

ORDINARY COUNCIL MEETING

Confirmed Minutes

8:30am Thursday
15 December 2022
Council Chambers

DECEMBER 2022

SHIRE OF CHAPMAN VALLEY
Jamie Criddle
CHIEF EXECUTIVE OFFICER

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



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

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

Jamie Criddle
CHIEF EXECUTIVE OFFICER

Table of Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS.....	4
2.0	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
3.0	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED) ..	4
3.1	Attendees	4
3.2	Apologies	4
3.3	Previously Approved Leave of Absence (By Resolution of Council)	4
4.0	PUBLIC QUESTION TIME	4
4.1	Response to Previous Public Questions on Notice	4
4.2	Public Question Time	4
5.0	APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council).....	4
6.0	DISCLOSURE OF INTEREST.....	5
7.0	PETITIONS/DEPUTATIONS/PRESENTATIONS	5
7.1	Petitions	5
7.2	Presentations.....	5
7.3	Deputations	5
8.0	CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS.....	6
8.1	Ordinary Meeting of Council held on Thursday 17 November 2022	6
9.0	ITEMS TO BE DEALT WITH EN BLOC.....	6
10.0	OFFICERS REPORTS.....	6
10.1	Deputy Chief Executive Officer	7
10.1.1	Proposed Subdivision	8
10.1.2	Proposed Rezoning – Yuna Church.....	17
10.2	Manager of Finance & Corporate Services.....	23
10.2.1	Financial Management Report.....	24
10.3	Chief Executive Officer	26
10.3.1	Local Government Reform – Election Transition Arrangements.....	27
10.3.2	FABCV – Hire of Facilities (Fee Waiver)	30
10.3.3	Elected Member Reimbursements – Policy Review	37
10.3.4	Tourism & Events Advisory Group	43
11	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	45
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	45
12.1.1	2021/2022 Annual Report and Annual General Meeting of Electors	46
12.1.2	Harvest Vehicle Movement Ban exemption for Western Power	49
12.1.3	WALGA Best Practice Governance Review Consultation	51
13	DELEGATES REPORTS.....	55
14	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	55
15	MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC.....	55
16	CLOSURE	55

ORDER OF BUSINESS

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Shire President welcomed Elected members & Staff and declared the meeting open at 8:38am.

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.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

3.1 Attendees

Elected Members	In	Out
Cr Kirrilee Warr (President)	8:38am	10:18am
Cr Darrell Forth (Deputy President)	8:38am	10:18am
Cr Nicole Batten	8:38am	10:18am
Cr Beverley Davidson	8:38am	10:18am
Cr Elizabeth Elliott-Lockhart	8:38am	10:18am
Cr Peter Humphrey	8:38am	10:18am
Cr Catherine Low	8:38am	10:18am
Cr Trevor Royce	8:38am	10:18am
Officers	In	Out
Jamie Criddle, Chief Executive Officer	8:38am	10:18am
Simon Lancaster, Deputy Chief Executive Officer	8:38am	10:18am
Dianne Raymond, Manager Finance & Corporate Services	8:38am	10:18am
Beau Raymond, Minute Taker	8:38am	10:18am
Visitors	In	Out
Fr Robert O'Bryan	8:38am	8:48am

3.2 Apologies

Nil

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

Nil

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

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

COUNCIL RESOLUTION

MOVED: Cr Forth

SECONDED: Cr Low

That Cr Humphrey be approved for a leave of absence for the Ordinary Meetings of Council February 2023 and that Cr Elliott-Lockhart be approved for a leave of absence for the Ordinary Meetings of Council April 2023.

Voting F8/A0

CARRIED

Minute Reference: 12/22-01

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
10.3.4	Cr Batten	Impartiality	Member of nominated groups & individual Australia Day Awards
10.1.1	Cr Forth	Financial & Proximity	Financial: Employed by a company that may have a future interest in the industrial area. Proximity: Neighbouring property.
10.3.2	Cr Forth	Impartiality	Member of FABCV
10.3.2	Cr Elliott-Lockhart	Impartiality	President of FABCV
10.1.1	Cr Royce	Financial & Proximity	I lease this land off Development WA.
10.3.2	Cr Warr	Impartiality	FABCV Committee Member

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

MOVED: Cr Davidson

SECONDED: Cr Forth

8.1 Ordinary Meeting of Council held on Thursday 17 November 2022

That the Minutes of the Ordinary Meeting of Council held Thursday 17 November 2022 to be confirmed as true and accurate.

Voting F8/A0

CARRIED

Minute Reference: 12/22-02

9.0 ITEMS TO BE DEALT WITH EN BLOC

MOVED: Cr Batten

SECONDED: Cr Forth

Council resolves to move the following items En Bloc:

10.1.2, 10.3.1, (~~12.1.1 & 12.1.2~~ removed via minute Ref 12/22-15)

Voting F8/A0

CARRIED

Minute Reference: 12/22-03

Fr Robert O'Bryan left chambers 8:48

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 AGENDA ITEMS

- 10.1.1 Proposed Subdivision
- 10.1.2 Proposed Rezoning – Yuna Church

Cr Royce & Cr Forth declared an interest in item 10.1.1 and left the meeting at 8:49am

10.1.1	Proposed Subdivision
PROPONENT:	Development WA
SITE:	Lots 15, 16, 7240 & 12588 North West Coastal Highway, Oakajee
FILE REFERENCE:	A2111
PREVIOUS REFERENCE:	Nil
DATE:	5 December 2022
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Subdivision Application		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to create an access road into the Oakajee Strategic Industrial Area. This report recommends Council support the subdivision application.

