

*“A thriving
community, making
the most of our
coastline, ranges and
rural settings to
support us to grow
and prosper”*

ORDINARY COUNCIL MEETING

Agenda

**Meeting Date Monday 28 April
2025**

Meeting Time 4:00 pm

**To be held at Chapman Valley
Administration Office, 3270 Chapman
Valley Road, Nabawa WA 6532,
Council Chambers.**

Jamie Criddle

Chief Executive Officer



SHIRE OF

Chapman Valley

love the rural life!

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

"A thriving and diverse community, embracing our coastline, ranges and rural settings to support growth and prosperity, while enjoying our peaceful and quiet lifestyle."

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

- 1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues
- 1.2 Address identified ageing population issues
- 1.3 Strengthen our role in regional partnerships and advocacy for continuity of local services/ facilities
- 1.4 Maintain and enhance safety and security in the Shire
- 1.5 Maximise health and lifestyle outcomes through environmental and public health strategies



ECONOMY & POPULATION

- 2.1 Build population and business activity through targeted strategies
Provide support for business development and local employment
- 2.2 Embrace local tourism and regional strategies and trails
- 2.3 Ensure town planning compliments economic and business development, population retention and growth strategies
- 2.4 Develop marketing plan to promote Chapman Valley as place to live, invest, work or visit



ENVIRONMENT & SUSTAINABILITY

- 3.1 Preserve and protect the natural environment and address environmental risks as they arise
- 3.2 Maintain the rural identity of the Shire
- 3.3 Build the green canopy of the Shire's town areas
- 3.4 Address weed and vermin control
- 3.5 Fire mitigation and control



PHYSICAL & DIGITAL INFRASTRUCTURE

- 4.1 Develop, manage, and maintain built infrastructure
- 4.2 Manage and maintain roads, drainage, and other essential infrastructure assets
- 4.3 Aspire to robust communication and digital infrastructure in the Shire through strong partnerships and alliances
- 4.4 Advocate for improved power networks
- 4.5 Advocate for improved water security within the Shire



GOVERNANCE & ACCOUNTABILITY

- 5.1 Ensure governance and administration systems, policies and processes are current and relevant
- 5.2 Be accountable and transparent while managing human and physical resources effectively
- 5.3 Make informed decisions within resources and areas of responsibility
- 5.4 Ensure robust processes and guidelines for development

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.

AUDIO RECORDING OF MEETING

In accordance with Regulation 14(l) of the Local Government (Administration) Regulations 1996, Band 3 & 4 Local Governments are required to make and retain audio recordings of all Council meetings.

All Council meetings are electronically recorded for minute taking purposes, including when Council resolves to close a meeting to the public, in accordance with s 5.23 of the Local Government Act 1995, and 'Proceed behind Closed Doors'.

Recordings of open proceedings will be published on the local government's website within 14 days of the meeting taking place. All recordings are retained as part of the Shire's records in accordance with the State Records Act 2000, Local Government Act 1995 & Administration Regulations.

DISCLAIMER

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.

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1 Declaration of Opening & Announcements of Visitors

The President will welcome elected members, staff and visitors to the council meeting and declaring the meeting open.

“The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.”

2 Announcements from the Presiding Member

3 Record of Attendance

3.1 Attendees

The following are anticipated to attend the council meeting:

Elected Members

Cr Nicole Batten (President)

Cr Trevor Royce (Deputy President)

Cr Philip Blakeway

Cr Elizabeth Elliott-Lockhart

Cr Catherine Low

Cr Emma Rodney

Officers

Jamie Criddle, Chief Executive Officer

Simon Lancaster, Deputy Chief Executive Officer

Dianne Raymond, Manager Finance & Corporate Services

Beau Raymond, Minute Taker

Visitors

3.2 Apologies

3.3 Previously Approved Leave of Absence (By Resolution of Council)

Nil

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Local Government Act 1995
SHIRE OF CHAPMAN VALLEY
Standing Orders Local Law 2016
Part 6 - Public participation

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

5 Applications for Leave of Absence

6 Disclosure of Interest

Local Government Act 1995

Administration Part 5

Disclosure of financial interests and gifts Division 6

s. 5.59

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B:

“a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- or (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality):

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

7 Presentations

Local Government Act 1995

SHIRE OF CHAPMAN VALLEY

Standing Orders Local Law 2016

Part 6 - Public participation

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either:
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a presentation means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of

the CEO.

7.1 Petitions

The Council has not received any petitions at the time of writing this report.

7.2 Presentations

The Council does not anticipate any presentations at the time of writing this report.

7.3 Deputations

The Council has not received any deputations at the time of writing this report.

8 Confirmation of Minutes from Previous Meetings

Recommendation

That the Minutes of the Ordinary Council Meeting held on 20 March 2025 be confirmed as true and accurate.

9 Items to be dealt with En Bloc

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Proposed Industry
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A2111
Attachment(s)	1. Application Report [10.1.1.1 - 45 pages] 2. Application Technical Appendices [10.1.1.2 - 284 pages] 3. Schedule of Submissions [10.1.1.3 - 11 pages] 4. Received Submissions [10.1.1.4 - 64 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council advise the Development Assessment Panel that it considers determination on the development of an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing) upon Lots 11 & 12 North West Coastal Highway, Oakajee should be deferred pending receipt of the following:

- 1 Comment from the Department of Energy, Mines, Industry Regulation and Safety's Dangerous Goods/ Resources Safety Section upon the application.
- 2 Submission by the applicant of a risk analysis for the proposed storage of ammonium nitrate and ammonium nitrate emulsion that includes modelling of potential scenarios and their preventative and response management, and also for the transportation of ammonium nitrate and ammonium nitrate emulsion along the proposed routes.

That Council write to the Minister for Transport seeking an update on the progress of the Dongara-Geraldton-Northampton Route Alignment Study and to raise the increasing need for the Oakajee-Narngulu Infrastructure Corridor section of this route (road, rail and services corridor width) to be purchased and constructed to provide certainty to landowners, industry proponents and transport operators.

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The Shire of Chapman Valley has received an application from GHD on behalf of Blue Diamond Australia Pty Ltd seeking to develop an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing) upon Lots 11 & 12 North West Coastal Highway in the Oakajee Industrial Estate.

The application has been advertised for comment and is now presented to Council for consideration.

This development will be determined by a Development Assessment Panel (DAP) that is administered by the State Department for Planning, Lands & Heritage (DPLH) and Council is making a recommendation to a DAP, not a determination, upon this matter.

This report recommends that Council advise the applicant and DAP that it requires further information before making its comment.

In the event that Council, or DAP, consider the application should be approved, wording is provided at the end of the Comment section of this report outlining conditions of approval and advice notes for consideration that address both the construction and operation of the development.

Comment

Lots 11 and 12 are 238.92ha and 263.07ha properties located on the western side of the North West Coastal Highway that form part of the overall 6,400ha Oakajee Strategic Industrial Area (SIA) that is owned by the State Government through Development WA. The Oakajee SIA consists of a 1,134ha heavy industrial core, 1,000ha port area, 196ha industrial support areas and 4,070ha buffer area that were rezoned on 2004.

In 2022 the State Government announced that it had approved land allocations in the Oakajee SIA core area for 6 proponents:

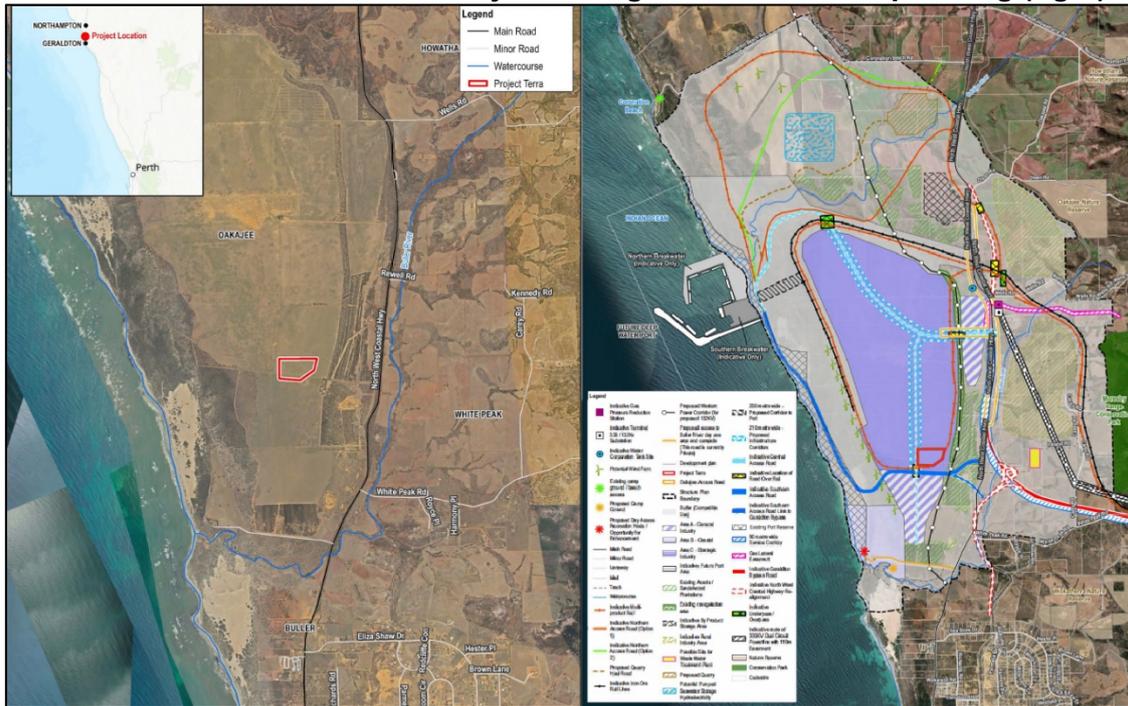
- BP;
- Fortescue Future Industries;
- Copenhagen Infrastructure Partners;
- Green LOHC;
- Kinara Power;
- Blue Diamond Australia.

