

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

**8:30am Thursday
21 July 2022
Council Chambers**

JULY 2022

SHIRE OF CHAPMAN VALLEY
Jamie Criddle
CHIEF EXECUTIVE OFFICER

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



SHIRE OF
Chapman Valley
love the rural life!

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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.

A handwritten signature in black ink, appearing to read "Jamie Criddle". The signature is fluid and cursive, with a large initial "J" and "C".

Jamie Criddle
CHIEF EXECUTIVE OFFICER

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1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Shire President welcomed Elected members & Staff and declared the meeting open at 8:33am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

I would like to acknowledge the traditional owners of the land we are meeting on today, the Naaguja people, and we pay our respects to elders both past, present and emerging.

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

3.1 Attendees

Elected Members	In	Out
Cr Kirrilee Warr (President)	8:33am	9:41am
Cr Darrell Forth (Deputy President)	8:33am	9:41am
Cr Beverley Davidson	8:33am	9:41am
Cr Elizabeth Elliott-Lockhart	8:33am	9:41am
Cr Peter Humphrey	8:33am	9:41am
Cr Catherine Low	8:33am	9:41am
Cr Trevor Royce	8:33am	9:41am
Officers	In	Out
Jamie Criddle, Chief Executive Officer	8:33am	9:41am
Simon Lancaster, Deputy Chief Executive Officer	8:33am	9:41am
Dianne Raymond, Manager Finance & Corporate Services	8:33am	9:41am
Beau Raymond, Minute Taker	8:33am	9:41am
Visitors		
Nil		

3.2 Apologies

Nil

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

Elected Members
Cr Nicole Batten

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

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

MOVED: Cr Elliott-Lockhart

SECONDED: Cr Humphrey

Council resolve to approve the following leave of absence:

Elected Members	Meeting Date
Cr Trevor Royce	September OCM

Voting F7/A0

CARRIED

Minute Reference: 07/22-01

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
15.1	Jamie Criddle (CEO)	Financial	Employment Matters

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions
Nil

7.2 Presentations
Nil

7.3 Deputations
Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

MOVED: Cr Forth

SECONDED: Cr Davidson

8.1 Ordinary Meeting of Council held on 16 June 2022

That the Minutes of the Ordinary Meeting of Council held 16 June 2022 be confirmed as true and accurate.

Voting F7/A0

CARRIED

Minute Reference: 07/22-02

9.0 ITEMS TO BE DEALT WITH EN BLOC

MOVED: Cr Forth

SECONDED: Cr Elliott-Lockhart

Council resolves to move the items 10.1.1 & 10.2.2 En Bloc.

Voting F7/A0

CARRIED

Minute Reference: 07/22-03

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 Deputy Chief Executive Officer

10.1 AGENDA ITEMS

10.1.1 Proposed Hosted Accommodation

10.1.1

Proposed Hosted Accommodation

PROPONENT:	D & T Marsh
SITE:	19 (Lot 24) Dolbys Drive, Waggrakine
FILE REFERENCE:	A2016
PREVIOUS REFERENCE:	Nil
DATE:	12 July 2022
AUTHOR:	Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Application		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to operate hosted accommodation from the existing residence at 19 (Lot 24) Dolbys Drive, Waggrakine. The application has been advertised for comment and no objections were received. This report recommends conditional approval of the application.

COMMENT

19 (Lot 24) Dolbys Drive, Waggrakine is a 1.3249ha property that contains a 4 bedroom, 3 bathroom residence. The applicant is seeking approval to utilise 2 of the bedrooms as=t the front of the residence for short stay accommodation.

A copy of the submitted application, including a management statement has been included as **separate Attachment 10.1.1**.

