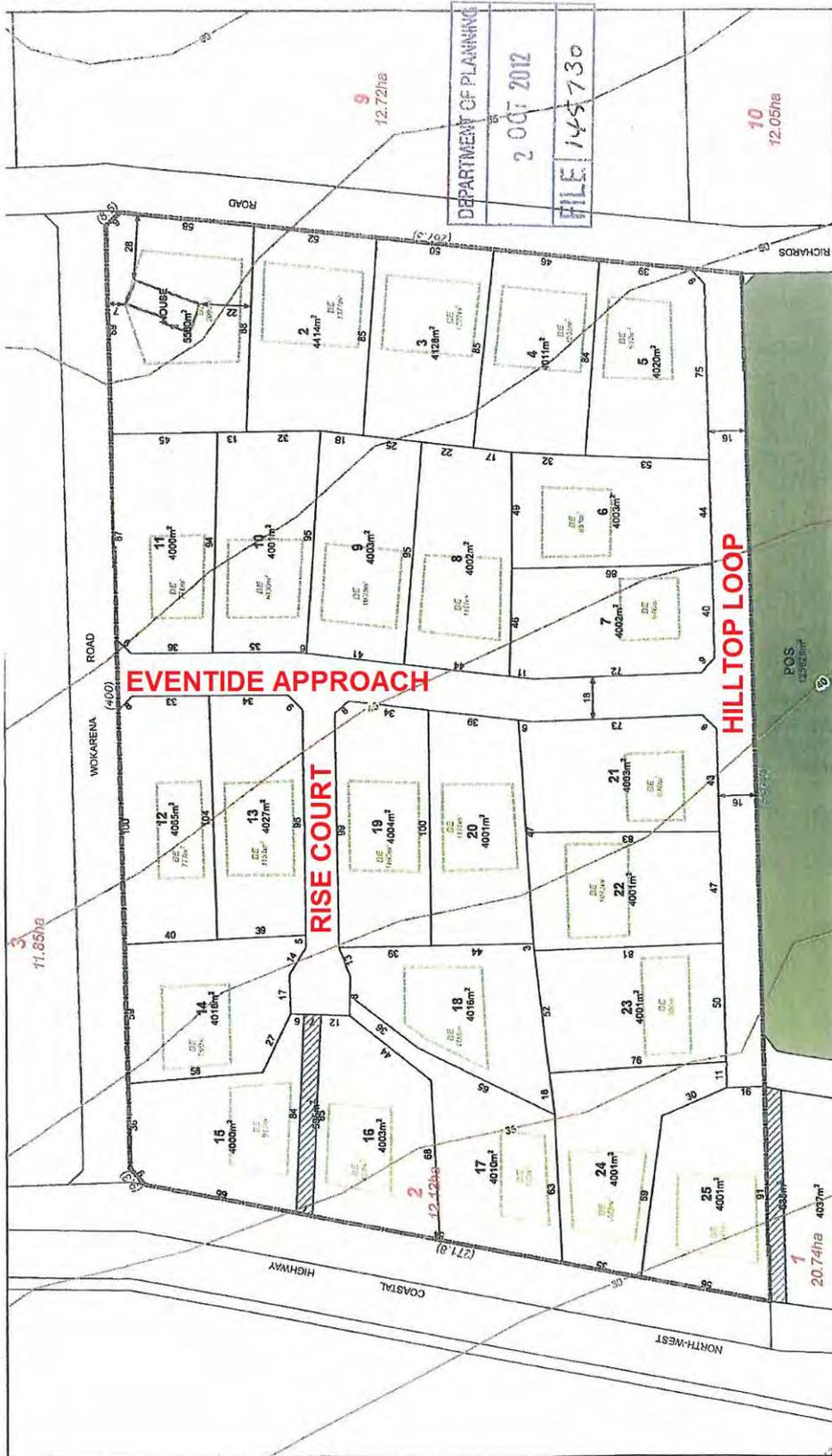
That Council advise the Department of Land's Geographic Names Committee that:

- 1 Council supports the assignation of the following road names to the 3 roads to be created upon Lot 2 Wokarena Road, Buller through WAPC subdivision 145730:

Eventide Approach  
Hilltop Loop  
Rise Court

- 2 Council seeks the pre-approval of the following road names to be applied within the Wokarena Heights Structure Plan area:

Coastal Vista  
Crest Street  
Dusk Chase  
Dune Break  
Elevation Loop  
Endless Vista  
Eternal Ridge  
Harbour Views  
Heights Retreat  
Infinity Rise  
Overlook Way  
Ridge Drive  
Skyline Terrace  
Sundown Vista  
Wave View



AREAS AND DIMENSIONS  
SUBJECT TO SURVEY

- Legend**
- Lot 2 Wokarena Road
  - R 2.5
  - Drainage
  - POS
  - Building Envelope

*Shire of Chapman Valley*  
Lot 2 Wokarena Road, BULLER

PLANWEST (WA) Pty Ltd



LEGEND:

	RESIDENTIAL (R2.5)		LOCAL STRUCTURE PLAN AREA		SUBJECT TO FUTURE DETAILED AREA PLAN (REFER TO FIGURE 13)
	ROAD RESERVE (FUTURE HIGHWAY)		FUTURE ROAD CONNECTION		ROAD CONNECTION ONLY TO BE PROVIDED IF DETERMINED NECESSARY FOR VEHICLE ACCESS AT TIME OF SUBDIVISION. IF NOT REQUIRED FOR VEHICULAR PURPOSES TO BE RETAINED AS PEDESTRIAN ACCESS WAY / SERVICE ALIGNMENT.
	PUBLIC OPEN SPACE		TEMPORARY ACCESSWAY		



LOCAL STRUCTURE PLAN AREA



PUBLIC OPEN SPACE

DRAINAGE RESERVE



ROAD CONNECTION ONLY TO BE PROVIDED IF DETERMINED NECESSARY FOR VEHICLE ACCESS AT TIME OF SUBDIVISION. IF NOT REQUIRED FOR VEHICULAR PURPOSES TO BE RETAINED AS PEDESTRIAN ACCESS WAY / SERVICE ALIGNMENT.

APPENDIX A  
ROAD TYPES—AUSTRALIA

(Normative)

The road type shall be selected from those specified as suitable for open ended roads, culs-de-sac, or pedestrian only roads (see Clauses 4.3, 4.6.2, 7.2 and 8.3.2(a)).

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Ally	Usually narrow roadway in cities or towns, often through city blocks or squares.	✓	✓	
Approach	App	Roadway leading to an area of community interest (e.g. public open space, commercial area, beach etc.)	✓		
Arcade	Arc	Passage having an arched roof, or any covered passageway, especially one with shops along the sides.			✓
Avenue	Av	Broad roadway, usually planted on each side with trees.	✓		
Boardwalk	Bwlk	Promenade or path, especially of wooden planks, for pedestrians and sometimes vehicles, along or overlooking a beach or waterfront.			✓
Boulevard	Bvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	✓		
Break	Brk	Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak.	✓		
Bypass	Bypa	Alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement.	✓		
Chase	Ch	Roadway leading down to a valley.	✓	✓	
Circuit	Cct	Roadway enclosing an area.	✓		
Close	Cl	Short, enclosed roadway.		✓	
Concourse	Con	Roadway that runs around a central area (e.g. public open space or commercial area).	✓		
Court	Ct	Short, enclosed roadway.		✓	
Crescent	Cr	Crescent-shaped thoroughfare, especially where both ends join the same thoroughfare.	✓		
Crest	Crst	Roadway running along the top or summit of a hill.	✓	✓	
Drive	Dr	Wide thoroughfare allowing a steady flow of traffic without many cross-streets.	✓		
Entrance	Ent	Roadway connecting other roads.	✓		
Esplanade	Esp	Level roadway, often along the seaside, lake or a river.	✓		

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Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Firetrail	Ftrl	Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak.	✓		
Freeway	Fwy	Express, multi-lane highway, with limited or controlled access.	✓		
Glade	Glde	Roadway usually in a valley of trees.	✓	✓	
Grange	Gra	Roadway leading to a country estate, or focal point, public open space, shopping area etc.	✓		
Grove	Gr	Roadway that features a group of trees standing together.	✓	✓	
Highway	Hwy	Main road or thoroughfare, a main route.	✓		
Lane	Lane	Narrow way between walls, buildings or a narrow country or city roadway.	✓	✓	
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	✓		
Mall	Mall	Sheltered walk, promenade or shopping precinct.			✓
Mews	Mews	Roadway in a group of houses.		✓	
Parade	Pde	Public promenade or roadway that has good pedestrian facilities along the side.	✓		
Parkway	Pwy	Roadway through parklands or an open grassland area.	✓		
Passage	Psge	Narrow street for pedestrians.			✓
Path	Path	Roadway used only for pedestrian traffic.			✓
Place	Pl	Short, sometimes narrow, enclosed roadway.		✓	
Plaza	Plza	Roadway enclosing the four sides of an area forming a market place or open space.		✓	
Promenade	Prom	Roadway like an avenue with plenty of facilities for the public to take a leisurely walk, a public place for walking.	✓		
Quays	Qys	Roadway leading to a landing place alongside or projecting into water.	✓		
Ramp	Ramp	Access road to and from highways and freeways.	✓		
Retreat	Rtt	Roadway forming a place of seclusion.		✓	
Ridge	Rdge	Roadway along the top of a hill.	✓		
Rise	Rise	Roadway going to a higher place or position.	✓	✓	
Road	Rd	Open way or public passage primarily for vehicles.	✓		
Square	Sq	Roadway bounding the four sides of an area to be used as an open space or a group of buildings.	✓	✓	
Steps	Stps	Route consisting mainly of steps.			✓

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Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Street	St	Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.	✓		
Subway	Sbwy	Underground passage or tunnel that pedestrians use for crossing under a road, railway, river etc.			✓
Terrace	Tee	Roadway usually with houses on either side raised above the road level.	✓	✓	
Track	Trk	Roadway with a single carriageway. A roadway through a natural bushland region. The interpretation for both Track and Trail is limited to roadways, whereas in many areas (e.g. Tasmania) these are often associated with walking rather than vehicular movement.	✓		
Trail	Trl	See 'Track'.			
View	View	Roadway commanding a wide panoramic view across surrounding areas.	✓	✓	
Vista	Vsta	Roadway with a view or outlook.	✓	✓	
Walk	Walk	Thoroughfare with restricted access used mainly by pedestrians.			✓
Way	Way	Roadway affording passage from one place to another. Usually not as straight as an avenue or street.	✓		
Wharf	Whrf	A roadway on a wharf or pier.	✓	✓	✓

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<b>AGENDA ITEM:</b>	<b>9.1.3</b>
<b>SUBJECT:</b>	<b>REGIONAL DEVELOPMENT AUSTRALIA FUND</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>RESERVE 15203 CHAPMAN VALLEY ROAD, NABAWA LOT 3 CHAPMAN VALLEY ROAD, NABAWA RESERVE 13226 EAST TERRACE, NANSON</b>
<b>FILE REFERENCE:</b>	<b>R15203, 801.01 &amp; 801.12</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>9 JULY 2013</b>
<b>AUTHOR:</b>	<b>KATHRYN JACKSON</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

The Shire of Chapman Valley has been invited to submit an application under Regional Development Australia Fund (Round Five) by 22 July 2013. The Shire's Notional Allocation is \$48,464. This report recommends that Council endorse the prepared application to fund the following 3 projects:

- Nabawa Cemetery Entry Statement;
- Nabawa Playgroup Shadesails; &
- Nanson Museum Arbour Improvements.

## COMMENT

Regional Development Australia Fund (Round Five) is an allocative funding round and assessment of applications will be administered by the Federal Department of Regional Australia, Local Government, Art and Sports.

Eligible projects should be shovel-ready and given the tight timeframe Shire staff have prepared the application utilising three community requested projects that have previously been considered by Council but did not receive an allocation in the final review of the 2012/2013 Council budget.

The three projects all have merit and have been selected as they are able to be commenced immediately, have been accurately costed, have been requested previously by the community and would fit with the overall plans for each of these facilities. The three projects would also contribute in different ways to the community with the Nabawa Cemetery Entry Statement assisting in recognising the heritage of the community and the contribution of the pioneers and those who have served Australia in times of war, the Nabawa Playgroup Shadesails would improve the early childhood and educational programs available in the community, and the Nanson Museum Arbour Improvements would enhance the tourism and recreational appeal of a community asset.

The Federal Department criterion for this funding round require that eligible projects must be:

- *Projects must be for the construction of new infrastructure, or the refurbishment or upgrade to existing infrastructure.*
- *Projects must be 'investment ready' i.e. the project must be completed no later than 31 December 2016. The project must also be ready to commence construction within 12 months of the execution of the Funding Agreement between the applicant and the Commonwealth.*
- *Projects must be maintained for a period of not less than five years following completion of the project.*
- *Single projects or a package of smaller projects will be supported. There is no limit on the number of projects that may be submitted, however all projects must be included in a single application and, subject to approval, will form a single Funding Agreement between the applicant and the Commonwealth."*

Projects must also provide community benefit, economic growth, or support the environment as follows:

- *develop the community, i.e. projects that support or enhance social capital and regional liveability through the construction, expansion or refurbishment of community facilities, infrastructure to support housing, streetscapes and civic upgrades, or facilities to support the disadvantaged.*
- *support economic growth, i.e. by sustaining existing growth, enhancing productivity and innovation, supporting industry diversification and value-added activities, contributing to new investment, creating sustainable jobs, exploiting export opportunities, or facilitating workforce re-training and skills development, and/or*
- *support the environment, i.e. projects that support a transition to clean energy, sewerage upgrades, efficient storage, transformation and use of water, or the effective disposal of waste.”*

The application must demonstrate that the project is viable by providing:

*“Evidence of approvals—that approvals are in place, applied for, or otherwise expected to be received to allow the commencement of construction within 12 months of entering into a Funding Agreement with the Commonwealth.*

*Evidence of co-contributions—that the project will be fully funded through commitment of partnership contributions in cash or in-kind.*

*Evidence of planning—that the project will be delivered on time and to budget. This will be achieved through the provision of supporting documents, per 3.2 of these Guidelines.*

*Evidence of costing—that the project has been appropriately costed. The level and detail of the costing, and procurement processes, should be commensurate with the value of the project.”*

A copy of the prepared grant application has been provided to Councillors as a separate attachment to this report. The Department has emphasised that valid supporting documentation should be attached to applications and that not providing these documents will have an impact on the Department's ability to assess the application and establish a Funding Agreement.

## **STATUTORY ENVIRONMENT**

The application will be signed by the Shire's signatory (the Chief Executive Officer or equivalent) to legally authorise the application and declare conflicts of interest.

## **POLICY IMPLICATIONS**

Shire of Chapman Valley Policy 5.140 – Grant Applications requires as follows:

- 1 *Original idea raised with Council once staff have completed initial investigative work, possible funding source, approximate Budget etc.*
- 2 *Council endorse or reject the project. If endorsed go to 4, if rejected 3.*
- 3 *Concerned Members of the Community (if any) to be written to advising them of the Council decision. No further action required by Council staff.*
- 4 *Funding submission prepared and submitted when funding round opens or funding source becomes available. This could potentially be up to 12 months after Council agreed to endorse the decision to seek funding depending on funding rounds etc.*
- 5 *A copy of the completed funding application is provided to Council for information purposes.*
- 6 *The advice of funding (approved fully or partially or rejected) is to be brought to Councils information when this advice is received and Council to formally resolve to accept or reject the funding as potentially time has passed and circumstances, needs and wants may have changed. If Council resolved to accept the funding go to 7. If Council resolved to reject the funding go to 8.*

7 A letter is to be written to the funding body thanking them for the funding and advising them that Council resolved to accept the funding and the terms and conditions of the grant.

8 A letter is to be written to the funding body thanking them for the funding and explaining that Council no longer wishes to proceed with the project / projects.

*Ordinary Council operating Grants such as Federal Financial Assistance Grants (FAGS), Royalty for Regions, Roads to Recovery and Regional Road Groups are to be exempt from the process and Council is to continue to have influence over these grants by way of budget adoption / amendments as has been the case in the past."*

#### **FINANCIAL IMPLICATIONS**

The works being applied for would be listed in the 2013/2014 budget as externally funded.

#### **STRATEGIC IMPLICATIONS**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists the following Community Strategies to achieve a stronger, inclusive community outcome and the prepared grant application would assist in meeting these.

*"Maintain existing services and facilities"*

*"Improve early childhood education and schooling options"*

*"Develop community facilities to provide gathering places, including community centre, swimming pools."*

#### **VOTING REQUIREMENTS**

Simple majority of Council.

#### **STAFF RECOMMENDATION**

That Council make application under Regional Development Australia Fund (Round Five) by 22 July 2013 to fund the following 3 projects:

- Nabawa Cemetery Entry Statement;
- Nabawa Playgroup Shadesails; &
- Nanson Museum Arbour Improvements.

<b>AGENDA ITEM:</b>	<b>9.1.4</b>
<b>SUBJECT:</b>	<b>YUNA MULTI-PURPOSE COMMUNITY CENTRE</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>LOT 10404 BAWDEN LANE, YUNA</b>
<b>FILE REFERENCE:</b>	<b>A1796</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/06-9, 04/11-28, 09/12-23 &amp; 03/13-11</b>
<b>DATE:</b>	<b>5 JULY 2013</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

The Shire of Chapman Valley has been exploring a range of funding opportunities to realise the Yuna Multi-Purpose Community Centre and many of the potential funding agencies require some level of Shire financial contribution to the project to approve grant applications. This report recommends that Council list a financial amount drawn from its Building Reserve Account as its part contribution towards the Yuna Multi-Purpose Community Centre project.

