

# ORDINARY COUNCIL MEETING

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## Confirmed Minutes

**8.30am Thursday  
15 September 2022  
Council Chambers**

**SEPTEMBER 2022**

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**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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# DISCLAIMER



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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read 'Jamie Criddle', is positioned above the printed name and title.

**Jamie Criddle**  
**CHIEF EXECUTIVE OFFICER**

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## **ORDER OF BUSINESS**

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

The Shire President welcomed Elected members & Staff and declared the meeting open at 8.34am.

### **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)	8.34am	10.04am
Cr Darrell Forth (Deputy President)	8.34am	10.04am
Cr Nicole Batten	8.34am	10.04am
Cr Beverley Davidson	8.34am	10.04am
Cr Elizabeth Elliott-Lockhart	8.34am	10.04am
Cr Peter Humphrey	8.34am	10.04am
Cr Catherine Low	8.34am	10.04am

Officers	In	Out
Jamie Criddle, Chief Executive Officer	8.34am	10.04am
Simon Lancaster, Deputy Chief Executive Officer	8.34am	10.04am
Dianne Raymond, Manager Finance & Corporate Services	8.34am	10.04am

Visitors	In	Out
Khim Harris	8.34am	8.53am
Penny Piggford	8.34am	8.53am
Phil Blakeway	8.34am	8.58am

#### **3.2 Apologies**

Nil

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

Cr Royce for the September 2022 Ordinary Council Meeting.

Cr Humphrey for the October and November 2022 Ordinary Council Meeting.

### **4.0 PUBLIC QUESTION TIME**

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

Nil

## 4.2 Public Question Time

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

**MOVED: Cr Forth**

**SECONDED: Cr Low**

Council resolve to approve the following leave of absence:

Elected Members	Meeting Date
Cr Beverley Davidson	October OCM

**Voting F7/A0**

**CARRIED**

**Minute Reference: 09/22-01**

### 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
10.1.1	Cr Elizabeth Elliott-Lockhart	Impartiality	Meeting held with oppositional members to recommend action
10.1.2	Cr Beverley Davidson	Proximity	I have a proximity interest

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## **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 Davidson**

### **8.1 Ordinary Meeting of Council held on Thursday 18 August 2022**

That the Minutes of the Ordinary Meeting of Council held Thursday 18 August 2022 be confirmed as true and accurate with adjustments to 4.2.1 & 4.2.2 as noted.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 09/22-02**

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

Nil

## **10.0 OFFICERS REPORTS**



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# **10.1**

## **Deputy Chief Executive Officer**

### **10.1 Deputy Chief Executive Officer**

#### **10.1 AGENDA ITEMS**

10.1.1 - Proposed Rezoning – Nabawa Church

10.1.2 - Proposed Nature Based Campground

### 10.1.1 Proposed Rezoning – Nabawa Church

PROPONENT:	Trustees of the Diocese of North West Australia
SITE:	4 (Lot 4) Post Office Lane, Nabawa
FILE REFERENCE:	A1367 & 204.11.03
PREVIOUS REFERENCE:	06/22-05
DATE:	7 September 2022
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

#### SUPPORTING DOCUMENTS

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Rezoning Application		✓
10.1.1(b)	Received Submissions		✓
10.1.1(c)	Schedule of Submissions		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Council received an application to rezone the Nabawa Anglican Church property of 4 (Lot 4) Post Office Lane, Nabawa to allow for its future sale at its 16 June 2022 and resolved to initiate the Scheme Amendment process as follows:

“That Council:

1 Pursuant to Part 5 of the Planning and Development Act 2005 amend the Shire of Chapman Valley Local Planning Scheme No.3 by:

(a) Rezoning 4 (Lot 4) Post Office Lane, Nabawa from ‘Civic and Community’ to a ‘Residential R10’ zone.

(b) Include 4 (Lot 4) Post Office Lane, Nabawa in Schedule 1 Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A6	Lot 4 Post Office Lane, Nabawa	<p>‘A’ Use</p> <ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Arts &amp; Crafts Workshop &amp; Sales for goods produced in the local government area.</li> <li>• Cottage Industry</li> <li>• Exhibition Centre</li> <li>• Reception Centre</li> <li>• Health Retreat</li> <li>• Community Purpose</li> <li>• Tourist Development</li> <li>• Holiday house</li> <li>• Home Store</li> <li>• Market</li> <li>• Produce Stall</li> <li>• Incidental Uses as determined by the local government.</li> </ul>	<p>1 All development/use of the land shall be in accordance with site plans approved by the local government and is to be advertised in accordance with Clause 64 of the deemed provisions.</p> <p>2 Any proposed change to the place shall retain the heritage value of the site including the built fabric. Development shall achieve a high standard of adaptive re-use.</p> <p>3 Any proposed change to the place shall be sympathetic to the predominant rural townscape function and characteristic of Nabawa, and be designed, located and constructed in such a manner and utilise materials and finishes that will not have a detrimental impact on the visual and landscape values of the area.</p> <p>4 All non-residential development shall be located, designed and constructed to ensure that the amenity of adjoining residential properties is maintained, in terms of visual amenity, noise, dust, vibration, other emissions, and vehicular access.</p> <p>5 When considering an application for development approval the local government may impose conditions in relation to (but may not be limited to):</p> <ul style="list-style-type: none"> <li>• Upgrading of the existing building</li> <li>• Hours of operation</li> <li>• Number of seats</li> <li>• Number of employees</li> <li>• Signage</li> <li>• Car parking and Access</li> <li>• Landscaping</li> <li>• Stormwater Drainage</li> <li>• Waste Disposal</li> </ul>

			<ul style="list-style-type: none"> <li>Any other matters the local government considers relevant.</li> </ul>
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(c) Modifying the Scheme Map accordingly.

- 2 Request from the landowner of 4 (Lot 4) Post Office Lane, Nabawa an update on the status of repairs to the St Bartholomew's Anglican Church and that this information will be given regard in Council's further consideration of this matter."

The advertising of the rezoning application for public comment has now been concluded with 7 submissions being received, 5 from government agencies advising that they had no objection, and 2 from landowners in the Nabawa townsite objecting to the Residential component of the rezoning.

This report recommends Council's adopt the Scheme Amendment and forward it to the Minister for Planning seeking final approval.

#### COMMENT

4 (Lot 4) Post Office Lane is a rectangular 1,012m<sup>2</sup> property in the Nabawa townsite that contains the St Bartholomew's Anglican Church.

**Figure 10.1.1(a) – Location map for 4 (Lot 4) Post Office Lane, Nabawa**



The Nabawa Anglican Church was built in 1959 to replace the previous church that was located north of the Nabawa Cemetery that had been damaged by cyclone. The Nabawa Church has seen declining use in recent years and was significantly damaged during Cyclone Seroja in 2021.

The Trustees of the Diocese of North West Australia are proposing to deconsecrate the Church, rezone the land and dispose of the property. A copy of the supporting Scheme Amendment documentation has been provided as **separate Attachment 10.1.1(a)**.