Figure 10.1.1(a) – Location Plan for 19 (Lot 24) Dolbys Drive, Waggrakine

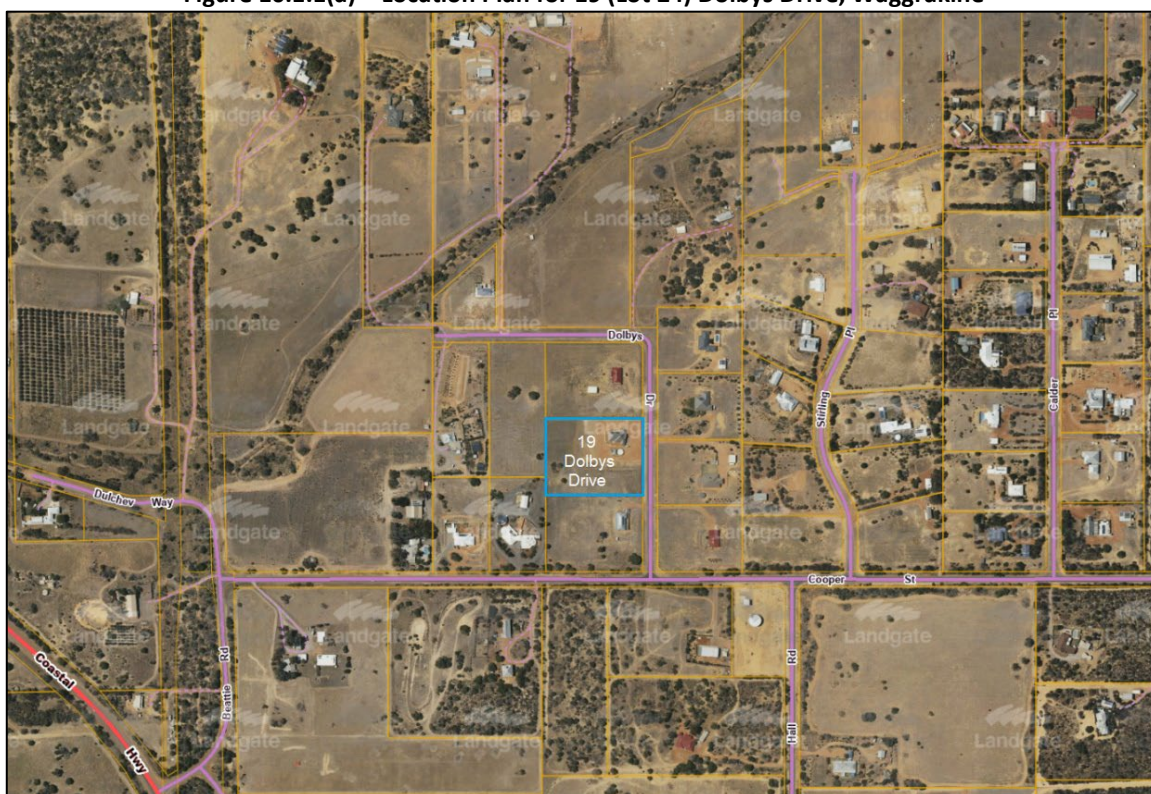


Figure 10.1.1(b) – View of 19 (Lot 24) Dolbys Drive, Waggrakine



It is considered that the application can be supported based on the following:

- the use is primarily ‘residential’ in nature (i.e. it occurs within a dwelling used for habitation);
- the development would not cause an inconsistency in the existing streetscape as the use of the dwelling for short stay accommodation will not require any changes to the external appearance of the residence;
- such developments are generally considered to meet the objectives and requirements of the ‘Rural Residential’ zone;
- the development would be largely ‘self-policing’ as the landowner would be present as the on-site manager, and it is more ‘Holiday House’ type applications where visitors stay in an otherwise empty house that tend to give rise to complaints when people in a holiday-mode can have conflicting behavior patterns to surrounding residents in a work-routine;
- there is the ability for issues that may arise with such developments (e.g. noise, nuisance and parking) to be addressed by a condition of approval whereby Council retains the right to review its approval in the event of complaint being received concerning the operation of the development.

STATUTORY ENVIRONMENT

19 (Lot 24) Dolbys Drive, Waggrakine is zoned ‘Rural Residential 1’ under the 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 lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land.”*

The application would be most appropriately addressed under the definition of ‘Hosted Accommodation’ as follows:

“means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.”