**COMMENT**

Council resolved at its 16 May 2006 meeting to accept the offer of the Yuna Hall Social Recreation Committee Inc. of Yuna to transfer ownership of Lot 10404 (containing the Yuna Hall, tennis courts and clubhouse, grassed play area and toilet blocks) to the Shire of Chapman Valley. The transfer of Lot 10404 to the Shire was completed on 10 October 2012.

**Figure 1 – Aerial Photograph of subject area**



Council resolved at its 20 April 2011 meeting to support in principle the Yuna Community and Creating a Better Yuna ('CABY') for a Multi-Purpose Community Centre to be established in Yuna, without committing financially, and accept the offer to be on a committee for the future planning of the centre.

Council resolved at its 19 September 2012 meeting to direct the Community Development Officer to prepare a Business Plan with attached construction costings for the proposed Yuna Multi-Purpose Community Centre. The Yuna Multi-Purpose Community Centre Business Plan was subsequently prepared and brought together all research, investigations, construction costs, building floor plan, stakeholders, funding strategy and a maintenance plan.

Council resolved at its 20 March 2013 meeting as follows:

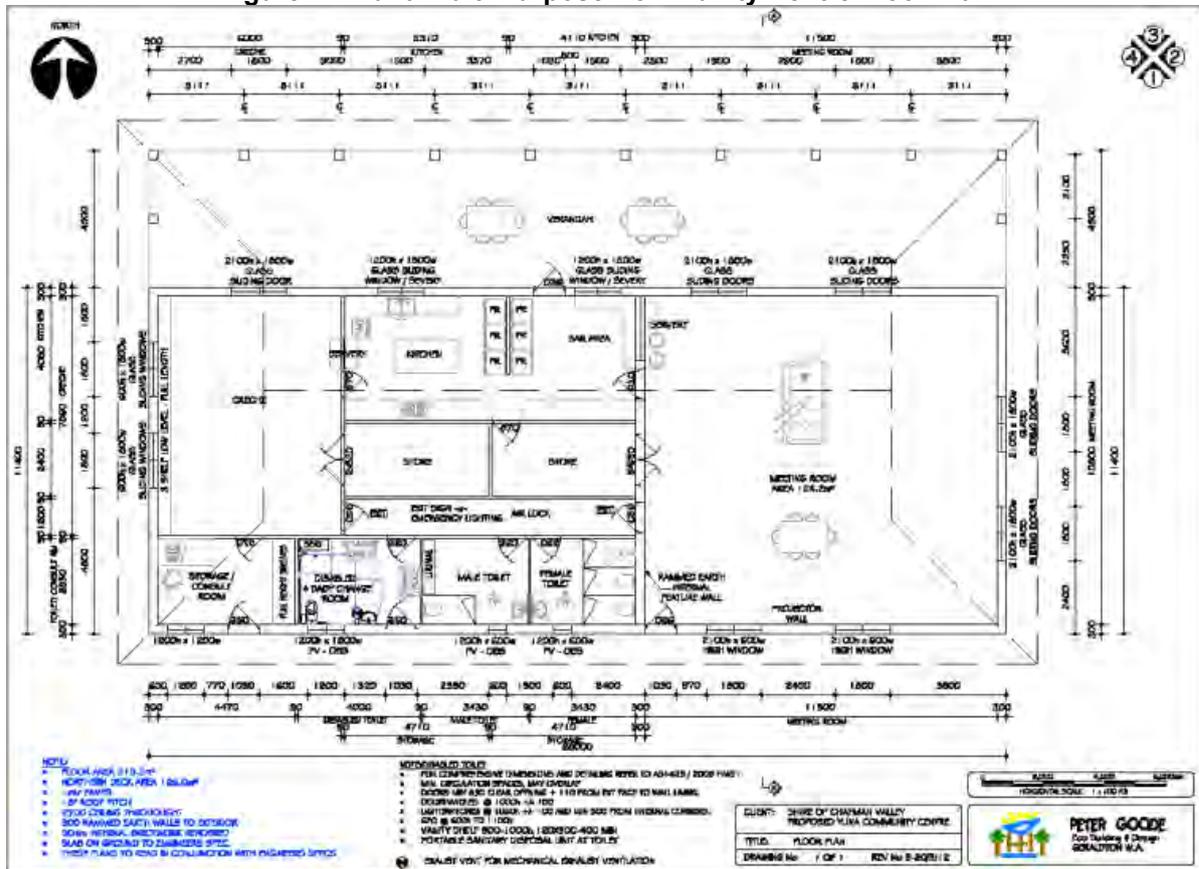
*“That Council formally endorse the Yuna Multipurpose Community Centre Business Plan.*

*That Council endorse final floor plan of the building and permit Shire staff to acquire firm surveyed quotes and architect drawings using remaining funds allocated from Council’s budget.*

*As per Council Grants Application Policy, the Chief Executive Officer and Community Development Officer be approved to apply for funding for the Yuna Community Centre where available. Should Council matching funds be required, the matter will be brought back to Council for further consideration.”*

Given the indication that some level of Shire financial contribution will be required towards the construction of the building for it to be successful in its grant applications, this matter has been returned for further consideration in line with Council’s 20 March 2013 resolution.

**Figure 2 – Yuna Multi-Purpose Community Centre Floor Plan**



**STATUTORY ENVIRONMENT**

The Shire of Chapman Valley Annual Report identifies that the Building Reserve is set for the purpose of “the construction of staff housing or capital upgrades of existing housing”. However, it is considered appropriate that this reserve should also be considered and utilised on merit by Council for Shire buildings in general (e.g. Yuna Multi-Purpose Community Centre, potential building upon Parkfalls Park, or Shire office extension).

Section 6.11 of the *Local Government Act 1995* addresses the use of funds from a Reserve Account as follows:

#### *“6.11 Reserve accounts*

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) Subject to subsection (3), before a local government —
  - (a) changes\* the purpose of a reserve account; or*
  - (b) uses\* the money in a reserve account for another purpose, it must give one month’s local public notice of the proposed change of purpose or proposed use.**\* Absolute majority required.**
- (3) A local government is not required to give local public notice under subsection (2) —
  - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
  - (b) in such other circumstances as are prescribed.**
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.”*

Under Section 6.11.3(2)(a) of the *Local Government Act 1995* should Council consider it appropriate that an allocation be included in the 2013/2014 budget for the Yuna Multi-Purpose Community Centre then it should resolve so by an absolute majority but is not required to give prior public notice.

#### **POLICY IMPLICATIONS**

Shire of Chapman Valley Policy 5.30 ‘Donations and Grants’ notes that:

*“Any application made to Council from any Club, or Organisation, seeking the provision of a cash contribution shall be in accordance with, as well as accompanied by, the following information -*

- as a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part);*
- Council will be seeking evidence of procurement of, or attempted procurement of, Government grant monies;*
- it must be demonstrated that Council funding is necessary to the success of the project;*
- funds will only be permitted to be used for projects upon land under the care, or control, of Council; unless it otherwise determines;*
- detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided;*
- detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements;*
- where Council considers the information as provided in accordance with the above to be satisfactory, the provision of any funds will be in accordance with the following;*
- payment will only be made at the conclusion of the project, and then only in strict accordance with the determination as to amount and conditions as set by Council; unless otherwise agreed upon;*
- Council reserves the right to approve/decline any application irrespective of previous decisions of a similar nature and no prior decision in any way or manner can be construed as setting a precedent.”*

The allocation of Shire funds to assist in the securing of grants for the Yuna Multi-Purpose Community Centre would be an appropriate use of Shire resources under its policy requirements.

## FINANCIAL IMPLICATIONS

The Community Development Officer has consulted various funding organisations who have offered support and given guidance to their level of funds available to the project. The received feedback has been that collaboration between all funding organisations is important as well as some level of financial commitment from the proponent.

The Shire's Building Reserve Fund presently contains \$650,717 as of 31 May 2013 and it is considered appropriate that an amount of \$100,000 be considered as the Shire's contribution towards the Yuna Multi-Purpose Community Centre project in the event that the Shire is successful in its grant applications.

The initial indicative cost for the completion of the Yuna Multi-Purpose Community Centre was projected in the Business Plan to be \$750,000 (GST exclusive) which included plumbing, electrical work and fit-out of building. The Business Plan proposed a Shire cash component of \$32,500 to address costs associated with approvals, site survey, building construction (contribution), landscaping, machinery and staff. As the costings contained within the Business Plan were estimated 12 months ago, allowances have been made for increase in costs as well as contingencies and a draft project budget for \$835,000 is provided below. The allocations contained within the draft project budget are based on prepared grant applications and discussion with government agencies and are not formally confirmed figures at the present time. It is considered that the Shire's financial contribution to the project should be made subject to the awarding of grants from external agencies.

Item of Expenditure	Financial allocation	Source of Funds	Current Status
Building construction	\$200,000	Lotterywest	Submission pending
Sporting elements of building construction	\$185,000	Department Sport & Recreation	Submission being developed
Building construction, Approvals, site survey, Building construction, landscaping, machinery and staff project management	\$100,000	Shire of Chapman Valley	Council consideration
Building construction, sand, gravel, labour, landscaping	\$100,000	Creating A Better Yuna & Yuna Farm Improvement Group	Secured
Building construction	\$250,000	MWDC Investment Plan - Royalties For Regions	Pending
<b>Total Cost</b>	<b>\$835,000</b>		

(Additional sources of funding being explored)

Rammed Earth & Solar	\$50,000	Department for Climate Change & Energy Efficiency	Contingency funds Waiting opening of funding round
Building construction	\$50,000	Department of Local Government	Contingency funds Funding or loan not yet secured

## STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists the following Community Strategy to achieve a stronger, inclusive community outcome:

*“Develop community facilities to provide gathering places, including community centre, swimming pools.”*

The Shire of Chapman Valley Corporate Business Plan 2013-2017 adopted by Council at its 19 June 2013 meeting lists the following future priority for consideration:

*“Development of the Yuna Community Centre to consolidate and enhance the community facilities for the eastern section of the Shire.”*

**VOTING REQUIREMENTS**

Absolute Majority required.

**STAFF RECOMMENDATION**

That Council list in the 2013/2014 budget an amount of \$100,000 as its financial contribution towards the Yuna Multi-Purpose Community Centre drawn from the Building Reserve Funds, and for this amount to be transferred into the Municipal Fund in the event that the applications for funding of the Yuna Multi-Purpose Community Centre are successful.

<b>AGENDA ITEM:</b>	<b>9.1.5</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION, NABAWA</b>
<b>PROPONENT:</b>	<b>P &amp; M BARNETSON</b>
<b>SITE:</b>	<b>LOT 6989 WHITEHURST TETLOW ROAD, NABAWA</b>
<b>FILE REFERENCE:</b>	<b>A1777</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>8 JULY 2013</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

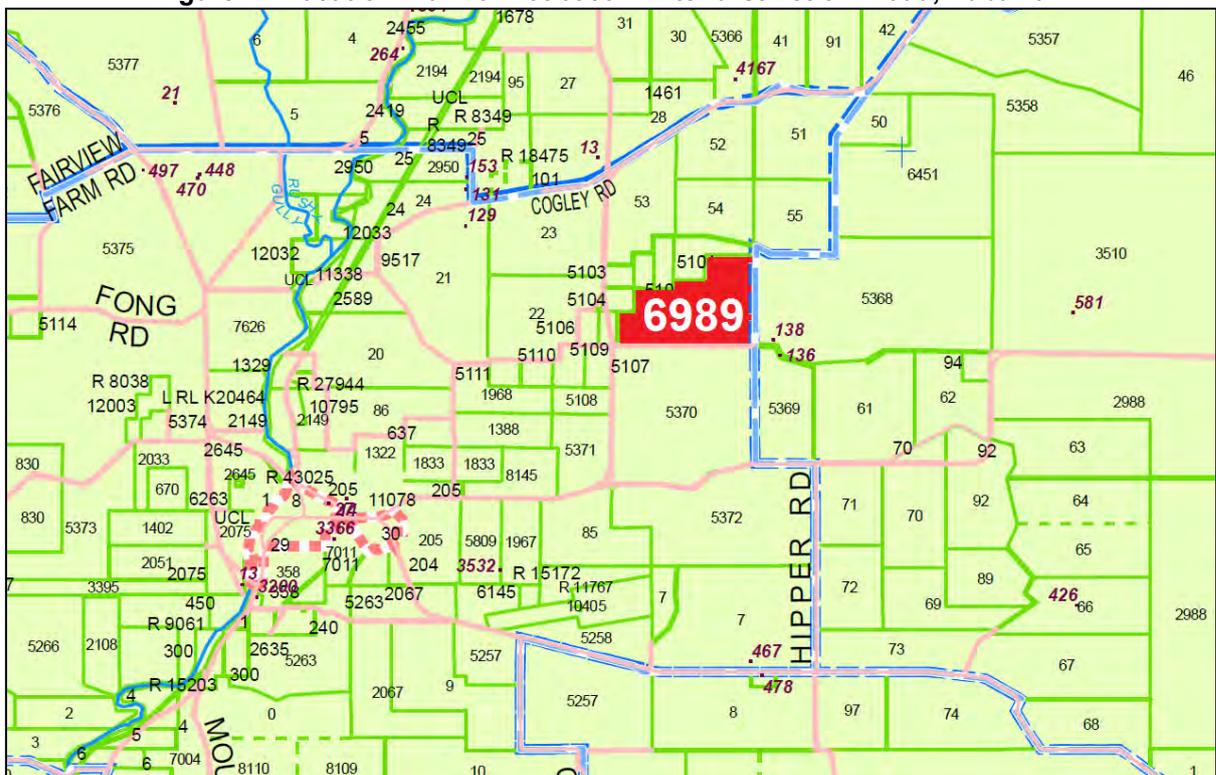
**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to subdivide Lot 6989 Whitehurst Tetlow Road, Nabawa. This report recommends that the applicant be given the opportunity to submit further information in support of their subdivision application.

**Figure 1 - Location Plan for Lot 6989 Whitehurst Tetlow Road, Nabawa**



**COMMENT**

Lot 6989 is a 111.904ha property located 4km north-east of the Nabawa townsite that has been previously cleared for farming purposes, and contains a residence and outbuildings located approximately 80m north of Whitehurst Tetlow Road.

The landowner seeks to excise the residence and the closest outbuilding onto a 1.416ha lot leaving a balance lot of 111.904ha. The larger outbuildings and silos in close proximity to the residence are proposed to be retained upon the balance lot.

The submitted subdivision plan has been included as **Attachment 1** for Council's further information.

**Figure 2 – Aerial Photograph of Lot 6989 Whitehurst Tetlow Road, Nabawa**



**Figure 3 – View of residence upon Lot 6989 looking north from Whitehurst Tetlow Road**



The applicant has not submitted any supporting information with their application and it is considered unlikely that the WAPC would approve the application in the absence of further justification.

#### **STATUTORY ENVIRONMENT**

Lot 6989 Whitehurst Tetlow Road, Nabawa is zoned 'General Farming' under Shire of Chapman Valley Town Planning Scheme No.1 and the corresponding 'Rural' zone under draft Scheme No.2.

The Policy Statement under the Scheme for the 'General Farming' zone is as follows:

*“This zone embraces the broad acre farming areas of the Shire. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non-farming use is proposed on the amount of land required for that purpose.”*

The ‘General Farming’ Zoning and Development Table identifies that the minimum lot area for this zone should be “based on locally acceptable farm units” and have a minimum effective frontage of 200m. Proposed Lot B being 1.416ha in area and having a 120m road frontage could not be considered to meet these requirements.

Section 3.2.9 ‘General Farming Zone Policy’ of Scheme No.1 notes that:

*“In considering applications for Subdivision, Rezoning, or Planning Consent within this zone, Council shall in addition to the general provisions of the Scheme, have regard to:*

- (i) The specific provisions relating to this zone as laid down in the Zoning and Development Table.*
- (ii) The specific provisions relating to development within the Chapman, Greenough and Buller River Flood Plains as specified in section 3.1.17 of the Text.*
- (iii) The General Policy for Coastal Management as specified in section 3.2.8 of the Text.*
- (iv) The objectives detailed below, which are considered relevant by Council, in order to preserve and protect the integrity and maintain a proper balance within the General Farming Zone:*
  - (a) the need to ensure that a legal right of vehicular access exists to any land, which is the subject of any application for Planning consent or Building License Approval;*
  - (b) the need to ensure that the economic viability of rural land use generally is protected via support only for subdivision or re-subdivision which enables the retention or promotion of lot or location sizes, which relate to the predominant general farming activity, in any particular locality of the Shire;*
  - (c) the need to preserve the rural character and rural appearance of the land included within this zone;*
  - (d) the need to ensure that the services located in any particular area can meet any additional demands that a development proposal could generate;*
  - (e) the need to preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any Planning Consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna.”*

## **POLICY IMPLICATIONS**

Lot 6989 Whitehurst Tetlow Road, Nabawa is located within Precinct No.2 – ‘East Chapman’ of the Shire of Chapman Valley Local Planning Strategy (2008).