**Figure 10.1.1(b) – Aerial Photograph of 4 (Lot 4) Post Office Lane, Nabawa**



Shire staff raise no objection to the proposed rezoning on the following basis:

- it is considered preferable for the building to be occupied and/or used as this will ensure its upkeep rather than it continue to decline as an underutilised public building.
- the property has power and water service connection.
- whilst the building has not been designed for habitable or commercial purposes there is ability for it to be converted to meet the relevant Class 1 (habitable) or Class 6 (commercial) requirements of the Building Code of Australia prior to occupation and/or use.
- the development of the property for residential purposes would increase the Nabawa townsite population.
- the development of the property for residential purposes would not introduce a driveway onto the heavy haulage route of Chapman Valley Road as the property has direct access onto Post Office Lane.
- the development of the property for commercial use would boost economic activity in the Nabawa townsite.
- the conversion of the building to a residence and/or business premises, and with it likely internal and external alterations, would not be contrary to the Shire's Heritage Inventory which notes that changes to the place should be in sympathy with its heritage values.
- the 1,012m<sup>2</sup> size of the property is in keeping with the other townsite lots and allows for sufficient area to develop Lot 4 as a residential property i.e. accommodate alterations/extensions, shed(s), driveway and off-street vehicle parking.
- were the property to be sold into private ownership and the zoning remained for 'civic and community' purposes this would require future applications to be assessed against the zoning purpose which is for community facilities.
- where a property has a zoning that is deemed to preclude uses other than for exclusively public purposes this may expose the local government to a claim or compensation.
- the rezoning of the land to 'Residential R10' would be in keeping with the zoning of the other lots along Post Office Lane and the nearby Nabawa townsite residential lots.
- the introduction of additional uses to the property's zoning will enable exploration of mixed use development and business opportunities on the site (e.g. gallery, Air BnB, small-scale shop, market etc.).
- the rezoning would introduce Scheme text provisions for the Additional Uses to ensure that future development is compatible with the site and its surrounds and prevent undesirable development from occurring.
- there is an oversupply of 'Civic and Community' zoned land in the Nabawa townsite and there is no identified community need for the building with the townsite already containing a Shire office, library, community centre, recreation centre, Mens Shed and multiple sporting facilities that have a multi-purpose capacity.
- the rezoning of the land would enable the site to enter into a new phase as circumstances change, this is a common phenomenon throughout Mid West townsites as formerly public buildings such as schools, police stations and churches transition to private residential and/or commercial use, and this trend has been hastened by the impact of Cyclone Seroja as organisations review their asset registers, liabilities, insurance exposure and



underutilised buildings, and based upon discussions with the Catholic Church a similar rezoning application is likely to be received in the near future for the Yuna Church property also.

**Figure 10.1.1(c) – View of St Bartholomew’s Anglican Church pre and post Cyclone Seroja**



**Figure 10.1.1(d) – View of western and rear elevations of St Bartholomew’s Anglican Church (June 2022)**



The Anglican Diocese made enquiry last year with the Shire as to whether it would be supportive of the Nabawa Church being reroofed with metal sheeting rather than roof tiles. The cyclone damage to the Church had shown that over time the weight of the roof tiles had led to roof framework issues and the landowner was considering amongst its repair options the replacing of the roof tiles with the lighter alternative of metal sheeting. Council generally discussed this at its June 2021 Concept Forum and raised no objection to the reroofing of the Nabawa Church with colorbond metal sheeting.

Since that time repair works have not commenced and the temporary tarpaulins deteriorated exposing the Church’s interior to further rain events. Due to the Church’s visibility from Chapman Valley Road and central position in the Nabawa townsite the local community and passing motorists regularly raise query with the Shire on the progress of repairs.

It is therefore considered that as part of its determination on this matter Council should also seek an update from the landowner on the repairs program and associated timeframe. It is not considered ideal for the building to remain vulnerable to further weather damage or to be advertised for sale in its current state and the financial burden and liability placed on a future landowner, and roof repairs to make the building weather-proof should ideally be attended to by the current landowner and their insurer prior to sale.

Alternatively in the event that the Anglican Diocese consider that the scale of damage and cost of building repairs building warrants the Church’s demolition then this should again be handled whilst they remain the landowner rather than place the onus on another party.

Whichever the outcome (either repair and sale as a lot containing a building with potential for conversion to a residence/mixed-use development, or demolition and sale as a vacant lot) the rezoning of the land should be proceeded with as the current ‘Civic and Community’ zoning is no longer appropriate given that this site is no longer required for a public purpose.

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The applicant provided the following additional information in June 2022 regarding the landowner's intention for the building upon Lot 4:

*"As discussed, we have spoken to Khim Harris, Diocesan Registrar, and confirm the following information for your assistance and to address any additional queries that may arise.*

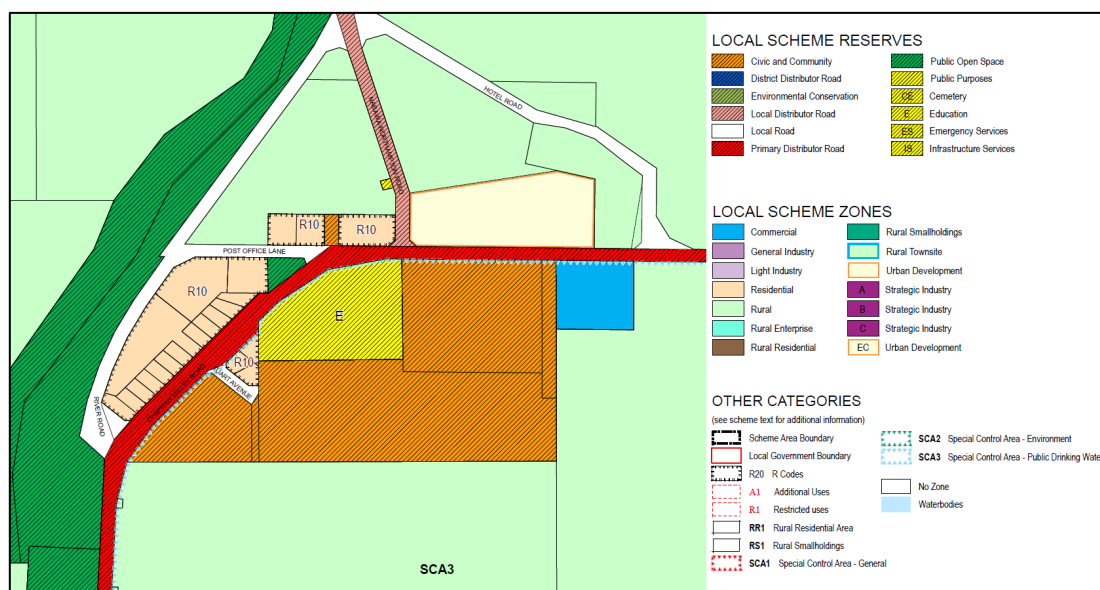
- 1 Insurance received for Cyclone Seroja damage to the Church of St Bartholomew for repair or demolition, was approximately 50% below the costs associated with quoted repair works (noting that it is now a requirement to make it 'cyclone proof').*
- 2 As the Church is no longer regularly used in the Parish of Northampton, the Trustees resolved that the property would be disposed of, either with the Church building demolished; or with structure in-situ on a "as-is" basis.*
- 3 Church has been deconsecrated and most of the furniture removed.*
- 4 Where possible, tarps have been used to secure the building, but this has been increasingly difficult and unsafe for church workers (mostly volunteers) to complete.*
- 5 The Diocese have been unable to secure tradespeople in recent months to fully re-tarp the building to protect it from weather.*
- 6 Real estate advice received indicated that the property may be more marketable with the Church structure retained for parties interested in a unique building project.*
- 7 This would also ensure the building was preserved, in recognition of its Heritage value, as defined in the Shire's Heritage Inventory.*
- 8 Utilisation of the building structure is also considered a sustainable use of existing resources.*
- 9 The Diocese has received some initial interest in the property for conversion to a dwelling.*
- 10 Subsequent damage from winter rains has caused additional damage to the structure, and the building (as well as the surrounding grounds) is increasingly unsafe.*
- 11 The Diocesan preference is not to demolish the building, however, may be required to do so if further damage exasperates public safety issues.*
- 12 Once the rezoning is initiated by the local government, marketing of the lot would be commenced.*
- 13 The Diocese is happy to provide the Shire of Chapman Valley with updates if circumstances detailed above, do change.*
- 14 If demolition becomes necessary, it is acknowledged that a development application will be required to be lodged with the local government."*

#### **STATUTORY ENVIRONMENT**

4 (Lot 4) Post Office Lane, Nabawa is zoned 'Civic and Community' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

- "• To provide for a range of community facilities which are compatible with surrounding development.*
- To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit."*

**Figure 10.1.1(e) – extract from Shire of Chapman Valley Local Planning Scheme Map**



The application seeks to rezone Lot 4 to 'Residential R10' and Table 2 of the Scheme lists the objectives for this zone as:

- “To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”

Section 19 of the Scheme notes the following of 'Additional Uses':

“Additional uses

- (1) Schedule 1 sets out –
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.”