At present the ‘Hosted Accommodation’ land use definition forms part of the Western Australian Planning Commission’s Draft Position Statement: Planning for Tourism and is under consideration to be entered as a new land use definition in the *Planning and Development (Local Planning Schemes) Regulations 2015* (this review is discussed further in the Strategic Implication section of the report).

The Draft Position Statement notes

“Hosted accommodation in a single house (or ancillary dwelling), grouped or multiple dwelling, which does not exceed a maximum of four adult persons (or one family) and a maximum of two guest bedrooms. This form of short-term rental accommodation is considered low-scale because the host resides on site, can manage any issues with guests and the tourism/commercial use of the property is incidental to the permanent residential use.

The cap of a maximum of four adult persons (or one family) and a maximum of two guest bedrooms is the same cap currently provided within the model definition of 'bed and breakfast'. The 'bed and breakfast' land use definition is proposed to be deleted from Schedule 1 (Model Provisions) of the LPS Regulations."

In the meantime the land use of 'Bed & Breakfast' is the most comparable means of assessment which is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* as being:

"bed and breakfast means a dwelling –

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) containing not more than 2 guest bedrooms"*

'Bed & Breakfast' is listed as a an 'A' use in the 'Rural Residential' zone, that is a use that must be advertised for comment prior to determination.

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...*
- ...(g) any local planning policy for the Scheme area;...*
- ...(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) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (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;*
- ...(s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following –*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;...*
- ...(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;*
- (y) any submissions received on the application...*
- ...(zb) any other planning consideration the local government considers appropriate."*

The Shire has required of previous similar applications that if the owner is preparing a cooked breakfast for the guests then they must register the premises with the Shire under the *Food Act 2008*. However, if the owner provides an uncooked breakfast i.e. tea, coffee, cereal, milk, fruit etc. for the guests, or no breakfast, then this would not incur such a requirement. The Shire has also required that if there is a facility for guests to cook in the premises then a fire blanket and/or a fire extinguisher needs to be provided.

POLICY/PROCEDURE IMPLICATIONS

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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 prepared Shire of Chapman Valley Local Planning Policy 2.3 – Rural Tourism to guide assessment of applications and a copy of the policy can be viewed at the following link:

https://www.chapmanvalley.wa.gov.au/Profiles/chapmanvalley/Assets/ClientData/Document-Centre/planning/policies/SoCV_LPP_2_3_Rural_Tourism.pdf

Policy 2.3 contains the following objectives:

- “• *To provide for a range of low impact accommodation and other low impact tourist related uses in the rural and rural lifestyle areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.*
- *To set out the circumstances under which the Local Government may approve low impact tourist development in the rural and rural lifestyle areas of the municipality as provided in the Scheme.”*

It is considered that the proposed application meets with the Policy Statement requirements, as it fronts a sealed road, has access to reticulated water supply, has sufficient area to accommodate all car parking off-street, will have management within the same building, and has sufficient bathrooms provided, and can therefore be supported.

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 Shire of Chapman Valley Local Planning Strategy identifies the subject area as being located within ‘Precinct 7 – South West’ the vision for which is:

“The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities.”

The Strategy states that the land use of ‘Tourism (low to medium-key)’ is considered appropriate for this precinct area and also identifies the following economic objective:

“7.2.2 Promote tourist related uses/development and encourage agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land and existing uses.”

In 2019 the Parliamentary Standing Committee on Economics and Industry held an enquiry into short stay accommodation.

The rapid emergence of on-line booking platforms and the ‘sharing economy’ which utilises peer-to-peer platforms to rapidly connect customers and service providers has created challenges to local government. In particular, platforms that support short stay accommodation offer these services in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services. The Parliamentary Inquiry found that short-term rentals are a genuine income source for some people and are increasingly used by guests, however, there was often inconsistent regulatory requirements and numerous examples of adverse impacts on neighbours and local communities. Planning legislation has not kept pace with this rapid growth, and in the absence of state government guidance about how to manage these services this has resulted in an inconsistent approach across the state which has led to many local governments regulating short stay accommodation through their local planning framework and the *Local Government Act 1995*.