The stated Vision for Planning Precinct No.2 is:

*“Utilising opportunities for agricultural diversification whilst ensuring the continued sustainable production from broadacre agriculture.”*

The proposed subdivision could be considered contrary to the following community and environmental objectives of Planning Precinct No.2:

*“2.1.1 Discourage the fragmentation of rural landholdings through the provision of subdivision policy and the introduction of minimum lot sizes.”*

*“2.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls.”*

The Local Planning Strategy provides the following in guidance in relation to subdivision within Precinct No.2:

*“Council may support the subdivision/amalgamation of land within this Precinct, having due regard to the objectives of the Precinct, in the following circumstances:*

- (a) For extensive agricultural uses including grazing and/or cropping where the lots proposed are not less than 250 hectares.*
- (b) In exceptional circumstances where lots proposed are less than 250 hectares and are suitable for extensive agricultural uses including grazing and/or cropping, subject to the compliance with the relevant provisions of WAPC Policy DC 3.4 – Subdivision of Rural Land.*
- (c) For intensive agricultural uses where there is confirmation of suitable soil suitability and adequate water supply for the intended use and the lots proposed are not less than 80 hectares.*
- (d) For the relocation of lot boundaries that achieves improvements in environmental conditions and/or land management practices without adversely affecting the existing use of the land.*
- (e) Where an established and sustainable rural industry or agricultural pursuit is to be excised from the larger land holding (e.g. grain storage facility, abattoir, chicken/egg farm, winery, marron farm etc.) PROVIDED impact/conflict issues with surrounding land use/development are addressed (e.g. buffers).*
- (f) Where it is demonstrated that there is a substantial, sustainable and beneficial gain in environmental repair, protection and preservation of land for conservation purposes in accordance with criteria for conservation lots outlined in WAPC Policy DC 3.4.”*

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

The WAPC have the following policies relevant to this application:

- Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning; &
- Development Control Policy 3.4 - Subdivision of Rural Land.

State Planning Policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the *Planning and Development Act 2005*. The WAPC and Local Governments must have due regard to the provisions of State Planning Policies when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of State Planning Policies when determining appeals. Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning was gazetted on 12 March 2002.

Statement of Planning Policy No.11 lists four key objectives, and in the absence of further supporting information from the applicant the WAPC may consider the proposed subdivision of Lot 6989 contrary to these objectives.

*“The four key objectives of the policy are:*

- 1 Protect agricultural land resources wherever possible by -*
  - (a) discouraging land uses unrelated to agriculture from locating on agricultural land;*
  - (b) minimising the ad hoc fragmentation of rural land; and*
  - (c) improving resource and investment security for agricultural and allied industry production.*
- 2 Plan and provide for rural settlement where it can -*
  - (a) benefit and support existing communities; and*
  - (b) have access to appropriate community services and infrastructure.*
- 3 Minimise the potential for land use conflict by -*

- (a) *providing adequate separation distance between potential conflicting land uses;*
  - (b) *introducing management requirements that protect existing agricultural land uses;*
  - (c) *identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and*
  - (d) *avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.*
- 4 *Carefully manage natural resources by -*
- (a) *discouraging development and/or subdivision that may result in land or environmental degradation*
  - (b) *integrating land, catchment and water resource management requirements with land use planning controls;*
  - (c) *assisting in the wise use of resources including energy, minerals and basic raw materials;*
  - (d) *preventing land and environmental degradation during the extraction of minerals and basic raw materials; an*
  - (e) *incorporating land management standards and sequential land use change in the land use planning and development process.”*

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy No.1 State Planning Framework. Development Control Policy 3.4 is used by the WAPC as the basis for determining applications for the subdivision of rural land.

WAPC Policy No.3.4 has a general presumption against the subdivision of rural land but makes some provision as follows:

*“4.1 Retention of rural character and agricultural landholdings*

*It is WAPC policy that, in the absence of the planned provision for closer settlement and more intensive agricultural uses, existing large rural lots be retained for broadacre and traditional forms of farming and that the fragmentation of rural land and loss of rural character through piecemeal, unplanned subdivision not be permitted.*

*The following forms of subdivision are not fragmentation, do not result in loss of rural character and may be permitted:*

- (a) *To realign lot boundaries for farming purposes and/or for access to landlocked lots, with no increase in the number of lots.*
- (b) *To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.*
- (c) *To protect and actively conserve places of cultural and natural heritage.*
- (d) *To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.*
- (e) *To allow for the continued occupation of existing houses when they are no longer used in a farming operation.*
- (f) *For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with policy and are necessary in the public interest.*

*The WAPC will exercise its judgement and discretion in applying criteria 4.2-4.9 when assessing the merits of an application for the subdivision of rural and agricultural land.*

*4.2 Prevailing lot sizes*

*In broadacre farming areas large lots may be subdivided to create lots which are consistent with the size of lots used for farming in the locality and allow for continued broadacre farming. Neither lots created in the early days of settlement nor tied lots will be used in determining prevailing lot sizes in a locality or for creating a precedent for further subdivision.*

*4.3 Significant physical division*

*The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes.*

#### *4.4 Public utilities and ancillary uses*

*New lots for existing or proposed specific non-rural land uses such as recreation facilities, public utilities and quarries or uses ancillary to the rural use of the land such as abattoirs and canning works may be created through subdivision.*

#### *4.5 Boundary realignments*

*Lot boundaries which are poorly aligned with natural or constructed features and/or which result in encroachments may be corrected through minor boundary realignments.*

#### *4.6 Farm rationalisation*

*Multiple lots in one ownership may be rationalised through boundary realignments to improve farm management and/or to provide access to landlocked lots provided that:*

- (a) the new lot pattern is consistent with the objectives of the policy;*
- (b) no additional lots are created;*
- (c) the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses;*
- (d) former road reserves and small remnant portions of lots are not lots for the purpose of boundary rationalisation.*

#### *4.7 Conservation of heritage buildings and places*

*Lots may be created to facilitate the conservation of a heritage building or place provided that:*

- (a) the building, object or place is listed in the State Register of Heritage Places, on the heritage list in the local planning scheme, or has been assessed by a recognised heritage consultant as warranting heritage protection;*
- (b) the subdivision is supported by the local government;*
- (c) the local government and landowner enter into a legal agreement, binding on successive owners in title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and*
- (d) the allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of neighbouring uses.*

#### *4.8 Conservation of biodiversity and natural heritage*

*Conservation lots may be created to preserve significant environmental features and remnant vegetation provided that:*

- (a) The vegetation has been identified and agreed as worthy of protection in an approved strategy, catchment plan, or a specific assessment carried out by an appropriate expert on behalf of the subdivider in accordance with the principles for clearing native vegetation contained in schedule 5 of the Environmental Protection Act 1986 (appendix 4).*
- (b) The Department of Environment and Conservation, National Trust of Australia (WA) or another relevant agency has provided advice endorsing the suitability of the lot for the intended purpose of retaining environmental values including the adequacy of the area if it is less than 40ha, and has provided in-principle agreement to administer the necessary conservation covenant.*
- (c) Generally at least 85 per cent of the area of the conservation lot has high environmental values or is covered by native or regenerated vegetation and/or wetland.*
- (d) The proposed conservation lot has an appropriate shape having regard for the native vegetation, natural features, bush fire management, farm management and existing or proposed structures.*
- (e) A conservation covenant in perpetuity with the Department of Environment and Conservation, the National Trust of Australia (WA) or an alternative authority acceptable to the WAPC is registered on the certificate of title and that covenant includes provisions that:
  - (i) prohibit further clearing (other than for necessary land management requirements);*
  - (ii) clearly delineate a building envelope and/or building exclusion area also shown on the subdivision plan; and*
  - (iii) prohibit stocking outside any existing cleared area.**
- (f) The remaining agricultural lot:
  - (i) has sufficient area to be capable and suitable for agricultural use; and**

- (ii) *retains, where practical, native or regenerated vegetation as an integral part of sustainable farming, provided that this does not result in the division of significant vegetation in order to include a portion of that vegetation in the agricultural lot.*

*The creation of more than one conservation lot is likely to be inconsistent with the objectives of this policy. Landowners wishing to create multiple conservation lots should seek to do so through rezoning rural land for conservation themed rural-residential or rural-smallholdings with conservation covenants and building envelopes specified.*

*The creation of conservation lots shall continue to be considered in the Leeuwin-Naturaliste Ridge policy area in accordance with State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (land use strategy 3.4 and 3.8).*

#### **4.9 Homestead lots**

*Homestead lots may be created to enable an existing house on a farm to continue to be occupied provided that:*

- (a) *the land is in the Wheatbelt agricultural policy area (refer to appendix 3);*
- (b) *the population in the locality is declining or relatively static;*
- (c) *the homestead lot has an area between 1 and 4ha, or up to 20ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;*
- (d) *there is an adequate water supply for domestic, land management and fire management purposes;*
- (e) *the homestead lot fronts a constructed public road;*
- (f) *the homestead lot contains an existing residence; and*
- (g) *a homestead lot has not been excised from the farm in the past.”*

Given that the lot is not specifically listed as being appropriate for subdivision within the Local Planning Strategy, does not contain a site identified on the Shire's Municipal Inventory of Heritage Places, and is not dissected by an artificial feature (e.g. road, railway, pipeline etc.) there does not appear to be grounds for approval of the subdivision other than under the provision of a 'homestead lot'.

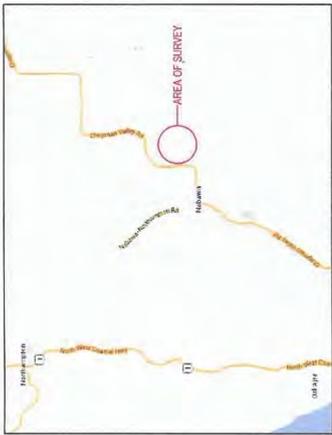
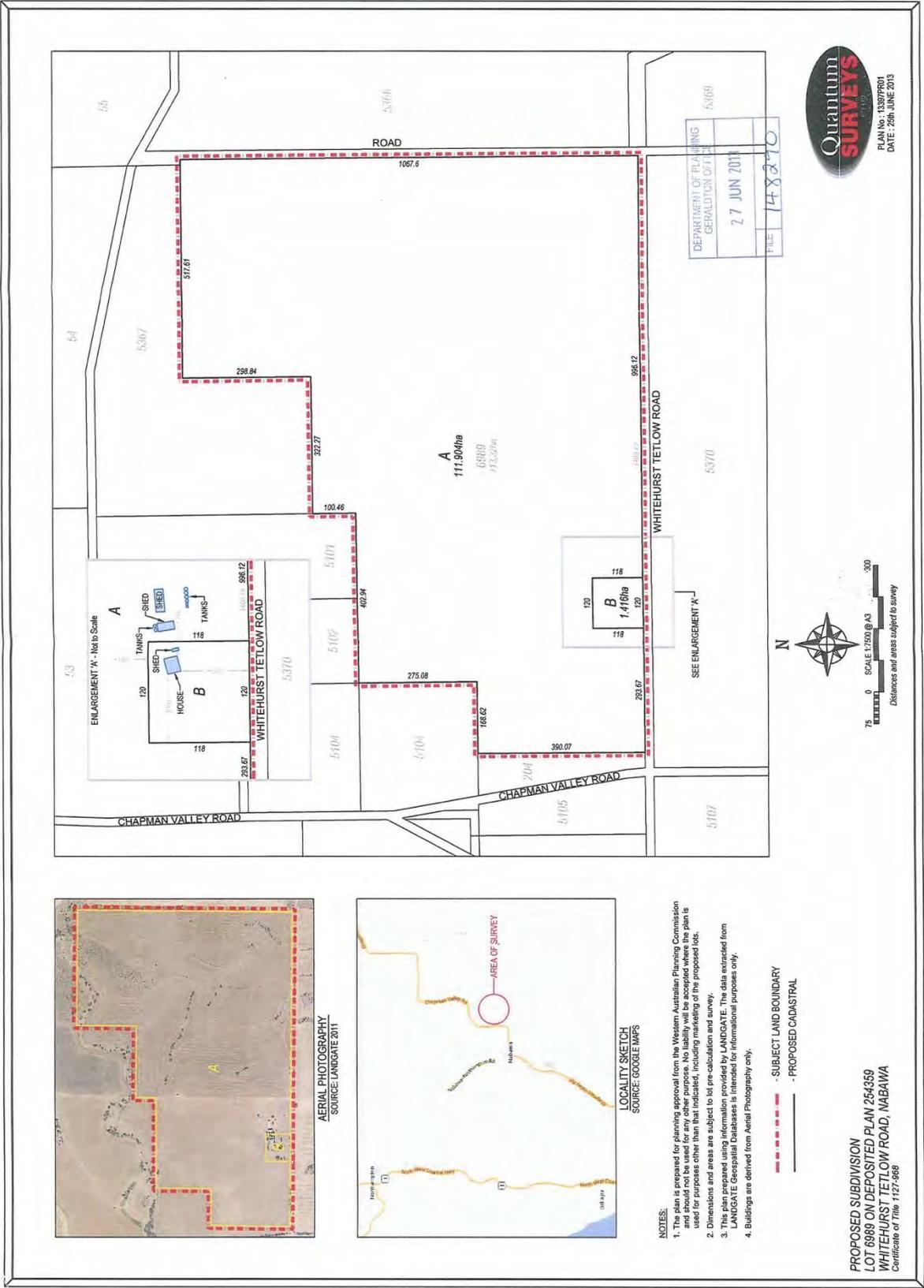
It is suggested that were the applicant to provide some level of information addressing the issues under Section 4.9(d) of WAPC Development Control Policy 3.4, and how the operation of farming uses from the outbuildings upon Lot A in close proximity to Lot B would not lead to land use conflicts then there may be scope for the approval of the application by the WAPC. The WAPC may also view the application more favourably if it were to be re-presented as a boundary rationalisation rather than as a subdivision, the irregular shaped 2.6ha Lot 204 to the west of Lot 6989 could be introduced as part of the application and included in the balance area Lot A to better reflect current farming practices.

#### **VOTING REQUIREMENTS**

Simple majority of Council.

#### **STAFF RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it seeks further information in relation to the application to subdivide Lot 6989 Whitehurst Tetlow Road, Nabawa (Plan No.13397PR01 WAPC date stamped 27/6/13) to be able to make assessment against the provisions of Shire of Chapman Valley Town Planning Scheme No.1 (General Farming Zone), Shire of Chapman Valley Local Planning Strategy (Precinct No.2-East Chapman), Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning (Policy Objectives) and Development Control Policy 3.4 - Subdivision of Rural Land (Policy measures for rural lots for farming and conservation), and it is suggested that the guidance given in Appendix 2 (Additional information to support subdivision applications) of Development Control Policy 3.4 might be relevant in this matter.



- NOTES:**
1. The plan is prepared for planning approval from the Western Australian Planning Commission and should not be used for any other purpose. No liability will be accepted where the plan is used for purposes other than that indicated, including marketing of the proposed lots.
  2. Dimensions and areas are subject to lot pre-calculation and survey.
  3. This plan prepared using information provided by LANDGATE. The data extracted from LANDGATE Geospatial Databases is intended for informational purposes only.
  4. Buildings are derived from Aerial Photography only.

--- SUBJECT LAND BOUNDARY  
- - - PROPOSED CADASTRAL

**PROPOSED SUBDIVISION  
LOT 6989 ON DEPOSITED PLAN 254359  
WHITEHURST TETLOW ROAD, NABAWA**  
Certificate of Title 1127-988

# **9.2 Community Development Officer July 2013**

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## **Contents**

### **9.2 AGENDA ITEMS**

- 9.2.1 Chapman Valley Community Phone Directory

<b>AGENDA ITEM:</b>	<b>9.2.1</b>
<b>SUBJECT:</b>	<b>CHAPMAN VALLEY COMMUNITY PHONE DIRECTORY</b>
<b>PROPONENT:</b>	<b>CHAPMAN VALLEY &amp; YUNA P&amp;C ASSOCIATIONS</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY &amp; SURROUNDING AREAS</b>
<b>FILE REFERENCE:</b>	<b>406.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>8 JULY 2013</b>
<b>AUTHOR:</b>	<b>NICOLE BATTEN</b>

## **DISCLOSURE OF INTEREST**

The Community Development Officer is also the Secretary of the Yuna P&C who will be a benefactor of any funds raised from this activity.

## **BACKGROUND**

Previously there has been two separate community directories put together by the Yuna P&C and Chapman Valley P&C to service the Yuna and Nabawa communities respectively. This has been a volunteer project for the benefit of all local community members. Both directories are overdue to be updated with the Yuna directory being almost 5 years old and Nabawa over 3 years old.

Both P&C groups are now working together to produce one Chapman Valley Community Directory (CVCD) to service both communities and surrounding areas.

## **COMMENT**

The Chapman Valley Community Directory (Figure 1) is a useful tool for the entire community produced by volunteers. The main aim of the project is to connect people, local business, emergency services and community organisations. The directory will include a First Aid contacts page, Emergency Services, Sporting, Educational & Community Groups pages, followed by the main directory (Figure 2). Both P&C organisations also aim to cover costs and make a small profit for the service offered. The CVCD team have requested Council assistance in absorbing the printing costs to produce this service to the community.

Below is a letter to Council on behalf of the Chapman Valley Community Directory team.

Dear Council

On behalf of the Chapman Valley Primary School and Yuna Primary School P&C, I would like to ask for your support in printing the updated, fresh and fancy Chapman Valley Community Directory.

The CVC Directory was last printed in 2010 and the Yuna Directory is well due for an update. Both P&C's agree that it makes sense to combine the two directories to save work and minimise the number of books kicking around your glove box or home office.

We intended on sourcing advertising to pay for the printing of the book and raise funds for our P&Cs. The reality of this is a lot of work, asking businesses to again reach into their pockets, and a book directory of ads.

