

# ORDINARY COUNCIL MEETING

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## CONFIRMED MINUTES

9:00am Wednesday  
19/05/2021

Nabawa Council Chambers

MAY 2021

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SHIRE OF CHAPMAN VALLEY

*Simon Lancaster*

ACTING CHIEF EXECUTIVE OFFICER



SHIRE OF

## Chapman Valley

*Love the rural life!*

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

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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.

**Simon Lancaster**  
**ACTING CHIEF EXECUTIVE OFFICER**

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## **ORDER OF BUSINESS**

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

The President, Cr Farrell welcomed Elected Members and Staff and declared the meeting open at 9.05am.

### **2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

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

#### **3.1 Attendees**

Elected Members	In	Out
Cr Anthony Farrell (President)	9:05am	10:13am
Cr Kirrilee Warr (Deputy President)	9:05am	10:13am
Cr Peter Humphrey	9:05am	10:13am
Cr Darrell Forth	9:05am	10:13am
Cr Beverley Davidson	9:05am	10:13am
Cr Nicole Batten	9:05am	10:13am
Cr Trevor Royce	9:05am	10:13am

Officers	In	Out
Simon Lancaster, Acting Chief Executive Officer	9:05am	10:13am
Dianne Raymond, Manager Finance & Corporate Services	9:05am	10:13am
Beau Raymond (Minute Taker)	9:05am	10:13am

Visitors	In	Out
Nil		

#### **3.2 Apologies**

Elected Members
Nil

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

Nil

### **4.0 PUBLIC QUESTION TIME**

#### **4.1 Response to Previous Public Questions on Notice**

Nil

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#### 4.2 Public Question Time

Nil

### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)

Nil

### 6.0 DISCLOSURE OF INTEREST

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.”

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.1	Cr Warr	Financial	As a ratepayer and impacted by the cyclone it is likely applications for building and planning will be forthcoming and financial benefit will be received

### 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

#### 7.1 Petitions

Nil

#### 7.2 Presentations

Nil

#### 7.3 Deputations

Nil

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

**MOVED: Cr. Forth**

**SECONDED: Cr. Warr**

### **8.1 Ordinary Meeting of Council held on Wednesday 21<sup>st</sup> April 2021**

The Minutes of the Ordinary Meeting of Council held Wednesday 21<sup>st</sup> April 2021 be confirmed as true and accurate.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-01**

## **9.0 ITEMS TO BE DEALT WITH EN BLOC**

**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

Council resolves to move the following items en bloc:  
10.1.2, 10.2.2, 10.2.3.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-02**

## **10.0 OFFICERS REPORTS**

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# **10.1**

## **Deputy Chief Executive Officer**

### **10.1 AGENDA ITEMS**

**10.1.1 Waiving of Building & Planning Application Fees**

**10.1.2 Proposed Telecommunications Infrastructure**

### 10.1.1 Waiving of Building & Planning Application Fees

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	603.05
PREVIOUS REFERENCE:	Nil
DATE:	10 May 2021
AUTHOR:	Simon Lancaster, Acting CEO

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

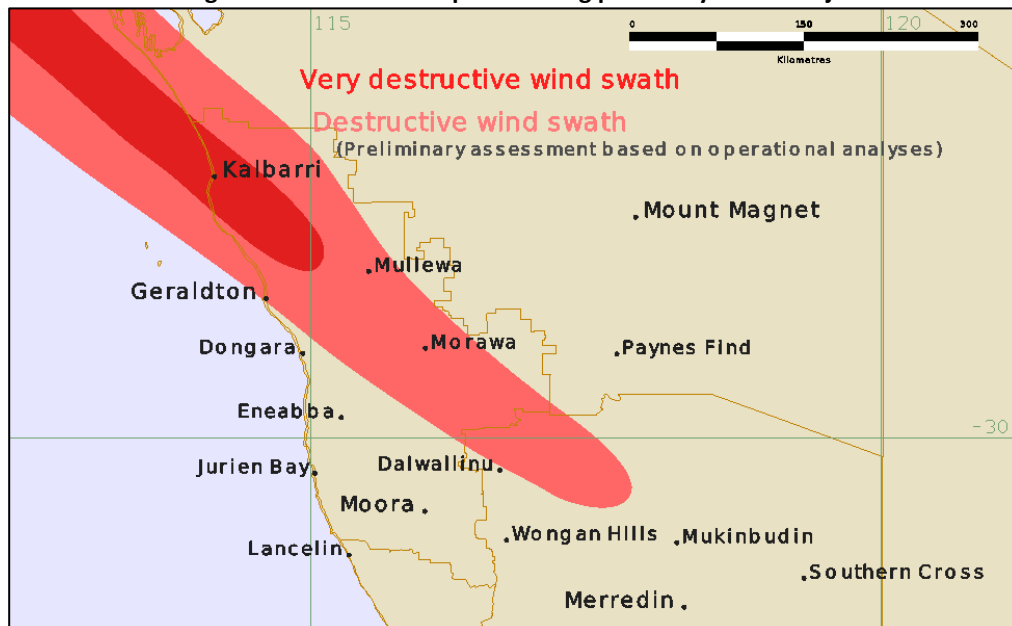
#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Cyclone Seroja has had a significant impact upon the Midwest and the Shire of Chapman Valley. Initial assessments based upon logged requests for assistance to the Department of Fire & Emergency Services ('DFES') indicate that 94 residences and 26 non-residential structures were damaged in the Shire of Chapman Valley. This report recommends that Council waive all Shire fees for demolition and construction works relating to Cyclone Seroja to provide some financial support to impacted landowners.