Blue Diamond Australia have now lodged application to develop 'Project Terra' which consists of the following within a 12ha portion of their 48ha land allocation:

- ammonium nitrate storage facility with a capacity of up to 15,000 tonnes per year;
- ammonium nitrate emulsion manufacturing plant with an initial production capacity of up to 40,000 tonnes per year with the potential for production to increase up to 80,000 tonnes per year over the initial 5 years of operation.

Ammonium nitrate emulsion is used as a blasting agent in mining operations and the WA mining industry uses approximately 1.2 million tonnes of ammonium nitrate annually to deliver over 100 million tonnes sales annually worth approximately \$179 billion annually. Platinum Blasting Services would manage and operate the facility on behalf of Blue Diamond Australia.

Figure 10.1.1.1 – Location Map of proposed development site on aerial photo (left) and within context of wider Oakajee Strategic Industrial Area planning (right)



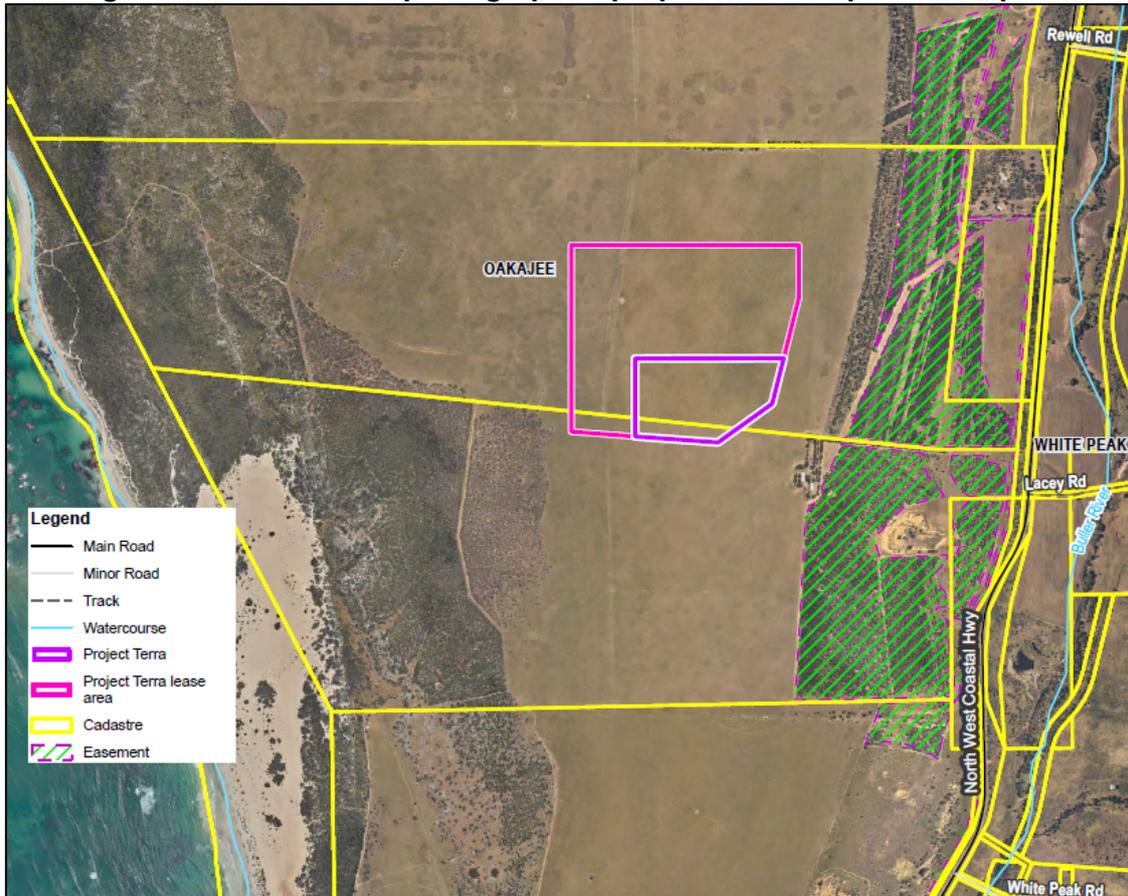
Lots 11 & 12 are presently leased by Development WA for farming purposes and are largely cleared, excepting remnant coastal vegetation along the western edge and a plantation strip along the eastern/highway edge.

The development is proposed to be sited on a previously cleared and farmed area that slopes from the 88m contour at the eastern edge to the 70m contour at its western edge across an east-west distance of approximately 500m.

The development would be setback approximately 900m west from the North West Coastal Highway.

Approximately 300m south-east of the proposed development is a residence and outbuilding upon Lot 11 (owned by the State Government) that are proposed to be demolished.

Figure 10.1.1.2 – Aerial photograph of proposed development footprint



It is proposed that 3,000 tonnes of ammonium nitrate would be imported to Geraldton Port approximately 6 times a year to supply the development. The product is transported on the ship in 1.2 tonne flexible intermediate bulk containers, (more commonly known as ‘bulk’ or ‘bulker/bulka’ bags). The bulka bags would be removed via onboard unloading equipment and transferred onto B-Double trucks at the port (typically 36 bulka bags per truck). There would be approximately 60-65 B-Double two-way truck trips from Geraldton Port to the Oakajee facility as unloading occurred over a 24 hour period.

Access to the site would be via the Oakajee Central Access Road that is currently being constructed by Main Roads WA off the North West Coastal Highway approximately 3km north of the development site. Vehicles would then travel south along a 3km long, 8m wide access road constructed by the applicant to reach an access point located at the north-eastern corner of the development site. The internal vehicle access network would be a 15m wide 2-lane unsealed road around the perimeter of the development site.

The storage facility at Oakajee would have capacity to store up to 15,000 tonnes of ammonium nitrate although the quantity stored would vary dependant on production and import. The ammonium nitrate would be stored in stacks under 2 large dome structures with concrete foundations, at the eastern end of the development site.

The ammonium nitrate emulsion plant would be located in the north-western area of the development footprint and contained within a 30m x 30m (900m²) shed located on a concrete slab. Supporting equipment including generators, boilers and bunded storage tanks would be located to the east of the plant. 6 x 60 tonne ammonium nitrate emulsion tanks would be sited to the west of the plant.

There would be an office, crib hut, toilets, stores and trace manufacture facilities located in the southwest corner of the site.

Figure 10.1.1.3 – Proposed development layout

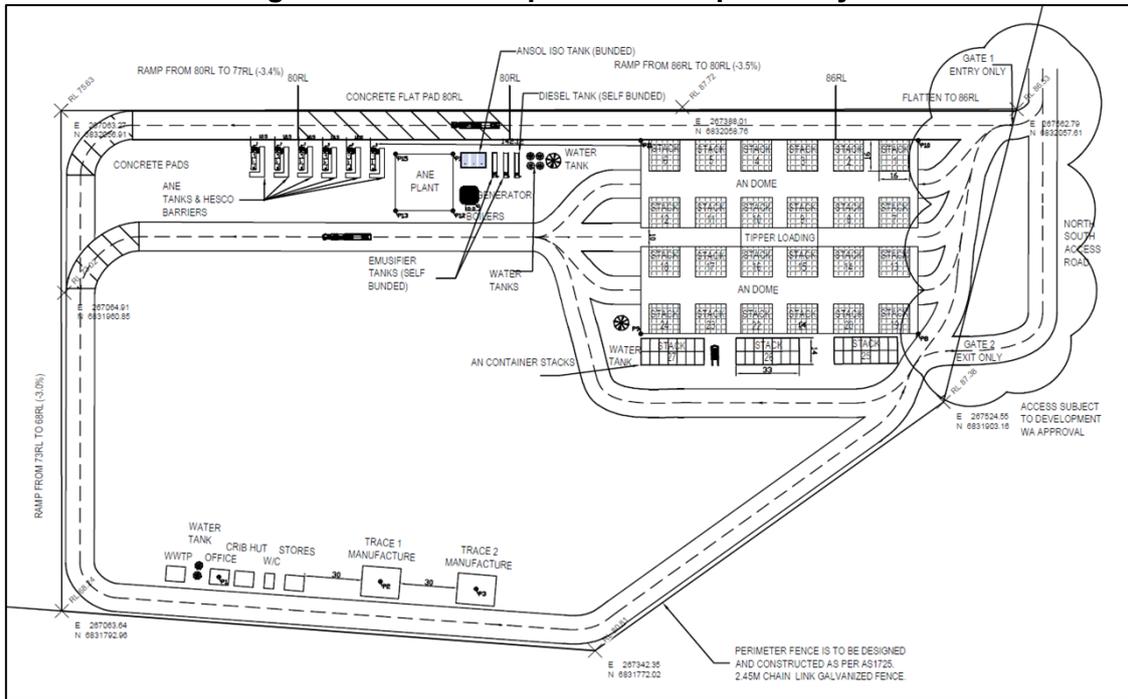


Figure 10.1.1.4 – Proposed development access



During standard manufacturing operations the facility would operate from Monday to Friday between 6:30am and 5:00pm, with up to 6 personnel onsite overseeing operations. During import operations (approximately 6 times per year) when ammonium nitrate is delivered to site, the facility would be operational for a 48-hour period.

The production facility would blend diesel and emulsifier to produce the Fuel Phase. Ammonium nitrate is then mixed with water in 'melt tanks' to produce create ammonium

nitrate solution (ANSOL). The Fuel Phase and ANSOL are then mixed to create the ammonium nitrate emulsion product which is pumped into storage tanks

A copy of the application report has been provided as **separate Attachment 10.1.1.1** and the technical appendices which includes the following reports have been provided as **separate Attachment 10.1.1.2**:

- Traffic Impact Assessment (prepared by GHD);
- Surface Water Management Plan (prepared by GHD);
- Air Quality Impact Assessment (prepared by GHD);
- Waste Management Plan (prepared by GHD);
- Noise Impact Assessment prepared by GHD);
- Bushfire Management Plan (prepared by Linfire Consultancy).