COMMENT

The Oakajee Strategic Industrial Area is a 6,403ha area located within the Shire of Chapman Valley that comprises the following elements:

- 1,134ha industrial core to cater for strategic heavy industry;
- 1,002ha port area to accommodate land uses that support port operations including bulk storage and handling;
- 196ha industrial support area providing for general support industry; &
- 4071ha buffer area to provide separation between industrial and sensitive uses, and to host compatible uses.

The 21/22 State Budget included allocation of \$7.5 million to fund the construction of an access road into the Oakajee Strategic Industrial Area:

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/09/61-point-5-million-dollar-boost-for-WAs-renewable-hydrogen-industry.aspx>

Since that initial announcement the State Government have conducted an expression of interest process and subsequently approved land allocations for 6 proponents to pursue renewable hydrogen projects in the Oakajee Strategic Industrial Area:

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2022/10/Oakajee-Strategic-Industrial-Area-gains-land-allocation-approval.aspx>

The subdivision application provided as **separate Attachment 10.1.1** represents an initial on-ground step towards this ultimate goal of creating a multi-product renewable hydrogen precinct in the Oakajee Strategic Industrial Area:

<https://developmentwa.com.au/projects/industrial-and-commercial/oakajee-sia/overview>

The subdivision application seeks to create the following:

- 668.8m long, 40m wide road reserve running west off the North West Coastal Highway (this would represent the first stage of the access road into the Oakajee Industrial Estate);
- 8.0422ha lot intended to be developed as a roadhouse and truck stop area; &
- 492.82ha balance lot.

Figure 10.1.1(a) – Proposed Oakajee Access Road

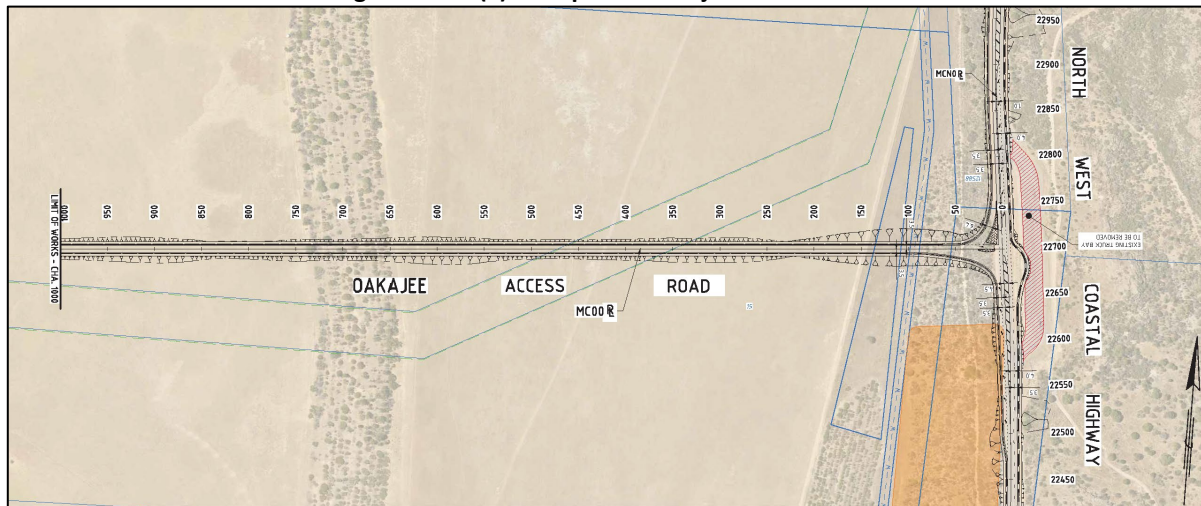
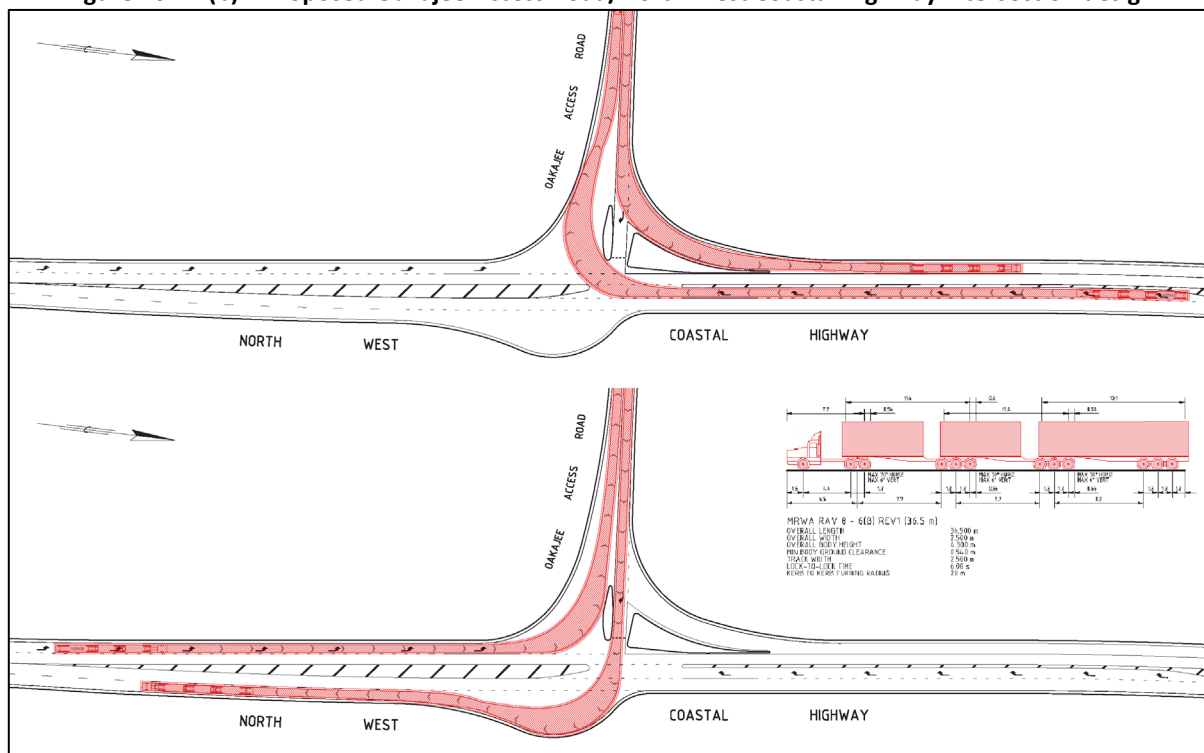