Figure 10.1.1 – DFES Map illustrating path of Cyclone Seroja



#### COMMENT

The processing of building permit and demolition applications by the Shire requires payment of application fees to cover Shire resources involved in its duties such as site inspections, liaising with the applicant where insufficient information has been provided, professional assessment, printing costs and costs in administering state government levies amongst others.

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Not all building and demolition works require application to be lodged for development ('planning') approval, for example residential structures in townsites that comply with the Residential Design Codes of Western Australia or in rural areas generally would not require a planning application to be lodged with the Shire. However, where applications propose variance to the R-Codes, or Local Planning Scheme or Local Planning Policy requirements, or are located in areas deemed by DFES to be bushfire prone then lodgement of a planning application is required and this also requires payment of a planning application fee.

This report recommends that Council waive the requirement for landowners/applicants to pay a building application fee or planning application fee where the works relate to demolition or rebuilding (repair or replacement) associated with Cyclone Seroja.

This will provide some minor financial assistance to the members of our community impacted by Cyclone Seroja as they begin the process of recovery.

### **STATUTORY ENVIRONMENT**

Part 7 Division 2 Clause 52 of the *Planning and Development Regulations 2009* allows for a local government to waive or refund, in whole or in part, payment of a fee for planning service.

Section 6.16 of the *Local Government Act 1995* requires that an amendment of a Shire fee/charge must be made by absolute majority.

Lodgement of a building permit application also attracts payment of the Building Services Levy by the applicant. This is a levy imposed by the Building Commission that is required to be collected by the local government and passed onto the Department of Mines, Industry Regulation and Safety.

However, on 22 April 2021 the Department of Mines, Industry Regulation and Safety wrote to the Shire to advise as follows:

*"I was saddened to hear of the devastation that parts of the Shire of Chapman Valley experienced during Severe Tropical Cyclone Seroja. Our thoughts remain with all those affected by this event. To assist in the recovery, repair and rebuilding efforts, the Building Commissioner has waived the building services levy for people affected by this cyclone. Ordinarily the building services levy is paid when making an application under the Building Act 2011 for a building, demolition or occupancy permit or building approval certificate. A notice of the waiver was published in the Government Gazette on Tuesday, 20 April 2021. An extract of this waiver is enclosed for your information. I hope that the removal of this levy provides some financial support for those affected by this cyclone."*

The Government Gazette notice published on 20 April 2021 advised that the Building Commissioner had:

*"...under section 85 of the Building Services (Complaint Resolution and Administration) Act 2011, do hereby waive the building service levy payable in respect of a building, demolition or occupancy permit or building approval certificate granted for building work or demolition work to be carried out, or carried out, in the local government districts of...Chapman Valley because of damage caused by Severe Tropical Seroja (11-12 April)".*

Landowners/Builders lodging building permit applications are also required to pay the Construction & Training Fund ('CTF') Levy. The Shire wrote to the CTF on 4 May 2021 enquiring whether it would follow the lead of the Building Commissioner and also waive its levy for works relating to damage caused by Cyclone Seroja.

On 6 May 2021 the CTF responded as follows:

*"CTF has been approached to waive the BCITF levy on construction work required in response to damage caused by Severe Tropical Cyclone Seroja. CTF is also aware that the Building Commission has waived the*

*building services levy, and local governments are removing planning and building permit fees for impacted works.*

*After a thorough review of our Act, it has been confirmed that there is no legislative mechanism available for CTF to exempt or waive the BCITF levy in response to works resulting from damage caused by a natural disaster.*

*Whilst CTF is sympathetic to those impacted by this disaster the levy will need to be collected as normal for those applications exceeding an estimate \$20,000 in value.*

*The CTF Board is exploring options by which we can provide targeted support to the construction workforce directly engaged in the rebuild works.*

*To help in this, it would be appreciated if a record of those applications where fees are waived but the BCITF levy charged is kept. We can then use this to identify impacted works and engage with the project owner and their sub-contractors to provide support.*

*I recognise that some applicants may be aggrieved or confused by the need to still pay the levy in the circumstances. Should this be the case, they are welcome to contact CTF on 9244 0100 or provide feedback via email [inquiries@ctf.wa.gov.au](mailto:inquiries@ctf.wa.gov.au)."*

The response of CTF is disappointing as it had been hoped that a coordinated zero fee approach could have been achieved that may in some small way have served to assist those who have suffered as a result of Cyclone Seroja.

#### **POLICY/PROCEDURE IMPLICATIONS**

The Shire's Schedule of Fees & Charges are updated annually (generally at the May Council meeting) as part of the lead up to the formulation and adoption of the Council budget for the upcoming financial year.

#### **FINANCIAL IMPLICATIONS**

Waiving of the building and planning application fees will have some budgetary impact to Council based upon the potential for receipt of 120 building applications relating to cyclone damage (however this is a 'ceiling' figure, with 59 of these identified as being 'slightly damaged' and not all recovery activities will involve structural works that require lodgment of a building application). However it is considered that the ability for the Shire to continue its ongoing role of providing support to those members of our community who have experienced hardship as a result of this event should be maintained.

#### **Long Term Financial Plan (LTFP):**

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**

##### **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and it is considered that this Council initiative would accord with the following:

Ref	Objective	Strategy	Action
Community and Lifestyle			
1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises

#### **CONSULTATION**

Nil.

#### **RISK ASSESSMENT**

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Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

#### **VOTING REQUIREMENTS**

Absolute majority required.

#### **STAFF RECOMMENDATION**

That Council resolve to waive all Shire building permit, demolition and planning application fees for works relating to Cyclone Seroja.