Further information can also be obtained at the applicant's website:

[Project Terra | Ammonium Nitrate Facility & Mining Support | BDA](#)

The application addresses the following aspects.

Sensitive Premises

The Environmental Protection Authority's 'Guidance for the Assessment of Environmental Factors-Separation Distances between Industrial and Sensitive Land Uses' lists the buffer distance for ammonium production as being 1km.

There are 2 residences located within 2km of the proposed development, these are both owned by Development WA and are planned to be vacated and demolished as required when industry commences in the Oakajee SIA.

The closest third-party residence is 2.2km from the development site, and there is no ability for further residences to encroach towards the development site as the buffer area for the Oakajee SIA has been purchased by Development WA.

It is recommended that condition be required of Development WA (being the landowner of the development application site) that the following residences be vacated and demolished in the event that this development commences construction:

- residence at 2017 North West Coastal Highway, Oakajee upon Lot 11 (Plan 18559) that is approximately 300m south-east of the proposed development;
- residence at 2097 North West Coastal Highway, Oakajee upon Lot 2 (Diagram 35736) that is approximately 900m north-east of the proposed development;

1836 North West Coastal Highway, Buller upon Lot 100 (Plan 24143) is 2.1km south-east of the development site and on the opposite side of the highway (and also owned by Development WA) but is not recommended for demolition at this time, although Development WA may wish to do so of its volition.

Air Quality

The Air Quality Impact Assessment (AQIA) considered nearby sensitive receptors, including tenanted and untenanted lots and residents (it is noted that all of the sites as identified in Table 4.1 of the AQIA are in the buffer and owned by Development WA and scheduled for vacating and demolition as required and would reduce/remove the sensitive receptors).

The results of the air dispersion modelling indicated that the development would comply with the relevant air quality criteria for each of the pollutants across all scenarios, with the exception of the cumulative assessment for annual PM2.5 ground level concentrations,

where the contribution of the background concentrations resulted in exceedances for receptors. It is noted, however, that the ambient air quality monitoring for Geraldton recorded the exceedances of 24-hour averaged air pollutants as being associated with high easterly and southerly winds causing dust lift-off and from bushfires and prescribed burns rather than industrial sources.

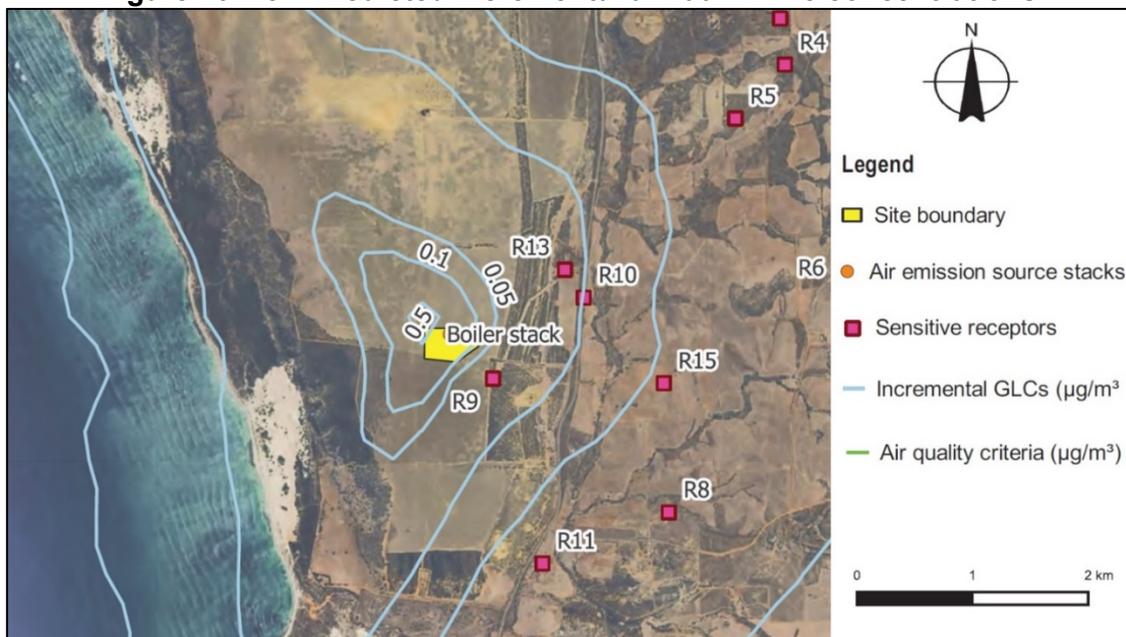
It is also noted that the assessment undertook a conservative modelling approach that assumed the boiler and diesel generator would be operational continuously year-round, although in reality both would be operational for approximately 8 hours per day.

The assessment notes that the proposed development does not significantly contribute to the increase in annual PM2.5 average concentrations, as the incremental contribution is approximately 0.01% of the total PM2.5 concentration, and concludes that the proposed development does not pose a significant threat to air quality in the region.

The Department of Water and Environmental Regulation (DWER) Air Quality Branch has reviewed the AQIA and identified limitations in the modelling and requested further information. It is recommended that, in the event of approval, that condition be applied requiring that an Air Quality Management Plan must be prepared by the applicant to the satisfaction of DWER and implemented thereafter.

Separate to the planning process, the applicant must obtain a works approval from DWER pursuant to the *Environmental Protection Regulations 1987*. The DWER Works Approval (if granted) would condition the development's operations including in relation to air quality requirements and DWER will have authority to ensure compliance with statutory requirements.

Figure 10.1.5 – Predicted incremental annual PM2.5 concentrations



Noise

The noise emissions from the development will be required to meet the assigned noise levels set by the *Environmental Protection (Noise) Regulations 1997*.

A Noise Impact Assessment (NIA) has been prepared to model the development's expected noise emissions and assess them against the maximum allowable noise levels based on

different times of day and receiving land use e.g. noise sensitive premises/residence, commercial and industrial premises).

The NIA adopted a conservative model assumption of a continuously operating plant and truck movements delivering ammonium nitrate to the facility, although the plant is not proposed to operate 24 hours per day all week, rather from Monday to Friday between 6:30am and 5:00pm.

The predicted noise levels from the modelled 'worst case' operational scenario (inclusive of conservative tonal adjustment and 'worst case' meteorological conditions) are expected to comply with the Regulations 'Day', 'Evening' and 'Night' noise criteria at all sensitive receivers.

The NIA did not model noise emissions at the 2 closest residences of 2017 North West Coastal Highway, Oakajee and 2097 North West Coastal Highway, Oakajee, as they are both owned by Development WA and are to be vacated and demolished thereby removing them as sensitive receptors.

The DWER Environmental Noise Branch has reviewed the NIA and advised that it considers the development will be able to comply with the Noise Regulations.

Separate to the planning process, the applicant must obtain a works approval from DWER pursuant to the *Environmental Protection Regulations 1987*. The DWER Works Approval (if granted) would condition the development's operations including in relation to noise emissions and DWER will have authority to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.

Transport

Lots 11 and 12 front the North West Coastal Highway that carries 2,987 vehicles per day, 15.7% of which is commercial in nature, and carries trucks to a 36.5m (RAV8) length. The Transport Impact Assessment (TIA) notes the estimated design capacity of the North West Coastal Highway, as a Primary Distributor Road, is between 8,000 and 12,000 vehicles per day (1,190 vehicles per hour).

The TIA states that during the construction phase, vehicle movements to and from the subject site are expected to generate up to 48 vehicle trips per day (comprising 24 in and 24 out light vehicles per day, and 24 in and 24 out truck vehicles per day) during the peak construction activity period (late 2025/early 2026).

During the operational phase, vehicle trips are expected to be generally 142 vehicles per day (comprising 65 heavy vehicles per day on-way/130 two way and 12 two way light vehicles) during operation at peak activity of ship unloading.

It is recommended that, in the event of approval, that condition be applied requiring that a Traffic Management Plan must be prepared by the applicant to the satisfaction of Main Roads WA and implemented thereafter.

Transport of ammonium nitrate from the Geraldton Port would be via the Willcock Link and North West Coastal Highway until such time as the Geraldton Outer Bypass is constructed.

Main Roads WA has completed its alignment selection study and confirmed a corridor for the future Dongara-Geraldton-Northampton route to enable triple road trains to travel between Carnarvon and Muchea, and this route includes the earlier identified Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor alignment section. Main Roads WA is

undertaking the alignment definition phase of the planning process that will inform subsequent land acquisition.

The Dongara-Geraldton-Northampton route study was commenced in 2015 and it is anticipated that the alignment definition study may take Main Roads WA several years more to complete, and at this time there are no funds set aside for land acquisition and construction.

A transport alignment linking the Narngulu industrial estate and Geraldton port with a proposed industrial estate and port at Oakajee, that runs east of the Moresby Range and through the Wokatherra Gap has been identified in the 1976, 1988, 1999 and 2011 versions of the Geraldton Region Plan/Greater Geraldton Structure Plan. It remains the most important strategic planning issue for the Greater Geraldton area, and is now a wider state transport issue given that it is required to enable triple road trains to travel between Carnarvon and Mueha, and the delays in the progress of this project remain a source of frustration for local governments, landowners, transport providers and industry proponents.

**Figure 10.1.6 – proposed Geraldton Outer Bypass alignment
(in context of wider Dongara-Geraldton-Northampton Corridor)**



The transportation of ammonium nitrate and ammonium nitrate emulsion is governed by the Department of Energy, Mines Industry Regulation & Safety (DEMIRS) and requires licensing/approvals under the *Dangerous Goods Safety Act 2004*.

It is recommended that, in the event of approval, that condition be applied requiring that an Emergency Management Plan must be prepared by the applicant to the satisfaction of DEMIRS and the Department of Fire & Emergency Services (DFES) and implemented thereafter.

It is also recommended that the Emergency Management Plan should not only address the operations at the development site itself but also the transportation of, ammonium nitrate to, and ammonium nitrate emulsion from, the development site. The Emergency Management Plan should reference the licensing requirements of DEMIRS, any relevant National Codes of Practice and the recommendations of the DEMIRS Incident Investigation Report - Ammonium Nitrate Emulsion Tanker Trailer Explosion (2023).