The Standing Committee explored a practical framework for emerging forms of short stay accommodation such as Airbnb, Stayz etc. and their impact on the tourism industry and links between short stay accommodation and rental affordability. The Committee received over 350 submissions from a range of stakeholders, including industry providers,

representative bodies and local governments amongst others most of whom supported greater regulation of short stay accommodation and accompanying streamlining of the process (i.e. establishing criteria whereby certain types of low-key short stay accommodation would not require application to be made, and other forms more likely to give rise to land use conflict would be regulated).

The Standing Committee's final report into short stay accommodation '*Levelling the Playing Field – Managing the impact of the rapid increase of Short-Term Rental in Western Australia*' included the following recommendations:

- implement a mandatory state-wide registration scheme;
- require online platforms to display a valid registration number for short term rentals;
- ensure that online platforms be required to provide data on all short-term rental properties listed in Western Australia to the government agency with primary responsibility for the registration scheme;
- establish an information sharing mechanism between state and local government;
- set and impose penalties for non-compliance;
- manage complaints about short term rentals;
- enforce compliance with local government control.

At this time the legislative review remains ongoing with a Draft Position Statement: Planning for Tourism released in December 2021 providing some guidance in relation to the assessment of Hosted Accommodation as follows:

"5.3.2.1 Hosted accommodation

For new schemes, scheme amendments and scheme reviews, local government should incorporate the land use definition for 'hosted accommodation' (refer to Table 1).

To regulate forms of hosted accommodation through the local planning scheme or local planning policy, the following considerations may be relevant:

- *Locational factors which may assist in determining appropriate locations for hosted accommodation within residential areas (refer to the Guidelines for further information).*
- *Suitability of the premises with regards to building design and form.*
- *Minimum car parking requirements.*
- *Servicing requirements, such as access to drinking water and wastewater systems.*
- *Room and guest caps.*
- *Preparation and approval of a management plan.*
- *Time or frequency of use limits.*

Other building or health licensing requirements may also apply outside of the planning system, such as provisions relating to swimming pools, the serving of food, the provision of fire safety equipment and evacuation measures."

Strategic Community Plan/Corporate Business Plan:

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. The application can be considered to align with the following strategic goals:

Ref	Objective	Strategy	Action	Timeline
2.1	Build population and business activity through targeted strategies	Support business development	Ensure Planning is in place to encourage business development	Short
2.2	Provide support for business development and local employment	Research mixed land use opportunities	Investigate possible planning improvements	Medium
2.3	Welcome local tourism and participation in regional strategy	Research and develop local tourism plan	Encourage Tourism Operators to establish an Alliance for them to develop and implement a Local Tourism Plan. This must be industry driven, not Shire driven.	Short
2.4	Ensure town planning complements economic development activities	Town Planning Review/Initiatives	Ensure Planning is in place to encourage economic development activities	Medium

CONSULTATION

The proposed land use is listed under the Shire of Chapman Valley Local Planning Scheme as a development that must be advertised for comment.

The Shire therefore wrote to the 15 surrounding landowners (including all Dolbys Drive landowners) on 21 June 2022 providing details of the application and inviting comment upon the proposal prior to 12 July 2022. A sign was also erected on-site advising of the received application and the opportunity for comment and a copy of the application was also placed on the Shire website for viewing.

At the conclusion of the advertising period 1 submission had been received, this expressing indifference to the application with the following comment: *"we are happy for the proposed bed & breakfast to proceed, we support the business if it has the owners also living on the property, our only objection would if it became an AirB&B where the whole house was rented out and no one was around to ensure the peace, best of luck with your new business"*. No objections to the application were received.