Cr Warr declared a financial interest and left meeting at 9:10am prior to discussion

**MOVED: Cr. Humphrey**

**SECONDED: Cr. Batten**

#### **COUNCIL RESOLUTION/STAFF RECOMMENDATION**

That Council resolve to waive all Shire building permit, demolition and planning application fees for works relating to Cyclone Seroja.

**Voting F6/A0**

**CARRIED**

**Minute Reference: 05/21-03**

Cr Warr returned to meeting after voting at 9:11am.

## 10.1.2 Proposed Telecommunications Infrastructure

PROPONENT:	Milbridge Urban Planning & Projects for Telstra
SITE:	Durawah Road Reserve (Land ID 3454515), Nanson
FILE REFERENCE:	1001.370 & 204.15.17
PREVIOUS REFERENCE:	Nil
DATE:	9 May 2021
AUTHOR:	Simon Lancaster, Deputy CEO

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Application		√

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

Council is in receipt of an application to establish telecommunications infrastructure within the Durawah Road reserve to service the adjacent Nanson townsite. This report recommends conditional approval.

**Figure 10.1.2(a) – Location Plan for proposed Nanson Telecommunications Infrastructure**



### COMMENT

The proposed telecommunications infrastructure would be located on the south-eastern corner of the Chapman Valley and Durawah Road intersection, approximately 40m east of Chapman Valley Road.

The development would be located within the Durawah Road reserve, although it would be sited approximately 14m south of the road surface behind existing vegetation.

The proposed telecommunications infrastructure would consist of the following:

- 21m high monopole with 1m high antenna located at the top of the pole;
- 2.3m high equipment cabinet at base of monopole; &
- 2m high security fence around the 20m x 5m (100m<sup>2</sup>) compound area.

A copy of the applicant's submitted plans and supporting correspondence have been provided as **separate Attachment 10.1.2** to this report.

**Figure 10.1.2(b) – Aerial Photo of proposed Nanson Telecommunications Infrastructure**



Council may consider that the application should be supported based on the following:

- the development will improve communications for residents in the Nanson townsite; will provide greater ability for residents and motorists to reach assistance in an emergency situation; and will assist economic productivity by allowing for improved access to mobile phone networks and the internet to conduct business;
- the development will consist of a 20m monopole, topped with a 1m antenna, and would therefore have a lesser impact than a taller, guyed wire mast or pylon tower;
- whilst the mobile phone tower will have some visual impact on the Nanson townsite and the tourism/scenic drive of the Chapman Valley Road, it is worth noting that the proposed facility would be partially screened by existing trees at its base, and there is a practical need for the structure to be of this height to function effectively;
- there are other examples of radio, phone, internet and television masts sited in prominent locations in proximity to rural townsites that serve a community need, and it is also noted that the mast would be located approximately 130m south-east of the nearest residence in the Nanson townsite, rather than more centrally within the townsite, and would also be setback from any heritage buildings.

The telecommunications infrastructure would be located in an area that would be susceptible to flooding in a significant event. The Department of Water & Environmental Regulation's 'Chapman River Flood Study – Nabawa and Nanson Townsites' (2020) identifies that the site would be outside of the expected floodplain for a 1 in 200 year (and below) event,

but would be impacted by a 1 in 500 year (and above) flood event, although in this type of extremely significant event the entire Nanson townsite would be subject to flood impacts.

**Figure 10.1.2(c) – View looking east along Durawah Road toward Chapman Valley Road, vehicle access point to proposed telecommunications infrastructure to the left**



**Figure 10.1.2(d) – View looking north-east along Chapman Valley Road towards Durawah Road intersection, proposed telecommunications infrastructure location behind vegetation in proximity to power pole**



#### **STATUTORY ENVIRONMENT**

The proposed site is zoned 'Road' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objective for which is listed in Table 1 as being "to set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy".

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There are no specific uses listed in the Scheme for the 'Road' zone however it is common for utilities and services such as reticulated water, power, sewer, gas, internet and telecommunications infrastructure to be located within road reserves.

The application would meet the definition of 'Telecommunications Infrastructure' which is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

*"means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network."*

The proposed development is considered to meet the following aim as listed in clause 9 of the Scheme:

*"provide for the consolidation and/or expansion of the existing settlements of Nabawa, Yuna, Nanson and Howatharra".*

The approval of this development would be consistent with previous Council support for other telecommunications facilities servicing the Nabawa, Yuna and Howatharra townsites and would assist in addressing an area where mobile phone reception is poor and where the community has previously expressed dissatisfaction.

Clause 38 of the Scheme requires this application to be presented to Council for its consideration:

*"38 Building height*

- (1) Unless otherwise approved by the local government, no building shall be constructed to exceed 9.0 metres in height above natural ground level, including masts or aerials and the like, whether free standing or otherwise.*
- (2) For the purpose of this section the overall 'height' shall be determined by the vertical measurement from natural ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.*
- (3) In considering an application to relax the requirements of subclause (1) the local government shall, in addition to the general matters set out in clause 67 of the deemed provisions, give particular consideration to:*
  - (a) The practical need for development to exceed 9.0 metres in height above natural ground level;*
  - (b) Whether the proposed development may have a detrimental effect on nearby/adjoining properties; and*
  - (c) The costs to the community of not approving the development."*

The Commonwealth *Telecommunications Act 1997* exempts telecommunications equipment from environmental and planning legislation except where the facility does not meet the definition of a 'low impact' facility, in this case requiring the lodgement of a planning application and assessment by Council of this matter.