We would like to offer the Shire the opportunity to feature a colour logo on the back of the directory cover (please see mock up attached) and a full page within to feature contact details etc. In return, we would very much appreciate the Shire absorbing our printing costs. We estimate that the printing cost per booklet would be \$1.50. It is a little challenging to give an entirely accurate quote without having put the book together yet but at 32 A5 pages (maximum pages your printer can fold and staple A4 to A5), the inside pages come to 30c per book and a professionally printed and trimmed card cover has been quoted at \$1.21 per book. We would print 100 books to start with and go from there. A total investment for 100 books would be \$150.

The coverage the Shire would receive from supporting this publication far out values the cost it would bear. All the work gathering the information will be completed by members of the Chapman Valley and Yuna P&C's. The money raised from selling these books will do great things for our small schools. We intend selling the books for \$5 each. Funds raised by selling the books at Yuna PS will go to Yuna, funds raised by selling the books at Chapman Valley PS and the CV Agricultural Show will go to Chapman Valley. Traditionally, funds from these directories have gone towards the CV school camp – a very worthwhile cause.

You will see that we have taken a very updated approach to gathering details and the response has been promising. All previously listed residents and businesses have received an email allowing them to simply click on a link, access their existing details and update them without retyping. This approach will save us time and money in the future as we gather more email addresses from people.

We hope you like the design and agree how good it would look to have the Shire involved. We would really appreciate your support.

Please refer to these links to see what we've been up to! [cvcdirectory.weebly.com](http://cvcdirectory.weebly.com) [www.cvharvestball.com](http://www.cvharvestball.com) and [www.facebook.com/cvharvestball](http://www.facebook.com/cvharvestball)

Kind regards  
Renaye Stokes

Renaye Stokes | CVPS P&C | 9920 5555 | [cvcdirectory@gmail.com](mailto:cvcdirectory@gmail.com) | [cvcdirectory.weebly.com](http://cvcdirectory.weebly.com)

**Figure 1: Front Cover**



**Figure 2: Mock Up example of Directory**

# Directory

Name	Phone/UHF Contacts	Address Contacts
<b>SURNAME</b> Firstnams & Firstname <i>Business Name</i>	Home: 9920 XXXX Workshop: 9920 XXXX Manager Mobile: 0409 XXX XXX Wife Mobile: 0429 XXX XXX Workman 1: 0427 XXX XXX Workman 2: 0429 XXX XXX UHF: 25	Manager: manager@gmail.com Wife: wife@gmail.com 57 Indigo Rd, Nabawa WA 6532
<b>BLOGGS</b> Joe & Jane <i>Property Name</i>	Home: 9920 XXXX Joe: 0427 XXX XXX Jane: 0429 XXX XXX UHF: 25	Jane: jane@gmail.com 2 Indigo Rd, Nabawa WA 6532
<b>LOCAL TAVERN</b> Joe & Jane Bloggs	Tavern: 9920 XXXX Joe: 0427 XXX XXX Jane: 0429 XXX XXX UHF: 25	Jane: jane@gmail.com 10 Indigo Rd, Nabawa WA 6532

## POLICY IMPLICATIONS

As the request is not for a cash contribution the Shire of Chapman Valley Policy 5.30 'Donations and Grants' does not apply as it is an absorption of costs into the Shire operational printing outlay.

## FINANCIAL IMPLICATIONS

It is anticipated that the cost of printing the directory is \$1.50 per booklet. This includes printing black and white pages on A4 paper, folded as an A5 booklet with a colour cover printed on card. The CVCD team would initially like to print 100 copies costing \$150.

The request is for the Shire of Chapman Valley to absorb the \$150 printing cost through 0542 Printing and Stationary Expenses to print 100 Chapman Valley Community Directories.

## STRATEGIC IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## STAFF RECOMMENDATION

Council absorb printing costs to produce 100 copies of an updated version of the Chapman Valley Community Directory.

# **9.3 Chief Executive Officer July 2013**

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## **Contents**

### **9.3 AGENDA ITEMS**

- 9.3.1 Local Government Elected Members Allowances
- 9.3.2 Special Council Meeting – Interview and Appointment of CEO
- 9.3.3 Finance & Audit Committee Minutes

<b>AGENDA ITEM:</b>	<b>9.3.1</b>
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>401.04</b>
<b>PREVIOUS REFERENCE:</b>	
<b>DATE:</b>	<b>9 JULY 2013</b>
<b>AUTHOR:</b>	<b>BARRYE THOMPSON</b>

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

The Western Australian Salaries and Allowances Tribunal in June 2013 has release the determination of the review of Local Government elected member allowances under the Salaries and Allowances Act 1975 Pursuant to Section 7(B).

The Shire of Chapman Valley a Band 4 level.

## COMMENT

Attend Council Meeting Fee per meeting (currently set at \$140 Councillors and \$280 President)

	Minimum	Maximum
Shire President	\$88	\$463
Councillor	\$88	\$225

**Recommendation: Shire President increase from \$280 to \$463 per meeting and Councillors increase from \$140 per meeting to \$225 per meeting.**

Attend Committee Meeting Fee per meeting (currently set at \$70 per meeting for Councillors and President)

	Minimum	Maximum
Shire President	\$44	\$113
Councillor	\$44	\$113

**Recommendation: Shire President increase from \$70 to \$113 per meeting and Councillors increase from \$70 per meeting to \$113 per meeting.**

**Annual Attendance fees in lieu of Council meeting fees above**

	Minimum	Maximum
Shire President	\$3,500	\$18,500
Councillor	\$3,500	\$9,000

**Annual Presidential Allowance (currently set at \$9,500 President and \$2,375 Deputy President)**

	Minimum	Maximum
Shire President	\$500	\$19,000
Dep Shire Pres (25%)	\$125	\$4,750

**Recommendation: Shire President increase from \$9,500 to \$12,500 based on 0.002 of Revenue and Deputy President increase from \$2,375 to \$3,125 i.e. 25% of President)**

**Child Care (currently \$20 per hour)**

Actual cost or \$25 per hour whichever is the lesser

**Communication Allowance (reg 31(1)(a))**

Rental Charges on one telephone line and one facsimile line

**Information and Communication Technology (ICT) Annual allowance for expenses (s5.99A(b) reg 32(1))**

	Minimum	Maximum
All Councillors	\$500	\$3,500

**Annual Travel and Accommodation expenses 5.99A(a)**

\$50

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Salaries and Allowances Act 1975

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

2013/2014 Draft Budget allocations

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**STAFF RECOMMENDATION**

That Council approves the following Elected Members allowances for the 2013/14 Budget:

Council Meeting Fees-per meeting

Shire President	\$463
Councillor	\$225

Committee Meeting Fees-per meeting

Shire President	\$113
Councillor	\$113

Presidential Allowance	\$12,500
Deputy Shire President	\$3,125



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## SALARIES AND ALLOWANCES TRIBUNAL

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### Statement

#### **Determination of Fees, Allowances and Expenses for Local Government Elected Council Members**

The Salaries and Allowances Tribunal has completed its review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia.

The determination which will operate from 1 July 2013 establishes a scale of payments and provisions for reimbursement of expenses in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

This is the first independent determination of fees, allowances and expenses which were set in 1996 and last adjusted in 2005. It brings levels of remuneration for elected council members into line with other States and also with the fees paid to Government Board and Committee members in Western Australia.

At the forefront of the Tribunal's deliberations has been the recognition of the important role local government plays in the community.

There are 138 Local Governments and 11 Regional Local Councils in Western Australia. In 2011-12 local governments accounted for operating and capital expenditure exceeding \$4.25 billion. There are 15,000 full time equivalent employees in the sector and 1245 elected council members. Local governments vary in size from 1.5 square kilometres suburban precincts to 371,693 square kilometre remote areas. Local governments are responsible for the planning and delivery of a broad range of services affecting the everyday lives of the community.

The Tribunal noted that it is vital that local governments attract capable and committed elected council members to provide leadership, expertise and good government at a community level.

After extensive consultation the Tribunal concluded that the 1996 framework of fees, allowances and expenses did not take into account the significant weight of responsibilities shouldered by elected council members, particularly in the large and most populated local governments.

In establishing a new framework for the payment of fees, allowances and expenses, the Tribunal has adopted a banding model to differentiate between the responsibilities carried by Councillors, Mayors, Presidents and their deputies in local governments throughout the State. Provision has been made for reimbursement of expenses properly incurred in enabling elected council members to properly fulfil their duties.

10th Floor, 216 St Georges Terrace, Perth WA 6000  
Telephone (08) 6557 7000 Facsimile (08) 6557 7099

The levels of remuneration for attending meetings and allowances for elected council members are not intended to be salaries but do take into account the responsibilities and commitments of elected council members serving as representatives of the community.

Community service continues to be the cornerstone of a commitment to local government.

Under the existing structure of fees, allowances and expenses, Councillors could claim up to \$7000pa for Council and Committee meetings and Mayors and Presidents up to \$14,000pa.

The annual allowance payable to Mayors and Presidents is from \$600pa up to \$12,000pa or 0.002 of the operating revenue of the local government, whichever is the greater amount, but in any case not more than \$60,000pa.

Deputies could receive up to 25% of this allowance. Expense allowances of \$2,400pa for telecommunications costs and \$1,000pa for Information Technology services are currently provided for under the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

From 1 July 2013 under the Tribunal's determination the banding structure for local governments provides for meeting fees within a range of \$3,500pa to \$30,000pa for Councillors and \$3,500pa to \$45,000pa for Mayors and Presidents.

The Annual Allowance for Mayors and Presidents will extend from \$500pa to \$85,000pa within the four band structure. The same limit with respect to 0.2% of operating revenue and the entitlement to Deputies still applies. The Office of the Lord Mayor has been given special consideration.

Provision has been made to increase the Childcare allowance from \$20 to \$25 per hour and to combine the allowance for Information and Communication Technology costs up to \$3,500pa. There is a continuing provision for the reimbursement of expenses incurred in fulfilling the duties of an elected council member under Regulation 32.

The fees which may be claimed under the four band structure under which each local government is designated enables local governments to exercise the discretion vested in them by the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The full determination can be found on the Salaries and Allowances Tribunal's website at: [www.sat.wa.gov.au/LOCALGOVERNMENTELECTEDMEMBERS](http://www.sat.wa.gov.au/LOCALGOVERNMENTELECTEDMEMBERS)

**WESTERN AUSTRALIA**  
**SALARIES AND ALLOWANCES ACT 1975**  
**DETERMINATION OF THE**  
**SALARIES AND ALLOWANCES TRIBUNAL**  
**ON LOCAL GOVERNMENT ELECTED COUNCIL MEMBERS**

Pursuant to Sections 7(B)

June 2013

**PREAMBLE**

1. In accordance with Section 7B(2) of the *Salaries and Allowances Act 1975* ('the SA Act'), the Salaries and Allowances Tribunal is required to "inquire into and determine -
  - a. the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* ['the LG Act'] to elected council members for attendance at meetings; and
  - b. the amount of expenses, or the minimum and maximum of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
  - c. the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members."

**BACKGROUND**

2. Following the proclamation of relevant sections of the Local Government Amendment Bill 2011 on 5 February 2013, the Salaries and Allowances Tribunal was empowered to determine certain payments that are to be made or reimbursed to elected council members with effect from 1 July 2013.
3. Sections 5.98 to 5.100 of the LG Act were also amended with effect from 1 July 2013 to complement the changes to the SA Act.
4. The legislation confers entitlements to claim fees, expenses and allowances on individual council members and provides the Tribunal with the capacity to determine either particular amounts for these payments or to determine a range within which the relevant local governments set the amounts. Those fees, expenses and allowances which are legislated as entitlements of a council member cannot be taken away by any decision or action of the council.

5. Where the Tribunal has chosen to determine minimum and maximum amounts for fees, expenses or allowances, there is an obligation on local governments to set the amounts to be paid or reimbursed within the range determined.
6. Fees, expenses and allowances for elected council members were set by regulation in 1996 following the introduction of the LG Act. Adjustments to fees, expenses and allowances have been made twice since then – in 1999 and most recently in 2005. In accordance with section 8(d) of the SA Act, not more than a year is to elapse between one determination and another under section 7B(2). Hence adjustments to the fees, expenses and allowances payable to council members will be made regularly under the new legislation. These adjustments will be published in determinations which must be in writing, signed by the members and come into operation on a date specified in the determination. The determinations will be published in the *Western Australian Government Gazette*.
7. It is clear from the relevant legislation and Parliamentary debates on the Local Government Amendment Bill 2011, that the fees, expenses and allowances to which they refer are not intended to be full time salaries for council members. There is a recognised element of voluntary community service in the role of council members.

#### **CURRENT INQUIRY**

8. In discharging the responsibilities given to it by the Parliament, the Tribunal has in the context of its current inquiry, adopted the following approach:
  - advertised for public submissions;
  - written to local governments and regional local governments requesting information on the fees, expenses and allowances currently paid to elected council members;
  - written to local governments and regional local governments providing them with the opportunity to raise any comments or issues relevant to the determination of fees, expenses and allowances which they would like the Tribunal to consider;
  - interviewed a number of mayors, presidents, councillors, chief executive officers (CEOs) and representatives of the Western Australian Local Government Association (WALGA);
  - collected a wide range of data on the role and time commitments of elected members;
  - considered relevant labour market and economic data; and
  - sought advice from its Statutory Adviser.

#### **Public Submissions**

9. An advertisement calling for public submissions to the Tribunal's inquiry was placed in *The West Australian* newspaper on Wednesday, 6 March 2013 with a closing date of Friday, 29 March 2013. The advertisement was also placed on the Tribunal's website at <http://www.sat.wa.gov.au/LatestNews/Pages/Default.aspx>
10. Advertisements were placed in 36 regional community newspapers throughout March and April 2013 calling for public submissions.

11. The Tribunal received three submissions from the public and one from WALGA.

#### **Survey**

12. On 18 February 2013 the Tribunal surveyed each local government regarding the actual amount of fees, expenses and allowances claimed by each elected member in the 2011/12 financial year. The Tribunal also sought information regarding policies that local governments had adopted in relation to the payment of fees, expenses and allowances.
13. The Tribunal received responses from 118 local governments, while 31 provided no response.

#### **Invitations to Local Governments and Regional Local Governments**

14. The Tribunal's correspondence of 18 February also provided local governments and regional local governments with the opportunity to inform the Tribunal of any comments or issues relevant to the determination of fees, expenses and allowances.
15. Seven local governments and four individual councillors provided written submissions to the Tribunal.

#### **Regional and Metropolitan Meetings and Forums**

16. Members of the Tribunal travelled to Dumbleyung, Kellerberrin, Mingenew, Mount Barker and Nannup to consult with local government representatives who were attending WALGA Zone meetings. Additional forums were convened for representatives of metropolitan local governments in Joondalup and Perth. Tribunal members also met with members of the Pilbara Regional Council in Perth. In total, Tribunal members met with more than 80 council members from 69 local governments during the course of the inquiry. The Tribunal was grateful to the individuals who made themselves available for meetings and appreciated the invaluable information and understanding of issues they provided.

#### **Assistance from Statutory Advisor**

17. The Tribunal sought assistance from Ms Jennifer Mathews, Director General, Department of Local Government (DLG), who has been appointed by the Premier in accordance with section 10(4)(c) of the SA Act to assist the Tribunal in its inquiries in so far as they relate to the fees, expenses and allowances of local government elected members. Ms Mathews attended several Tribunal meetings and provided advice and assistance.

#### **Research undertaken by the Tribunal executive**

18. The executive team of the Tribunal undertook a range of research including information related to:
  - a. roles and responsibilities of mayors, presidents, chairpersons and council members;
  - b. fees and allowances paid to council members in other Australian jurisdictions;
  - c. economic and labour market indices;

- d. fees paid to chairpersons and members of State government boards and committees; and
- e. superannuation provisions that may be relevant to council members.

## CONSIDERATIONS

19. In undertaking this determination, the Tribunal has been mindful of the magnitude and complexity of the local government sector. There are presently 138 local governments in Western Australia which in 2011/12 accounted for a total operating and capital expenditure of approximately \$4.25 billion.<sup>1</sup> There are approximately 15,000 full time equivalent employees in the local government sector and 1,245 elected councillors representing local governments which range in geographic area from 1.5 square kilometres to 371,696 square kilometres.<sup>2</sup> Under our system of government, councils are responsible at a strategic level for the planning and delivery of a broad range of services affecting the everyday lives of Western Australians in this diverse range of local governments.
20. This determination comes at a time when the constitutional recognition of local governments is on the national agenda. Presently, local governments are a creation of state governments and their roles are established in Western Australia by the LG Act. The governance structures applicable to the local government sector make it quite distinct in many respects from the state government sector although they share in common many of the compliance standards. At the forefront of the Tribunal's deliberations, has been the importance of a local government sector that attracts capable and committed councillors to provide leadership and good government at the community level.
21. The Tribunal is also mindful that this determination is being made at a time when the state government has an agenda to create fewer, more regionally focused local governments and to build a local government sector with the capacity to plan strategically. Accordingly, the Tribunal is intent on establishing a framework for this determination which will accommodate the prospect of structural change in the local government sector.
22. Sections 2.7 to 2.10 of the LG Act set out the role of local government councils, councillors, mayors, presidents and their deputies. In general terms the role of the council involves oversight and determination of policy as distinct from implementation and management of day to day operations.

### **Role of a Councillor**

23. The role of councillors is described in section 2.10 of the LG Act and in summary it involves:
  - a. representing the interests of electors, ratepayers and residents of the district;
  - b. providing leadership and guidance of the community;
  - c. facilitating communication between the community and the council;
  - d. participating in the local government's decision-making processes; and

<sup>1</sup> Local Government Grants Commission data provided by the Department of Local Government, May 2013.