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 Forth

SECONDED: Cr Elliott-Lockhart

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for hosted accommodation/bed & breakfast to be operated from the existing residence at 19 (Lot 24) Dolbys Drive, Waggrakine subject to the following conditions:

- 1 Development shall be in accordance with the plans and management statement provided as separate Attachment 10.1.1 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans and management statement shall not be modified or altered without the prior written approval of the local government.
- 2 The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).
- 3 The development must have the landowner providing an on-site manager role, and the approval is not for a 'Holiday House' development where there is no on-site manager.
- 4 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, vehicle parking and manoeuvring or otherwise.
- 5 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 6 The installation and subsequent maintenance of any signage shall be to the approval of the local government.
- 7 Should any cooked food be prepared on the premises for guests an application to register a kitchen is required to be lodged with, and approved by, the Shire in accordance with the *Food Act 2008*.
- 8 The sea container upon the property must be painted in a colour, or clad in materials of a colour, that are complementary to the existing development upon the property to the approval of the local government.
- 9 The landowner is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the landowner is required to

demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management statement.

Notes

- (a) With regard to condition 7, if the landowner/host is preparing a cooked breakfast for the guests then they will need to register with the Shire under the *Food Act 2008*, however, if the landowner/host is providing an uncooked breakfast i.e. tea, coffee, cereal, milk, fruit etc. for guests, or no breakfast, then this would not incur such a requirement. It is also advised that if there is a facility to cook in the premises then a fire blanket and/or a fire extinguisher needs to be provided.
- (b) With regard to conditions 4 & 9, in the event that a written, author-identified complaint is not adequately managed by the landowner to the satisfaction of the local government, then the Shire Chief Executive Officer may refer the matter to a meeting of Council for its further consideration and determination.
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012* and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) Should the applicant be aggrieved by the decision of the Council (in part or whole) 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: 07/22-03

10.2

Manger of Finance & Corporate Services

10.2 AGENDA ITEMS

- 10.2.1 Financial Management Reports for May and June 2022**
- 10.2.2 Revised Camping Fees**

10.2.1

Financial Management Report

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	21 July 2022
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	May & June 2022 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts May & June 2022		✓

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 May 2022 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 May 2022

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

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 month of May & June 2022 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: 07/22-04

10.2.2 Revised Camping Fees

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	21 July 2022
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Proposed Tier System Camping Fees		✓
10.2.2(b)	Revised CMP-019 Camp Areas		✓
10.2.2(c)	Proposed Schedule of Fees & Charges 2022-23		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

An item was presented to the June 2022 Ordinary Meeting of Council for the Proposed Schedule of Fees and Charges for 2022/2023 with the following resolution:

MOVED: Cr Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION

- The proposed 2022/2023 Draft Fees and Charges as presented to Council, with the exception of all caravan and camping fees, be endorsed and included into the 2022/2023 Annual Budget in accordance with the requirements of the Local Government Act, 1995.*
- Council request the Tourism & Events Advisory Group review and present all caravan and camping fees to the July Ordinary Council Meeting.*

Voting F8/A0

CARRIED

Minute Reference: 06/22-08

Reason for Deviation: Seek alignment of facilities and resources.

COMMENT

Dialogue was opened via email with the Tourism & Events Advisory Group to review a tiered structured fee system based on facilities and services available at all areas covered by Corporate Management Policy CMP-019. Consensus was reached based around the potential uses at each site please refer to attachment 10.2.2(b) for a detailed list of facilities and services available at each site. It was agreed a three tier system would be adequate for the 2022/2023 budget year with Tier 1 being the highest rate, Tier 2 moderate rate and Tier 3 by donation only. The fee structure is provided as below:

Tier 1 - \$15 per person per night; Pensioners \$10

Tier 2 – \$10 per person per night

Tier 3 – Donation

To put this into context the resultant application would be

- Coronation Beach – Tier 1 - \$15 per person per night; Pensioners \$10
- Nanson Showgrounds Tier 2 – \$10 per person per night
- Fig Tree Crossing Reserve Tier 3 – Donation
- Yuna Golf Club Reserve Tier 3 – Donation
- Yuna Hall Tier 3 – Donation
- Nabawa Oval Tier 3 – Donation

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 2022/2023 Draft Budget.