Durawah Road is under the management of the Shire, which is the road that is proposed to be accessed from the facility rather than Chapman Valley Road to the east which is under the management of Main Roads WA.

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering a development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (c) any approved State Planning Policy;*
- ...(fa) any local planning strategy policy for this Scheme endorsed by the Commission;...*
- ...(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*

- 
- ...(m) *the compatibility of the development with its setting including:*
- (i) the compatibility of the development with the desired future character of its setting; and*
  - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
- (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;...*
- ...(p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslide, bush fire, soil erosion, land degradation or any other risk;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; ...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

In addition to the requirements of the *Telecommunications Act 1997* and the *Planning and Development Act 2005* the applicant is also bound by the *Telecommunications Code of Practice 1997*, and the Australian Communications and Media Authority's *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*.

#### **POLICY/PROCEDURE IMPLICATIONS**

The Western Australian Planning Commission have prepared Statement of Planning Policy 5.2 'Telecommunications Infrastructure' (2015) for applications for above and below ground telecommunications infrastructure other than those facilities exempted under the *Telecommunications Act 1997*. The policy has the following objectives:

- facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Section 5.1 of the policy recognises that in many instances the primary impact of a mobile phone tower is a visual one and provides the following guidance:

*"For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.*

*The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.*

*5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.*

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;*
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*
  - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*

- b) *be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
- c) *not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
- d) *display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;*
- iii) *In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:*
  - a) *The infrastructure has a maximum height of 30 metres from finished ground level;*
  - b) *The proposal complies with the policy measures outlined in this policy; and*
  - c) *The proponent has undertaken notification of the proposal in a similar manner to 'low impact facilities' as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);*
- iv) *Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*
- v) *Telecommunications infrastructure should be collocated and whenever possible:*
  - a) *Cables and lines should be located within an existing underground conduit or duct; and*
  - b) *Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings."*

The applicant has addressed key criteria of SPP5.2 within part 4.2 of their submitted application provided as **separate Attachment 10.1.2** to this report.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **Long Term Financial Plan (LTFP):**

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**

The proposed site is located within Planning Precinct No.10 – Nanson Townsite in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

*"Consolidation of the historic rural townsite whilst preserving the local history and heritage values and promoting a range of cottage industries and tourism opportunities."*

The development of telecommunications infrastructure would assist in meeting the following Infrastructure objective listed for Precinct No.10:

*"10.4.1 Enhance the standards of servicing and infrastructure commensurate with urban development standards in consideration of the character of the Nanson townsite (i.e. bitumen sealed roads, reticulated water, underground power, reticulated sewerage, community standpipe etc).*

#### **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. It is considered that approval of this application would assist in delivering on the following strategies:

Ref	Objective	Strategy	Action
	Community and Lifestyle		

Ref	Objective	Strategy	Action
1.3	Maintain and enhance safety and security for the community	Enhance community and property security	Encourage improved communications and security across the Shire
Economic Development and Business Attraction			
2.2	Provide support for business development and local employment	Encourage digital network development in the Valley	Continue advocating for improvements to existing infrastructure and introduction of new infrastructure for digital communications
Physical and Digital Infrastructure			
4.3	Aspire to robust communication and digital infrastructure in the Shire	Engage with infrastructure and service providers Lobby and advocate for the best possible services and solutions	Continue advocating for improvements to existing infrastructure and introduction of new infrastructure for digital communications

Appendix 1 of the Strategic Community Plan provides the community workshop feedback and lists 'better local telecommunications' as a priority and aspiration.

### CONSULTATION

Council is not required to undertake community consultation for this application. However Council also has the right to advertise the application for public comment under Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* should it wish to seek comment on the proposal and return the matter to a future meeting of Council for consideration of any received submissions, prior to making its determination.

### RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

### VOTING REQUIREMENTS

Simple majority required

**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

### COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for Telecommunications Infrastructure within the Durawah Road reserve, Nanson subject to the following conditions:

- 1 Development shall be in accordance with the approved plans as contained within Attachment 10.1.2 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration or otherwise.

- 
- 4 Vehicle movements associated with the development must access Durawah Road at a location that is to the approval of the local government.
  - 5 The development must have battery capacity to continue operating for a minimum period of 12 hours after natural disaster.
  - 6 The operator/owner of the telecommunications infrastructure is required to provide to the Shire documentation that indemnifies and keeps indemnified the local government and holds it harmless from and against all liabilities, obligations or costs of any kind which may be incurred by the siting and operation of the telecommunications infrastructure within the Durawah Road reserve.

Notes:

- (a) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority, and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- (b) The development must be in compliance with any separate requirements of the Civil Aviation Safety Authority.
- (c) 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.

***Council En Bloc Resolution***  
**Voting F7/A0**  
**CARRIED**  
**Minute Reference: 05/21-02**

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# **10.2**

## **Manager of Finance & Corporate Services**

### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Management Report for March & April 2021**
- 10.2.2 Local Government Elected Members Allowances**
- 10.2.3 Proposed Differential Rates 2021/2022**
- 10.2.4 2021/2022 Proposed Fees and Charges**

## 10.2.1

### Financial Management Report for March & April 2021

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	12 May 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	March and April 2021 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts March and April 2021		✓

#### DISCLOSURE OF INTEREST

Nil

#### 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 and April 2021 are detailed in the monthly management report provided as a separate attachment for Council's review.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996 Section 34*