Figure 10.1.1(b) – Proposed Oakajee Access Road/North West Coastal Highway intersection design



The intersection of the proposed Oakajee Access Road and the North West Coastal Highway would be designed and constructed to a RAV8 standard to cater for 36.5m B-Triple road trains.

The subdivision application intersection location accords with the 'Indicative Central Access Road' intersection location as shown upon the Oakajee Structure Plan. The intersection location has been subject to further engineering analysis that has given regard for existing road geometry, overtaking lanes, sight lines and acceleration/deceleration for the intersection. The proposed location was deemed to achieve a Safe Intersection Stopping Distance and Approach Sight Distance without requiring significant modification to the vertical and horizontal geometry of the highway. The applicant's engineering analysis has been undertaken in consultation with Main Roads WA incorporating their advice on the replacement overtaking lane lengths and merge taper locations.

The subdivision would also create a 8.0422ha lot on the northern side of the intersection that would provide opportunity to develop a roadhouse and truck breakdown and assembly area. The lot would gain access via the created road rather than the North West Coastal Highway.

Figure 10.1.1(c) – Indicative Concept layout for proposed Lot 1

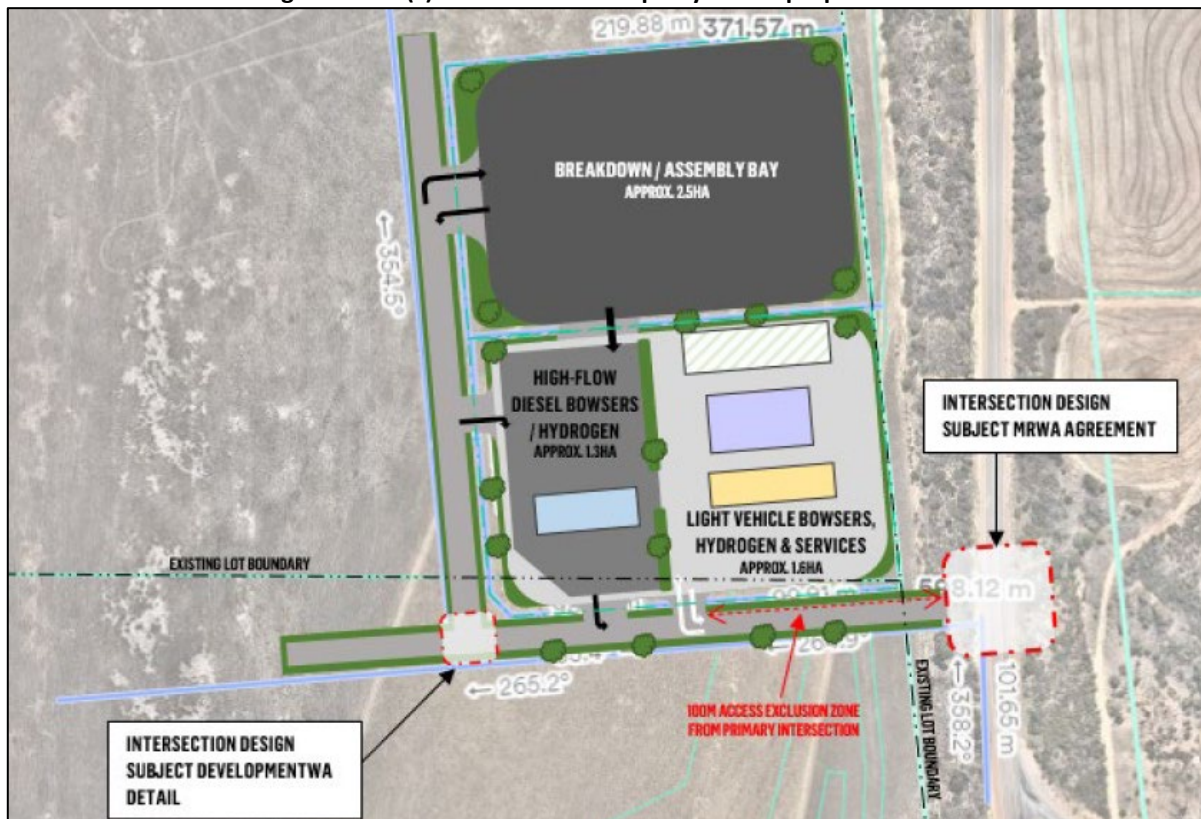


Figure 10.1.1(d) – Proposed Lot viewed from the south-east (right) and north-west (left)