<sup>2</sup> WALGA, *Western Australian Local Government Directory 2013*, p.211

e. performing various other statutory functions.

24. At a practical level, councillors are required to attend and participate in meetings, read agenda papers and reports, and to liaise with residents in meeting their representational obligations. Councillors are legislators with powers under the LG Act to make local laws and regulations regarding such matters as construction and demolition of buildings, traffic management and environmental health. Another important statutory function is the town planning role of a local government as prescribed in the *Planning and Development Act 2005*. Important financial management responsibilities of councillors include strategic level budget planning and approval including approvals of significant infrastructure projects.
25. Local governments and their councillors are also subject to a range of State Government legislation including compliance with accountability and integrity obligations contained in legislation such as the *Corruption and Crime Commission Act 2003* and the *Freedom of Information Act 1992*.
26. In a submission from WALGA, councillors were represented as having dual roles – “board like” roles as the governing body which employs the CEO and “political” roles which no doubt include the work of representation, advocacy and legislation.<sup>3</sup>
27. The Tribunal sought information concerning any changes to the responsibilities of councillors which had occurred since 2005 when the LG Regulations setting fees, expenses and allowances were last adjusted. Key changes to local government responsibilities which have occurred since 2005 include the following.
  - a. Local governments were required to establish Audit Committees as a consequence of legislative change in 2004.
  - b. Local governments were required to develop Integrated Bushfire Risk Management Plans as a consequence of legislative change in 2005.
  - c. Local governments were designated permit authorities with responsibility for administering certain building approvals under the *Building Act 2011*.
  - d. As part of the Integrated Planning and Reporting Framework, Local governments were required to develop and adopt Strategic Community Plans and Corporate Business Plans by 30 June 2013 as a consequence of regulatory change in 2011.<sup>4</sup>
28. Some council members have a dual role as members of the councils of regional local governments. Part 3, Division 4 of the LG Act provides for the establishment of regional local governments. These regional local governments have establishment agreements which set out their purposes and these are related to cooperative arrangements as diverse as the management of waste, provision of certain services to constituent local governments and development of land. The members of the council of a regional local government are elected council members of one of the constituent local governments of the regional local government. The Tribunal is also charged with determining fees, expenses and allowances applicable to council members of regional local governments.

<sup>3</sup> Submission from WALGA, 27 March 2013 p.5

<sup>4</sup> Letter from Director General, Department of Local Government to Salaries and Allowances Tribunal, 3 May 2013.

29. In relation to the council members of regional local governments, the Tribunal took into account that council members were in many respects delegates of the constituent councils and much of the decision making in relation to regional local governments occurred in the constituent councils themselves. Nevertheless, the Tribunal took account the representation role and other statutory responsibilities incumbent upon council members in regional local governments.
30. The Tribunal heard during the course of its inquiry that many council members were also called upon to participate in a range of community groups and activities as representatives of and leaders in their communities.
31. All these factors related to the role of a councillor have been taken into account by the Tribunal in making this determination.

#### **Role of a mayor, president and chairman**

32. Additional to the responsibilities of a council member are those which are carried by mayors and presidents of local governments, chairpersons of regional local governments and their deputies.
33. Section 2.8 of the LG Act refers to a range of these responsibilities including:
  - a. presiding at meetings;
  - b. providing leadership and guidance;
  - c. carrying out civic and ceremonial duties;
  - d. speaking on behalf of the local government; and
  - e. liaising with the chief executive officer (CEO).
34. Mayors and presidents also have a range of statutory responsibilities including those to be undertaken in the event of emergencies (e.g. bushfires, floods) and signing of documents and reports on behalf of the council. The Tribunal has heard in the course of its inquiry that this role is equivalent to full-time employment in larger local governments.
35. These factors have been taken into account by the Tribunal in differentiating amounts of fees, expenses and allowances payable to mayors, presidents, chairpersons and their deputies.

#### **Role of the Lord Mayor**

36. The Tribunal took into account that the role of Lord Mayor could be distinguished from that of other mayors. This distinction recognised the significant ceremonial and civic responsibilities associated with being a representative of the State's capital city, together with an involvement in state and national planning initiatives.

#### **Submissions**

37. Submissions from local governments and individuals provided a valuable source of information and a diversity of views to inform the Tribunal's deliberations. Matters raised or suggestions made in submissions are summarised briefly in this section.

- a. The contribution made by elected members to the social, environmental, economic and financial development of communities has been undervalued.
  - b. A council member is required to have a good knowledge of a wide range of legislation, understand good governance, be approachable and accountable and be a strategic thinker who can plan for the community's future. Remuneration should reflect the level of expertise, knowledge and commitment required of a council member.
  - c. The roles and responsibilities of council members are comparable to those of members of Parliament and members of a board of directors.
  - d. The life of a council member can be stressful when there are fractured relationships within the council and the demands of the council conflict with a council member's personal life.
  - e. An amount for fees and allowances should be determined for each council collectively rather than an amount for individual members. The collective amount should be divided between the council members. This would recognise that members of councils with fewer elected members shoulder a greater work load than those with less council members.
  - f. Training and professional development should be encouraged with airfares and accommodation paid for by the council. Council members who work full-time find it difficult to take time off work to undertake training during week days.
  - g. Council members should be able to "salary sacrifice" part or all of their fees and allowances into superannuation.
38. WALGA made a substantial submission to the Tribunal's inquiry making observations regarding the evolving role of council members, presenting comparisons with local governments in other Australian jurisdictions and recommending a framework for setting fees and allowances in Western Australia. The WALGA framework proposed:
- a. variable rates for fees and allowances based on allocating local governments to a greater number of bands than is the case with the Tribunal's determination for local government CEO remuneration;
  - b. that fees and allowances should be increased and set as precise figures and not a range;
  - c. that the increasing work load and time commitment of mayors and presidents should be recognised;
  - d. that the importance of the capital city and the Lord Mayor's role should be recognised; and
  - e. annual allowances in lieu of the reimbursement of expenses should be rolled into general allowances for simplicity and flexibility.

39. WALGA also noted that legislative change would be required to facilitate the framework it proposed.
40. The Tribunal took all the written submissions into account as well as comments made by local governments in the context of completing the Tribunal's survey of the current fees, expenses and allowances being paid or provided to council members.

#### **Regional and metropolitan meetings and forums**

41. At the meetings and forums with council members, there were many aspects of local government work brought to the Tribunal's attention including several issues of particular importance - the barriers to entry into the role of councillor, the case for variable rates of fees and allowances and issues associated with training for council members.
42. *Barriers to entry* – Many councillors commented that the present fees and allowances payable to council members tended to attract candidates who were financially independent and had time on their hands; in particular, retirees. There was a sense that low fees and allowances put the role of councillor out of the reach of most young people and could be considered elitist. The Tribunal heard that the age profile of councils did not reflect the demography of their constituents or rate payers. There was a common view expressed that if the fees and allowances were higher, a broader demographic might be attracted to stand for election to councils.
43. *Variable rates for fees and allowances* – The vast majority of councillors expressed the view that the fees and allowances payable to elected council members should vary according to the magnitude of the responsibilities which each council was required to manage. The Tribunal heard that councils with very large populations, budgets and infrastructure projects to manage at the strategic level, should be able to pay their elected members more than councils managing much smaller populations, budgets and infrastructure projects. Most councillors were disposed to the rates of fees and allowances being varied according to the Bands applicable to the Tribunal's determination on Local Government CEOs. The Tribunal was also told of the significant differences between the responsibilities residing with mayors, presidents and chairpersons of local governments and regional local governments relative to the responsibilities residing with deputies and council members. There was universal acknowledgement that mayors, presidents and chairpersons had a much more onerous role than their deputies and other council members. It was also agreed that these different levels of responsibilities should be reflected in the fees and allowances payable to them.
44. *Training* – The view was widely expressed that the responsibilities and complexity of the role of a councillor had grown over time and there was a need for training. The Tribunal heard that there was a significant variance in the professionalism and capacity of councillors with many councils having from time to time, one of their elected members either unable or unwilling to fully shoulder their responsibilities. While the vast majority of councillors were considered to be dedicated and competent, many councillors had experience of an elected member who rarely contributed to the committee and other work of councils and some of these were "one issue" councillors. Many council members expressed the view that an incentive would be beneficial to reward elected members who had undertaken accredited training. However, the Tribunal also heard that for some councils based in regional locations with small budgets, the cost of training together with related travel and accommodation expenses, was prohibitive.

### Survey Results

45. The response rate to the Tribunal's survey of the current fees, expenses and allowances paid to council members was approximately 80 per cent, inclusive of both local governments and regional local governments. This gave the Tribunal a reasonably high level of confidence in the data provided with the *caveat* that the Tribunal's executive did not have the opportunity to cross check the responses to the survey from other sources to ensure that the survey instrument was effective in capturing all the relevant data.
46. The data was analysed with respect to a range of factors and it was noted that there were significant variances according to the band to which a local government was allocated for the purposes of the Tribunal's determination for the remuneration of local government CEOs.<sup>5</sup>
47. In relation to attendance fees, survey data showed that all councillors, mayors and presidents of local governments allocated to band 1 and band 2 (generally the local governments with the largest budgets and population), claimed an annual allowance for attendance at meetings in lieu of a meeting attendance fee. All these councillors claimed the maximum annual attendance allowance of \$7,000 and more than 85 per cent of the mayors and presidents of band 1 and band 2 local governments claimed the maximum attendance allowance of \$14,000. More than 80 per cent of councillors from local governments allocated to band 3 claimed annual attendance allowances instead of meeting attendance fees, but only one third of councillors from band 4 local governments claimed annual attendance allowances.
48. The proportion of local governments whose councillors claimed annual attendance allowances and the amount of those allowances was smaller for local governments allocated to band 3 and band 4. The smaller the budget of the local government as indicated by the band allocation, the less likely the council member was to receive an annual attendance allowance instead of a meeting fee. Similarly, the survey data showed that local governments with smaller budgets paid smaller attendance fees and allowances.
49. The high correlation between band allocation, the size of the local government budget and the size of the attendance fee or allowance, indicated to the Tribunal that the capacity of a local government to pay fees and allowances was an important factor. The Tribunal also considered that this high correlation between band allocation and whether a local government paid an annual attendance allowance was indicative of local governments taking into account their relative work load, weight of responsibilities and other factors in deciding whether to adopt the practice of paying annual attendance allowances in lieu of meeting attendance fees.
50. Mayors and presidents of local governments are entitled to an annual allowance in addition to attendance fees or an annual attendance allowance. The Tribunal took into account that the annual allowance for a mayor or president was formerly described in the LG Act as an "entertainment" allowance. The legislation was subsequently amended to make the nature of the allowance more general. The amounts currently prescribed in the LG Regulations for a mayoral or presidential allowance are a minimum of \$600 and a maximum of \$12,000 or 0.002 of revenue (whichever is the greater amount, but no more than \$60,000). The Tribunal's survey showed that 81 per cent of mayors in local governments allocated to band 1 received between \$58,000 and the maximum annual allowance of \$60,000. Approximately 23 per cent of mayors and presidents from local governments allocated to band 2 claimed the maximum amount and the average for all claims was \$33,400 per annum. Local governments

<sup>5</sup> The band allocations to which this analysis refers are set out in Schedule 1 of this determination.

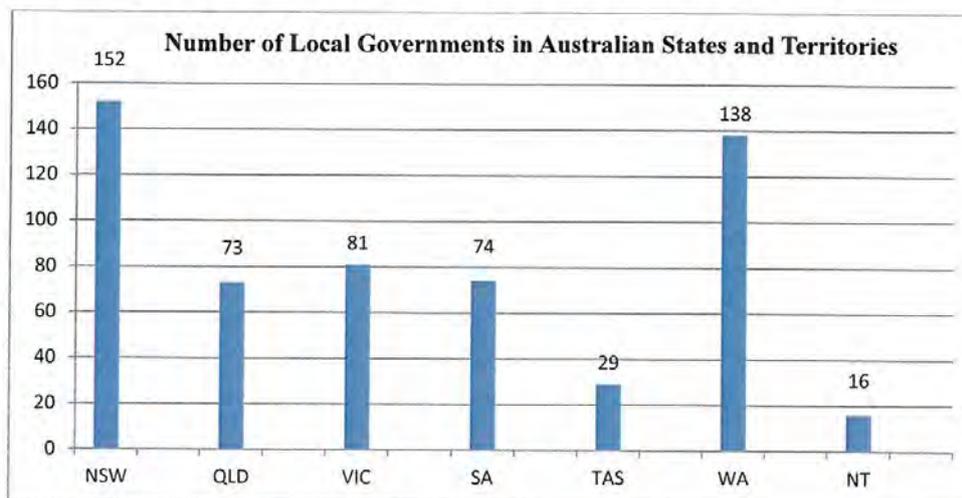
allocated to band 3 were found to have no mayors or presidents claiming the maximum amount. The average amount claimed by these mayors or presidents was \$10,315. There was a wide range in the amounts claimed by these mayors or presidents with the highest allowance being \$25,820 and the lowest \$960. In local governments allocated to band 4, no mayors or presidents claimed the maximum amount and the average amount claimed was \$5,597. The highest band 4 allowance was \$12,000 and the lowest was \$600. The broad range of annual allowances claimed by mayors and presidents in their respective local government bands was indicative of a significant range of factors being taken into account by local governments including the capacity to pay, work load and weight of responsibilities. The Tribunal considered the broad range of mayoral and presidential allowances may also have been reflective of culture and practice where individual local governments, mayors or presidents claiming relatively small allowances regarded their allowances as being tokens rather than substantial recognition for additional responsibilities.

51. In relation to the reimbursement of expenses, the survey data showed there was considerable variance in practice across local governments. While the reimbursement of certain expenses is prescribed in the LG Regulations, for example, travel costs and child care associated with attendance at council meetings, councils have considerable discretion to establish policies for the payment or reimbursement of other types of expenses.
52. The survey indicated that there were at least 29 different types of expenses being reimbursed to council members by local governments. These included grooming, clothing, dry cleaning, gym memberships, professional development (e.g. conference fees and university fees), parking fees and office equipment.
53. The Tribunal noted that there were some local governments whose council members typically did not claim their entitlement to travel expenses for attendance at meetings, while others did make claims. Furthermore, local governments allocated to band 1 and band 2 were more likely to pay higher travel expenses for councillors including travel to attend training, professional development courses and forums of local governments at state and national level.
54. Other types of expenses for which councils had established policies included clothing and grooming, stationery, university fees, brief cases, lap top computers, iPads, printers, motor vehicles, car parking and entertaining rate payers.

#### **Interstate Comparisons**

55. The Tribunal considered models for payment of elected council members adopted in other Australian states for comparative purposes.
56. The structure of local governments across Australia varies considerably with some states having fewer local governments than Western Australia. Queensland, for example, is a geographically vast state like Western Australia, but it has almost half the number of local governments and a much larger population – approximately 4.6 million population compared with Western Australia's 2.5 million population. The variances between local government structures should be borne in mind when making comparisons between jurisdictions. Table 1 below indicates the number of local governments in Australian States and Territories.

**Table 1: Number of Local Governments in Australian States and Territories**



Source: <http://australia.gov.au/directories/state-territory-and-local-government-directories/states-territories-and-local-government>

57. The Tribunal found that the range of annual fees for councillors and for mayors, presidents and chairpersons across Australia was considerable. Table 2 below, sets out the annual fees for councillors, mayors, presidents and chairpersons of local governments in selected Australian jurisdictions.

**Table 2: Minimum and maximum annual fees for councillors, mayors, presidents and chairpersons of local governments in selected jurisdictions as at 30 June 2013**

State	Councillor/ Member Annual Fee		Mayor / President / Chairperson Annual Fee	
	Min	Max	Min	Max
WA	\$2,400	\$7,000	\$600	\$60,000
SA	\$5,427	\$18,234	\$21,708	\$72,937
VIC	\$7,542	\$26,843	\$53,684	\$85,741
NSW	\$7,930	\$26,220	\$8,430	\$76,390
TAS	\$8,087	\$31,513	\$20,217	\$78,784
QLD	\$22,492	\$130,035	\$73,803	\$217,869

Source: SA: [Determination 6 of 2010 - Members of Local Government Councils](#).

VIC: [Victoria Government Gazette No. S 360 Friday 26 October 2012](#).

NSW: [Report and Determination of the Local Government Remuneration Tribunal](#), 8 April 2013

TAS: [Councillor Allowances Information Sheet](#), November 2012

QLD: [Local Government Remuneration and Discipline Tribunal Report 2012](#)

58. The Tribunal found that Western Australia had the lowest annual meeting attendance allowances for council members in Australia and there was a wide variety across the various jurisdictions. While this could be attributed in part to the structural differences between local governments in different jurisdictions, the Tribunal also considered that meeting attendance allowances had lagged behind in Western Australia.
59. The Tribunal also found there were a variety of models adopted in the various Australian states for compensating elected local government members. Although each state has adopted a different classification model, all display similarities with the Western Australian model adopted by the Tribunal for local government CEOs.
60. Common factors identified in various Australian models for determining the fees and allowances of local governments are listed below.
  - a. Population (NSW, Qld, Vic, SA)
  - b. Revenue/budget (Vic, SA)
  - c. Geographic size (NSW, SA)
  - d. Development – economic, infrastructure, community (NSW, Qld, SA)
  - e. Regional significance (NSW)
  - f. Diversity of communities served/demographic (NSW, Qld, SA)
61. In Western Australia, the adopted model is based on the analysis of the following key features of local governments.
  - a. Expenditure (Operating and Capital) where the capital expenditure is based on a three year rolling average;
  - b. Risk management;
  - c. Asset management and infrastructure planning;
  - d. Diversity of services and the types of services delivered;
  - e. Population of Community Serviced;
  - f. Staff Numbers;
  - g. Focus of the CEO Role and Council Profile; and
  - h. Distinguishing Features of local governments (e.g. major growth and development, significant social/economic issues management, environmental management issues, demand for services to non-residents).
62. Although this model was developed in the context of the remuneration of local government CEOs, the Tribunal considered the model to be relevant because of the high correlation between the magnitude of the responsibilities of the CEO and the magnitude of the

responsibilities of the council members to lead, govern and make strategic decisions for their local government areas.