#### POLICY/PROCEDURE IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

As presented in the Financial Management Report for March and April 2021

#### Long Term Financial Plan (LTFP):

No significant effect on the LTFP

#### STRATEGIC IMPLICATIONS

Nil

#### Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

#### CONSULTATION

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Not applicable

#### **RISK ASSESSMENT**

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

#### **VOTING REQUIREMENTS**

Simple Majority

**MOVED: Cr. Forth**

**SECONDED: Cr. Davidson**

#### **COUNCIL RESOLUTION/STAFF RECOMMENDATION**

That Council receives the financial management report supplied under separate cover for the months of March and April 2021 comprising the following:

Statement of Financial Activities with notes

Note 1 – Net Current Assets

Note 2 – Cash & Financial Assets

Note 3 – Receivables

Note 4 – Other Current Assets

Note 5 – Payables

Note 6 – Rate Revenue

Note 7 – Disposal of Assets

Note 8 – Capital Acquisitions

Note 9 – Borrowings

Note 10 – Lease Liabilities

Note 11 – Cash Reserves

Note 12 – Other Current Liabilities

Note 13 – Operating Grants and Contributions

Note 14 – Non Operating Grants and Contributions

Note 15 - Trust Funds

Note 16 - Explanation of Material Variances

#### Additional Information

Budget by Program

Summary of Payments

Bank Reconciliation

Credit Card Statement

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-04**

## 10.2.2

### Local Government Elected Members Allowances

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	401.04
PREVIOUS REFERENCE:	Nil
DATE:	12 May 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2	WA SAT Determination		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Western Australian Salaries and Allowances Tribunal (WASAT) released their determination on the review of the Local Government elected member allowances under the Salaries and Allowances Act, 1975, Pursuant to Section 7(A) and 7(B).

Council resolved the following at the May 2020 Ordinary Meeting of Council which formed allocations for Elected Members Allowances in the 2020/2021 Budget:

*"MOVED: Cr. Maluish*

*SECONDED: Cr. Forth*

#### COUNCIL RESOLUTION / STAFF RECOMMENDATION

1 Council approves the following Elected Members allowances for the 2020/2021 Draft Budget:

	<i>Annual Attendance fees in lieu of Council meeting fees</i>	<i>Annual Allowance (President)</i>	<i>Annual Allowance (Deputy President) - 25% of President</i>	<i>Annual Communication Allowance</i>	<i>Annual Travel Allowance</i>
<i>President</i>	<i>Maximum set by WASAT</i>	<i>\$10,000</i>		<i>\$500</i>	<i>\$50</i>
<i>Deputy President</i>		<i>NA</i>	<i>\$2,500</i>	<i>\$500</i>	<i>\$50</i>
<i>Other Elected Members</i>		<i>NA</i>		<i>\$500</i>	<i>\$50</i>

2 That payments be made six-monthly in arrears (i.e. December and June).

Voting 7/0

CARRIED

Minute Reference: 05/20-10"

#### COMMENT

The Western Australian Salaries and Allowances Tribunal (WASAT) determination for 2021/2022 was handed down on 8 April 2021 with no changes to the fees set in the previous year. 19 submissions were received and given consideration with varying issues raised including a change to the current band allocation model. The Tribunal emphasised fees and allowances are provided to elected members to recognise the commitment of their time and to ensure they are not out of pocket for expenses properly incurred in the fulfilment of their duties. The Tribunal continues to recognise the degree of voluntary community service in the role of elected members.

Previous reviews and increases are listed below which are minimal across the years, it should also be noted State parliamentarians base salary have not increased since July 2016.

- 2021 - 0.0%
- 2020 - 0.0%
- 2019 - 1.0%
- 2018 - 0.0%
- 2017 - 0.0%
- 2016 - 1.5%

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 – Sections 5.98, 5.98A, 5.99 & 5.99A*

*Salaries and Allowances Act 1975*

#### **POLICY/PROCEDURE IMPLICATIONS**

There are no policy implications.

#### **FINANCIAL IMPLICATIONS**

The 2020/2021 Draft Budget allocations will be set as per the Council Resolution; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2020/2021 Budget.

#### **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP as funds are budgeted annually to cover these costs.

#### **STRATEGIC IMPLICATIONS**

It is considered important Elected Members are remunerated for their contribution to local government.

#### **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

#### **CONSULTATION**

Not applicable

#### **RISK ASSESSMENT**

Council budget for the funds to accommodate the current level of Elected Members Allowances annually therefore the Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

#### **VOTING REQUIREMENTS**

Absolute Majority

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**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

That:

1 Council approves the following Elected Members allowances for the 2021/2022 Draft Budget:

	<b>Annual Attendance fees in lieu of Council meeting fees</b>	<b>Annual Allowance (President)</b>	<b>Annual Allowance (Deputy President) - 25% of President</b>	<b>Annual Communication Allowance</b>	<b>Annual Travel Allowance</b>
President	Maximum set by WASAT	\$10,000	N/A	\$500	\$50
Deputy President		N/A	\$2,500	\$500	\$50
Other Elected Members		N/A	N/A	\$500	\$50

2 Payments be made six-monthly in arrears (i.e. December and June).

***Council En Bloc Resolution***  
**Voting F7/A0**  
**CARRIED**  
**Minute Reference: 05/21-02**

### 10.2.3 Proposed Differential Rates 2021/2022

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	306.08
PREVIOUS REFERENCE:	Nil
DATE:	12 May 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	Differential Rate Model		✓
10.2.3(b)	Objects and Reasons for Differential Rate		✓
10.2.3(c)	Local Public Notice		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The ability to raise local government property rates is set out under the Local government Act 1995. Sections 6.33 and 6.34 of the *Local Government Act 1995* allow local governments to impose differential rates and minimum payment. Section 6.36 requires local governments to give notice of certain rates before imposing. Council must consider the current Strategic Community Plan which communicates the vision for the Shire; the Corporate Business Plan describing how the vision will be achieved over the next 4 years along with the Long Term Financial Plan for the next 10 years. Information from all the informing documents forms part of the annual budget process. A significant component the Shire's budget revenue is derived from property rates with the purpose of levying rates being to meet the budget requirement in order to deliver services and projects each financial year.