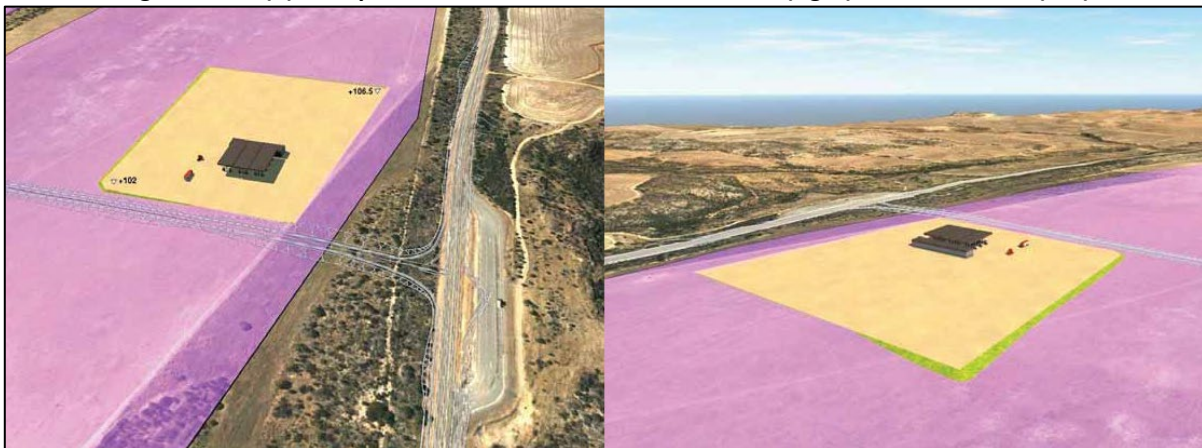


Figure 10.1.1(e) – View from proposed highway intersection site looking north (left) and south (right)



STATUTORY ENVIRONMENT

The location for the proposed road intersection and accompanying Lot 1 is zoned ‘Strategic Industry-Oakajee Industrial Area A (General Industry)’ under the Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’).

Figure 10.1.1(f) – Shire of Chapman Valley Local Planning Scheme Zoning Map extract

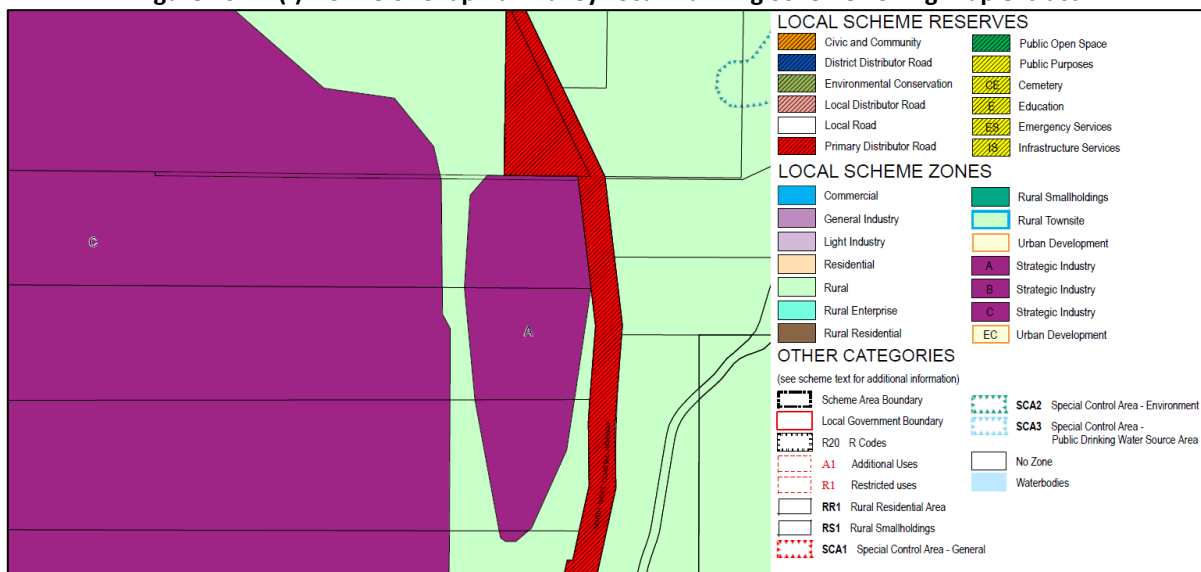


Table 2 of the Scheme lists the objectives of the ‘Strategic Industry-Oakajee Industrial Area A (General Industry)’ zone as being:

- “• To provide for ancillary industries to Oakajee Industrial Zone C (such as manufacturing, fabrication and processing industries), which will not affect the locality through the emission of noise, odours, smoke and other wastes above prescribed environmental standards.
- To provide for industries required to service large-scale, generally capital intensive industries located nearby or elsewhere in the Region;
- To provide for other land-uses compatible with the predominant use of the land; and
- To prevent the establishment of land-uses more appropriately undertaken in other areas.”

The proposed roadhouse/truck stop lot would meet with the additional site requirements of Schedule 3 of the Scheme for the ‘Strategic Industry-Oakajee Industrial Area A (General Industry)’ zone.

In addition to its underlying ‘Strategic Industry-Oakajee Industrial Area A (General Industry)’ zoning, the subject area is also located within the ‘Special Control Area 1 - Oakajee Industrial Zone and Buffer (SCA1)’ zoning for which Table 6 of the Scheme sets out the following purpose, objectives and additional provisions:

Special Control Area 1 – Oakajee Industrial Zone and Buffer (SCA1)