FINANCIAL IMPLICATIONS

Shire of Chapman Valley 2022/2023 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 Term 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 and elected members from the Tourism & Events Advisory Group.

RISK ASSESSMENT

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

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

MOVED: Cr Forth

SECONDED: Cr Elliott-Lockhart

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That the proposed 2022/2023 Draft Fees and Charges for camping areas as presented below be endorsed and included into the 2022/2023 Annual Budget in accordance with the requirements of the *Local Government Act 1995*.

- Tier 1 - \$15 per person per night; Pensioners \$10
- Tier 2 – \$10 per person per night
- Tier 3 – Donation only

Council En Bloc Resolution
Voting F7/A0
CARRIED
Minute Reference: 07/22-03

10.3

Chief Executive Officer

10.3 AGENDA ITEMS

10.3.1 Strategic Community Plan

10.3.1 Strategic Community Plan

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	411.05
PREVIOUS REFERENCE:	Nil
DATE:	16 June 2021
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1 (a)	SCP for Public Consultation		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Strategic Community Plan (SCP) represents the highest level of strategic planning undertaken by local governments. It is a legislative requirement as part of the Integrated Planning and Reporting Framework under the *Local Government Act 1995*.

Its purpose is:

- Ensuring the community is involved in the setting of a long term vision;
- Providing Council with a clear understanding of the community's wellbeing, priorities, aspirations, needs and wants; and
- Guiding the priority setting within the Shires Corporate Business Plan.

The Strategic Community Plan – Chapman Valley 2022-2032 is a shared vision that draws on the wisdom of our community. It outlines our community's vision and aspirations for the next 10 years. It is the result of the major review of the Community Strategic Plan 2011-2021.

If endorsed by Council, a public comment period will run from 22 July – 12 August 2021. Once feedback is incorporated, the SCP will go to Council for adoption at the 18 August 2022 Ordinary Meeting of Council.

COMMENT

The document has been subject to a high level of public comment, exceeding our legislative requirements and actively seeking to develop a document which reflects the views of our community and stakeholders.

Once adopted, the next step is operationalisation of the plan through the 4-year Corporate Business Plan.

STATUTORY ENVIRONMENT

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

Nil

FINANCIAL IMPLICATIONS

Nil; this item is already budgeted for.

The outcomes of this process will inform the future Corporate Business Plan and budgets.

Long Term Financial Plan (LTFP):

The outcomes of this process will inform the LTFP and budgets

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

The outcomes of this process will inform the future Corporate Business Plan.

CONSULTATION

There has been significant consultation with internal and external stakeholders through the development of this Plan. In addition to providing the opportunity for feedback on the draft strategy, meetings and workshops have been held with the community and internal team representatives.

Presentations and updates were provided to Councillors at the March 2022 and May 2022 Concept Forums.

As a result of feedback received at the May Concept Forum, minor amendments have been incorporated in the attached version

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

MOVED: Cr Davidson

SECONDED: Cr Royce

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

1. ENDORSE the Strategic Community Plan -Shire of Chapman Valley 2022 - 2032 as a draft for the purpose of public advertising.
2. Give discretion to the Chief Executive Officer to make minor editorial changes to the Strategic Community Plan that does not affect the intent of its content.