Surface Water

The Surface Water Management Plan (SWMP) identifies that no watercourses travel across the site and the closest watercourse is the Buller River approximately 2.5km to the south of the development site, and there is a tributary approximately 1km from the site to the east on the other side of the North West Coastal Highway.

The flood inundation map shows no accumulation of flood waters within the site due to the absence of depression areas.

The ammonium nitrate storage and emulsion manufacturing facility along with the diesel tank area are proposed to be bunded and managed to separate potentially contaminated runoff from the clean water runoff.

Figure 11 of the SWMP identifies a contaminated catchment area bunded to isolate the runoff and direct it to the water quality basin via a pit and pipe network. The water quality basin would be lined and intercept the first flush runoff (derived from the first 16.7mm rainfall of a storm event which is equivalent to the 1 exceedance per year, 1 hour storm event) with possible contamination from ammonium nitrate spillage within the bunded area. The basin would divert the excess runoff from the storm event to the constructed open channel via a diversion pipe to ensure that the contaminated runoff would be managed within the water quality basin and the overflow diverted to the detention basin to the south-west end via the constructed open channel to capture, filter or treat pollutants.

It is proposed that after each rainfall event, a contamination test be undertaken for the water quality basin to detect for possible contamination. If water quality is found to be noncompliant, the basin needs to be emptied using a licensed waste collector.

In its review of the SWMP DWER noted that as the proposed activities creates a risk of discharge to the environment, the proponent should demonstrate that floor levels for all buildings used for chemical storage or manufacture will be suitably raised above expected flood levels, inclusive of a freeboard to account for location variation in flood levels.

It is recommended that, in the event of approval, that condition be applied requiring that a SWMP must be prepared by the applicant to the satisfaction of DWER and implemented thereafter.

Separate to the planning process, the applicant must obtain a works approval from DWER pursuant to the *Environmental Protection Regulations 1987*. The DWER Works Approval (if granted) would condition the development's operations including in relation to stormwater management and DWER will have authority to ensure compliance.

Waste & Effluent Disposal

The proposed development would have dedicated waste storage areas, segregated from each other with signage to manage waste. Different waste streams (hazardous and non-hazardous) are to be appropriately separated and suitably stored in designated sealed receptacles provided by the waste management contractor. Receptacles are to be collected and emptied off-site at a suitable waste collection facility.

Waste storage containers will be suitably enclosed, covered and maintained (such as waste oils stored in under cover self-bunded storage tanks) to prevent polluted wastewater runoff from entering the stormwater system.

Stormwater interception system including diversion drains are proposed to maintained around laydown areas to control discharges, run-offs, or incidental waste spills as per the conceptual drainage plan outlined in the Surface Water Management Plan

Spillages from tanks within a bunded area would need to be trucked out as required for disposal at a licenced facility. This aspect of the development is anticipated to be addressed in the separate Works Approval process the applicant must obtain from DWER.

The primary source of waste from the development is expected to be empty ammonium nitrate bulka bags. The empty bags are proposed to be compacted in a baling machine and

the bales disposed through the National Big Bag Scheme. This is a Federal Government funded recycling scheme which must demonstrate all waste collected is 100% recycled and then the recycled products are 100% recyclable. Approximately 62,400 tonnes of waste ammonium nitrate bags would go to recycling (20,800 bags at 3kg per bag).

The applicant proposes to treat and dispose of sewage from the crib room/toilet during the operational phase via a septic system, and approval for this will be required from the Department of Health/Shire of Chapman Valley pursuant to the *Health Act 1911*. Appropriate permits will also be required for collection of sewage and disposal offsite during construction works.

The applicant will be required, separate to the planning process, to obtain from DWER a works approval to construct the development and subsequent licence to operate the development. In addition the proposed development would store and utilise controlled wastes such as waste oil and water, hydrocarbons and water, mixtures or emulsions, industrial solvents etc. Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004* requires that developments handling controlled waste must make application for a DWER licence.

It is recommended that, in the event of approval, that condition be applied requiring that a Waste Management Plan must be prepared by the applicant to the satisfaction of DWER and implemented thereafter.

Bushfire

The proposed development site is located outside of the bushfire prone area as identified upon the DFES State [Map of Bush Fire Prone Areas](#)

The applicant has nonetheless prepared a Bushfire Management Plan (BMP) assessing the proposed development against State Planning Policy 3.7-Bushfire and the Planning for Bushfire Guidelines.

The proposed development would involve the following dangerous goods that require the applicant to obtain from DEMIRS a Dangerous Goods Licence and Storage Licence:

- Ammonium nitrate (approximate storage capacity of 15,000 tonnes and annual handling of 50,000 tonnes per year) which is Dangerous Good Class 5.1 (oxidising agent) under the Australian Dangerous Goods Code which can melt and if sufficiently heated by external fire, can decompose to release toxic gas, intensify the fire (oxidiser) and detonate if exposed to intense fire. Ammonium nitrate is required to be transported, stored and handled in accordance with relevant Dangerous Goods legislation and the WA Code of Practice for Storage of Solid Ammonium Nitrate, including compliant storage quantities and arrangement, compliant separation distances from onsite and nearby buildings, infrastructure and vehicles, required fire protection equipment, and appropriate emergency management procedures.
- Ammonium nitrate emulsion (initial production capacity of 40,000 tonnes per year with the potential for production to increase up to 80,000 tonnes per year) which is Dangerous Good Class 5.1 (Oxidising Agent) which is potentially explosive under intense heat, and can also decompose to toxic gases. Similar to potential fire at the ammonium nitrate shed, offsite evacuation and notification of neighbours is required for fire impacting the ammonium nitrate emulsion facility. Ammonium nitrate emulsion is required to be transported, stored and handled in accordance with relevant Dangerous Goods legislation.

- Diesel which is Combustible liquid (C1) and requires moderate to high temperatures to ignite, but once ignited it will continue to burn in an oxygenated environment and release toxic fumes.

The development site is surrounded by cleared, agricultural grassland vegetation in all directions, with the closest non-grassland vegetation being >150m from the proposed development.

The BMP notes that given the proximity to unmanaged vegetation in addition to the long fire runs, fully developed bushfire behaviour could be established, which could result in an elevated radiant heat and direct flame impingement on the proposed development, if the risk is not managed. It is also noted that given the adjacent vegetation is predominantly grassland it is likely to be moderate radiant heat and minor ember attack, with a quick residence time as the peak bushfire behaviour associated with the grassfire front is expected to be relatively short.

The BMP recommends that bushfire risk to the proposed development posed by these hazards be managed through standard application of Acceptable Solutions under the Guidelines, as well as through a direct bushfire suppression response if required. Bushfire mitigation strategies applicable to the proposed development are addressed in Sections 4.3 and 5.0 of the BMP but in summary the bushfire hazard issues are:

- Management of vegetation to a low threat level and establishment of asset protection zones to ensure sufficient separation between the proposed development and unmanaged vegetation, to limit the impact of bushfire on the development and prevent ignition and spread of a fire from proposed infrastructure. Given the potential hazards associated with onsite Dangerous Goods particular attention will need to be provided to areas where these are manufactured or stored.
- Ensuring sufficient internal vehicular access to, and from, the proposed development to North West Coastal Highway, and within the facility, to enable occupant egress and to facilitate firefighter access.
- Provision of firefighting water supply tanks throughout the site to limit the travel time to water supplies for appliance refills.

It is recommended that, in the event of approval, that condition be applied requiring that a Bushfire Management Plan be prepared and adhered to that is to the satisfaction of DFES, and this plan should detail the ongoing management of fuel load about the development, water supply/access points, access network and firefighting equipment upon the property.

The applicant will be required to obtain the necessary licences and approvals under the *Dangerous Goods Safety Act 2004* from DEMIRS. The proposed development layout has been informed by the risk assessment that has been undertaken as part of preparation of the dangerous goods licence.

There is currently a direct access from Lot 11 onto the North West Coastal Highway, however, in discussions between the applicant and Main Roads WA the preference of Main Roads WA was for the main access to be via the Oakajee Access Road 3km to the north that they are currently constructing (and an internal track then lead to the site).

The Transport Impact Assessment notes that the existing 'farm gate' access point into Lot 11 presents visibility issues at this location and instead noted that an access location approximately 100m to the north (SLK 20.07-20.14) would offer an improved sight distance (see Figure 16 of TIA).

It is recommended that, in the event of approval, that condition be applied requiring that this identified location must be constructed to a gravel/unsealed standard and gated as an emergency entry/exit point to prevent the site having only one means of access/egress.

Light

The application does not address the issue of light emission specific to this development.

Section 6.3 of the Landscape Report (prepared by Hasell/Strategen) [Appendix 5 Landscape Report - Hassell Strategen.pdf](#) that was Appendix 5 to Development WA's Oakajee Structure Plan provides design recommendations and light mitigations measures that can guide applicants.

It is recommended that, in the event of approval, that condition be applied requiring that a Lighting Strategy be prepared and adhered to that gives regard for the Oakajee Structure Plan Landscape Report and best practice.

Visual Impact

The application does not address the issue of visual impact specific to this development.

This could have been addressed though 3-D visual representation of the proposed development from the North West Coastal Highway and the White Peak rural-residential area 3.5km to the south. A Visual Impact Assessment as guided by the WAPC's 'Visual Landscape Planning in Western Australia - A Manual for Evaluation, Assessment, Siting and Design' would also have assisted in this regard.

However, it is acknowledged that this project would ultimately be one of many industrial developments within the Oakajee SIA and the overall area will ultimately undergo a considerable visual change over the longer term. The Oakajee Structure Plan document and the accompanying Landscape Report (prepared by Hasell/Strategen) [Appendix 5 Landscape Report - Hassell Strategen.pdf](#) noted that industrial structures will be evident in the background from elevated viewing locations in the White Peak area.