Purpose and Objective	Additional provisions
<p>The purpose of Special Control Area 1 is to:</p> <ul style="list-style-type: none"> a) Provide for appropriate environmental and planning controls pertaining to the development of an industrial estate housing industries of strategic economic value to the State and Region, and which require separation from sensitive land-uses; and b) Provide for a buffer surrounding the industrial estate within which land-uses incompatible with the purpose of the industrial estate are not permitted. c) Support continued broad-acre agriculture on larger land holdings and the strategic placement and stockpiling of raw or manufactured materials (other than hazardous materials) subject to environmental and visual considerations. 	<ul style="list-style-type: none"> a) All development proposed must be in accordance with an approved structure plan or plans prepared in accordance with Part 4 of the deemed provisions. b) Notwithstanding any other provision contained within this Scheme, no residential use, temporary or permanent, including a single house, shall be permitted on land within the Special Control Area. Specific exception may be made to accommodate temporary camp accommodation for workers prior to the establishment of the first industry within the Strategic Industry zone. c) All development applications considered by the local government to be of environmental significance within the strategic industrial core (Area C) shall be referred to the Environmental Protection Authority. d) Prior to any clearing of remnant vegetation, searches shall be undertaken to identify significant flora on the site. Flora management strategies will be prepared for areas of significant flora. e) The Estate Manager will be required to establish a noise monitoring program before the establishment of the first industrial activity to monitor the cumulative impact of noise generated by industries in the estate, in consultation with the Department of Water and Environmental Regulation, to determine whether Environmental Protection Authority Regulations are being met within the special control area boundary. f) The Estate Manager will be required to review proponent air emissions modelling to confirm compatibility with air quality modelling used to define the buffer boundary and report results to the Department of Water and Environmental Regulation and Conservation and the Office of the Environmental Protection Authority. g) The Estate Manager will be required to establish a program before the establishment of the first industrial activity for collection of baseline data and undertake air quality monitoring for dust and particle emissions to the satisfaction of the Department of Water and Environmental Regulation. h) The Estate Manager will be required to review proponent quantitative risk assessment to confirm compatibility with quantitative risk assessment used to define the buffer boundary and report results to the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority. i) The Estate Manager will be required to establish a monitoring program, before the establishment of the first industrial activity, for groundwater to collect baseline data and to the satisfaction of the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority. j) The Estate Manager will be required to establish a rainfall monitoring program before the establishment of the first industrial activity and is to report results to the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority. k) Notwithstanding the provisions contained within Part 3, should the cumulative environmental impacts of incremental industrial development exceed the Environmental Protection Authority criteria, the Estate Manager is required to make suitable arrangements for occupants of residences within the Oakajee Industrial Zone buffer to vacate that residence. l) Individual industries will be required to provide drainage plans to the satisfaction of the local government prior to undertaking any construction. m) The Estate Manager will be required to prepare an overall Oakajee Landscape Master Plan with performance timetables to ensure nominated actions are completed within time. This Master Plan is to be prepared prior to commencement of construction of the first industry n) Individual industries will comply with Landscape Master Plan requirements and submit individual landscape plans and implementation timetables with their development applications. Landscape plans shall be designed and implemented to the satisfaction of the local government. o) Provisions shall be made for the protection and management of two European heritage sites illustrated on the structure plan. All development applications shall also be required to address aboriginal heritage issues in accordance with Aboriginal

	<p>Heritage Management Plan/s approved by the state government agency responsible for the protection of aboriginal heritage.</p> <p>p) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area C):</p> <ol style="list-style-type: none"> i. All major development shall be subject to approved environmental management criteria governing layout, manner of development and ongoing management of proposed operations, including safety and satisfactory storage or disposal of noxious or hazardous materials or wastes. ii. All major development shall be subject to an environmental impact statement if requested by the Local Government. <p>q) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area B) –</p> <ol style="list-style-type: none"> a. Prior to construction of the port: <ol style="list-style-type: none"> i. a Coastal Management and Structure Plan will be prepared for Area B of the Industrial Zone by the State Government to the satisfaction of the Local Government and in consultation with the Environmental Protection Authority and the Western Australian Planning Commission; and ii. a Structure Plan is to be prepared in accordance with Schedule 2, Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to be adopted by the Local Government, and endorsed by the Western Australian Planning Commission. The Plans are to provide for the coordination and integration of intended land uses, transport and service corridors and sites of heritage and landscape significance, and shall depict public access to and along the ocean foreshore. The Plans are to address port and associated activities, transport and services corridors and rehabilitation of remnant vegetation and management of recreation. b. The Coastal Management and Structure Plan shall be consistent with relevant Western Australian Planning Commission policy, shall conform with conditions set by the Minister for the Environment for the Oakajee Deep Water Port Proposal
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The Shire of Chapman Valley Local Planning Scheme No.3 can be accessed as the following link:

<https://www.wa.gov.au/government/document-collections/shire-of-chapman-valley-planning-information#local-planning-scheme>

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 7.5 – Subdivision Standards a copy of which can be viewed at the following link: <https://www.chapmanvalley.wa.gov.au/local-planning-policies.aspx>

The policy requires that the access road must be designed and constructed in accordance with the requirements of the Institute of Public Works Engineering Australasia's 'Local Government Guidelines for Subdivisional Development' (amongst other documents).

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 the Council will 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 warrants a concession 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 June 2019 meeting. It is not considered that consideration of this application would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy was endorsed by the WAPC on 20 November 2007 and the subject area is identified within Precinct No.6 – Oakajee the vision for which is:

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

The proposed subdivision is in accordance with the precinct objectives of this strategic planning document, and the road construction that would be brought about through this subdivision will be required to have regard for the following Infrastructure Objectives for Precinct No.6:

- “6.4.1 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 & State Government resources.*
- 6.4.2 Identify, support and facilitate the efficient and coordinated use of existing road linkages.”*

A copy of the Shire of Chapman Valley Local Planning Strategy can be accessed at the following link:

https://www.wa.gov.au/system/files/2021-11/LST-chapman_valley_local_planning_strategy.pdf

The Oakajee Industrial Estate is a 2,332ha land area that is owned by the State Government with the acquisition of this core area occurring through 1997-2004. The industrial estate is surrounded by a 4,071ha Buffer area also now entirely under government ownership, with the acquisition of all privately owned lots within the buffer area concluded by the State Government in 2014.

The Oakajee Industrial Estate Structure Plan was prepared by Development WA to address the estate and buffer area and was endorsed by the Shire of Chapman Valley and subsequently approved by the WAPC in 2012.