Part 5 of the *Planning & Development Act 2005* provides for the amendment of a Scheme.

The Nabawa Church is listed on the Shire of Chapman Valley Heritage Inventory as a Management Category 4 building (1 being the highest category and 5 the lowest) in that it has:

“Level of Significance:

Some Significance. Contributes to the heritage and/or historical development of the locality.

Management Recommendation:

Conservation of the place is desirable. Any proposed change to the place should be in sympathy with the heritage values of the place.”

Section 45 of the now repealed *Heritage of Western Australia Act 1990* required every local government to compile a Municipal/Heritage Inventory of Places within its district which in its opinion are, or may become, of cultural heritage significance. The Shire's Inventory was prepared in 1995 and reviewed in 2012.

The *Heritage Act 2018* replaced the 1990 legislation and required that local governments update their Heritage Inventories into Local Heritage Surveys. The Shire of Chapman Valley has been awarded a grant by the Department of Planning, Lands & Heritage (DPLH) to review its Inventory and it is anticipated it will take approximately 12 months to complete the statutory process.

The *Planning and Development (Local Planning Schemes) Regulations 2015* also introduced the requirement that local governments “must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation”. Upon conclusion of the Heritage Inventory review/Local Heritage Survey preparation process the Shire will be in position to formally consider its Heritage List.

Given the Heritage Inventory lists the Nabawa Church as being Category 4, and generally it is Category 1 & 2 Places that are considered for statutory listing, it is unlikely that this site would be recommended for inclusion on the Local Heritage List.

The Nabawa Church is not listed on the State Register of Heritage Places and re-development of the property is not therefore required to be referred to the Heritage Council of WA for comment (although the Shire did still invite their comment during the rezoning advertising process).

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

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

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

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting. It is not considered that 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 has the following vision statement for Precinct No.9 – Nabawa townsite:

*“The planned expansion of the Nabawa townsite as the administration centre for the Shire with the provision of light industry and rural residential opportunities.*

The Strategy contains the following precinct objectives of relevance:

##### *Community Objectives*

*9.1.3 Encourage the protection and restoration of places and buildings of heritage/historical significance.*

##### *Economic Objectives*

*9.2.1 Accommodate urban growth with a focus on larger lots for affordable rural lifestyle opportunities.*

*9.2.3 Ensure urban and rural residential development can proceed through the provision of appropriate services and infrastructure.*

##### *Infrastructure Objectives*

*9.4.1 Enhance the standards of servicing and infrastructure commensurate with urban development standards (i.e. bitumen sealed roads, reticulated water, underground power etc).*

*9.4.2 Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use/development or subdivision, to avoid burden (financial or otherwise) on the Council's resources.*

#### **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 includes the following objective of relevance:

No.	Objective	Strategy	Action	Timeline
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required	Short

#### **CONSULTATION**

The Western Australian Planning Commission (WAPC) advised on 29 June 2022 that the rezoning application was considered a standard scheme amendment.



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The Scheme Amendment documentation was forwarded to the Environmental Protection Authority ('EPA') on 29 June 2022 for its assessment as per Section 81 of the *Planning & Development Act 2005*. The EPA advised on 15 July 2022 that the proposed rezoning did not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The Shire advertised the Scheme Amendment from 19 July 2022 until 2 September 2022 and undertook the following consultation actions inviting comment:

- sign placed on-site;
- notice placed in the Mid West Times;
- copy of the Scheme Amendment documentation placed on the Shire website;
- copy of the Scheme Amendment documentation made available for public viewing at the Shire office;
- letters being sent to the 9 landowners of the 17 privately owned lots within 200m of the site and the Chapman Valley Primary School; &
- letters being sent to the Department of Biodiversity, Conservation & Attractions, Department of Fire & Emergency Services, Department of Water and Environment Regulation, Heritage Council of WA, Main Roads WA, Telstra, Water Corporation and Western Power inviting comment.

At the conclusion of the advertising period 7 submissions had been received, 5 from government agencies, all offering no objection to the proposed rezoning, and 2 from Nabawa townsite residents objecting to the Residential component of the rezoning application.

Copies of the received submissions are provided as **separate Attachment 10.1.1(b)**.

A copy of the Scheme Amendment Schedule of Submissions that is required to be forwarded to the WAPC is included as **separate Attachment 10.1.1(c)**. The Schedule of Submissions identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues.

The issue of objection concerned the Residential component of the proposed zoning, with there being a preference that the building should be used for community purposes only.

Shire staff note that the Residential aspect of the rezoning would be consistent with the existing zoning of the adjoining land to the east and west.

The rezoning application is seeking to provide flexibility to the property's zoning to assist in finding an ongoing use. The limiting of opportunity would reduce the property's marketability to purchasers and contribute to the building's further decline.

It is noted that the Scheme Amendment seeks to introduce text provisions to accompany the proposed Additional Uses to ensure that future development is compatible with the site and its surrounds and prevent undesirable development from occurring.

It should also be noted that the building would not be able to be occupied as a residence until structural works had been completed to the local government's requirements that ensured that the building met with the Class 1A (habitable) requirements of the Building Code of Australia.

The rezoning application is seeking, in addition to the 'Residential R10' zoning, to also introduce the following 'Additional Use' zoning provisions to the subject property:

- Art Gallery
- Arts & Crafts Workshop & Sales for goods produced in the local government area.
- Cottage Industry
- Exhibition Centre
- Reception Centre
- Health Retreat
- Community Purpose
- Tourist Development
- Holiday house
- Home Store
- Market
- Produce Stall

- Incidental Uses as determined by the local government.

The intent of the application is to provide greater flexibility for the future of the building and make allowance for community or commercial or residential opportunities, or a mixture of these to take place upon the site.

The retention of the Nabawa Church for community purposes only would preclude exploration of mixed use i.e. potential to incorporate commercial or residential (both permanent and short-stay/tourism) opportunities without which the building is likely to remain unused and decline further.

It is not recommended that the Shire purchase the Nabawa Church site as it already has a significant number of underutilised community spaces in the immediate Nabawa townsite area, including the library, lesser hall (which is due to have upgrade works undertaken to it in 22/23) and main hall areas of the Nabawa Community Centre on the opposite side of the road. There is also the clubrooms area and basketball area in the Nabawa Recreation Centre, the Nabawa Mens Shed and Nabawa Council Chambers available for community purposes/hosting community events.

In the event that community members or a formed community group wish to explore opportunities regarding the Nabawa Church site there is ability for them to approach the Anglican Church to purchase the property and pursue alternative uses (which approval of this rezoning application would allow for). Examples of a community group undertaking such a venture includes the Beacon Country Club (owned by the Beacon Country Club Inc.) and the Coorow Hotel (owned by the Coorow Community Land Inc.).