Landscaping is not recommended specific to this application and site. It is considered that maintaining a vegetation/fuel free area in proximity to the site is a higher priority than landscaping. It is also noted that landscaping is identified in Part 5, Section 49, Table 6, SCA1 (m) of the Scheme as the responsibility of Development WA and this has commenced previously with the plantation strip established parallel to the North West Coastal Highway.

Risk

The application does not address the issue of risk.

The storage of ammonium nitrate and transport of ammonium nitrate emulsion has resulted in high profile global incidents:

[Beirut Explosion TR 210906.pdf](#)

[West Fertilizer Explosion and Fire | CSB](#)

[Ammonium nitrate emulsion tanker trailer explosion: Incident investigation report](#)

This development application proposes the storage of 15,000 tonnes of ammonium nitrate (and additional quantity of ammonium nitrate emulsion), this is a larger amount than the 2,750 tonnes stored in the Beirut Port warehouse or 60 tonnes stored in West, Texas.

The storage and transport of ammonium nitrate and ammonium nitrate emulsion is regulated by DEMIRS and requires separate approval pursuant to the *Dangerous Goods Safety Act 2004*, *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

Whilst DEMIRS have regulatory oversight of this matter and adopt stricter requirements than have led to incidents elsewhere in the world it should be considered that risk assessment is still a matter that a planning decision has regard for in accordance with Schedule 2 Part 9 clause 67 (2)(r) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

On this basis it is recommended that Council advise the DAP that it is unable to provide a comment upon this matter at this time based upon the level of information provided. It is recommended that the applicant provide a risk analysis for the proposed storage of ammonium nitrate and ammonium nitrate emulsion that includes modelling of potential scenarios and their management. It is also recommended that the risk analysis give regard for the transportation of ammonium nitrate and ammonium nitrate emulsion along the proposed routes.

In the event that Council, or subsequently DAP, instead consider that development of an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing) should be approved upon Lots 11 & 12 North West Coastal Highway, Oakajee then it is suggested that the following conditions and advice notes be considered for inclusion to assist in management of both the construction and operational phases:

Draft Conditions:

- 1 This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- 2 The development shall be undertaken in accordance with the stamped approved plans and supporting documents including any amendments and additional plans and information arising from the approval conditions.
- 3 The applicant shall prepare a Construction Management Plan to the satisfaction of Development WA and the local government and thereafter implement its recommendations.
- 4 The applicant shall prepare a Bushfire Management Plan to the satisfaction of the Department of Fire and Emergency Services and thereafter implement its recommendations.
- 5 The applicant shall prepare an Emergency Management Plan to the satisfaction of the Department of Fire and Emergency Services and the Department of Energy, Mines, Industry Regulation and Safety and thereafter implement its recommendations.
- 6 The applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Water and Environmental Regulation and thereafter implement its recommendations.
- 7 The applicant shall prepare a Waste Management Plan to the satisfaction of the Department of Water and Environmental Regulation and thereafter implement its recommendations.
- 8 The applicant shall prepare an Air Quality Management Plan to the satisfaction of the Department of Water and Environmental Regulation and thereafter implement its recommendations.
- 9 The applicant shall prepare a Lighting Strategy to the satisfaction of the local government and thereafter implement its recommendations.
- 10 The applicant shall prepare a Traffic Management Plan to the satisfaction of Main Roads WA and thereafter implement its recommendations.

- 11 The applicant shall be responsible for the construction and maintenance of the main access track linking back to the road network to the satisfaction of Development WA and the local government.
- 12 An emergency entry/exit point onto the North West Coastal Highway and emergency/secondary access track shall be constructed and maintained to prevent the site having only one means of access/egress.
- 13 All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
- 14 The design, location, installation and maintenance of on-site wastewater/effluent systems are to be to the approval of the local government and in accordance with relevant legislative requirements.
- 15 Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
- 16 The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
- 17 The landowner shall ensure that the following residences are vacated and demolished prior to commencement of the development:
 - residence at 2017 North West Coastal Highway, Oakajee upon Lot 11 (Plan 18559) that is approximately 300m south-east of the proposed development; &
 - residence at 2097 North West Coastal Highway, Oakajee upon Lot 2 (Diagram 35736) that is approximately 900m north-east of the proposed development;

Draft Advice Notes:

- (a) The proposed development is deemed a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987*, with a Category 73 (bulk storage of chemicals) and Category 75/33 (chemical blending and mixing) prescribed premises activity, and will therefore also require the applicant to obtain, separate to this development approval, a works approval and licence from the Department of Water & Environmental Regulations.
- (b) The applicant will need to obtain, separate to this development approval, approvals from the Department of Energy, Mines, Industry Regulation and Safety, including but not limited to, a Dangerous Goods Licence and Ammonium Nitrate Storage Licence pursuant to the *Dangerous Goods Safety Act 2004* and the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, a Security Sensitive Ammonium Nitrate manufacture licence pursuant to the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* and a dangerous goods licence under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* will also be required for the diesel storage (combustible liquid) and other potentially dangerous goods stored onsite.
- (c) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (d) The applicant/landowner is advised that this determination relates to the granting of development approval only, and does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence onsite.
- (e) The applicant is advised that the proposed works should occur in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).

- (f) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.
- (g) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Energy, Mines, Industry Regulation & Safety, Department of Water & Environment Regulation, Department of Health, Mid West Ports Authority and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
- (h) In relation to condition 3 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - i) hours of construction;
 - ii) heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - iii) temporary fencing, hoardings, gantries, and signage;
 - iv) site access and egress;
 - v) construction vehicle route and traffic management;
 - vi) size and frequency of construction vehicles;
 - vii) road upgrades/repairs and timing of works associated with the construction of the development;
 - viii) parking arrangements for staff and contractors;
 - ix) deliveries and storage of construction materials and machinery;
 - x) management of vibration, dust, wind, and erosion;
 - xi) management of any stormwater discharge;
 - xii) management of construction noise and other site generated noise;
 - xiii) waste management, recycling, and removal;
 - xiv) protection of any public realm infrastructure;
 - xv) public communication and complaint handling procedures;
 - xvi) biosecurity protocols.
- (i) In regards to condition 4 the Bushfire Management Plan must ensure there are strict controls on potential ignition sources, storage and handling controls in accordance with the Dangerous Goods legislation and code, relevant Australian Standards and restrictions on hot works and electrical equipment within any on-site hazardous areas. The Bushfire Management Plan must also detail the ongoing management of fuel load about the development, access points/network, firefighting equipment upon the property and on-site water supply/storage to be maintained to a required level at all times (i.e. the plan shall detail a minimum amount of on-site water to be maintained and available for firefighting purposes, not a total site capacity that would be expected to vary during the industry's operation).
- (j) In regards to condition 5 the Emergency Management Plan must maintain a current manifest and a dangerous goods site plan, to allow an appropriate response by DFES in the event of an emergency, such as a fire. Information retained onsite should include the Emergency Plan, Dangerous Goods Manifest, Register of Dangerous Goods and Hazardous Materials, Safety Data Sheets for bulk products kept on site and dangerous goods site layout plan.
- (k) In regards to condition 5 the Emergency Management Plan shall not just address the operations at the development site but the transportation of, ammonium nitrate to, and ammonium nitrate emulsion from the development site and include reference to the licensing requirements of the Department of Energy, Mines Industry Regulation &

Safety (DEMIRS), any relevant National Codes of Practice and the recommendations of the DEMIRS Incident Investigation Report - Ammonium Nitrate Emulsion Tanker Trailer Explosion (2023).

- (l) In regards to condition 6 the Surface Water Management Plan shall include requirement to develop and undertake monitoring of the drainage basins to assess their performance and respond accordingly within the required monitoring period. In the event that testing of stormwater within the basin(s) identifies that it does not meet the water quality criteria or the presence of ammonium nitrate contamination is detected, a licenced contractor shall be engaged to pump out the stormwater storage and dispose of the water at a licenced facility.
- (m) In regards to condition 9 prior to the commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the local government.
- (n) In regards to condition 11 this will become void/superseded at such time as the internal road reserve network of the Oakajee Strategic Industrial Area has been constructed to connect the development site to the wider road network.
- (o) In regards to condition 12 the emergency entry/exit point shall be constructed to a gravel/unsealed standard and gated, with a gravel/unsealed emergency access alignment linking back to the development site. The emergency entry/exit point shall be located at SLK 20.07-20.14 as identified in Figure 16 of the Transport Impact Assessment, approximately 100m to the north of the existing 'farm gate' vehicle access point into Lot 11. This existing 'farm gate' vehicle access point at SLK19.993 shall be closed/fenced.
- (p) The applicant shall enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed by the applicant to local group projects or groups deemed appropriate by the applicant and local government.
- (q) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Statutory Environment

The report complies with the requirements of the:

Shire of Chapman Valley Local Planning Policy

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development (Local Planning Schemes) Regulations 2015

This application, with its estimated project cost of \$15million, is being considered pursuant to the *Planning and Development (Development Assessment Panel) Regulations 2011* and will be determined by a DAP, with Council a recommending body in this instance and not a determining one.

The development site is zoned 'Strategic Industry-Oakajee Industrial Zone C (Strategic Industry)' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for the coordinated development of large-scale, generally capital intensive industries that are of strategic importance to the economic development of the State and Region and which, by their nature, should be isolated from residential areas;*
- *To ensure that should development of a strategic industry proceed, it is contained within a strategic industrial core with appropriate surrounding*

buffers, and that development adheres to environmental standards and operational criteria approved by the Environmental Protection Authority and the local government;

- *To prevent the establishment of land-uses more appropriately undertaken in other commercial and/or industrial areas;*
- *To provide for other land-uses compatible with the predominant use of the land.”*

Table 4 of the application report provided as **separate Attachment 10.1.1.1** addresses the application against these zone objectives.