The Shire can apply a uniform rate or a differential rate for each of the valuation categories; it is the rate in the dollar imposed which determines whether there is a differential rate category. Local Governments under Section 6.33 of the *Local Government Act 1995* have the power to implement differential rating in order to take into account certain characteristics of the rateable land. These characteristics include:

- The purpose for which the land is zoned under the town planning scheme in force;
- The predominant use for which the land is held or used as determined by the local government; &
- Whether or not the land is vacant.

Differential rates may be applied according to any, or a combination of the above characteristics. However, local governments are constrained in the range of differential rates for which they may impose. That is, a local government may not impose a differential rate which is more than twice the lowest differential rate applied by that local government unless approval from the Minister is sought.

Before imposing a differential rate, a local government must provide local public notice a copy of which is provided as **separate Attachment 10.2.3(c)** of its intention to do so and consider any resultant submissions. Section 6.36(3)(c) of the *Local Government Act 1995* requires preparation of a document describing the objects of, and the reason for, each differential rate and minimum to be available for public inspection and for public submissions to be called and considered before imposing a differential rate a copy of which is provide as **separate Attachment 10.2.2(b)**.

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Historically the Shire of Chapman Valley has imposed a different rate for the Unimproved Valued land contained in the Special Control Area of the Shire of Chapman Valley Town Planning Scheme set aside for the purpose of strategic industry and deep-water port known as the Oakajee Industrial Estate and buffer areas.

## COMMENT

The purpose of this report is to determine whether council wish to continue with this rating methodology for the preparation of the draft 2021/2022 Annual Budget. The objective of the proposed differential rate is to ensure there is consistency with the previous year. The Gross Rental Valuation has not increased as the valuations have an effective date of 1 July 2019 and will remain so until the next revaluation (set for 2024). The Unimproved Value properties have an annual revaluation process which to date has not been received. This report has utilised the current values as at April 2021 to determine the total rates revenue per differential rate type. This was based on the 0% increase on the 2020/21 differential rate in the dollar and minimum rates as per 2020/2021 budget adoption.

The objective of the differential rate on Oakajee Industrial Estate properties is to recover from this sector an equitable share of the rates relating to the land held by Development WA (formerly LandCorp) whereby the Shire of Chapman Valley should not be financially disadvantaged due to the acquisition and subsequent development of the land. In order to reduce the impact of the Oakajee development on ratepayers Council previously sought to introduce a differential rate. The annual revaluation review of all Unimproved Valuations from Landgate Valuation Services has not been received for processing.

The UV Oakajee Industrial Estate Buffer Zone category includes any property zoned Oakajee Industrial Estate and Buffer within the Town Planning Scheme. A rate in the dollar of 2.2330 cents on Unimproved Values with a minimum of \$400 is proposed which is a 1.5% increase to rate in the dollar in 2020/2021 and affects 2 rateable assessments.

The balance of the unimproved value rating area is the UV Rural General Rate defined as:

Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 1.1253 cents on Unimproved Values with a minimum of \$400 is proposed which is a 1.5% increase to rate in the dollar in 2020/2021.

The advertising of a differential rate does not bind a local government to use the rate in the dollar at the time of adopting its' budget. The prime purpose of the advertisement is the opportunity for the public to prepare submissions on the existence of the differential rate and its indicative level. If a differential general rate or minimum payment differs from the proposed rate the reasons are required to be disclosed in the relevant budget and rate notice information.

A Differential Rate Model is provided as **separate Attachment 10.2.3(a)** for the proposed differential rate revenue is indicative only without the input of the new valuations yet to be supplied by Landgate Valuation Services.

It should also be noted the current COVID-19 Rates Financial Hardship policy will be reviewed for possible continuation for a period during 2021/22 given the State of Emergency declaration remains current at the time of writing this report. It is recommended that Council adopt the rating strategy as outlined in the Report and give public notice in accordance with s6.36 of the *Local Government Act 1995* of the Differential Rates proposed for 2021/2022.

## STATUTORY ENVIRONMENT

### *Local Government Act 1995*

- *S.6.32 States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.*
- *S6.33 (1) Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.*
- *S6.34 States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.*
- *S6.35 States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- *S6.35(4) States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.*

- *FMR 5 s.52 States that the percentage prescribed for the purposes of s6.35 (4) is 50%.*
- *S6.36(1) States that before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so*
- *S6.36(2) States that a local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- *S6.36(3) States that a notice referred to in subsection (1) —*
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
  - (b) is to contain —*
    - (i) details of each rate or minimum payment the local government intends to impose;*
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
  - and*
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- *S6.36(4) States that a local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

#### **POLICY/PROCEDURE IMPLICATIONS**

There are no policy implications

#### **FINANCIAL IMPLICATIONS**

2021/2022 Annual Draft Budget

#### **Long Term Financial Plan (LTFP):**

Section 6.2(2) of the *Local Government Act 1995* requires council in formulating the budget, to have regard to the contents of the plan for the future of the district. The proposed 1.5% rate revenue increase using differential rating remains consistent with the Long Term Financial Plan (LTFP) endorsed at the February 2021 Ordinary Meeting of Council.