## 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 Humphrey**

**SECONDED: Cr Batten**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- 1 Receive the submissions as contained in separate Attachment 10.1.1(b) and outlined in the Schedule of Submissions included as separate Attachment 10.1.2(c).
- 2 Adopt for final approval Scheme Amendment No.1 to Shire of Chapman Valley Local Planning Scheme No.3 as contained in separate Attachment 10.1.1(a) pursuant to Part 5 of the *Planning and Development Act 2005* as follows:
  - (a) Rezoning 4 (Lot 4) Post Office Lane, Nabawa from 'Civic and Community' to a 'Residential R10' zone.
  - (b) Include 4 (Lot 4) Post Office Lane, Nabawa in Schedule 1 Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A6	Lot 4 Post Office Lane, Nabawa	'A' Use <ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Arts &amp; Crafts Workshop &amp; Sales for goods produced</li> </ul>	<ol style="list-style-type: none"> <li>1 All development/use of the land shall be in accordance with site plans approved by the local government and is to be advertised in accordance with Clause 64 of the deemed provisions.</li> <li>2 Any proposed change to the place shall retain the heritage value of the site including the built fabric.</li> </ol>

		<p>in the local government area.</p> <ul style="list-style-type: none"> <li>• Cottage Industry</li> <li>• Exhibition Centre</li> <li>• Reception Centre</li> <li>• Health Retreat</li> <li>• Community Purpose</li> <li>• Tourist Development</li> <li>• Holiday house</li> <li>• Home Store</li> <li>• Market</li> <li>• Produce Stall</li> <li>• Incidental Uses as determined by the local government.</li> </ul>	<p>Development shall achieve a high standard of adaptive re-use.</p> <p>3 Any proposed change to the place shall be sympathetic to the predominant rural townscape function and characteristic of Nabawa, and be designed, located and constructed in such a manner and utilise materials and finishes that will not have a detrimental impact on the visual and landscape values of the area.</p> <p>4 All non-residential development shall be located, designed and constructed to ensure that the amenity of adjoining residential properties is maintained, in terms of visual amenity, noise, dust, vibration, other emissions, and vehicular access.</p> <p>5 When considering an application for development approval the local government may impose conditions in relation to (but may not be limited to):</p> <ul style="list-style-type: none"> <li>• Upgrading of the existing building</li> <li>• Hours of operation</li> <li>• Number of seats</li> <li>• Number of employees</li> <li>• Signage</li> <li>• Car parking and Access</li> <li>• Landscaping</li> <li>• Stormwater Drainage</li> <li>• Waste Disposal</li> <li>• Any other matters the local government considers relevant.</li> </ul>
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(c) Modifying the Scheme Map accordingly.

- 2 Request from the landowner of 4 (Lot 4) Post Office Lane, Nabawa an update on the status of repairs to the St Bartholomew's Anglican Church.
- 3 Advise the landowners who lodged submissions that the Shire would have no objection to their (or an incorporated community group) approaching the Anglican Church in regards to their purchase of the subject property.
- 4 Seek final approval of Scheme Amendment No.1 from the Minister of Planning.

**Voting F7/A0**  
**CARRIED**  
**Minute Reference: 09/22-03**

Khim Harris and Penny Piggford left the meeting at 8.53am.

### 10.1.2 Proposed Nature Based Campground

PROPONENT:	P. Blakeway
SITE:	Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson (Nukara)
FILE REFERENCE:	A314 & A1790
PREVIOUS REFERENCE:	06/06-10 & 5/11-13
DATE:	8 September 2022
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Nature Based Campground application		✓
10.1.2(b)	Bushfire Management Plan		✓
10.1.2(c)	Received Submissions		✓
10.1.2(d)	Schedule of Submissions		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Council is in receipt of an application for a nature based campground upon Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson otherwise known as 'Nukara' Farm. The application has been advertised for comment and is now presented to Council for consideration. This report recommends conditional approval of the nature based campground.

#### COMMENT

Lots 1158, 2071 & 6984 are located on the south side of Nanson-Howatharra Road approximately 1.5km south-west of the Nanson townsite and form part of the larger 788.67ha Nukara Farm. Nukara Farm comprises a mix of arable land and breakaway areas of varying undulation with prominent areas of remnant vegetation and rehabilitation planting along creek lines and wetland areas.

Figure 10.1.2(a) – Location Map for Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson



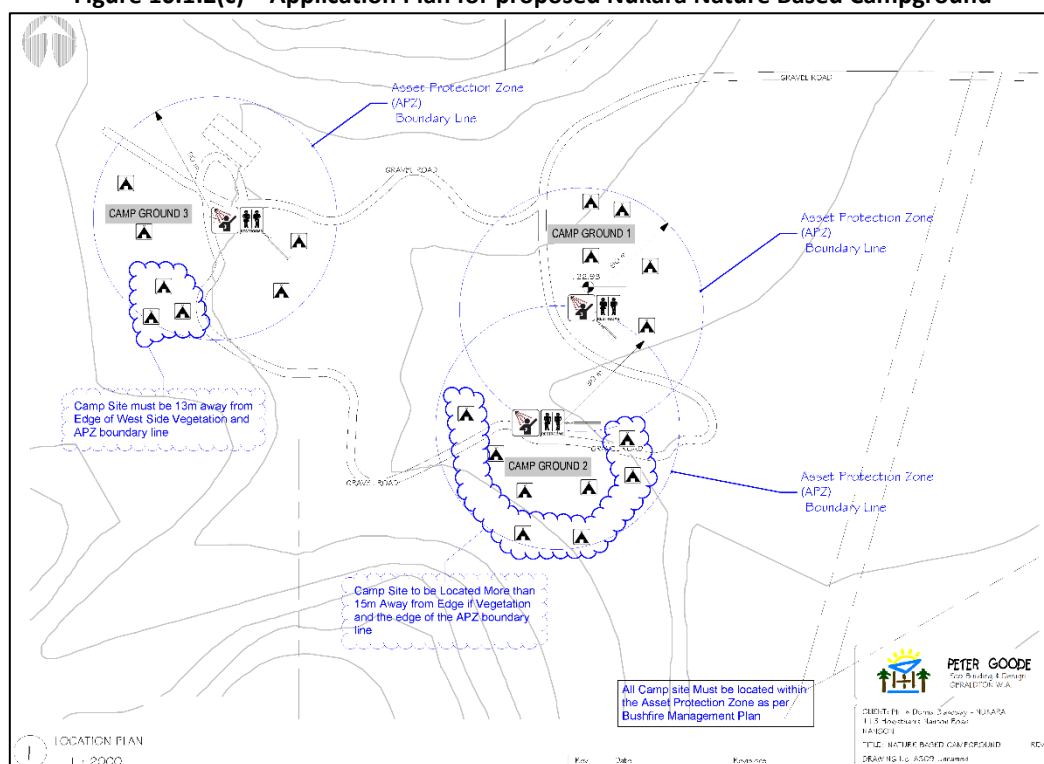
The proposed nature campground would consist of 3 camping areas located in proximity to the existing Nukara events facility nodes, consisting of 5 campsites at Campground 1 - Fox Dam, 8 campsites at Campground 2 - Bush Tub and 7 campsites at Campground 3 - Stone Barn (total 20 campsites).

Figure 10.1.2(b) – Aerial photo of proposed sites for Nukara Nature Based Campground





**Figure 10.1.2(c) – Application Plan for proposed Nukara Nature Based Campground**



The applicant has advised that:

*“The purpose of this development is to provide extra campgrounds to meet recent increased tourism demand in regional WA. It is an opportunity to diversify our business and provide a comfortable base for tourists to stay longer in our region and explore and support other local businesses. We already have all the facilities established and camp area available at Nukara and can provide an idyllic location for tourists to base themselves.*

*We are only looking at opening during the months of April to mid-October to capitalise on beautiful weather, wild flowers season and minimize any fire hazard potential and snake encounters.*

*We will have a caretaker living on site to welcome guests and carry out necessary operations.*

*We are still operating as a venue hire facility so during those bookings’ campers would be notified and limited to designated campground and functions would operate independently in separate area.*

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*Outside of bookings campers would have access to venues and designated walk trails on farm.  
We would also offer potentially a combination of Glamping and tent sites, chalet accommodation and self-contained camper sites.”*

A copy of the received application that provides information on the proposed development has been provided as **separate Attachment 10.1.2(a)** and a copy of the submitted Bushfire Management Plan has been provided as **separate Attachment 10.1.2(b)**. This information was provided to surrounding landowners and relevant government agencies, inviting comment, and the outcomes of the advertising period (which included receipt of an objection) are summarised in the Consultation section of this report.