#### Labour market and economic Indices

63. The Tribunal considered a range of labour market and economic indices to assist in making adjustments to the amounts of fees and allowances payable to council members. The increase in the Perth Consumer Price Index (CPI) and the Western Australian Wages Price Index (WPI) over the period from 2005 to 2013 were considered to be important indicators of the change in value of the fees and allowances set in 2005 for council members. The Perth CPI is a cost of living index while the WPI is an index of the cost of wages in Western Australia which is arguably more relevant to the purpose of attendance fees.
64. Table 3 below shows the extent to which the value of the annual attendance fees for council members has been eroded by inflationary factors since the fees were set at a maximum of \$7,000 in 2005. The Tribunal noted that these factors did not take into account the value of the additional responsibilities shouldered by council members since 2005.

**Table 3: Maximum annual attendance fees for council members adjusted by Perth CPI and Western Australia's WPI for the period 2005 to 2013**

Maximum Annual Attendance Fees		
Year	Adjusted by Perth CPI	Adjusted by WA WPI
2005	\$7,000	\$7,000
2006	\$7,294	\$7,322
2007	\$7,469	\$7,673
2008	\$7,790	\$8,126
2009	\$7,962	\$8,565
2010	\$8,232	\$8,822
2011	\$8,446	\$9,184
2012	\$8,607	\$9,597
2013	\$8,813	\$9,952

Source : CPI: ABS Cat. 6401.0; WPI: ABS Cat. 6345.0

65. For comparative purposes, annual attendance fees paid by the state government to members of boards and committees were also considered by the Tribunal to be relevant comparators in the "labour market" applicable to council member attendance fees. The Tribunal was advised that members (excluding the chairpersons) of governing boards were currently paid an annual fee in a range from approximately \$7,000 to \$33,000. The actual annual attendance fees varied according to a number of factors related to the type and impact of each board or committee.

#### Range of fees versus a set amount

66. Consideration was given to whether the Tribunal ought to determine specific amounts for fees, expenses and allowances or whether to exercise its statutory prerogative to determine maximum and minimum amounts, that is, a range. The submission from WALGA made the case for specific amounts to be determined. In relation to such payments as attendance fees and mayoral allowances, this might be considered to have the advantage of de-politicising the payments and preventing council members from being accused of self-interest. The views of

WALGA on this matter were taken into account along with the views of the many council members with whom it met.

67. The Tribunal was aware that a small differential in fees and allowances might have a significant impact on those local governments and regional local governments with small budgets. Individual local governments and regional local governments were considered to be best placed to assess their own financial capacity to pay their council members.

#### **Training for elected council members**

68. The Hon Tony Simpson, Minister for Local Government, and his predecessor asked the Tribunal to examine the issue of providing incentives for councils to be trained. The aim was to increase the capacity of council members both collectively and individually to acquit their responsibilities with a high degree of professionalism and acumen. This is an important element of the State Government's reform initiative to increase the capacity of local governments to undertake their critical role in the governance and delivery of services to the community.
69. The desire for well-trained council members was shared by WALGA and all those in the local government sector with whom the Tribunal consulted during the course of its inquiry. Some observations regarding the need for training and some of the barriers to accessing training have been discussed above.
70. There are currently gaps in the availability, scope and recognition of training packages for council members. The Tribunal considered that at this point it was not possible to provide incentives or rewards for completion of training in the absence of widely accessible and nationally recognised training packages. The Department of Local Government is currently exploring options with training providers for the delivery of council member training within the Australian Qualifications Framework including options for online training.
71. The Tribunal will continue to monitor the situation with a view to developing a means of rewarding training as part of the framework of fees, expenses and allowances in the next determination or sooner if the opportunity arises.

#### **Superannuation**

72. During the course of the inquiry a number of council members inquired as to whether the Tribunal could determine that meeting attendance fees and allowances could be paid into superannuation funds. The Tribunal found that there was already legislative provision for such arrangements to be made by local governments under the *Income Tax Assessment Act 1936* (Cwlth). In addition, the Tribunal found that there was an Australian Tax Office Interpretive Decision which allowed for council members and councils to agree for the whole or part of their attendance fees to be paid into a superannuation fund. References to the sources of this information have been included in explanatory notes attached to the end of the determination.

#### **Annual Review Process and Provision of Data to the Tribunal**

73. The Tribunal took into account that it is obliged under the SA Act to make annual inquiries and determinations in relation to the fees, expenses and allowances payable to local government council members. In undertaking regular annual reviews, the Tribunal will

require current and timely information regarding the amounts of council member fees, expenses and allowances that local governments pay or reimburse. In this regard, the Tribunal would highly recommend that local governments keep accurate records of such payments made in accordance with each particular section of this determination so that relevant data can be provided to the Tribunal each year when requested.

74. By establishing appropriate record keeping and reporting processes relevant to the various provisions of this determination at the outset, local governments will avoid time consuming processes to capture data after the event. Local governments may wish to consider recording payments and reimbursements to council members in the context of their annual reporting obligations to avoid double handling. While the Tribunal has considerable powers under the SA Act to subpoena information relevant to its inquiries, it would prefer to work cooperatively with local governments to inform its decision making and meet its statutory obligations.

#### **General adjustment to salaries**

75. The Tribunal is currently inquiring with respect to the determination of a general salary adjustment affecting almost all of the office holders within its jurisdiction as at 1 July 2013. Any general salary adjustment made will not have any effect on the payments and reimbursements in this determination.
76. Changes to the band allocations of local governments for the purposes of the remuneration of local government chief executive officers and the fees, expenses and allowances paid to council members will be considered each year in an inquiry separate from any inquiry into a general salary adjustment. Local governments will continue to have the opportunity to make submissions to the Tribunal regarding band allocations and the Tribunal will continue to review band allocations in the event of any local government amalgamations.

#### **Declaration of interest**

77. During the course of this inquiry, the spouse of one of the Tribunal members nominated for election to a position on the council of a local government. That Tribunal member declared the interest and withdrew from further participation in the determination of amounts payable to elected council members.

#### **CONCLUSIONS**

78. During the course of the inquiry, it became clear to the Tribunal that the fees and allowances payable to council members, mayors, presidents, chairmen and their deputies required a significant adjustment.
79. Meeting attendance fees were found to have lagged behind those paid to council members in other Australian jurisdictions. Indeed, council members in Western Australia were found to be the lowest paid of any of the Australian states. Council member meeting fees were also found to be capped at around the minimum of the annual attendance fees payable to Western Australian State government board and committee members.
80. The Tribunal concluded that the present framework of fees and allowances did not adequately take into account the significant weight of responsibilities shouldered by council members in the largest and most populace local governments. In establishing a new framework for the

payment of fees and allowances, the Tribunal therefore adopted a banding model with local government allocated to four bands like those used in determining the remuneration of local government chief executive officers. This approach enabled the Tribunal to properly differentiate between the weight of responsibilities carried by council members, mayors, presidents and chairmen in different sized local governments.

81. While adjustments to fees and allowances generally aligned to CPI and WPI were considered to be appropriate for council members in local governments allocated to bands 3 and 4, the Tribunal concluded that they were inadequate for council members in local governments allocated to bands 1 and 2. The Tribunal decided that increases in the amount of fees and allowances payable to council members who shouldered higher levels of responsibility should be aligned more closely with the fees and allowances paid to Western Australian Government board and committee members and council members in other Australian states.
82. The Tribunal also concluded that there should be sufficient breadth in the range of amounts determined for local governments in each band to enable councils to exercise discretion to their own satisfaction. It was the Tribunal's intent that councils should be able to take into account all the factors which were particular and relevant to their local government area and community. This is reflected in the overlapping ranges of amounts for fees and allowances in the determination which follows.
83. In relation to the fees and allowances payable to council members of regional local governments, the Tribunal decided that one range was adequate and there was no need to determine ranges particular to the band allocation of the regional local government.
84. The determination of amounts for reimbursement of expenses for local government council members presented particular challenges for the Tribunal. Regulations provide significant discretion for local governments to approve expenses for reimbursement and the Tribunal found that there were at least 29 different types of approved expenses. The Tribunal considered that the fundamental principle for reimbursement of expenses was that council members should not be out of pocket for properly incurred expenses that enabled them to fulfil their duties as council members. Nevertheless, the Tribunal did not wish that reimbursement of expenses should be a means by which council members could profit from their office or top up fees and allowances already paid. Consequently, the Tribunal has determined wherever possible that actual amounts of expenses shall be reimbursed.
85. Where an annual allowance in lieu of reimbursement of expenses has been determined, the Tribunal decided that it should be a nominal amount of \$50 and any approved expense beyond this amount could be reimbursed up to the actual amount of the expense in accordance with the LG Regulations. If the Tribunal were to determine a higher amount for an annual expense allowance, it would be payable under the LG Regulations to all council members of any applicable local government regardless of the expenses incurred. The Tribunal did not consider that to be consistent with its fundamental principle for reimbursement of expenses.
86. In concluding this, the first determination of the Tribunal with respect to local government council members, the members of the Tribunal would like to acknowledge all those who generously shared their wealth of knowledge and experience, whether in person or by written submissions. During the course of the inquiry, the Tribunal became acutely aware of the great variety of experiences of council members and the huge impact that local governments have on the good governance of Western Australian communities. The Tribunal also wishes

to thank Ms Jenny Mathews, Director General of the Department of Local Government, for the invaluable advice and assistance provided in person and by her staff. Special thanks should also go to Mr Paul Evans, State Solicitor, and Mr Geoff Lawn, Senior Parliamentary Counsel, for their discerning advice and the astute insight which they provided to the Tribunal. The Tribunal also expresses its appreciation to the Executive Officer and his team for the research and dedication that has enabled the compilation of this determination.

87. The Tribunal will monitor the outcome of this determination closely and will make adjustments as necessary.

The determination will now issue.

Signed this 19th day of June 2013

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

**DETERMINATION FOR LOCAL GOVERNMENT ELECTED  
COUNCIL MEMBERS PURSUANT TO SECTION 7B OF THE  
*SALARIES AND ALLOWANCES ACT 1975***

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**Explanatory Notes**

## PART 1: INTRODUCTORY MATTERS

*This Part deals with some matters that are relevant to the determination generally.*

### 1.1 SHORT TITLE

This determination may be cited as the *Local Government Elected Council Members Determination No. 1 of 2013*.

### 1.2 COMMENCEMENT

This determination comes into operation on 1 July 2013.

### 1.3 CONTENT AND INTENT

- (1) This determination provides for the amount of fees, expenses and allowances to be paid or reimbursed under the *Local Government Act 1995* ('the LG Act') Part 5 Division 8 to elected council members. The determination applies to elected council members who are members of the council of a local government. Under the LG Act section 3.66, it also applies to elected council members who are members of the council of a regional local government.
- (2) Where the Tribunal has determined a specific amount for a fee, expense or allowance for elected council members of a local government or regional local government, the amount determined by the Tribunal will be payable to an eligible elected council member.
- (3) Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for elected council members of a local government or regional local government, each local government or regional local government council will set an amount within the relevant range determined and the amount set will be payable to an eligible elected council member.
- (4) The fees, expenses and allowances determined are intended to recognise the responsibilities of elected council members, mayors and presidents of local governments and chairmen of regional local governments and to remunerate them for the performance of the duties associated with their office.

### 1.4 TERMS USED

In this determination, unless the contrary intention appears -

*chairman* means a person who is elected or appointed from among the members of a council of a regional local government as its chairman;

*committee meeting* means a meeting of a committee of a council where the committee comprises -

- (a) council members only; or
- (b) council members and employees of the local government or regional local government;

***council –***

- (a) in relation to a local government, means the council of the local government;
- (b) in relation to a regional local government, means the council of the regional local government;

***council member –***

- (a) in relation to a local government –
  - (i) means a person elected under the LG Act as a member of the council of the local government; and
  - (ii) includes the mayor or president of the local government;
- (b) in relation to a regional local government –
  - (i) means a person elected under the LG Act as a member of the council of a local government and who is a member of the council of the regional local government; and
  - (ii) includes the chairman of the regional local government;

***LG Regulations*** means the *Local Government (Administration) Regulations 1996*;

***mayor*** means a council member holding the office of mayor, whether elected by the council from amongst its members or elected by the electors;

***operating revenue*** means revenue that is operating revenue for the purposes of the Australian Accounting Standards made and amended from time to time by the Australian Accounting Standards Board;

***president*** means a council member holding the office of president, whether elected by the council from amongst its members or elected by the electors.

**1.5 PRO RATA PAYMENTS**

The amount of a person's entitlement to an annual attendance fee or annual allowance specified in this determination shall be apportioned on a pro rata basis according to the portion of a year that the person holds office as a council member and is eligible for the relevant annual attendance fee or annual allowance.

**1.6 LOCAL GOVERNMENT BAND ALLOCATIONS**

Unless the contrary intention appears, local governments are allocated in this determination to the bands set out in Schedule 1 of this determination. Regional local governments are not allocated to bands.

## **PART 2: MEETING ATTENDANCE FEES**

*This Part deals with fees payable to council members for attendance at council meetings and meetings as set out in section 5.98(1) and (2A) of the LG Act and regulation 30(3A) of the LG Regulations.*

*In particular it deals with fees for attendance at the following meetings –*

- (a) council meetings;*
- (b) council committee meetings;*
- (c) Western Australian Local Government Association (WALGA) Zone meetings;*
- (d) Main Roads Western Australia Regional Road Group meetings*
- (e) regional local government meetings where an elected council member is deputising;*
- (f) meetings attended at the request of a Minister of the Crown;*
- (g) meetings where an elected council member is a delegate of the council.*

### **2.1 GENERAL**

- (1) Pursuant to section 5.98(1)(b) of the LG Act, a council member who attends a council meeting is entitled to be paid the fee set by the local government or the regional local government within the range determined in section 2.2 of this Part for council meeting attendance fees.
- (2) Pursuant to section 5.98(1)(b) and (2A)(b) of the LG Act, a council member who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the range determined in section 2.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.
- (3) Each of the following meetings is a type of meeting prescribed in regulation 30(3A) of the LG Regulations -
  - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
  - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;

- (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
  - (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
  - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.
- (4) Pursuant to section 5.99 of the LG Act, a local government or regional local government may decide by an absolute majority that instead of paying council members an attendance fee referred to in section 5.98(1) of the LG Act, it will pay all council members who attend council or committee meetings a fee set within the range for annual fees determined in section 2.4 of this Part.
- (5) Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
  - (b) the council member is paid an annual fee in accordance with section 5.99 of the LG Act; or
  - (c) the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.
- (6) In determining the fees set out in this Part, the Tribunal has taken into account a range of factors including –
- (a) the time required to prepare adequately for the meetings including consideration of agenda papers, site visits related to agenda items and consultation with council staff and community members;
  - (b) the role of the council member, mayor or president including, but not limited to, representation, advocacy, and oversight and determination of policy and local legislation;
  - (c) particular responsibilities associated with the types of meetings attended;
  - (d) responsibilities of a mayor, president or chairman to preside over meetings; and

- (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model.
- (7) The Tribunal has not determined a specific meeting attendance fee for the purposes of section 5.98(1)(a) or (2A)(a) of the LG Act.

**2.2 COUNCIL MEETING ATTENDANCE FEES – PER MEETING**

- (1) The ranges of fees in Table 1 and Table 2 apply where a local government or regional local government decides by an absolute majority to pay a council member a fee referred to in section 5.98(1)(b) of the LG Act for attendance at a council meeting.

**Table 1: Council meeting fees per meeting – local governments**

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$600	\$750	\$600	\$1,125
2	\$363	\$550	\$363	\$738
3	\$188	\$388	\$188	\$600
4	\$88	\$225	\$88	\$463

**Table 2: Council meeting fees per meeting – regional local governments**

	For a council member other than the chairman		For a council member who holds the office of chairman	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$88	\$225	\$88	\$463

**2.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES – PER MEETING**

- (1) The ranges of fees in Table 3 and Table 4 apply where a local government or regional local government decides to pay a council member a fee referred to in –

- (a) section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or
- (b) section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.

**Table 3: Committee meeting and prescribed meeting fees per meeting – local governments**

For a council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$300	\$375
2	\$181	\$275
3	\$94	\$194
4	\$44	\$113

**Table 4: Committee meeting and prescribed meeting fees per meeting – regional local governments**

For a council member (including the chairman)		
	Minimum	Maximum
All regional local governments	\$44	\$113

**2.4 ANNUAL ATTENDANCE FEES IN LIEU OF COUNCIL MEETING AND COMMITTEE MEETING ATTENDANCE FEES**

- (1) The ranges of fees in Table 5 and Table 6 apply where a local government or regional local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98(1) of the LG Act, it will pay all council members who attend council or committee meetings an annual fee.