#### **STRATEGIC IMPLICATIONS**

The recommended proposed Differential Rate Model is consistent with the LTFP and regard should be given to a prudent and responsible budget to continue providing services into the future.

#### **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

#### **CONSULTATION**

Not applicable

#### **RISK ASSESSMENT**

Associated risk would be a failure to comply with the *Local Government Act 1995* and relevant Financial Management Regulations requiring local governments to advertise their intent to levy differential rates prior to setting the annual budget. This would be a Minor (2) rating with some temporary noncompliance.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

## VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- Provides 21 days local public notice, as required by s6.36 (1) of the *Local Government Act 1995*, of its intention to impose differential rates for the 2021/2022 financial year as listed below.
- Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2021/2022 Draft Annual Budget.

Differential Rating Category	Rate in \$	Minimum Rate
UV Rural	1.1253	\$400.00
UV Oakajee Industrial Estate	2.2330	\$400.00
GRV	9.5785	\$700.00

**Council En Bloc Resolution**  
**Voting F7/A0**  
**CARRIED**  
**Minute Reference: 05/21-02**

## 10.2.4

### 2021/2022 Proposed Fees and Charges

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	Nil
DATE:	12 May 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.4(a)	2021/2022 Proposed Fees and Charges		✓
10.2.4(b)	Correspondence Executive Director Building and Energy Building Services Levy Waiver		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the *Local Government Act 1995*, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programs and to raise revenue through rates and fees and charges. In preparation for the compilation of the 2021/2022 Annual Budget the Proposed Schedule of Fees and Charges for 2021/2022 is attached for review and approval to list in the 2021/2022 Draft Budget.

#### COMMENT

A considerable number of Council's fees and charges are set by legislation and as such remain the same as last year until the State Government sets its own budget in August 2021. These generally include fees and charges associated with Planning, Building and Health regulations. During the 2020/2021 period COVID Recovery Federal funding has seen an increase in fees received through building permit applications, yet this should see a slow reduction over the next 12 months. It also should be noted correspondence has been received from the Executive Director Building and Energy in relation to a waiver of building services levies for works directly resulting from the impacts of Severe Tropical Cyclone Seroja. A summary of the recent years collections and forecast for 2021/2022 is listed below and indicates forecast is an overall 2% increase to total revenue over the 5 year period:

Year	Actuals	Variation from previous period	Percentage Increase/Decrease
30.06.2018	\$313,901		
30.06.2019	\$321,608	\$7,580	2%
30.06.2020	\$302,524	(\$18,956)	-6%
30.06.2021	\$339,913	\$37,388	+ 12%
30.06.2022	\$315,000	(\$24,913)	-7%

The draft 2021/2022 Proposed Fees & Charges listed under **separate Attachment 10.2.4(a) (2021/2022 Proposed Fees and Charges)** are based on varying increases to the 2020/2021 endorsed fees and charges with some areas supporting no increases to 30 June 2022. The WALGA March 2021 Economic Briefing has suggested the state has recovered faster from the COVID-19 pandemic than expected driven by successful containment of COVID-19, the strong mining sector and significant levels of State and Commonwealth Government stimulus spending. However, recovery is still fragile with various

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sectors remaining impacted with the ongoing restrictions. The Long-Term Financial Plan assumptions are based on a total revenue increase of 1.35%; the Reserve Bank of Australia has inflation sitting at 1.1% and Local Government Cost Index expected to rise by 1.4% in 2021-2022. Therefore it is prudent for local government to find a balance between cost recovery of providing services and facilities without unnecessary impact on the community as a whole.

## **STATUTORY ENVIRONMENT**

*Section 6.16 is the primary piece of legislation under the Local Government Act 1995 that requires fees and charges to be reviewed and adopted as part of the budget process.*

### **6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.  
*\* Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.*\* Absolute majority required.*

### **6.17. Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - (a) the cost to the local government of providing the service or goods;
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
  - (a) under section 5.96;
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

### **6.18. Effect of other written laws**

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
  - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
  - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

#### **6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

#### **POLICY/PROCEDURE IMPLICATIONS**

Shire of Chapman Valley 2021/2022 Draft Budget.

#### **FINANCIAL IMPLICATIONS**

Shire of Chapman Valley 2021/2022 Schedule of Fees and Charges

#### **Long Term Financial Plan (LTFP):**

The effect on the Long Term Financial Plan will be seen in the ratios for own source revenue when this updated after budget adoption; the current endorsed variable for fees and charges is a 1.35% increase to revenue.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources	Long Term Financial Management	Review Long Tern Financial Plan regularly and maintain integration with other Strategic Plans within the Shire
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as references for decision making	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long Term Financial Plan and Workforce Plan regularly as part of decision-making process

#### **CONSULTATION**

Input has been sought from all key members of staff.

#### **RISK ASSESSMENT**

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

The associated risk would be the failure to comply with Local Government Financial Management Regulations.

#### **VOTING REQUIREMENTS**

Absolute Majority

**MOVED: Cr. Warr**

**SECONDED: Cr. Forth**

#### **COUNCIL RESOLUTION/STAFF RECOMMENDATION**

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The proposed 2021/2022 Draft Fees and Charges as presented to Council be endorsed and included into the 2021/2022 Budget in accordance with the requirements of the *Local Government Act 1995*.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-05**

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## 11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Councillor Warr requested the following motion be tabled at the 19 May 2021 Council meeting.