The development history for the tourism/events aspects of Nukara is as follows:

- 20 June 2006 Council approved an application for a nature based campground consisting of:
- 3 x camp areas with a combined total of 50 camp sites;
  - 4 x Safari Tents located adjacent to the camp sites;
  - 1 x 3 bedroom caretakers residence and associated gravel parking area (to be converted to a gallery and tearooms at a later date);
  - 1 x ablution block (female section - 1 disabled toilet, 1 WC, 4 wash basins & 2 showers/male section – 2 WC, 1 urinal, 2 wash basins, 2 showers + 1 laundry) serviced by an existing ground water supply and conventional septic tank and leach drain system;
  - 1 x camp kitchen with covered eating area for seating of 50 people, also serviced by existing ground water supply.
  - 1 x 50 bay gravel car parking area;
  - main gravel parking area designed to accommodate 100 vehicles (buses and cars) centrally located to a linked network of walk trails for day use activities;
  - existing hot tub and adjacent BBQ facility/picnic area;
  - existing orchard and proposed wayside stall to be located at entrance to the property on the Nanson-Howatharra Road;
  - proposed Bird Hide viewing platform to overlook existing wetland areas to observe birdlife.
- Council also approved an accompanying application for guided eco tours and experiential uses consisting of:
- overnight camping for individuals, families, tour, education and/or community groups;
  - informative bush walks for those residing on the property;
  - outdoor seminars and team building workshops;
  - music, movies and theatre under the stars;
  - bird watching;
  - astronomical information and observation evenings.
- 2 May 2008 Shire approved Stage building.
- 18 May 2011 Council approved larger Stage building.
- 2006-2022 Shire approved regular event applications for open air concerts at Nukara.

The landowner has proceeded with aspects of their original approval on-ground to the point where Nukara has now operated for over a decade as an event and function centre offering facilities for events of varying types and size at the various established nodes upon the property. Further information in relation to Nukara can be viewed at the following link to the applicant's website: <https://www.nukarafarm.com.au/>

**Figure 10.1.2(d) – Nukara existing events facilities map**



The campground aspect of Nukara has not been pursued in this time (other than occasional event incidental camping) and the applicant is now seeking approval for a scaled-down 20 ongoing campsite development.

**Figure 10.1.2(e) – View looking south at proposed Campground 1 with existing caretakers cottage in distance**



**Figure 10.1.2(f) – View of existing caretaker's cottage at proposed Campground 1**





**Figure 10.1.2(g) – View looking north at proposed Campground 2 with existing communal facility in distance**



**Figure 10.1.2(h) – Communal facility at proposed Campground 2**



**Figure 10.1.2(i) – View looking north at proposed Campground 3 with existing communal facility to right**





**Figure 10.1.2(j) – Communal facility at proposed Campground 3**



## STATUTORY ENVIRONMENT

Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson are zoned 'Rural' 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 the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses to the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.”

The development site also falls within the 'Additional Use 5' zoning for which Schedule 1 of the Scheme states:

Additional Use	Conditions
As an 'A' use: Camping Ground Reception Centre Recreation - private Produce Stall	<ol style="list-style-type: none"> <li>1 The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.</li> <li>2 Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</li> <li>3 All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</li> <li>4 The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</li> <li>5 Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</li> <li>6 The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government.</li> <li>7 Prior to the commencement of development of an Additional Use permitted within this zone, the developer must provide and implement a fire management plan to the requirements of the local government in consultation with the Department of Fire and Emergency Services. The fire management plan shall address: <ol style="list-style-type: none"> <li>(i) water supplies for firefighting;</li> <li>(ii) egress for residents and visitors to the site, and access for firefighting units;</li> <li>(iii) strategic and alternative fire breaks; and</li> <li>(iv) adequacy of firefighting equipment.</li> </ol> The fire management plan is to be prepared in accordance with State Planning Policy No.3.7 – Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas. </li> </ol>

	8	All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines 2011.
	9	Ablution facilities must be provided to the requirements of the local government in consultation with the Department of Health.
	10	Waste facilities must be provided to the requirements of the local government in consultation with the Department of Health.
	11	All carparking, manoeuvring areas and access driveways associated with the development must be constructed and maintained to the requirements of the local government.
	12	Additional to any requirements pertaining to development approval the land use must comply with all relevant requirements of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> , <i>Liquor Control Act 1988</i> , <i>Liquor Control Regulations 1988</i> and the <i>Environmental Protection (Noise) Regulations 1997</i> .

‘Camping Ground’ is listed as an ‘A’ use in the ‘Rural’ zone, and the ‘Additional Use 5’ zone, that is a use that must be advertised for comment prior to determination.

Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering this 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;
- (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) 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;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (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, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (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;...
- ...(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;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.”

The *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Regulations 1997* provide statutory direction in relation to this application.

Section 5 of the *Caravan Parks and Camping Grounds Act 1995* defines camping grounds and caravan parks as follows:

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*“camping ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;*

*caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation.”*

Part 1 Section 3 of the *Caravan Parks and Camping Grounds Regulations 1997* defines a nature based park as follows:

*“nature based park means a facility in an area that —*

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; and*
- (b) has been predominantly formed by nature; and*
- (c) has limited or controlled artificial light and noise intrusion.”*

Regulation 19(1)(m) notes that it is duty of the licence holder to:

- “(m) for a nature based park, all advertising material and other information sources about the facility, the content of which is controlled by the licence holder, specify each of the following amenities that is not provided for occupiers at the facility —*
  - (i) toilets;*
  - (ii) showers;*
  - (iii) hand basins;*
  - (iv) washing-up facilities;*
  - (v) laundry facilities;*
  - (vi) hot water for showering or for washing-up or laundry facilities;*
  - (vii) power points;*
  - (viii) lighting.”*

Schedule 7 Clause 5A(1) of the Regulations notes that:

*“A person cannot be an occupier at a nature based park for more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.”*

The Department of Local Government and Communities have prepared the ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ and this application has been assessed with regard for these guidelines.

The application to establish a nature based park at Nukara is considered to be in accordance with the requirements of the *Caravan Parks and Camping Regulations 1997* and ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ with the exception of Schedule 7 Clause 42 of the Regulations which states that:

*“Potable water for sites*

- (1) A supply of potable water of at least 300L per day, or such lesser amount as is approved under subclause (2), is to be available for use by each site at a facility.*
- (2) The local government may, with the written approval of the Executive Director, Public Health (within the meaning of the Health Act 1911), approve of a lesser quantity of water than that specified in subclause (1) being available at a facility.”*

The applicant is proposing a facility of 20 sites that would, based on the Regulation requirements of 300L per day for each site, equate to an amount of 6,000L of potable water required to be available per day. The applicant has a combination of tanks to 168,000L tank (including 55,000L rainwater tanks) but providing non-potable water. This would not meet with the standard requirements of Schedule 7 Clause 42(1) of the regulations and would therefore require consideration under the performance criteria of Schedule 7 Clause 42(1).

Were potable water to be provided at the facility, tests would be required to be carried out to ensure the supply was potable, this may require ongoing treatment with chlorine or ultra violet light.

The ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ notes in relation to this requirement that:

*“Potable water for sites*

*Current: Schedule 7, Clause 42, if potable water can be readily made available then it should be provided. There is a health requirement that an adequate supply of drinking water be provided; if not, the operator needs to seek an exemption.*

*Application for exemption is to be made to the local government and will be dealt with on a case by case basis.*

*Every effort must be made to notify potential visitors if no potable water is available – this includes on all advertising materials, websites and on signs at the entrance to the facility.”*

It is suggested that overall development approval for the facility should be made subject to the following condition:

*“Signage is required to be installed to all taps to the approval of the local government advising visitors where the water is non-potable. Promotional material for the nature based campground shall clearly state to the approval of the local government that water is non-potable and that visitors must provide their own potable water.”*

#### **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](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.”

Policy 2.3 also contains the following within the policy statement:

“6.1 Applications for Rural Tourism will only be supported where the Local Government is satisfied that the proposal will not result in unacceptable environmental or amenity impacts as a result of noise, dust, light spill, odour, vibration, traffic movement, visual intrusion or contamination on the nearby residents or environment and that the quality of the development will present a positive image of the locality.

6.2 Depending on the nature of the proposed Rural Tourism, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks the Local Government shall consider existing and potential land-uses on adjoining and nearby properties.”