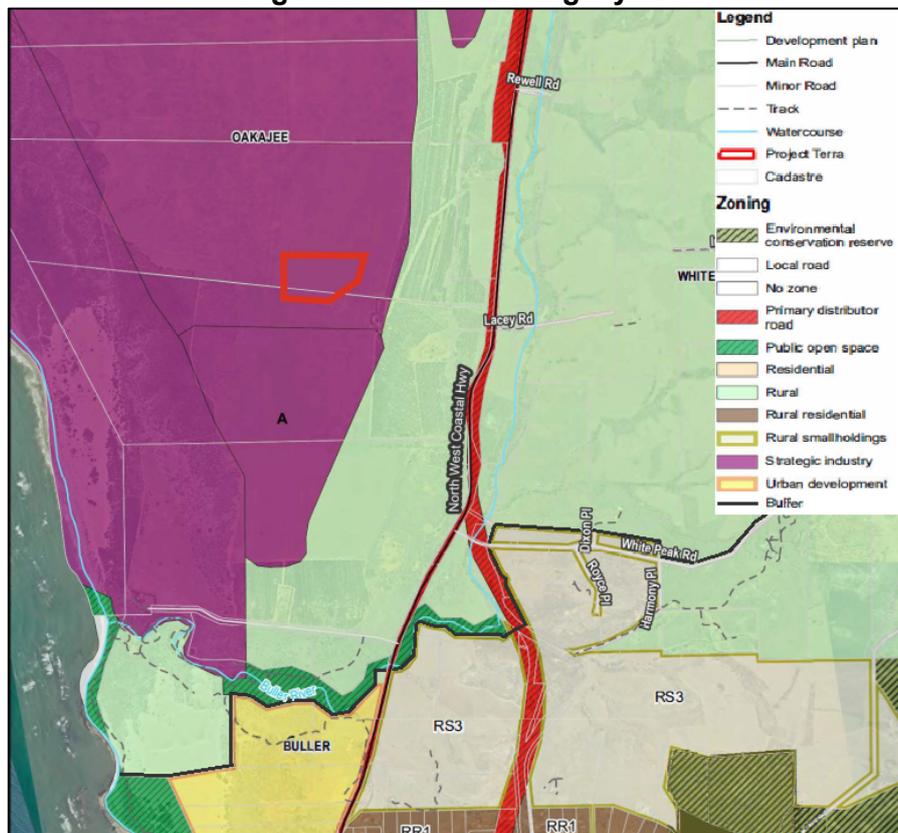
The proposed development meets with the definition of ‘Industry’ as defined in the Scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’) as being:

“industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail;*
- (d) the provision of amenities for employees;*
- (e) incidental purposes”*

‘Industry’ is listed in the Scheme within the ‘Strategic Industry-Oakajee Industrial Zone C (Strategic Industry)’ zone as an application that must be advertised for comment prior to determination.

Figure 10.1.1.7 – Zoning layout



Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the Regulations provides further guidance in the assessment of this application, and Section 5.1.2 of the applicant's report provides individual comment in regards to these Regulation criteria.

The proposed development is deemed a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987*, with a Category 73 (bulk storage of chemicals) and Category 75/33 (chemical blending and mixing) prescribed premises activity, and will therefore also require the applicant to obtain a works approval and licence from DWER.

The application will also need to demonstrate compliance with the *Environmental Protection (Controlled Waste) Regulations 2004*, *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

Should the applicant seek to obtain groundwater they will need to make licence application to DWER under the *Rights in Water and Irrigation Act 1914*.

The applicant will also need to obtain a Special Berth License from the Mid West Ports Authority to allow the import into, and the transportation of ammonium nitrate from, the Geraldton Port.

The applicant will need to obtain from the DEMIRS a Dangerous Goods Licence and Ammonium Nitrate Storage Licence pursuant to the *Dangerous Goods Safety Act 2004* and the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*.

The applicant will also be required to obtain from DEMIRS a Security Sensitive Ammonium Nitrate (SSAN) manufacture licence pursuant to the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

A dangerous goods licence under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* will also be required for the diesel storage (combustible liquid) and other potentially dangerous goods stored onsite.

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

Schedule 2 Part 2 Division 2 Clauses 3-6 of the Regulation provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

Council has adopted Shire of Chapman Valley Local Planning Policy 7.6 - Energy & Resource Industry Community Enhancement Local Planning Policy which can be viewed at the below link:

[SoCV LPP 7 6 Energy and Resource Industry Community Enhancement Policy.pdf](#)

The planning system is failing rural and regional communities in regards to large gas, renewable energy and mineral projects. Whilst it is recognised that these projects may have a wider state benefit, there can be a very limited to negative return for the communities in which these projects operate. It is also recognised that whilst major projects do have an underlying objective of maximising the proponent's financial interests there is still ability for it to have regard and concern for the wider social context of the region in which it is located. Without such regard it might be asked; *if the project were to not proceed would the local community be any the worse off?*, indeed it might be better off as the local community will bear the impacts to its own transport activities and networks, during both the construction

and operational phases, the impact on its amenity through visual, noise, dust, light, vibration, waste and other impacts, and the environmental risks both during the operation and post-operation legacy phases when a proponent, who is from outside the region, has made their profits and moved on.

There is no statutory planning mechanism by which a significant applicant must be involved in the local community and to ensure there is some form of social benefit to those who will bear the impacts and who are already disadvantaged in access to services and facilities compared to urban areas.

The establishment of a mechanism for Developer Agreements is only through discretion and is voluntary as there is no planning legislation at this stage to facilitate Community Enhancement for local communities impacted by industry within Western Australia as there are in other states of Australia.

It is vital that the Western Australian Planning Commission (WAPC) in consultation with WALGA develop a mechanism whereby major project proponents are required to engage with local communities to ensure a lasting positive community legacy for their projects. Continuing delay in this area in the face of the current significant activity in the gas, renewable energy and mineral sectors in rural and regional areas is resulting in poor outcomes for these areas that are already disadvantaged in terms of services and access, and reinforces an underlying trend of centralisation.

Financial Implications

No Financial Implications Identified.

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application would have impact in relation to the Long Term Financial Plan.

Strategic Implications

Lots 11 & 12 North West Coastal Highway, Oakajee are located within Planning Precinct No.6 – Oakajee Industrial Investigation Area' in the Shire of Chapman Valley Local Planning Strategy: [Shire Of Chapman Valley](#)

The vision for this Precinct is for a:

“Large-scale regional and significant industry that is developed in the Precinct is protected by a buffer of compatible uses.”

The proposed development site is identified as ‘Strategic Industry’ and within the Oakajee Industrial Estate Buffer in the WAPC’s Geraldton Region Plan (1999) [Geraldton Region Plan 1999](#) and Greater Geraldton Structure Plan (2011) [Structure Plan Greater Geraldton](#) documents.

The proposed development site is identified as being within ‘Strategic Industry Area C’ upon the Oakajee Structure Plan (2012) which is identified for heavy industry. [Structure Plan 0303 Chapman Valley Oakajee Industrial Estate Structure Plan](#)

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.4 Maintain and enhance community safety and security.

1.4.1 Maintain safe roads and infrastructure.

ECONOMY & POPULATION

2.1 Build population and business activity with targeted strategies.

2.1.1 Support business development, lifestyle changes and short/ term accommodation.

ECONOMY & POPULATION

2.4 Ensure town planning scheme allows for economic development / population retention / growth.

2.4.1 Town Planning review for residential land, aged care facilities or business / industrial development opportunities.

ENVIRONMENT & SUSTAINABILITY

3.1 Protect & nurture the Natural Environment.

3.1.1 Manage the impact of waste, water, weeds, vermin, and human activities on the Environment

GOVERNANCE & ACCOUNTABILITY

5.4 Ensure robust process for economic and infrastructure development.

5.4.1 Town Planning Review / Initiatives.

Consultation

The application was advertised for comment from 12 March 2025 until 26 March 2025 with the Shire undertaking the following actions:

- copy of the application being placed on the Shire website on 10 March 2025;
- Public notice in the Mid West Times on 12 March 2025;
- post advising of the application being placed on the Shire Facebook page on 10 March 2025 that received 7,110 views;
- follow-up post again advising of the application being placed on the Shire Facebook page on 19 March 2025 that received 536 views;
- correspondence inviting comment being sent to the following 15 government agencies and service authorities:
 - ATCO Gas
 - Australian Gas Infrastructure Group
 - Department of Biosecurity, Conservation & Attractions
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Energy, Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Horizon Power
 - Synergy Energy
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power
- correspondence inviting comment being sent to the landowners within 2km of the development site;
- display of the application at the Shire office;
- Shire CEO providing an interview on ABC Radio on 11 March 2025;
- Shire providing information to Geraldton Guardian and resultant front page and page 4 article in Geraldton Guardian on 14 March 2025;
- Shire providing information to the MidWest Times and resultant article on MidWest Times website on 14 March 2025.

At the conclusion of the advertising period the Shire had received 19 submissions as follows:

- 10 of these were from government agencies either offering no objection or technical comment
- 7 from individuals in objection to the application (noting multiple objections were received from the same property and the 7 objections originated from a total of 4 properties);
- 1 objection was received from a sporting club.
- 1 submission expressing support was received from a landowner.

A Schedule of Submissions that summarises the nature of the received submissions, and provides the applicant's comments upon the raised issues, has been provided as **separate Attachment 10.1.3**.

A copy of the received submissions have been provided as **separate Attachment 10.1.4**.

Risk Assessment

A Catastrophic Health Risk of Level 5 - Which could result in a fatality or permanent disability.

10.2 Manager of Finance & Corporate Services

10.2.1	Financial Management Report
Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. Financial Management Report March 2025 [10.2.1.1 - 52 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the Monthly Financial Management report supplied under separate cover for March 2025 including the following:

Statement of Financial Activities by Nature of Type
Statement of Financial Activity Information and Notes
Summary of Accounts Paid
Bank Reconciliation
Credit Card Statement

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Local Government (Financial Management) Regulations require monthly statements of financial activity to be reported and presented to Council.