**Table 5: Annual attendance fees in lieu of council meeting and committee meeting attendance fees – local governments**

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,000	\$30,000	\$24,000	\$45,000
2	\$14,500	\$22,000	\$14,500	\$29,500
3	\$7,500	\$15,500	\$7,500	\$24,000
4	\$3,500	\$9,000	\$3,500	\$18,500

**Table 6: Annual attendance fees in lieu of council meeting and committee meeting attendance fees – regional local governments**

	For a council member other than the chairman		For a council member who holds the office of chairman	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$1,750	\$10,000	\$1,750	\$15,000

**PART 3: ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT,  
CHAIRMAN, DEPUTY MAYOR, DEPUTY PRESIDENT AND DEPUTY  
CHAIRMAN**

*This Part deals with annual allowances payable to mayors, presidents, chairmen and their deputies in addition to any entitlement to meeting attendance fees or the reimbursement of expenses pursuant to section 5.98 of the LG Act.*

*In particular, this Part deals with –*

- (a) the entitlement of a mayor, president or chairman to an additional allowance; and*
- (b) the discretion of a local government or regional local government to pay an additional allowance to a deputy mayor or deputy president or deputy chairman.*

**3.1 GENERAL**

- (1) Pursuant to section 5.98(5) of the LG Act, the mayor or president of a local government and the chairman of a regional local government are entitled, in addition to any fees or reimbursement of expenses payable under section 5.98(1) or (2), to be paid the annual allowance set by the local government or regional local government within the range determined in section 3.2 of this Part.
- (2) Pursuant to section 5.98A(1) of the LG Act, a local government or regional local government may decide by an absolute majority to pay the deputy mayor or deputy president of the local government, or the deputy chairman of the regional local government, an allowance of up to the percentage that is determined by the Tribunal of the annual allowance to which the mayor or president of the local government, or the chairman of the regional local government, is entitled under section 5.98(5) of the LG Act. That percentage is determined in section 3.3 of this Part. This allowance is in addition to any fees or reimbursement of expenses payable to the deputy mayor, deputy president or deputy chairman under section 5.98 of the LG Act.
- (3) In determining the allowances set out in this Part, the Tribunal has taken into account a range of factors including the following –
  - (a) the leadership role of the mayor, president or chairman;
  - (b) the statutory functions for which the mayor, president or chairman is accountable;
  - (c) the ceremonial and civic duties required of the mayor, president or chairman, including local government business related entertainment;
  - (d) the responsibilities of the deputy mayor, deputy president or deputy chairman when deputising;

- (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model;
- (f) the civic, ceremonial and representation duties particular to the Lord Mayor of Western Australia’s capital city.

**3.2 ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT OR CHAIRMAN**

- (1) The ranges of allowances in Table 7 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act, subject to subsections (3) and (4).
- (2) The range of allowances in Table 8 apply where a regional local government sets the amount of the annual local government allowance to which a chairman is entitled under section 5.98(5) of the LG Act, subject to subsection (5).
- (3) Despite the provisions of subsection (1), the Perth City Council is to set the amount of the annual local government allowance to which the Lord Mayor is entitled within the range of \$60,000 to \$130,000.
- (4) The maximum annual local government allowance for a mayor or president of a local government shall not exceed the maximum allowance applicable to that local government in Table 7 or 0.2 per cent of the local government’s operating revenue for the 2012-2013 financial year, whichever is the lesser.
- (5) The maximum annual local government allowance for a chairman of a regional local government shall not exceed the maximum allowance applicable to that regional local government in Table 8 or 0.2 per cent of the regional local government’s operating revenue for the 2012-2013 financial year, whichever is the lesser.

**Table 7: Annual allowance for a mayor or president of a local government**

For a mayor or president		
Band	Minimum	Maximum
1	\$50,000	\$85,000
2	\$15,000	\$60,000
3	\$1,000	\$35,000
4	\$500	\$19,000

**Table 8: Annual allowance for a chairman of a regional local government**

For a chairman		
	Minimum	Maximum
All regional local governments	\$500	\$19,000

**3.3 ANNUAL ALLOWANCE FOR A DEPUTY MAYOR, DEPUTY PRESIDENT OR DEPUTY CHAIRMAN**

- (1) The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.

#### **PART 4: EXPENSES TO BE REIMBURSED**

*This Part deals with expenses for which council members are entitled to be reimbursed pursuant to section 5.98(2) of the LG Act.*

*In particular, this Part deals with –*

- (a) expense reimbursements prescribed specifically in regulation 31(1) of the LG Regulations that must be paid by a local government or regional local government when claimed by a council member (i.e. telephone and facsimile rental, child care and travel); and*
- (b) expense reimbursements prescribed in general terms in regulation 32(1) of the LG Regulations that may be approved by a local government or regional local government and claimed by a council member.*

#### **4.1 GENERAL**

- (1) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 4.2(1) to (5) of this Part.
- (2) Regulation 31(1) of the LG Regulations prescribes the following kinds of expenses that are to be reimbursed –
  - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
  - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (3) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 32(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 4.2(6) and (7) of this Part.
- (4) Regulation 32(1) of the LG Regulations prescribes the following kinds of expenses that may be approved by a local government for reimbursement –
  - (a) an expense incurred by a council member in performing a function under the express authority of the local government;

- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person;
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

#### **4.2 EXTENT OF EXPENSES TO BE REIMBURSED**

- (1) The extent to which a council member can be reimbursed for rental charges in relation to one telephone and one facsimile machine is the actual expense incurred by the council member.
- (2) The extent to which a council member can be reimbursed for child care costs incurred because of attendance at a meeting referred to in regulation 31(1)(b) of the LG Regulations is the actual cost per hour or \$25 per hour, whichever is the lesser amount.
- (3) The extent to which a council member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the LG Regulations is –
  - (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
  - (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back —
    - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
    - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (4) The extent to which a council member of a regional local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.
- (5) For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate applicable to the reimbursement of travel costs in the same

or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.

- (6) The extent to which a council member can be reimbursed for child care costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is the actual cost per hour or \$25 per hour, whichever is the lesser amount.
- (7) The extent to which a council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.

## **PART 5: ANNUAL ALLOWANCES IN LIEU OF REIMBURSEMENT OF EXPENSES**

*This Part deals with annual allowances that a local government or regional local government may decide to pay, pursuant to section 5.99A of the LG Act, to all council members in lieu of the reimbursement of expenses of a particular type under section 5.98(2) of the LG Act.*

*In particular, this Part deals with allowances to be paid instead of –*

- (a) expense reimbursements prescribed specifically in regulation 31(1) of the LG Regulations that must be paid by a local government or regional local government when claimed by a council member (i.e. telephone and facsimile rental, child care and travel); and*
- (b) expense reimbursements prescribed in general terms in regulation 32(1) of the LG Regulations that may be approved by a local government or regional local government and claimed by a council member.*

### **5.1 GENERAL**

- (1) Pursuant to section 5.99A of the LG Act, a local government or regional local government may decide by absolute majority that instead of reimbursing council members under the LG Act section 5.98(2) for all of a particular type of expense, it will pay all council members, for that type of expense, the annual allowance determined in section 5.2 of this Part or, as the case requires, an annual allowance within the range determined in that section.
- (2) Where a local government or regional local government has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.
- (3) In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:
  - (a) the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
  - (b) the capacity of local governments to set allowances appropriate to their varying operational needs;
  - (c) the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads);

- (c) the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

**5.2 ANNUAL ALLOWANCES DETERMINED INSTEAD OF REIMBURSEMENT FOR PARTICULAR TYPES OF EXPENSES**

- (1) In this section –

*ICT expenses* means –

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;

*travel and accommodation expenses* means –

- (a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
  - (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.
- (2) For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.
  - (3) For the purposes of section 5.99A(a) of the LG Act, the annual allowance for travel and accommodation expenses is \$50.

**SCHEDULE 1: LOCAL GOVERNMENT BAND ALLOCATIONS**

LOCAL GOVERNMENT	BAND
Albany City	2
Armadale City	1
Ashburton Shire	2
Augusta-Margaret River Shire	2
Bassendean Town	3
Bayswater City	1
Belmont City	2
Beverley Shire	4
Boddington Shire	4
Boyup Brook Shire	4
Bridgetown-Greenbushes Shire	3
Brookton Shire	4
Broome Shire	2
Broomehill-Tambellup Shire	4
Bruce Rock Shire	4
Bunbury City	2
Busselton City	2
Cambridge Town	2
Canning City	1
Capel Shire	3
Carnamah Shire	4
Carnarvon Shire	2
Chapman Valley Shire	4
Chittering Shire	3
Claremont Town	3
Cockburn City	1
Collie Shire	3
Coolgardie Shire	3
Coorow Shire	4
Corrigin Shire	4
Cottesloe Town	3
Cranbrook Shire	4
Cuballing Shire	4
Cue Shire	4
Cunderdin Shire	4
Dalwallinu Shire	4
Dandaragan Shire	3
Dardanup Shire	3
Denmark Shire	3
Derby-West Kimberley Shire	2
Donnybrook Balingup Shire	3

LOCAL GOVERNMENT	BAND
Dowerin Shire	4
Dumbleyung Shire	4
Dundas Shire	4
East Fremantle Town	3
East Pilbara Shire	2
Esperance Shire	2
Exmouth Shire	3
Fremantle City	1
Gingin Shire	4
Gnowangerup Shire	4
Goomalling Shire	4
Gosnells City	1
Greater Geraldton City	1
Halls Creek Shire	3
Harvey Shire	2
Irwin Shire	3
Jerramungup Shire	4
Joondalup City	1
Kalamunda Shire	2
Kalgoorlie-Boulder City	1
Katanning Shire	3
Kellerberrin Shire	4
Kent Shire	4
Kojonup Shire	3
Kondinin Shire	4
Koorda Shire	4
Kulin Shire	4
Kwinana Town	2
Lake Grace Shire	4
Laverton Shire	3
Leonora Shire	3
Mandurah City	1
Manjimup Shire	3
Meekatharra Shire	3
Melville City	1
Menzies Shire	4
Merredin Shire	3
Mingenew Shire	4
Moora Shire	3
Morawa Shire	4
Mosman Park Town	3
Mount Magnet Shire	4
Mount Marshall Shire	4
Mukinbudin Shire	4
Mundaring Shire	2

LOCAL GOVERNMENT	BAND
Murchison Shire	4
Murray Shire	3
Nannup Shire	4
Narembeen Shire	4
Narrogin Shire	4
Narrogin Town	4
Nedlands City	2
Ngaanyatjarraku Shire	4
Northam Shire	2
Northampton Shire	4
Nungarin Shire	4
Peppermint Grove Shire	4
Perenjori Shire	4
Perth City	1
Pingelly Shire	4
Plantagenet Shire	3
Port Hedland Town	1
Quairading Shire	4
Ravensthorpe Shire	3
Rockingham City	1
Roebourne Shire	1
Sandstone Shire	4
Serpentine-Jarrahdale Shire	3
Shark Bay Shire	4
South Perth City	2
Stirling City	1
Subiaco City	2
Swan City	1
Tammin Shire	4
Three Springs Shire	4
Toodyay Shire	3
Trayning Shire	4
Upper Gascoyne Shire	4
Victoria Park Town	2
Victoria Plains Shire	4
Vincent Town	2
Wagin Shire	4
Wandering Shire	4
Wanneroo City	1
Waroon Shire	3
West Arthur Shire	4
Westonia Shire	4
Wickepin Shire	4
Williams Shire	4
Wiluna Shire	4

LOCAL GOVERNMENT	BAND
Wongan Ballidu Shire	4
Woodanilling Shire	4
Wyalkatchem Shire	4
Wyndham-East Kimberley Shire	2
Yalgoo Shire	4
Yilgarn Shire	3
York Shire	3

Signed this 19th day of June 2013

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

## EXPLANATORY NOTES

*This section does not form part of the determination*

### **1. Entitlements**

The entitlement of a council member to a fee, allowance or reimbursement of an expense established under the LG Act, the LG Regulations and this determination, cannot be proscribed, limited or waived by a local government. Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the local government.

### **2. Local governments to set amounts within the range determined**

Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for members of the council of a local government or a regional local government, each council is to set an amount within the relevant range determined and the amount set will be payable to an eligible elected council member.

### **3. Superannuation**

Nothing in this determination establishes a liability for the payment of superannuation by local governments. Elected council members are eligible for superannuation payments if their council has resolved unanimously to become an Eligible Local Governing Body (ELGB) pursuant to section 221A and section 221B of the *Income Tax Assessment Act 1936* (Cwlth). Where the council is an ELGB, it is deemed to have an employer/employee relationship with its elected council members and this attracts the application of a number of statutory obligations. Alternative arrangements described in Australian Taxation Office (ATO) Interpretative Decision ATO ID 2007/205 allow for elected council members and councils to agree for whole or part of meeting attendance fees to be paid into a superannuation fund. This information is not published by way of legal or financial advice.

<b>AGENDA ITEM:</b>	<b>9.3.2</b>
<b>SUBJECT:</b>	<b>SPECIAL COUNCIL MEETING – INTERVIEW AND APPOINTMENT OF CEO</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>902.05</b>
<b>PREVIOUS REFERENCE:</b>	
<b>DATE:</b>	<b>9 JULY 2013</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## **DISCLOSURE OF INTEREST**

Nil

## **BACKGROUND**

A Special Meeting of Council was held on 5 July 2013 to interview Mr Maurice Battilana for the position of Chief Executive Officer.

## **COMMENT**

After the interview Mr Maurice Battilana was offered the position and a contract was negotiated and signed on Friday 5 July 2013.

## **STATUTORY ENVIRONMENT**

### **5.36. Local government employees**

1. A local government is to employ -
    - (a) a person to be the CEO of the local government; and
    - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
  2. A person is not to be employed in the position of CEO unless the council -
    - (a) believes that the person is suitably qualified for the position; and
    - (b) is satisfied\* with the provisions of the proposed employment contract.

*\* Absolute majority required.*
  3. A person is not to be employed by a local government in any other position unless the CEO -
    - (a) believes that the person is suitably qualified for the position; and
    - (b) is satisfied with the proposed arrangements relating to the person's employment.
  4. Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- 5(a) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
5. For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council make an allowance in the Annual Budget for costs associated with the employment of the CEO.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**STAFF RECOMMENDATION**

That Council receives the minutes of the Special Meeting of Council held on Friday 5 July 2013.



Shire of  
**Chapman Valley**  
*Love the Rural Life*

## UNCONFIRMED MINUTES

5 July 2013

## SPECIAL COUNCIL MEETING

Notice is hereby given that a Special Meeting  
of Council will be held on Friday 5 July 2013  
at the Council Chambers, Nabawa, commencing at 9.30am

Stuart Billingham  
CHIEF EXECUTIVE OFFICER

## DISCLAIMER



*Shire of*  
**Chapman Valley**  
*Love the Rural Life*

No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

### WRITTEN CONFIRMATION

Of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in blue ink, appearing to read 'S. Billingham'.

Stuart Billingham  
**CHIEF EXECUTIVE OFFICER**

**SHIRE OF CHAPMAN VALLEY  
UNCONFIRMED MINUTES OF SPECIAL MEETING OF COUNCIL TO BE HELD IN THE COUNCIL  
CHAMBERS, NABAWA 9.30AM FRIDAY 5 JULY 2013**

**Order of Business:**

**1.0 DECLARATION OF OPENING**

The Chairman, Cr Collingwood welcomed Elected Members and Staff and declared the meeting open at 9.30am.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Present

a. Councillors

Member	Ward
Cr John Collingwood - President	North East Ward
Cr Beverly Davidson	North East Ward
Cr David Bell	South West Ward
Cr Peter Humphrey	South West Ward
Cr Trevor Royce	North East Ward
Cr Anthony Farrell	North East Ward

b. Staff

Officer	Position
Mr Stuart Billingham	Chief Executive Officer
Mrs Karen McKay	Executive Assistant (Minute Taker)

c. Visitors

Name

Apologies

Councillor	Ward
Cr Pauline Forrester	North East Ward
Cr Peter Batten	North East Ward

**3.0 DISCLOSURE OF INTEREST**

Nil

**4.0 REPORTS OF COMMITTEE & OFFICERS**

4.1 Chief Executive Officer

4.1.1 Interview of CEO – **CONFIDENTIAL ITEM**

## 4.1 Chief Executive Officer

### July 2013

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#### AGENDA ITEMS

- 4.1.1 Interview of CEO – **CONFIDENTIAL ITEM**

**CONFIDENTIAL ITEM**

<b>AGENDA ITEM:</b>	<b>4.1.1</b>
<b>SUBJECT:</b>	<b>INTERVIEW OF CHIEF EXECUTIVE OFFICER</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>WB01 – EMPLOYMENT FILE</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>5 JULY 2013</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

**COMMENT**

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to "Meet Behind Closed Doors" as this Agenda Item should be considered as being a matter affecting the personal affairs of any person.

It is a requirement of the Freedom of Information Act, 1992, that all this information is returned to the Chief Executive Officer at the completion of this item for appropriate filing to maintain confidentiality.

Once all negotiations have been completed this will be considered an "exempt document" in accordance with Schedule 1 of the Freedom of Information Act, 1992, denying public access.

**STAFF RECOMMENDATION**

THAT Council resolve to "Meet Behind Closed Doors" to discuss Agenda Item 4.1.1 as it is considered a matter affecting the personal affairs of any person.

THAT the Meeting automatically reopened once discussion and voting on the item is complete.

**COUNCIL RESOLUTION**

MOVED: CR DAVIDSON                      SECONDED: CR FARRELL

THAT Council resolve to "Meet Behind Closed Doors" to discuss Agenda Item 4.1.1 as it is considered a matter affecting the personal affairs of any person.

THAT the Meeting automatically reopened once discussion and voting on the item is complete.