Use	Criteria	Standard
Caravan Park & Camping Ground	1. Location	1. Within close proximity to public recreation areas/natural attractions – beaches, walk trails, scenic lookouts etc & distances from other Caravan Parks/Camp Sites as prescribed by Caravan Parks and Camping Grounds Act 1995
	2. Public Road Access	2. Type 5 – 7m bitumen seal + bitumen seal crossover to Local Government specifications or Type 3 – 12m form/8m gravel paved at Local Government discretion
	3. Potable Water Supply	3. As per Caravan & Camping Regs 1997
	4. Ablutions	4. As per Caravan & Camping Regs 1997 & Building Code of Australia
	5. Car Parking	

6. Lot size 7. Setback  8. Siting 9. Clearing 10. Screening 11. Design & Materials 12. Management	5. 1car bay per caravan/camp site + 1 bay for manager – gravel std/Local Government specs 6. 15ha 7. 30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless otherwise determined by the Local Government. 8. Away from sand dunes, ridge lines and side slope/breakaway areas 9. No removal of remnant vegetation 10. Well screened from view of neighbouring properties 11. Buildings to be complimentary with landscape – earth tones – no reflection 12. On site managers residence
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It is considered that the proposed application meets with the Policy Statement requirements, as it is set in an area of natural attraction, would not require removal of native vegetation, is well screened from the road and neighbouring properties, fronts a sealed road, has buildings that are complementary to the landscape, has an on-site manager's residence, has sufficient area to accommodate all car parking off-street, has sufficient ablution facilities provided, and can therefore be supported.

A local planning policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances Council would adhere to the standards prescribed in a local planning policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification is demonstrated and the variation granted will not set an undesirable precedent for future development.

#### **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**

Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson are contained within Planning Precinct No.3 – Chapman Valley in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

*"A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources."*

In the assessment of the application, Council should be mindful of the following objectives of the Strategy for Precinct No.3 – Chapman Valley:

- "3.3.3 Ensure development does not adversely impact on river systems, associated catchment areas and groundwater resources through the provision/submission of detailed/supporting research, information and analysis.*
- 3.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls.*
- 3.3.5 Protect the rural amenity and character of the area from incompatible land use/ development, again through the implementation of appropriate environmental and planning controls.*
- 3.3.6 Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum."*

The Local Planning Strategy identifies 'Tourism (low key and incidental)' as a land use that is considered appropriate within the Chapman Valley Precinct subject to compliance with the provisions of the Local Planning Scheme and specific policies of the Council.

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Lots 1158, 2071 & 6984 are identified within the Shire's Local Planning Strategy – Figure 3 as being 'Possible Future (Long Term) Rural Smallholdings (20-40ha)' with the surrounding land parcels having the same potential. Consideration of this application should have regard for the amenity of the surrounding area, however, conditional approval of the application is not considered detrimental to the future potential to subdivide surrounding properties.

Section 7.8 of the Shire's Local Planning Strategy notes that:

*"Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level of infrastructure exists."*

The Shire's Strategy falls into line with the Mid-West Region vision statement of the State Planning Strategy which states:

*"In the next three decades, the Mid-West Region will continue to diversify its economic base in the areas of agriculture, minerals development, downstream processing of commodities and tourism. Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions."*

The Mid West Development Commission, in collaboration with Regional Development Australia, the Department of Planning, Lands & Heritage and the Mid West Tourism Alliance released the 'Tourism Development Strategy' (2014) with one of the identified priorities being to increase the range of eco nature based tourism activities, attractions and experiences.

The Economic Development element of the Commission's Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

*"The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences."*

The Western Australian Planning Commission's 'Planning Bulletin 83 - Planning for Tourism' (2013) sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin emphasises the importance of strategic planning for tourism and that this should be addressed through the local government's Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

The Bulletin notes that identification of tourism sites does not imply that the site is suitable for immediate development or re-development (in many cases sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for development may not be reached for a number of years) but does set out general location criteria to determine the tourism value of a site as follows:

*Accessibility*

*The site has adequate existing or proposed transport links (such as major road or airport access).*

*Uniqueness*

*The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.*

*Setting*

*The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).*

*Tourism activities and amenities*

*The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.*

*Supply of land*

*The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.*

*Site specific criteria to determine the tourism value of the site includes:*

*Suitability in a land use context*

*The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).*

*Capability*

*The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.*

*Size*

*The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.*

*Function*

*The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.*

*These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria."*

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

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 18 August 2022 meeting and includes the following objectives of relevance:

Ref	Strategies & Actions	Timeline	Desired Status
<i>Economy &amp; Population</i>			
Objective 2.1: Build population and business activity with targeted strategies			
Strategy: Support business development, lifestyle changes and short/term accommodation			
2.1.1	Ensure planning is in place to encourage business development, promoting investment opportunities.	Short	Retain and improve where necessary
Objective 2.2: Provide support for business development and local employment			
Strategy: Research mixed land use opportunities			
2.2.2	Investigate possible planning improvements	Medium	Retain and improve where necessary
Objective 2.3: Embrace local tourism and regional strategies and trails			
Strategy: Research a local tourism plan/initiatives and integrate with regional tourism plans			
2.3.1	Work with local tourism network and regional groups to enhance opportunities and visitor numbers	Short	Established plan owned and implemented by tourism operators
Strategy: Explore support needed by local tourism industries			
2.3.2	Facilitate assistance for local tourism operators	Short	Support for tourism operators

#### **CONSULTATION**

The application was advertised from 5 July 2022 until 29 July 2022 with the Shire writing to the 14 surrounding landowners within 1km of the proposed 3 campground sites and landowners along Nanson-Howatharra Rod between Chapman Valley Road and Nabawa-Yetna Road inviting comment. The Shire also wrote to the Department of Fire & Emergency Services, Department of Health, Department of Local Government, Sport and Cultural Industries and the

Department of Water & Environment Regulation inviting comment. The application was also placed on the Shire website and made available for viewing at the Shire office advising of the opportunity for comment.

At the conclusion of the advertising period 6 submissions had been received, 2 from neighbouring landowners expressing support for the application, 1 from a neighbouring landowner objecting to the application, and 2 from state government departments offering technical comment and requesting further information. Copies of the received submissions have been provided as **separate Attachment 10.1.2(c)**.

A Schedule of Submissions that identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues has been provided as **separate Attachment 10.1.2(d)**.

The issues raised in objection to the proposed development concerned the following issues:

- fire risk;
- waste and wastewater management;
- visitors trespassing onto neighbouring properties and rural lifestyle impacts.

The applicant was provided with identity redacted copies of the submissions and given the opportunity to respond to the issues raised and the comments of the applicant and their bushfire consultant have been referenced in the Schedule of Submissions.

## 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

8.53am Cr Davidson declared a proximity interest and left the meeting

**MOVED: Cr Forth**

**SECONDED: Cr Humphrey**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for a short stay nature based campground upon Lots 1158, 2071 & 6984 Nanson-Howatharra Road, Nanson subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan(s) provided as Attachment 10.1.2(a) and 10.1.2(b) 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 buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 4 The applicant shall prepare a Bushfire Management Plan and Emergency Evacuation Plan to the approval of the local government, and the development is required to be operated in accordance with the recommendations contained therein.
- 5 The proponent 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 applicant 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 Plan.



- 
- 6 The development shall comply with the requirements of the *Caravan Parks and Camping Grounds Regulations 1997* and the 'Nature-based Parks: Licensing Guidelines for Developers and Local Governments' to the approval of the local government.
  - 7 The installation of any directional signage shall be to the requirements of the local government (or Main Roads WA where required).
  - 8 The installation and subsequent maintenance of any signage shall be to the approval of the local government.
  - 9 Signage is required to be installed advising visitors of the property limits to the approval of the local government.
  - 10 Signage is required to be installed to all taps to the approval of the local government advising visitors where the water is non-potable. Promotional material for the nature based campground shall clearly state to the approval of the local government that water is non-potable and that visitors must provide their own potable water.
  - 11 All lighting devices shall be installed and shaded in such a way as to not cause undue light spill to passing motorists or neighbouring residences to the approval of the local government.
  - 12 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
  - 13 All external water pipes associated with the development shall be laid underground to a minimum depth of 300mm to withstand the effects of a bush fire.
  - 14 The applicant is to ensure that the location, design, construction and maintenance of the access point from the development site onto the road network shall be to the approval of the local government.
  - 15 The internal road network and vehicle maneuvering and parking areas shall be constructed and maintained to an all-weather compacted gravel standard to the approval of the local government.