Comment

The financial position at the end of March 2025 is detailed in the monthly management report provided as a separate attachment for Councillors review.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996 Section 34

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Not applicable

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.2.2 Community Growth Fund Advisory Group Minutes

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	403.10
Attachment(s)	<ol style="list-style-type: none">1. Unconfirmed Community Growth Fund Advisory Group Minutes - April 2025 - Inline Attachments [10.2.2.1 - 79 pages]2. Endorsed Matrix Summary Applications 2025-26 [10.2.2.2 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

Council endorses the funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2025/2026 draft budget consideration as recommended by the Community Growth Fund Advisory Group

- Chapman Valley Country Music Festival Inc \$5,000
- Chapman Valley Menshed Inc \$1,900
- Midwest Aeromodellers (MWAM) \$4,923

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Council has included in previous budgets a percentage value of rate revenue for the Community Growth Fund (CGF) grant application process.

Comment

The Shire of Chapman Valley Community Growth Fund (CGF) Advisory Group comprises of the following Council appointed representatives:

Cr Nicole Batten (Presiding Member)
Cr Katie Low
Cr Emma Rodney
Cr Trevor Royce
Chief Executive Officer
Manager Finance & Corporate Services
Community Development Officer

The purpose of the Advisory Group is as follows:

“Evaluate applications received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with Guidelines, policies and procedures set by Council and make recommendations to Council to allocate funds.”

The Community Growth Fund (CGF) Advisory Group convened on 3 April 2025 to evaluate all submitted applications in preparation for Council consideration. A copy of the Unconfirmed Minutes from the meeting is provided for reference. The total funding requested across all applications amounted to \$12,181. Following its assessment, the CGF Advisory Group has recommended an allocation of \$11,823 for inclusion in the draft budget. An endorsed assessment matrix accompanies this recommendation, providing additional context regarding project budget allocations deemed appropriate for Council support.

Statutory Environment

This report has no statutory environment requirements.

Policy/Procedure Implications

A Policy or Procedure is affected:
Finance Policy & Procedures

Council has approved the CGF Operational Procedures, and this was the basis upon which the Group evaluated the applications received.

Financial Implications

<u>Budgetary</u>	<u>Implications</u>
The CGF Advisory Group recommendations will affect the 2025/2026 Draft Budget; however, will have similar impact to the financial position as previous years.	

Strategic Implications

Supporting Community organisations and individuals in accordance with the CGF Operational Procedures is designed to develop and assist the Chapman Valley community. It is also designed to remove the ongoing, periodical requests for funding assistance requests made to Council.

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.2 Determine a whole of Shire community integration approach.

Consultation

The Community Development Officer has had regular dialogue with the groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.3 Chief Executive Officer

10.3.1	Strategic Community Plan 2025 Desktop Review
Department	Finance, Governance & Corporate Services Administration & Governance
Author	Jamie Criddle
Reference(s)	411.05
Attachment(s)	1. SCP 2025 Desktop Review V 1 [10.3.1.1 - 21 pages] 2. SCP Minor Review 2024 - Community Consultation Document [10.3.1.2 - 5 pages]

Voting Requirements

Absolute Majority

Staff Recommendation

That Council:

1. Note that No Submissions were received for the desktop review of the Strategic Community Plan.
2. Adopt the revised Strategic Community Plan 2024-2034, subject to the proposed amendments as presented in Attachment 10.3.1.2
3. Authorise the CEO to incorporate the amendments into the Strategic Community Plan retaining the structure and format of the existing Strategic Community Plan.

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

A desktop review of Council's current Strategic Community Plan (SCP) 2022-2032 has been undertaken with the draft changes presented to Council for adoption.

Council adopted its current Strategic Community Plan 2022-2032 in August 2022. It is a legislative requirement to conduct a major review of the SCP every four years, with the Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework recommending a minor review every two years.

The item was re-introduced at the November 2024 OCM with Council commencing the review with a workshop session held at a concept forum in December 2024. Following the review process at the February 2025 OCM, a six week community consultation period took place between 21 February 2025 and 4 April 2025, where a briefing paper outlining the proposed changes was released and input from the community requested.

No submissions were received.

Comment

The focus of the review was on making minor changes which centre on language corrections and updates to key messaging, statistics, referenced strategies, plans and legislation. The intent of the document remains unchanged. No changes to the vision, values, aspirations outcomes and objectives have been identified.

Changes to the SCP's vision, values, aspirations outcomes and objectives would typically only occur after a comprehensive community engagement program and not as part of a desktop review exercise.

At its workshop session in February, Council identified the following changes to the SCP:

- Amend the timeline of the Strategic Community Plan from 2022-2032 to 2024-2034
- A new President's message
- Update Shire statistics
- Update linked strategies in the 'Our Plan for the Future' tables
- Update rates data and LTFP projections
- Update staff numbers and new directorate structure
- Update advisory committees

Staff Changes to date:

Page No.	Section	Description
4	President's message	New message from President
7	2021 Property Statistics	Update to 2024 data
14	Community Health & Lifestyle 1.1.3 1.5.1	2024 Status heading change Status "add – contribute resources to assist volunteer groups" Status "delete – development in progress" & "add – Completed & implemented"
15	Economy & Population 2.1.1 2.2.3 2.3.3 2.5.1	2024 Status heading change Status "add – Develop Economic/Tourism Development Plan" Status "add – successful advocacy for mobile tower for Howatharra/Coronation area" Status "add - & Midwest Adventure Trail" Status "add – Develop Economic/Tourism Development Plan"
16	Environment & Sustainability 3.4.1 3.4.2	2024 Status heading change Status "add – Continual education of landholders for weed & land management" Status "add – Continual agency education of landholders for weed, land & vermin"

		management”
17	Physical & Digital Infrastructure 4.3.1 4.4.1 4.5.1	2024 Status heading change Status “add – successful advocacy for mobile tower for Howatharra/Coronation area” Status “add – continual advocating for SPS, preventative maintenance, improved community consultation & messaging Strategy – “incorrectly numbered” Status “add – advocating for improved regional water supply with potential Oakajee development
18	Governance & Accountability 5.2.5	2024 Status heading change Status “add – investigating alternate mediums such as email & other means.
19	Going Forward – Reviewing the Plan	Change final paragraph to “This Strategic Community Plan is currently undergoing a desktop review in 2024/25 as is required under legislation, and a full community re - engagement process will be conducted in 2026”.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Local Government Act 1995

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

(a) the capacity of its current resources and the anticipated capacity of its future resources; and

(b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and

- (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications (absolute majority required).
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

Consultation

A 4-week community consultation period commenced following the February 2025 OCM (Friday 21st Feb), concluding Friday 4 April 2025.

Engagement will occur via the following means:

- Advert in Geraldton Guardian in February 2025
- Minimum two news items on shire website (one at commencement of consultation period and the other at mid-point). Both news stories to be posted on Shire Facebook page.
- Notices on Shire notice boards
- Copy of briefing paper for community consultation to be available on website, Shire admin office and Shire Libraries.

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

An Insignificant Service Disruption Risk of Level 1 - Which will likely resulting in no material service disruption.

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

10.3.2

Delegations Review 2025

Department	Finance, Governance & Corporate Services Administration & Governance
Author	Jamie Criddle
Reference(s)	411.03
Attachment(s)	1. Delegation Reg Review 2025 [10.3.2.1 - 104 pages]

Voting Requirements

Absolute

Majority

Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.

Simply Majority

Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment.

Staff Recommendation

That Council endorse the current Delegations Register as presented.

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Section 5.42 of the Local Government Act 1995 provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a. this Act other than those referred to in section 5.43; or
- b. the Planning and Development Act 2005 section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

Comment

Council is required to review its Delegations Register at least once a year and as the existing delegations appear to be working satisfactorily the Staff Recommendation is to endorse the current Delegations Register as presented. It is also advised that Delegations, as well as Policies can be amended at any time deemed necessary and may be required once the effect of the New Local Government Act 1995 amendments are known.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

s5.42 Delegation of some powers and duties to CEO

s5.43 Limits on delegations to CEO

s5.44 CEO may delegate powers and duties to other employees

s5.45 Other matters relevant to delegations under this Division

s5.46 Register of, and records relevant to, delegations to CEO and employees

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

Consultation

The legislative process to review the Delegation Register requires discussion and consultation at a Council and Staff level, which is the basis of this Agenda Item.

Risk Assessment

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

An Insignificant Reputational Risk of Level 1 - Which will likely result in unsubstantiated, low impact, low profile or 'no news' item.

10.3.3	New Policy - Elected Member Entitlements
Department	Finance, Governance & Corporate Services Administration & Governance
Author	Jamie Criddle
Reference(s)	411.01
Attachment(s)	1. Elected Members Entitlements and Professional Development 2025 [10.3.3.1 - 17 pages]

Voting Requirements

Absolute Majority

Staff Recommendation

That Council:

1. Review and adopt the Elected Member Entitlements & Professional Development Policy (as attached)
2. Approve to pay the following fees for independent committee members
 - 1.6 Meeting attendance fees for independent committee members – per meeting;
 - 5.3.1 Travel costs for independent committee members – per meeting;
3. Delete the following policies that are merged into new policy:
 - CMP - 030 Elected Member Training & Professional Development
 - CMP - 015 Elected Member Corporate Clothing
 - CP - 006 Attendance at Events

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

As the report relates to Fees & Allowances payable to all Councillors, an “**Interest in Common**” is assumed.

Background

During the 2024/25 Budget process, Council held discussions around the various payments currently being made to Councillors when carrying out official functions on behalf of Council.

These included:

- Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees
- Annual Local Government Allowances — President and Deputy President
- Annual Allowance for ICT Expenses
- Annual Allowance for Travel and Accommodation Expense

Council do not currently have a Policy outlining these payments as well as a number of other assumptions which are not outlined in Council Policy.

Management have listed a number of these within a singular policy document in order to ease any confusion for new or existing Councillors. What this review has done is expanded on a number of existing policies and included into one document. These existing policies include:

- CMP - 030 Elected Member Training & Professional Development
- CMP - 015 Elected Member Corporate Clothing
- CP - 006 Attendance at Events

Recommended amendments and other changes to these policies are outlined within the provided attachments and the report below.