The proposed subdivision is in accordance with the strategic planning document of the Oakajee Industrial Estate Structure Plan.

A copy of the Oakajee Industrial Estate Structure Plan can be accessed at the following link:

<https://www.wa.gov.au/system/files/2021-11/SPL-SPN0303-Chapman-Valley-Oakajee-Industrial-Estate.pdf>

The technical reports accompanying the Oakajee Industrial Estate Structure Plan can be accessed at the following link:

<https://www.chapmanvalley.wa.gov.au/oakajee-industrial-estate-structure-plan.aspx>

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	2022 Status	Desired Status
<i>Community Health and Lifestyle</i>				
Objective 2.2: Provide support for business development and local employment				
Strategy: Research mixed land use opportunities				
2.2.1	Investigate possible planning improvements	Medium	Solid and appropriate planning in place	Retain and improve where necessary
Objective 2.4: Ensure town planning scheme allows for economic development/population retention/growth				
Strategy: Town planning review for residential land, aged care facilities or business/industrial development opportunities				
2.4.1	Ensure planning is in place to encourage economic development activities, owned and rental accommodation and short stay opportunities	Medium	Solid and appropriate planning in place	Retain and improve growth opportunities where indicated
<i>Physical and Digital Infrastructure</i>				
Objective 4.2: Manage and maintain roads, drainage and other essential infrastructure				
Strategy: Capital Road Works Program				

Ref	Strategies & Actions	Timeline	2022 Status	Desired Status
4.2.1	Review Road Hierarchy and 10 Year Road Works Program/Widen roads and improve storm drainage where practicable	Ongoing	Plans up to date and in place	Retain level and improve where necessary
<i>Governance and Accountability</i>				
Objective 5.4: Ensure robust process for economic and infrastructure development				
Strategy: Town planning review/initiatives				
5.4.1	Ensure planning is in place to encourage economic development activities	Short	Solid and appropriate planning is in place.	Retain and improve where necessary

CONSULTATION

The WAPC is not obliged to undertake public consultation in its assessment of subdivision applications, but has referred the application out to the Shire of Chapman Valley, Department of Biodiversity, Conservation & Attractions, Department of Fire and Emergency Services, Department of Jobs, Tourism, Science & Innovation, Department of Water & Environmental Regulation, Main Roads WA, Telstra, Water Corporation and Western Power seeking comment.

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

STAFF RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 15, 16, 7240 & 125888 North West Coastal Highway, Oakajee as shown upon Plan No.0034569-07-d (WAPC date stamped 4/11/22) subject to the following conditions and advice notes:

Requested Conditions:

- The road reserve being shown on the deposited plan of survey as a road reserve, inclusive of truncation at the intersection with North West Coastal Highway, and such land to be ceded free of cost and without any payment of compensation by the Crown.
- Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.
- Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - the subdivisional road intersection with the North West Coastal Highway is to the standards of the relevant licensed service provider and Main Roads WA; &
 - street lighting is installed at the subdivisional road intersection with the North West Coastal Highway to the standards of the relevant licensed service provider and Main Roads WA; &
 - temporary turning area is provided at the western end of the subdivisional road that is subject to future extension.

Requested Advice Note:

- In regards to conditions 2 & 3 the landowner/applicant is advised to refer to the Institute of Public Works Engineering Australasia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

COUNCIL RESOLUTION/ALTERNATIVE STAFF RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 15, 16, 7240 & 125888 North West Coastal Highway, Oakajee as shown upon Plan No.0034569-07-d (WAPC date stamped 4/11/22) subject to the following conditions and advice notes:

Requested Conditions:

- 1 The road reserve being shown on the deposited plan of survey as a road reserve, inclusive of truncation at the intersection with North West Coastal Highway, and such land to be ceded free of cost and without any payment of compensation by the Crown.
- 2 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.
- 3 Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) the subdivisional road intersection with the North West Coastal Highway is to the standards of the relevant licensed service provider and Main Roads WA; &
 - (b) street lighting is installed at the subdivisional road intersection with the North West Coastal Highway to the standards of the relevant licensed service provider and Main Roads WA; &
 - (c) temporary turning area is provided at the western end of the subdivisional road that is subject to future extension.

Requested Advice Note:

- (a) In regards to conditions 2 & 3 the landowner/applicant is advised to refer to the Institute of Public Works Engineering Australasia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
- (b) In regards to conditions 2 & 3 it is the Shire of Chapman Valley's expectation that the proposed access road and access road/highway intersection will be designed and constructed to a RAV10 standard.
- (c) In regards to conditions 2 & 3 the Shire of Chapman Valley does not support the intersection design as contained in the Engineering Report accompanying the subdivision application. The Shire of Chapman Valley has safety concerns with visibility to the north as vehicles exit from the access road and turn right heading south. Further, the intersection design proposes that vehicles from the access road are required to turn right across the oncoming traffic from the north (which is coming over a crest) and then commence the acceleration and merge on an outside lane. The Shire of Chapman Valley supports a modified intersection design whereby right-turning traffic entering the highway from the access road and heading south instead enter an exclusive acceleration lane on the inside. This modification would remove the need to cut across the southbound traffic (which is compounded further by visibility issues), and provide vehicles, particularly trucks, ability to more safely gather speed prior to merging.

Voting F6/A0**CARRIED****Minute Reference: 12/22-04**

Cr Royce & Cr Forth returned to chambers 8:55am

10.1.2 Proposed Rezoning – Yuna Church

PROPOSER:	LandWest for Roman Catholic Bishop of Geraldton
SITE:	7073 (Lot 14) Chapman Valley Road, Yuna
FILE REFERENCE:	A1373 & 204.11.05
PREVIOUS REFERENCE:	Nil
DATE:	2 December 2022
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Rezoning Application		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to rezone the Yuna Catholic Church property of 7073 (Lot 14) Chapman Valley Road, Yuna from 'Civic and Community' to 'Rural Townsite' to allow for its future sale. This report recommends that Council initiate the Scheme Amendment process.