#### Advice Notes

- (a) In relation to condition 3 the Management Plan is to include a section stating the period of operation for the nature based campground that has regard for closure during periods of fire risk to the approval of the local government.
- (b) In relation to condition 3 the Management Plan is to include a section relating to Water Supply prepared to the requirements of the Department of Health and the approval of the local government.
- (c) In relation to condition 3 the Management Plan is to include a section relating to Waste and Wastewater Management prepared to the requirements of the Department of Health and the approval of the local government.
- (d) In relation to condition 3 the Management Plan is to include a section relating to Food Management prepared to the requirements of the Department of Health and the approval of the local government.
- (e) In relation to condition 4 the Bushfire Management Plan and Emergency Evacuation Plan shall be prepared to the requirements of the Department of Fire & Emergency Services and the approval of the local government.
- (f) In relation to condition 4 the Bushfire Management Plan and Emergency Evacuation Plan shall be periodically reviewed to ensure they remain current with on-ground site characteristics, user patterns/demands and the bushfire planning framework. In the event of a concern being raised by the Department of Fire & Emergency Services or the local government the Plan(s) may require modification to ensure they address the raised concern(s) to the approval of the local government.
- (g) In relation to condition 5 the development shall only permit short stay accommodation for a period of not more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.

- 
- (h) In the relation to condition 10 in the event that the local government and/or applicant require the development to be serviced with provision of potable water, the potable water supply shall meet the minimum prescribed Australian Drinking Water Standards and be tested by the applicant at their cost on a periodic basis as directed by the local government, with the results to be submitted to the local government. If deemed required by the local government, a suitable water treatment system such as chlorination or ultra violet light shall be provided.
  - (i) 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, *Building Code of Australia, Building Act 2011, Building Regulations 2012, Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Health Act 1911, Liquor Control Act 1988*, and the *Local Government (Miscellaneous Provisions) Act 1960*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
  - (j) If an applicant is 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.

**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 09/22-04**

9.00am Cr Davidson returned to the meeting after the vote was taken  
9.00am Phil Blakeway left the meeting.

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# **10.2**

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

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

#### **10.2 AGENDA ITEMS**

##### **10.2.1 Financial Management Report**

### 10.2.1

### Financial Management Report

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	15 September 2022
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	July 2022 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts July 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 July 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 July 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 Batten**

**SECONDED: Cr Forth**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate cover for the month of July 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: 09/22-05**

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# **10.3**

## **Chief Executive Officer**

### **10.3 Chief Executive Officer**

#### **10.3 AGENDA ITEMS**

10.3.1 Facility Hire Conditions & Fees (Bill Hemsley Community Centre & Coronation Beach)

### 10.3.1 Facility Hire Conditions & Fees (Bill Hemsley Community Centre & Coronation Beach)

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	06/22-08
DATE:	8 September 2022
AUTHOR:	Jamie Criddle , Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1	Draft Hire terms & Conditions		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Councillor discussion was held at the August Concept Forum in relation to the facility hire conditions at Bill Hemsley Community Centre & commercial operations at Coronation Beach.

With the popularity of Bill Hemsley Park and Community Centre now increasing, staff are now starting to field enquiries for individuals wanting to hire the facility on a more permanent basis to conduct 'business operations' from the facility. There has also been discussion on what is an appropriate fee to charge for the commercial uses of Shire facilities that will also have some bearing on Coronation Beach.

#### COMMENT

##### Bill Hemsley Community Centre

Up until now, hiring arrangements have been conducted on an 'ad hoc' basis at the discretion of the Chief Executive Officer but requests are now being fielded which seem to be 'outside the buildings intended use'. To ensure that the Community are aware of the scope of activities allowable, a concise set of 'Conditions of Hire' needs to be in place to ensure that there are no miscommunications between Council staff and the community.

There are several considerations Council must discuss when compiling a set of conditions/policy on the hire of Bill Hemsley Community Centre and other centres to a lesser degree. These should include but not limited to:

- The type of business/activity Council wishes to see run from the facility. At the moment there is a Yoga Fitness Class operating out of the BHP centre twice a week for 1 hour sessions. This was agreed to at the time due to the short timeframe of use (1hour) and minimal setup/pack up, which would still allow other functions to happen on that day and in the current Covid space we were encouraging the physical exercise aspect of healthy wellbeing. (provided further below in report) Trainers should be registered with a recognized Health and Fitness Industry Association and be approved by Council. Definition - A Commercial Group Fitness Class is an organised group of 2 or more people who participate in a paid range of exercises run by a qualified trainer. Operations where appointments are made over the day of hire might not be considered the type of commercial operations Council should encourage. These are home occupation industries utilising community facilities. i.e. Tax accountant, Physio, consultation type activities.
- The length of sessions and number of sessions per week. Possibly restricted to a maximum of 2 sessions per week and 2-3 hours per session. Anything longer than this would be deemed as a commercial operation and should be charged accordingly.
- Peak booking periods - Hirers are reminded that the main hall is primarily designed as a function venue therefore it is anticipated that there will be high demand for this venue on Fridays, Saturdays and Sundays. Regular bookings after 1pm are likely to be cancelled frequently if the space is required for an alternate one-off function. In this instance, every effort will be made to ensure the hirer has at least 21 days notification to enable alternative arrangements to be made.
- Regular hirers (Yearly/Seasonal hire) currently receive a discount rate. Operating their business from a Community Centre should be restricted to a maximum of 2 sessions per week. Anything longer than this would be deemed as a commercial operation and charged accordingly.

- Storage - There is limited storage available for regular users at the venue. Council does not wish to utilise the 'Staff Office' as a storage facility and encourages users to take their equipment with them. Any equipment left at BHP is at the hirer's risk.

### **Bill Hemsley Park Fee Structure**

In addition to the discussion to held on the above issue, the point was raised at a previous meeting as to the adequateness of the hire rates at the Bill Hemsley Community Centre for both 'local' and 'non-local' users.

This will also tie into the issue above in relation to the type of operation Council wishes to allow to operate at the BHCC and should be charged accordingly.

Fee structure at Bill Hemsley Park is as follows:	Current	Suggested
All Venue Hire (Non-Local community Member)	\$150.00	\$300
All Venue Hire (Local community Member)	\$50.00	\$100
Whole of Facility	\$150.00	\$300
Annual Booking Fee (short sessions under 2hrs) (Up to 2 uses per week)	\$586.00	\$750
Annual Booking Fee (long sessions over 2 hrs) (Up to 2 uses per week)	\$586.00	\$1,000

Consideration must be made with the fee structure in relation to the purpose and length of use. It is suggested that once the fee structure is determined, that a distinct set of 'conditions of hire' or policy be formulated to suit the fee structure to allow staff to determine correct usage of the facility.

**A draft set of Conditions are provided as a separate attachment (10.3.1) for Council perusal.**

### **Coronation Beach**

Council previously approved an application from a Perth-based water sports operator (King Wing Foil Centre) for the holding of water sports clinics between 26/12/22 & 4/1/22 at Conation Beach at its 16/12/21 meeting.

The Shire's adopted fees and charges lists the amount of \$150 for venue hire where the applicant is not a local community member, and this was the fee charged in that instance.

The requirement to pay a bond was not imposed given the venue and activity was not specific to a building.

The applicant is now seeking to apply for an all year/season licence and this is a matter Council will need to give some thought too.