Comment

The recommended amendments to the Council Policies are marked in RED within the attachment **10.3.3.1 Elected Member Entitlements & Professional Development Policy 2025**

Statutory Environment

The report complies with the requirements of the: Local Government Act 1995

Sections 5.90A, 5.92, 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Local Government Act 1995 provides that a Local Government is to pay certain fees and allowances and may reimburse expenses. Regulations 30, 31, 32 and 34AC of the Local Government (Administration) Regulations 1996 prescribe the level and circumstances of the payment or reimbursement of fees, allowances and expenses

Policy/Procedure Implications

A Policy or Procedure is affected:
Elected Member Governance Policy & Procedures

Financial Implications

The policy has included the status quo that was adopted at the 24/25 Annual Budget in reference to Band 4 range as determined by the Salaries and Allowances Tribunal in accordance with section 5.100 of the Local Government Act 1995. Any expenditure required as a result of the attached policies, is considered as part of the annual budget process and adopted by Council.

There would be an additional cost with the introduction of the "independent committee members" fee which would be no more than \$1,000 pa.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

Consultation

Staff
Councillors

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

An Insignificant Compliance Risk of Level 1 - Which will likely result in no noticeable regulatory or statutory impact.

10.3.4 Bushfire Brigades Group Management Advisory Committee 2025

Department	Development Service Emergency Management
Author	Jamie Criddle
Reference(s)	403.00
Attachment(s)	1. CV Bushfire Brigades Unconfirmed Minutes March 2025 [10.3.4.1 - 5 pages] 2. Minute Attachments - March 2025 [10.3.4.2 - 16 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council endorse the recommendation from the Bushfire Advisory Committee:

1. BFB 3/25-02 - Election of Officers – All One Year Terms

6.1	Chief Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	J Stokes
6.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
6.4	Group Training Officer	Current Position Holder	E O'Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
6.7	Fire Weather Officer	Current Position Holder	A Vlahov
	Deputy Fire Weather Officer	Current Position Holder	J Stokes

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

2. BFB 3/25-03 - Appointments of Bushfire Control Officers

Bruce Ley – Durawah/Valentine Brigade
 Calvin Royce – Howatharra Brigade
 Neil Kupsch – Nabawa Brigade
 Craig Mincherton – Naraling Brigade
 Jason Stokes – Yetna Brigade
 Shaun Earl – Yuna Brigade

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

3. BFB 3/25-04 - Fire Break Notice

The Committee recommend Council endorse the existing Bush Fire Notice as presented.

4. BFB 3/25-05 - Annual Inspections

The Annual Fire Break Inspection procedures remain the same.

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The purpose of this report is to in accordance with section 38 of the Bush Fires Act 1954 appoint Bush Fire Control Officers for the 2025/26 bush fire season and to endorse the recommendations of the Chapman Valley Bushfire Brigades Group Management Advisory Committee which met at the Shire Office on the 11th March 2025.

Comment

A number of issues were raised, including:

- **Yetna light Tanker** which was damaged in the Howatharra fire should arrive within the month.
- **Howatharra Vehicle** - An Application to the LGGS has been submitted for a 4.4 Broadacre Tanker for the Howatharra Brigade.
- **Wandana Reserve** – DBCA intention of commencing some controlled burns in autumn and then continuing them through winter and into spring within the Wandana Nature Reserve.
- **Firebreak requirements**
Discussion was held in relation to the effectiveness of firebreaks within the Shire of Chapman Valley. It was requested that this group investigates an alternative to firebreaks, given environmental concerns (erosion) and cost in relation to effectiveness, particularly closer to the coast. What implications there may be to Insurance? (Building & Crop)
- **Community Emergency Services Manager (CESM)**
The CEO gave an update on a recent request to the DFES Commissioner for the allocation of a Community Emergency Services Manager (CESM) for the Shires of Chapman Valley & Northampton.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Bush Fires Act 1954, section 38 appointment of Bush Fire Control Officers.

Policy/Procedure Implications

A Policy or Procedure is affected:

Elected Member Governance Policy & Procedures

Council's Management Procedure EMP-005 provides guidelines and procedures for the appointment of Bush Fire Control Officers i.e.

MANAGEMENT PROCEDURE No.	EMP-005
MANAGEMENT PROCEDURE	FIRE CONTROL OFFICER APPOINTMENTS
RESPONSIBLE DIRECTORATE	ADMINISTRATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	3.90
RELEVANT DELEGATIONS	

OBJECTIVES:

This Operational Procedure provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer with the following objectives:

1. *To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer (BFCO); and*
2. *To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer (BFCO).*

MANAGEMENT PROCEDURE STATEMENT/S:

1. *To be eligible for appointment as a Bush Fire Control Officer, a person must have completed the Bush Fire Control Officer Training Program not more than ten (10) years prior to appointment.*
2. *Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Office if they complete the Bush Fire Control Officer Training within six (6) months of appointment.*
3. *For a person to continue as a Bush Fire Control Officer, they must complete the Bush Fire Control Officer's Course or a refresher course at intervals of no more than every ten (10) years.*
4. *Nominations from Brigades shall be submitted to a Bush Fire Brigades Group Management Advisory Committee for recommendation to Council by 1 October, where applicable.*
5. *An appointment shall be for a period of one (1) year, unless revoked by Council.*
Bush Fire Control
6. *Officers will be eligible for reappointment unless their appointment was revoked by Council.*

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.3 Identify all volunteers and determine their support needs.

Consultation

Nil

Risk Assessment

An Insignificant Service Disruption Risk of Level 1 - Which will likely resulting in no material service disruption.

An Insignificant Compliance Risk of Level 1 - Which will likely result in no noticeable regulatory or statutory impact.

A Minor Property Risk of Level 2 - Likely resulting in localised damage rectified by routine internal procedures.

10.3.5 Chief Executive Officers Performance Review 2024

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	908.189
Attachment(s)	Nil

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

1. Appoints the Shire President, Deputy Shire President and Cr(s) _____ to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2024 and bring this back to Council for consideration and work with the Chief Executive Officer to formulate sufficient Key Performance Indicators(KPI's) for the ensuing 12 month period.
2. Provide the Chief Executive Officer written notice of his Annual Performance Appraisal and Remuneration Review to be undertaken.

Disclosure of Interest

Chief Executive Officer, Mr Jamie Criddle to be the beneficiary with this matter directly concerning the Employment Contract between the Shire of Chapman Valley and Jameon (Jamie) Clinton Criddle.

Background

The Chief Executive Officer commenced with the Shire of Chapman Valley on 27th January 2022 and after a successful probationary period the initial contract was endorsed for a five-year period to January 2027.

The purpose of this Agenda Item is to commence the process to undertake the Chief Executive Officer's Annual Performance Appraisal and Remuneration Review for 2024 and to formulate and adopt the Key Performance Indicators (KPI's) for the Chief Executive Officer, in accordance with the Local Government Act 1995 section 5.38 and the Chief Executive Officer's contract of employment.

In accordance with Council Policy CMP - 23 - Mandatory Standards for CEO Recruitment, Performance and Termination, Council and the CEO must agree on the performance review process, and any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

Comment

The council of a local government is already required to undertake an annual review of the CEO's performance in accordance with section 5.38 of the *Local Government Act 1995* (Act). A performance review carried out in an objective and comprehensive manner can facilitate a good understanding between the council and the CEO on the progress and achievement of council priorities.

Local governments should review their current process for performance review in consultation with the CEO and make any changes required to ensure that the process meets the requirements set out under Division 3 of the CEO Standards.

The CEO Standards require the council and the CEO to agree on the process for performance review and any performance criteria additional to those specified in the CEO's contract of employment. Local governments must ensure that the process for performance review is documented. Following a review of the CEO's performance, the council must formally endorse the outcomes of the review.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality. Performance Review Standards The minimum standard for performance review will be met if:

- S2.1 Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2 The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3 The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4 The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5 Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6 The council has endorsed the performance review assessment by absolute majority.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Local Government Act 1995, Part 5, Division 4, s 5.38 and Division 2, s5.23 (2)

Policy/Procedure Implications

A Policy or Procedure is affected:

Organisational Corporate Policy & Procedures

HR & Induction Policy & Procedures

Policy CP - 23 - Standards for CEO Recruitment, Performance and Termination

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

(1) The local government and the CEO must agree on —

- (a) the process by which the CEO's performance will be reviewed; and
- (b) any performance criteria to be met by the CEO in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

(3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

The 2023/2024 Budget has not been completed as yet and will be guided by the Sub-Committees decisions.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members

Consultation

The performance appraisal and remuneration review requires consultation to be evident between the Council and the Chief Executive Officer.

Risk Assessment

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

A Minor Reputational Risk of Level 2 - Which will likely result in substantiated, low impact, low news item.

11 Elected Members Motions

<p style="text-align: center;">Local Government Act 1995 SHIRE OF CHAPMAN VALLEY Standing Orders Local Law 2016</p> <p>Part 5 - Business of a meeting</p> <p>5.3 Motions of which previous notice has been given</p> <p>(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.</p> <p>(2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.</p> <p>(3) A notice of motion is to relate to the good governance of the district.</p> <p>(4) The CEO -</p> <p>(a) may, with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;</p> <p>(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;</p> <p>(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and</p> <p>(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.</p> <p>(5) A motion of which notice has been given is to lapse unless:</p> <p>(a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or</p> <p>(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.</p> <p>(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.</p>
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The Council has not received any notice of motion from an elected member at the time of writing this report.

12 New Business of an Urgent Nature Introduced by Decision of the Meeting

<p style="text-align: center;">Local Government Act 1995 SHIRE OF CHAPMAN VALLEY Standing Orders Local Law 2016</p> <p>Part 5 - Business of a meeting</p> <p>5.4 New business of an urgent nature</p> <p>(1) In cases of extreme urgency or other special circumstances, matters may, on a motion</p>
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by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

13 Announcements by Presiding Member Without Discussion

14 Matters for which Meeting to be Closed to Members of the Public

Local Government Act 1995

Administration Part 5

Council meetings, committees and their meetings and electors'

meetings Division 2

s. 5.23

The council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for.

The Council has no confidential items for consideration.

15 Closure