COMMENT

7073 (Lot 14) Chapman Valley Road, Yuna is a 1.214ha property at the eastern end of the Yuna townsite that contains the Our Lady Queen of Peace Roman Catholic Church.

Figure 10.1.2(a) – Location map for 7073 (Lot 14) Chapman Valley Road, Yuna



The Yuna Catholic Church was built in 1967 and has seen declining use in recent years and the building was damaged during Cyclone Seroja in 2021. The Catholic Church are proposing to rezone Lot 14 from 'Civic and Community' to 'Rural Townsite' and dispose of the property.

A copy of the received Scheme Amendment documentation has been provided as **separate Attachment 10.1.2**.

Figure 10.1.2(b) – Aerial Photograph of 7073 (Lot 14) Chapman Valley Road, Yuna



Shire staff raise no objection to the rezoning of the Yuna Church site to 'Rural Townsite' on the following basis:

- it is considered preferable for the building to be adapted for a new use rather than decline as an underutilised public building.
- the occupation of a building better ensures its upkeep, as minor maintenance items are more likely to be noticed and attended to before they become major issues, than were the building to be vacant and only visited intermittently.
- the property has power connection and capability of being connected to water service.
- whilst the building has not been designed for habitable purposes there is ability for it to be converted to meet the Class 1 (habitable) requirements of the Building Code of Australia prior to occupation.
- the development of the property for residential purposes would increase the Yuna townsite population.
- Lot 14 has frontage to a straight, flat 60km/hour section of the Chapman Valley Road in the Yuna townsite.
- the conversion of the building to a residence, 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 1.214ha size provides for sufficient area to develop Lot 14 as a residential property i.e. accommodate alterations/extensions, shed(s), rainwater tank(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 'Rural Townsite' would be in keeping with the zoning of the other privately owned lots on the north side of Chapman Valley Road in the Yuna townsite.
- there is a sufficient supply of public buildings in the Yuna townsite that can cater for public gatherings and there is no identified community need for the building with the townsite already containing a community centre, hall, library, school and CWA 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 housing, 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 a similar rezoning application has already been approved by Council for the Nabawa Anglican Church property.
- the adapting of former religious gathering places to alternative uses has become more common as religious affiliation reduces in the community profile, with Chapman Valley Census data mirroring the wider Australian downward trend (ABS Chapman Valley Religious Affiliation Census data; 2001-80.8%, 2006-75.1%, 2011-77.8%, 2016-71.9%, 2021-61.9%).

Figure 10.1.2(c) – View of Yuna Church looking south-east

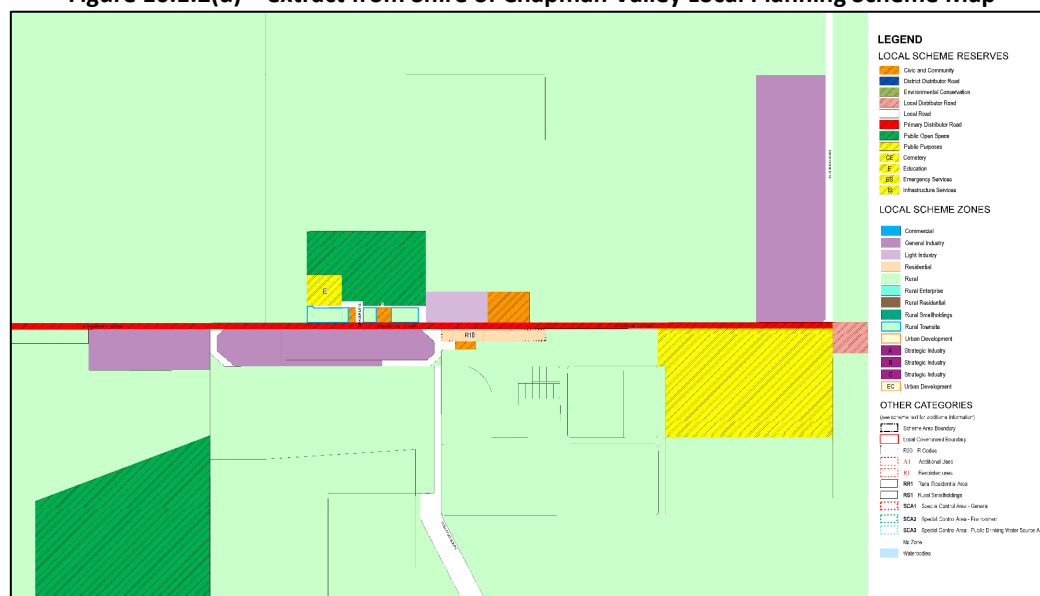


STATUTORY ENVIRONMENT

7073 (Lot 14) Chapman Valley Road, Yuna 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 10.1.2(d) – extract from Shire of Chapman Valley Local Planning Scheme Map



The application seeks to rezone Lot 14 to 'Rural Townsite' and Table 2 of the Scheme lists the objectives for this zone as:

- “• To provide for a range of land uses that would typically be found in a small country town.”