That Council decision 04/21-08 from the 21 April 2021 Ordinary meeting of Council (as provided below in blue italics) be revoked:

*MOVED: Cr Batten                SECONDED: Cr Royce*

*Council Resolution*

- 1     The Shire agree for BlazeAid to use the Yuna community centre for a period determined by the CEO and to be brought back to council for a determination if necessary.*
- 2     The Shire agree to underwrite \$5,000 to initiate BlazeAid camp establishment at the Yuna community centre, with the understanding other external contributions are being sought.*
- 3     Authorise the CEO to reallocate funds from the budget to accommodate the \$5,000 amount.*
- 4     The CEO to liaise with CABY for the use of the Yuna community centre by BlazeAid and the effect upon the use of the building during this time.*
- 5     The CEO to liaise with Water Corporation additional water requirements.*
- 6     Shire's Yuna Depot to be used as storage area for BlazeAid equipment.*

*Voting 6/0*

*Carried*

*Minute Reference: 04/21-08*

Councillor Warr also gave notice that in the event that this revocation was approved by Council of intention to move the following motion as provided below in red italics (this motion would differ from the previous motion in respect to part 2):

- 1     The Shire agree for BlazeAid to use the Yuna community centre for a period determined by the CEO and to be brought back to council for a determination if necessary.*
- 2     **The Shire agree to make a contribution of \$5,000 to initiate BlazeAid camp establishment at the Yuna community centre, with the understanding other external contributions are being sought.***
- 3     Authorise the CEO to reallocate funds from the budget to accommodate the \$5,000 amount.*
- 4     The CEO to liaise with CABY for the use of the Yuna community centre by BlazeAid and the effect upon the use of the building during this time.*
- 5     The CEO to liaise with Water Corporation additional water requirements.*
- 6     Shire's Yuna Depot to be used as storage area for BlazeAid equipment.*

### Shire Staff Comment:

It is considered that the formal process of underwriting the volunteer BlazeAid project will be an onerous task to financially analyse information from unknown databases, varying sponsors and donations offered across various individuals and community groups. It is feasible and economically reasonable to make a one-off contribution to this disaster recovery project.

The endorsed decision has financial implications on the 2020/2021 budget yet a contingency of \$5,000 is available under the sub program of "Other Community Amenities" which can be utilised for this contribution with Council endorsement. Apart from the 21 April 2021 Ordinary meeting of Council Minutes having been made public, and potential for confusion for parties referencing them without regard for the subsequent May Council Minutes there would be no other implications. It is noted that all other components to the originally moved motion i.e. items 1 & 3-6 would remain unchanged.

Disaster recovery clean up works have been undertaken via Shire employee time, plant & equipment within the townsites and elsewhere in the Shire. The BlazeAid project is a regional cooperation originally of administration collaboration between local governments and BlazeAid. It should be noted the Shire is advised both the City of Greater Geraldton and the Shire of Northampton are making a financial contribution to BlazeAid..

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Shire Staff Procedural Note:

In the event that Councillor Warr's motion obtains a seconder, and the Presiding Member rules the motion is possible then the following motions are required to be followed.

**MOVED: Cr. Batten**

**SECONDED: Cr. Davidson**

*That Council accept the revocation motion relating to Council decision 04/21-08 from the 21 April 2021 Ordinary meeting of Council*

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-06**

**MOVED: Cr. Royce**

**SECONDED: Cr. Forth**

That Council decision 04/21-08 from the 21 April 2021 Ordinary meeting of Council (as provided below in italics) be revoked:

*"MOVED: Cr Batten          SECONDED: Cr Royce*

*Council Resolution*

- 1      The Shire agree for BlazeAid to use the Yuna community centre for a period determined by the CEO and to be brought back to council for a determination if necessary.*
- 2      The Shire agree to underwrite \$5,000 to initiate BlazeAid camp establishment at the Yuna community centre, with the understanding other external contributions are being sought.*
- 3      Authorise the CEO to reallocate funds from the budget to accommodate the \$5,000 amount.*
- 4      The CEO to liaise with CABY for the use of the Yuna community centre by BlazeAid and the effect upon the use of the building during this time.*
- 5      The CEO to liaise with Water Corporation additional water requirements.*
- 6      Shire's Yuna Depot to be used as storage area for BlazeAid equipment.*

*Voting 6/0*

*Carried*

*Minute Reference: 04/21-08"*

**Voting F7/A0**

**CARRIED BY ABSOLUTE MAJORITY**

**Minute Reference: 05/21-07**

**MOVED: Cr. Warr**

**SECONDED: Cr. Forth**

- 1      The Shire agree for BlazeAid to use the Yuna community centre for a period determined by the CEO and to be brought back to council for a determination if necessary.*
- 2      The Shire agree to make a contribution of \$5,000 to initiate BlazeAid camp establishment at the Yuna community centre, with the understanding other external contributions are being sought.*
- 3      Authorise the CEO to reallocate funds from the budget to accommodate the \$5,000 amount.*
- 4      The CEO to liaise with CABY for the use of the Yuna community centre by BlazeAid and the effect upon the use of the building during this time.*
- 5      The CEO to liaise with Water Corporation additional water requirements.*
- 6      Shire's Yuna Depot to be used as storage area for BlazeAid equipment.*

**Voting F7/A0**

**CARRIED**

**Minute Reference: 05/21-08**

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## **12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil

## **13.0 DELEGATES REPORTS**

Cr Batten	WA Gov Tourism meeting
Cr Forth	Chapma Valley Agricultural Society meeting, FABCV
Cr Warr	Red Cross Meeting, Local Recovery Committee
Cr Farrell	Freeman Function

## **14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**

Nil

## **16.0 CLOSURE**

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10:13am.