Voting F7/A0

CARRIED

Minute Reference: 07/22-05

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 DELEGATES REPORTS

Delegate	Reports
Cr Forth	17 June 2022 - CEO Review 23 June 2022 - SkyTrust presentation via Teams 27 June 2022 - Apology at the NCZ 28 June 2022 - Apology CVAS Meeting 15 July 2022 - Draft Budget Workshop 16 July 2022 - CVAS Rural ambassador awards night Carnamah 19 July 2022 - Lottery West meeting at Shire chambers, regarding funding
Cr Humphrey	15 July 2022 - Draft Budget Workshop
Cr Low	15 July 2022 - Draft Budget Workshop Meeting with FABCV to organise upcoming Art Sessions.
Cr Royce	15 July 2022 - Draft Budget Workshop
Cr Batten	15 July 2022 - Draft Budget Workshop
Cr Davidson	15 July 2022 - Draft Budget Workshop
Cr Elliott-Lockhart	1 July 2022 - Draft Budget Workshop
Cr Warr	17 June 2022 - CEO Three-month Review, SoCV and Teams 21 June 2022 - Safety Ratings Workshop for Local Governments Roads- WALGA, Geraldton 22 June 2022 - CABY AGM 23 June 2022 - SkyTrust Demo, Teams 27 June 2022 - Northern Country Zone Meeting, Mingenew 30 June 2022 - MWRDA Building Regional Capacity, Zoom 1 July 2022 - Coffee Catch up with Northampton President and Vice President, Northampton 1 July - 12 July 2022 - Holidays 13 July 2022 - Cyclone Seroja Recovery Evaluation Discussion, Zoom 15 July 2022 - Draft Budget Workshop

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

9:03am - Jamie Criddle declared a financial interest and left chambers

9:03am – Simon Lancaster, Dianne Raymond & Beau Raymond left chambers

MOVED: Cr Forth

SECONDED: Cr Royce

Council close the meeting to the public for Agenda Items 15.1 and 15.2 in accordance with the *Local Government Act 1995* due to a contract(s) being entered into, or which may be entered into, by the local government as per Section 5.23(2)(c) and a matter affecting an employee or employees as per Section 5.23(2)(a) which relate to matters to be discussed at the meeting.

Voting F7/A0

CARRIED

Minute Reference: 07/22-06

15.1 CEO 3 Month Probation Review & Setting of KPI'S

MOVED: Cr Royce

SECONDED: Cr Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council

1. Endorse the three (3) month probationary review of the Chief Executive Officer, Jameon (Jamie) Criddle as presented (15.1.(b)), incorporating the agreed the Key Performance Indicators and meeting notes (15.1(c)).
2. Advise the Chief Executive Officer in writing of the results of the review and any issues identified about the performance of the CEO.
3. Agree on the Performance review process between local government and CEO, including any performance criteria (KPI) to be met by the CEO in addition to the contractual performance criteria. (15.1 (d))

Voting F7/A0

CARRIED

Minute Reference: 07/22-07

9:15am Jamie Criddle, Simon Lancaster, Dianne Raymond and Beau Raymond returned to chambers.

15.2 WASTE MANAGEMENT TENDER

MOVED: Cr Forth

SECONDED: Cr Humphrey

9:16am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council suspend the operation of the following clauses to allow sufficient discussion of item 15.2:

- 8.5 Priority when speaking,
- 8.7 Relevance,
- 8.8 Speaking twice,
- 8.9 Duration of speeches

Voting F7/A0

CARRIED

Minute Reference: 07/22-08

Discussion was undertaken on the item

MOVED: Cr Forth

SECONDED: Cr Low

9:40am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council reinstate the operation of the following clauses to allow sufficient discussion of item 10.2:

- 8.5 Priority when speaking,
- 8.7 Relevance,
- 8.8 Speaking twice,
- 8.9 Duration of speeches

Voting F7/A0

CARRIED

Minute Reference: 07/22-09

MOVED: Cr Forth

SECONDED: Cr Humphrey

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council

1. Reject RFQ 2122 – 10 Midwest Regional Group Waste Collection & Processing for the provision of waste management services to the Shire of Chapman Valley and on a regional basis with the local governments of Greater Geraldton, Irwin and Northampton.

2. Authorise the CEO to negotiate with the tenderer on aspects of the tender to clarify price; and/or
3. Authorise the CEO to retender and look for more suitable tenderers.
4. Authorise the CEO to request for an extension of the current contract to assist in this evaluation process until December 2022.

Voting F7/A0

CARRIED

Minute Reference: 07/22-10

MOVED: Cr Forth

SECONDED: Cr Humphrey

9:40am Council reopen the meeting to the public.

Voting F7/A0

CARRIED

Minute Reference: 07/22-11

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 9:41am.