As a point of comparison Council charges an annual fee of \$500 GST exclusive to the 2 existing Coronation Beach commercial lessees (Kitewest Water Sport School and Country Cooks Cornucopia Food Van) which is intended to cover the administration and other costs associated with their operations.

Both of these operations are run by Shire residents and involve the permanent occupation of an (albeit small) footprint at Coronation Beach.

There is no associated utility cost recuperation required or bond charged given that there is no power or water provided as part of the lease (the lease also contains clauses reserving Council the right to terminate the lease should it become dissatisfied with the lessee).

As a point of comparison the Shire of Northampton charges the following to the various water sports operators at Kalbarri Rivermouth:

- \$147 planning application fee;
- \$300 advertising fee;
- \$150 lease document preparation fee;
- \$500 annual fee.

The \$500 annual fee charged by the Shire at Coronation Beach equates to this (and helped form the basis for the initial Coronation Beach fee setting Council discussions).

It is not suggested that an advertising fee or document preparation fee would be necessary in this instance.

The Shire of Northampton charge the same annual fee whether the person is a resident/ratepayer or someone from outside of the Shire.



The Shire of Chapman Valley may, however, consider it appropriate to charge a different annual amount based on whether they are resident/ratepayer or someone from outside of the Shire.

Council's 21/10/20 resolution in which it gave approval to the existing water sports school operator (Kitewest) included specific notation that:

*"The management licence issued to the applicant is not to be construed as the granting of an exclusive commercial use of the reserve, Council reserves the right to enter into management licences and/or other arrangements with other parties who may seek to conduct commercial activities at Coronation Beach."*

Council has been consistent in this advice at Coronation Beach with its 16/12/20 and 17/11/21 resolutions for the food van operator (Country Cooks Cornucopia) also including notation advising that:

*"This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities."*

The intention of this advice was to make clear that Council's granting of approval should not be deemed to mean that it would not entertain approaches from other parties seeking to operate either water sports commercial activities or food outlet at Coronation Beach. The Windsurfing Club (who also have a lease with the Shire for their Coronation Beach facility) have also held training events but these have been club run and not commercial operations.

<u>Fee structure at Coronation Beach is as follows:</u>	<u>Current</u>	<u>Suggested</u>
Annual Commercial Fee	\$500.00	\$500.00
On-off Commercial Fee	\$150.00	\$200.00

Applicants are encouraged to prepare an application for planning approval which should include (e.g. site plan, public liability insurance details, risk management plan, background letter on proposed activities etc.)

## **STATUTORY ENVIRONMENT**

### **Local Government Act 1995**

#### **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 licence, 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.

#### **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.

The recommendation that follows is consistent with the legislative requirements.

## **Competition**

Freedom of economic competition, preventing undue restraint of trade and impact on existing local businesses are issues that local governments are often forced to grapple with, particularly where arguments have been mounted that an existing retailing operation offers multiple services and employment to a local community, and when faced with an

arriving competitor that offers a more limited service (in terms of products or hours of operation) that undermines their profitability, this can result in the existing service provider no longer being viable and the local community resultantly losing those associated services and employment.

Council can have some (limited) regard for this issue with Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 listing the following matter to be considered by local government:

*"(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses."*

This is also an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

*"The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community."*

This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:

*"economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter".*

Stephen J at [687] noted that:

*"...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."*

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

Nil

#### **FINANCIAL IMPLICATIONS**

As a result, there will be a slight increase in fees.

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

Nil

#### **STRATEGIC IMPLICATIONS**

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

Nil

#### **CONSULTATION**

The item was discussed at the August Concept Forum with discussion points raised during the meeting forming the basis of the agenda.

#### **RISK ASSESSMENT**

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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**

Absolute Majority

**MOVED: Cr Elliott-Lockhart**

**SECONDED: Cr Davidson**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

That Council:

1. Adopt the following Fees & Charges effective from 16<sup>th</sup> September 2022 and advertise as per the requirement of the Local Government Act 1995:

**Fees & Charges for the Bill Hemsley Community Centre**

<u>Fee structure at Bill Hemsley Park is as follows:</u>	<u>Current</u>	<u>Suggested</u>
All Venue Hire (Non-Local community Member)	\$150.00	\$300
All Venue Hire (Local community Member)	\$50.00	\$100
Whole of Facility (includes the outside veranda)	\$150.00	\$300
Annual Booking Fee (short sessions under 2hrs) (Up to 2 uses per week)	\$586.00	\$750
Annual Booking Fee (long sessions over 2hrs) (Up to 2 uses per week)	\$586.00	\$1,000

**Fees & Charges for Coronation Beach**

<u>Fee structure at Coronation Beach is as follows:</u>	<u>Current</u>	<u>Suggested</u>
Annual Commercial Fee	\$500.00	\$500.00
On-off Commercial Fee	\$150.00	\$200.00

2. Endorse the Bill Hemsley Community Centre Hire Terms & Conditions.

**Voting F7/A0**  
**CARRIED BY ABSOLUTE MAJORITY**  
**Minute Reference: 09/22-06**

Reason for deviation: Provide clarity of whole of facility hire

## 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 Warr	20th August- Official Opening Backroads Gravel Bike Race 29th August- Northern Country Zone Meeting 3rd September- Official Opening of CV Show and Presidents trophy presentation 5th September – Local cyclone recovery committee meeting 7th September- WALGA LEMA review 9th September- MWDC visit to Shire
Cr Forth	29th August - NCZ Mingenew 3rd September - CVAS Annual show 9th September - MWDC Board projects meeting at Burnt Barrell and Yanget 12th September - CVAS committee meeting -Post mortem on show and action items from the event
Cr Batten	20th August- Official Opening Backroads Gravel Bike Race 9th September- MWDC visit to Shire Drought Resilience FRRR
Cr Elliott-Lockhart	12th September CVAS committee meeting -Post mortem on show and action items from the event

## 14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

**MOVED: Cr Batten**

**SECONDED: Cr Humphrey**

### **Council Resolution:**

Council close the meeting to the public for Agenda Items 15.1 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: 09/22-06**

Meeting closed to the public at 9.38am

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## 15.1 Workplace Incident – Administration Security

**MOVED: Cr Forth**

**SECONDED: Cr Batten**

### **STAFF RECOMMENDATION**

*That Council instruct the Chief Executive Officer to investigate the various additional security measures highlighted in this report and commit to fund the following items listed within the Admin security/safety section of the Coronation incident review through the existing budget and an allocation of (insert amount) from the Building Reserve and advertise as per the requirement of the Local Government Act.*

- CCTV camera's
- Remote locking of perimeter doors
- Alarm system
- Monitored Panic Alarm system
- Secure internal access doors

**Voting F0/A7**

**LOST**

**Minute Reference: 09/22-07**

### **SUBSTANTIVE MOTION/COUNCIL RESOLUTION**

#### **Recommendation 1 - Building Security**

That Council instruct the Chief Executive Officer to investigate the various additional security measures highlighted in this report and commit to fund the following items listed within the Admin security/safety section of the Coronation incident review through the existing budget and an allocation from the Building Reserve and advertise as per the requirement of the Local Government Act.

- CCTV camera's
- Remote locking of perimeter doors
- Alarm system
- Monitored Panic Alarm system
- Secure internal access doors

#### **Recommendation 2 – Employee Safety and Welfare**

That Council:

- Ensure that 24-hour access to assistance for all employees in and around the health & wellbeing of employees through appropriate Employee Assistance Programs (EAP).
- Formally correspond to LGIS to advise of Council's disappointment in relation to the procedural breakdowns pertaining to Employee Assistance Programs (EAP) and future steps to rectify the issue.
- Identify agencies, stakeholders to assist in the on-going support of all employees in and around the health & wellbeing of employees.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 09/22-08**

**MOVED: Cr Batten**

**SECONDED: Cr Forth**

The meeting be reopened to the public at 10.02am.

**Voting F7/A0**

**CARRIED**

**Minute Reference: 09/22-09**

## 16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10.04am.