Voting 6/0  
CARRIED

*Mr Billingham and Mrs McKay left Chambers at 9.35am*

*Mr Billingham and Mrs McKay re-entered Chambers at 11.20am*

**COUNCIL RESOLUTION**

MOVED: CR DAVISON                      SECONDED: CR FARRELL

That Council appoint Mr Maurice Battilana to the position of Chief Executive for the Shire of Chapman Valley; and that Council negotiates a Contract of Employment.

Voting 6/0  
CARRIED

**COUNCIL RESOLUTION**

**MOVED: CR DAVIDSON**

**SECONDED: CR FARRELL**

**That Council offers a contract of employment on the WALGA model CEO Contract Schedule 2 as agreed by Council with Mr Maurice Battilana inclusive of a 3 month contract probationary period as the only modification.**

**Voting 6/0  
CARRIED**

**10.0 CLOSURE**

The Chairman thanked Councillors and Staff for their attendance and declared the meeting closed at 11.53am.

<b>AGENDA ITEM:</b>	<b>9.3.3</b>
<b>SUBJECT:</b>	<b>FINANCE &amp; AUDIT COMMITTEE MINUTES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>403.05</b>
<b>PREVIOUS REFERENCE:</b>	<b>13/2-20</b>
<b>DATE:</b>	<b>10 JULY 2013</b>
<b>AUTHOR:</b>	<b>BARRYE THOMPSON</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

The Shire of Chapman Valley Finance & Audit Committee met on Wednesday 10 July 2013 at 10.00am in the Council Chambers Nabawa. The minutes of the meeting have been included as **Attachment 1**.

#### **COMMENT**

The minutes and recommendations from the Finance & Audit Committee meeting dated 10 July 2013 are presented for Council consideration.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 & Local Government Audit Regulations 1996.*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

2013/14 Budget

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **STAFF RECOMMENDATION**

That Council:

1. Receives the minutes of the Finance and Audit Committee meeting 10 July 2013.
2. Receive the following Committee Recommendation:
  - That the Finance and Audit Committee recommend to Council that the Mid West Regional Council be appointed to provide accounting services on a contract basis for a period of twelve (12) months.



Shire of  
**Chapman Valley**  
*Love the Rural Life*

# UNCONFIRMED MINUTES

**FINANCE & AUDIT COMMITTEE MEETING  
WEDNESDAY 10<sup>th</sup> JULY 2013  
COUNCIL CHAMBERS NABAWA  
10.00AM**

**The Finance and Audit Committee is comprised of:-**

**Cr John Collingwood  
Cr Beverley Davidson  
Cr Pauline Forrester**

**Chief Executive Officer (Advisor)  
Executive Assistant (Minute Taker)**

# AGENDA

## UNCONFIRMED MINUTES OF THE FINANCE & AUDIT COMMITTEE MEETING TO BE HELD IN THE COUNCIL CHAMBERS, NABAWA WEDNESDAY 10<sup>TH</sup> JULY 2013 AT 10.00AM

### ORDER OF BUSINESS

#### 1.0 Declaration of Opening / Announcements of Visitors

The Chairman, Cr Collingwood welcomed Elected Members and Staff and declared the meeting open at 10,15am.

#### 2.0 Record of Attendance

##### Present

##### a. Councillors

Member	Ward
Cr John Collingwood - President	North East Ward
Cr Beverly Davidson	North East Ward
Cr Pauline Forrester	North East Ward

##### b. Staff

Officer	Position
Mr Barrye Thompson	Acting Chief Executive Officer
Mrs Karen McKay	Executive Assistant (Minute Taker)
Mrs Dianne Raymond	Office Manager

##### Apologies

Councillor	Ward
Nil	

#### 3.0 Confirmation of Minutes from previous meetings

##### Finance and Audit Committee Meeting held on Wednesday 6 February 2013

'Recommend that the minutes of the Finance and Audit Committee of the Shire of Chapman Valley held on Wednesday 6 February 2013 be confirmed as a true and accurate record of proceedings.'

##### COMMITTEE RECOMMENDATION

MOVED: CR DAVIDSON

SECONDED: CR FORRESTER

That the minutes of the Finance and Audit Committee of the Shire of Chapman Valley held on Wednesday 6 February 2013 be confirmed as a true and accurate record of proceedings.

Voting 3/0  
CARRIED

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**4.0 Agenda Items**

**4.1 Interim Audit Report 30 June 2013**

<b>AGENDA ITEM:</b>	<b>4.1</b>
<b>SUBJECT:</b>	<b>INTERIM AUDIT REPORT 30 JUNE 2013</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>COUNCIL CHAMBERS</b>
<b>FILE REFERENCE:</b>	<b>403.05 &amp; 305.13</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>3 JULY 2013</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

The Shire of Chapman Valley has received the Interim Audit Report from its Auditors UHY Haines Norton. (Please refer to Final Audit Report submitted as **Attachment 1**).

The following Other Legal and Regulatory Requirements were raised:

##### Audit Report

Purchases, Payments & Payables

- It was noted where purchase orders were raised after supplier tax invoices were received.

Month End Procedures

A review of month end reconciliations revealed the following:

- In one instance the rate debtors and sundry debtors reconciliations had not been prepared and in two instances these reconciliations did not have evidence of having been reviewed by senior office independent of preparation;
- There were three instances where creditors reconciliations did not have evidence of having been reviewed by senior officer independent of preparation; and
- Whilst reconciliations for fixed assets were performed as required, they did not have evidence of having been reviewed by senior officer independent of preparation.

Monthly Financial Activity Statement

The review of Monthly Finance Activity Statements noted the following:

- Whilst an "\*" denotes where material variances have occurred the actual material variances, in \$ or % terms, were not disclosed as required by FM Reg 34(1)(d).
- Some material variances in Monthly Financial Activity Statements did not have adequate explanations.

Financial Interest Register

The review of the annual return in the Financial Interest Register noted the period covered in the annual returns was from 1 July 2012 to 30 June 2013 instead of 1 July 2011 to 30 June 2012.

#### **COMMENT**

A review of month end reconciliations revealed the following:

##### Auditor comment

- In one instance the rate debtors and sundry debtors reconciliations had not been prepared and in two instances these reconciliations did not have evidence of having been reviewed by senior office independent of preparation;

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Officer Comment

Rates Debtors and Sundry Debtors reconciliations are now prepared monthly and signed off by the preparer and checking officer. Office procedure manual have been adjusted to reflect this requirement.

Auditor comment

- There were three instances where creditors reconciliations did not have evidence of having been reviewed by senior officer independent of preparation; and

Officer Comment

Sundry Creditors reconciliations are now prepared monthly and signed off by the preparer and checking officer. Office procedure manual have been adjusted to reflect this requirement.

Auditor comment

- Whilst reconciliations for fixed assets were performed as required, they did not have evidence of having been reviewed by senior officer independent of preparation.

Officer Comment

Fixed Asset reconciliations are now prepared annually and signed off by the preparer and checking officer. Office procedure manual have been adjusted to reflect this requirement.

Monthly Financial Activity Statement

The review of Monthly Finance Activity Statements noted the following:

Auditor comment

- Whilst an "\*\*\*" denotes where material variances have occurred the actual material variances, in \$ or % terms, were not disclosed as required by FM Reg 34(1)(d).

Officer Comment

The May and June monthly Statement of Financial Activity has now been updated to reflect these statutory requirements and now resolved.

Auditor comment

- Some material variances in Monthly Financial Activity Statements did not have adequate explanations.

Officer Comment

The May and June monthly Statement of Financial Activity has now been updated with more detailed explanations of material variances and this matter is now considered resolved.

**STATUTORY ENVIRONMENT**

Part 7 *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**STAFF RECOMMENDATION**

That Council receive the Auditors Report and it be noted there are no further actions required.

**COMMITTEE RECOMMENDATION**

**MOVED: CR FORRESTER**

**SECONDED: CR DAVIDSON**

That the Finance & Audit Committee recommend the receipt of the Auditors Report to full Council and it be noted there are no further actions required.

**Voting 3/0  
CARRIED**

305: 13  
Record No



20 May 2013

Cr J P Collingwood  
The Chair  
Audit Committee  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

Dear Cr Collingwood

**INTERIM AUDIT VISIT**

We have completed our onsite procedures in respect of our interim audit visit on 8 to 9 April 2013 and attach a list of matters raised with management during our exit meeting.

Please note, we will follow these up during our final visit later in the year to help ensure appropriate action has been implemented.

This letter, together with the attached matters are provided for the purposes of general information only and are not part of our formal audit reporting process. Our audit and management reports will be formally issued at the conclusion of our audit in respect of the year ended 30 June 2013.

If you have any queries regarding these or other matters, please contact me.

Yours sincerely

  
GREG GODWIN  
PARTNER

cc: Mr Stuart Billingham - Chief Executive Officer

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## SHIRE OF CHAPMAN VALLEY

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INTERIM AUDIT VISIT  
YEAR ENDED 30 JUNE 2013  
MATTERS NOTED & REQUIRING FOLLOW UP



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UHY HAINES NORTON  
CHARTERED ACCOUNTANTS

## 1.0 SYSTEMS AND PROCEDURES

### 1.1 PURCHASES, PAYMENTS AND PAYABLES

#### OBSERVATION

We noted instances where purchase orders were raised after supplier tax invoices were received.

#### COMMENT

All authorised officers should be "reminded" of the need to ensure purchase orders are to be raised prior to the time of authorising works/services or ordering goods. This will help to ensure goods/services have been appropriately ordered and authorised, and also helps ensure budget responsibility.

Purchases made without orders may commit the Shire to unauthorised expenditure. It is important for all purchasing to follow a documented procedure to control expenditure and ensure the dollar value limits set for staff are not exceeded.

Whilst we acknowledge compensating controls exist whereby the relevant expenditure is controlled by budgets and spending limits, ensuring purchase orders are written out and matched to invoices provides a higher level of control.

### 1.2 MONTH END PROCEDURES

#### OBSERVATION

Our review of month end reconciliations revealed the following:

- In one instance the rate debtors and sundry debtors reconciliations had not been prepared and in two instances these reconciliations did not have evidence of having been reviewed by a senior officer independent of preparation;
- There were three instances where creditors reconciliations did not have evidence of having been reviewed by a senior officer independent of preparation; and
- Whilst reconciliations for fixed assets were performed as required, they did not have evidence of having been reviewed by a senior officer independent of preparation.

#### COMMENT

To help ensure the completeness and accuracy of sub ledgers, the general ledger should be reconciled to the respective sub ledgers on a regular basis. These reconciliations should be signed and dated by the preparer thereof and should be independently reviewed.

*Note: This document is for audit purposes only to document matters discussed with management and is not intended to express nor imply any opinion or assurance. It should be read in conjunction with our covering letter in respect of our interim audit visit.*

UHY HAINES NORTON  
CHARTERED ACCOUNTANTS



## 2.0 COMPLIANCE

### 2.1 MONTHLY FINANCIAL ACTIVITY STATEMENT

#### OBSERVATION

Our review of Monthly Financial Activity Statements noted the following:

- Whilst an “\*” denotes where material variances have occurred, the actual material variances, in \$ or % terms, were not disclosed as required by FM Reg 34(1)(d).
- Some material variances in Monthly Financial Activity Statements did not have adequate explanations.

#### COMMENT

- To help ensure compliance with FM Reg 34(2)(b) together with FM Reg 34(5), as Council have defined a material variance in both percentage (%) and Dollar (\$) terms, both the % and \$ values of variances should be detailed in the Monthly Financial Activity Statements.

*As the above matter raised represents non-compliance with Financial Management Regulations, this may be carried forward to our audit report for the year ended 30 June 2013.*

- To help assist users of the monthly reports to assess reasons for material variances and make decisions resulting there from the explanations for material variances could be more detailed.

### 2.2 FINANCIAL INTEREST REGISTER

#### OBSERVATION

Our review of the annual returns in the financial Interest Register noted the period covered in the annual returns was from 1 July 2012 to 30 June 2013 instead of 1 July 2011 to 30 June 2012.

#### COMMENT

To help ensure compliance with Section 5.76 of the LG Act annual returns should be lodged “in arrears” i.e. returns lodged in the period 1 July 2012 to 31 August 2012 should cover the year ended 30 June 2012.

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UHY HAINES NORTON  
CHARTERED ACCOUNTANTS



### 3.0 READINESS TO ADOPT FAIR VALUE ACCOUNTING

**OBSERVATION**

As mandated by Financial Management Regulation 17A, a local government in Western Australia must show all of the assets in its financial report at fair value by 30 June 2015. Implementation is to be phased in over three years from 1 July 2012 and commences with all plant and equipment being reported at fair value for the financial year ending 30 June 2013. During our interim audit visit, we made observations and held discussions with a view to assessing the Shire's readiness for meeting the requirements and noted the following:

MAJOR TASK REQUIRED	OBJECTIVE	STATUS
Design of an overall strategy and plan.	To ensure resources are available and organised for proper implementation and hence compliance with regulations in respect to fair value reporting. This also helps to ensure external services are scoped properly.	Management indicated the Shire will implement this mandatory requirement over three years starting with valuation of plant and equipment in accordance with Financial Management Regulation 17A(3). Management has just started considering the process and are thinking of using a mixture of in house resources and external consultants. The plan will be documented in due course for all classes of assets.
Selection of the valuation method (including fair value hierarchy) for different classes or segmentation of assets.	To ensure the most appropriate approach and hierarchy of fair value inputs for valuation techniques are applied.	Management has started to consider this for plant and equipment and will do so for other classes of assets in due course.
Consideration and application of Highest and Best Use valuation principles	To help ensure proper disclosure in accordance with paragraph 93 of AASB 13 "Fair Value Measurement" i.e. need to disclose fact and why an asset is being used in a manner different from its highest and best use.	Management is in the process of reviewing the methodologies and aiming to complete the process by June 2013 for plant and equipment. Other classes of assets will follow in due course.
Review of accounting policies in respect of fair value reporting and disclosure requirements.	To ensure fair value accounting and relevant disclosure requirements are properly incorporated and adopted for financial reporting purposes.	Management are yet to consider this for all classes of assets and will do so in due course.

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UHY HAINES NORTON  
 CHARTERED ACCOUNTANTS



## 2.0 READINESS TO ADOPT FAIR VALUE ACCOUNTING (CONTINUED)

**OBSERVATION (CONTINUED)**

MAJOR TASK INVOLVED	OBJECTIVE	STATUS
Review of Assets Capitalisation Policy for fair value reporting purposes.	To help ensure capitalisation thresholds for different classes of assets are reasonable in term of materiality and practicality.	Management has just started to consider this for all classes of assets.
Review of current fixed assets system and records for fair value reporting purposes.	To help ensure the asset system and records are up-to-date and complete with all information required (including asset hierarchy with appropriate segmentation, condition, initial cost, previous revaluation increment and etc), prior to the commencement of the valuation.  Also, this helps to ensure detailed information (i.e. initial cost recognised, fair value, annual useful life & residual value, basis and support of valuation etc) for each individual asset is adequately maintained post revaluation.	Management has just started to consider this for plant and equipment and will do this for all other classes of assets in due course.
Identification and recognition (at fair value) of Crown land or other land not owned but operated by the Council either as a golf course, showground, racecourse or any other sporting or recreational facility of State or regional significance.	To help ensure proper compliance with Financial Management Regulation 16(a) and fair value accounting.	Management are yet to consider this and will do so for the year ending 30 June 2013 as required by Financial Management Regulation 16.
Identification and recognition (at fair value) of easements within the Shire as intangible assets.	To help ensure proper compliance with AASB 138 "Intangible Assets", Financial Management Regulation 16(b)(ii) and hence proper financial reporting.	Management are yet to consider this and will do so for the year ending 30 June 2013 as required by Financial Management Regulation 16.

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UHY HAINES NORTON  
 CHARTERED ACCOUNTANTS



## 2.0 READINESS TO ADOPT FAIR VALUE ACCOUNTING (CONTINUED)

### OBSERVATION (CONTINUED)

In summary, management are aware of the mandated requirements and the timing involved in adopting fair value for reporting different classes of assets. At the time of our visit, management have just started considering the process for revaluation of plant and equipment and indicated internal resources will be utilised.

This process will commence with a review of asset records and capitalisation threshold(s).

In addition, staff will commence the process of identifying land and easements as required by Financial Management Regulation 16.

For other classes of assets, management will consider and deal with the tasks as identified above in due course.

### COMMENT

We will follow up at year end with a view to ensuring fair value accounting in relation to plant and equipment has been addressed and adequate progress has been made in respect of other classes of assets.

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UHY HAINES NORTON  
CHARTERED ACCOUNTANTS



## 4.0 REMINDERS

- The Delegations Register was last reviewed in June 2012 and will be due for its annual review prior to June 2013.
- FBT return for the year ended 31 March 2013 is required to be completed and submitted during May 2013.

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LHY HAINES NORTON  
CHARTERED ACCOUNTANTS



**5.0 Information Items**

Nil

**6.0 General Business**

**COMMITTEE RECOMMENDATION**

**MOVED: CR DAVIDSON                      SECONDED: CR COLLINGWOOD**

**That the Finance and Audit Committee recommend to Council that the Mid West Regional Council be appointed to provide accounting services on a contract basis for a period of twelve (12) months.**

**Voting 3/0  
CARRIED**

**7.0 Closure**

The Chairman thanked Elected Members and Staff for their attendance and closed the meeting at 10.53am.

**10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

11.1 Elected Member Reports

**12.0 GENERAL BUSINESS  
(of an urgent nature introduced by decision of meeting)**

12.1 Elected Members

12.2 Officers

**13.0 CLOSURE**