The Scheme lists the following land uses as being 'permitted' in the 'Rural Townsite' zone:

aged or dependent person's dwelling	single house
home office	

The Scheme lists the following land uses as being 'discretionary' in the 'Rural Townsite' zone:

ancillary dwelling	home occupation
car park	cottage industry
grouped dwelling	market
home business	multiple dwelling

The Scheme lists the following as being able to be considered, subject to advertising, in the 'Rural Townsite' zone:

aged care facility	holiday house
art gallery	home store
bed and breakfast	lunch bar
brewery	produce stall
camping ground	repurposed dwelling
caravan park	residential building
child care premises	restaurant/café
civic use	road house
club premises	rural home business
community purpose	second hand dwelling
consulting rooms	serviced apartment
convenience store	service station
educational establishment	shop
exhibition centre	small bar
family day care	telecommunications infrastructure
garden centre	tourist development
holiday accommodation	

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

The Yuna 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 Yuna Church as being Category 4, and generally it is Category 1 & 2 Places only that are considered for statutory listing, it is unlikely that this site would be included on the Local Heritage List.

The Yuna 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 DPLH for comment (although the Shire can still invite 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.8 - Yuna:

"The consolidation and enhancement of the Yuna townsite as a service centre for the broader agricultural area"

Precinct No.8 has the following community objectives of relevance:

"8.1.1 Support the planned consolidation of the Yuna townsite as the principal 'Service Centre' for the broader farming community.

8.1.2 Provide enhanced facilities and community infrastructure within the town to meet community needs.

8.1.3 Encourage participation and input to achieve ownership and maintain strong relationships between key stakeholders, particularly the broader farming community and CBH.

8.1.4 Encourage the protection and restoration of places and buildings of heritage/historical significance."

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	2022 Status	Desired Status
<i>Economy and 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. Facilitate collaborative approach to attract staff within communities.	Short	Solid and appropriate planning is in place.	Retain and improve where necessary
Objective 2.2 Provide support for business development and local employment				
Strategy: Research mixed land use opportunities				
2.2.1	Investigate possible planning improvements	Medium	Solid and appropriate planning in place	Retain and improve where necessary
Objective 2.4 Ensure town planning scheme allows for economic development/population retention/growth				
Strategy: Town Planning Review for residential land, aged care facilities or business/industrial development opportunities				
2.4.1	Ensure planning is in place to encourage economic development activities, owned and rental accommodation and short stay opportunities	Medium	Solid and appropriate planning is in place.	Retain and improve growth opportunities where indicated

CONSULTATION

Should Council support this rezoning application then it is required to forward a copy of the Scheme Amendment documentation to the Environmental Protection Authority ('EPA') for its assessment as per Section 81 of the *Planning & Development Act 2005*. Should the EPA advise that the proposed rezoning does not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986* then the Shire would forward a copy of the Scheme Amendment documentation to the Western Australian Planning Commission (WAPC) seeking its consent to advertise the rezoning application as a standard scheme amendment.

Were Council to initiate the rezoning, and the WAPC to grant consent to advertise the application as a standard scheme amendment, then the Shire would undertake the following actions of consultation, inviting comments and responses within a 42 day advertising period:

- erect a public notification sign upon the site;
- place a notice within a locally circulating newspaper;

- place a copy of the Scheme Amendment documentation on the Shire website;
- place a copy of the Scheme Amendment documentation in the Shire office/library for public viewing;
- write directly to all surrounding landowners &
- write directly to all relevant government agencies and service authorities.

At the completion of the advertising period all received submissions must be presented for Council's consideration, and should the Scheme Amendment be given final approval at this point by Council then the rezoning documents would be forwarded to the WAPC seeking final assessment and approval.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

MOVED: Cr Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council pursuant to Part 5 of the *Planning and Development Act 2005* amend the Shire of Chapman Valley Local Planning Scheme No.3 by:

- Rezoning 7073 (Lot 14) Chapman Valley Road, Yuna from 'Civic and Community' to the 'Rural Townsite' zone; &
- Modifying the Scheme Map accordingly.

Council En Bloc Resolution

Voting F8/A0

CARRIED

Minute Reference: 12/22-03

10.2

Manager of Finance & Corporate Services

10.2 AGENDA ITEMS

10.2.1 Financial Reports for November 2022

10.2.1 Financial Management Report

PROPOSER:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	15 November 2022
AUTHOR:	Beau Raymond, Acting Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

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

STAFF RECOMMENDATION/COUNCIL RESOLUTION

That Council receives the financial management report supplied under separate cover for the month of November 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

Summary of Payments

Bank Reconciliation

Credit Card Statement

Voting F8/A0

CARRIED

Minute Reference: 12/22-05

10.3

Chief Executive Officer

10.3 AGENDA ITEMS

10.3.1 Local Government Reform – Election Transition Arrangements

10.3.2 FABCV – Hire of Facilities

10.3.3 Elected Member Reimbursements – Policy Review

10.3.4 Tourism & Events Advisory Group

10.3.1 Local Government Reform – Election Transition Arrangements

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire
FILE REFERENCE:	404.03
PREVIOUS REFERENCE:	10/22-07
DATE:	5 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1	Discussion Paper – CV Ward and Representation Review 2022		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

On 20 September 2022 the Minister for Local Government (the Minister) released an instruction to all Western Australian Local Governments relating to proposed amendments to the *Local Government Act 1995* (the Act) expected to be considered by Parliament in early 2023.

The proposed amendments provide for:

- 1) The introduction of preferential voting;
- 2) Directly elected Mayors and Presidents for band 1 and 2 local governments;
- 3) Councillor numbers based on population; and
- 4) The removal of wards for band 3 and 4 local governments.

The Shire of Chapman Valley is a band 4 local government (without a ward system) and point 3) applies, and must be determined by Council, with the outcome advised to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 28 October 2022. It is proposed that Local Governments with a population of up to 5000 people must decide to have either 5, 6 or 7 Councillors. Chapman Valley currently has 8 Councillors so a reduction in number is required.

Point 1) can be considered in the future as part of the next election process in 2023.

Point 2) and 4) do not apply to the Shire of Chapman Valley. The instruction also makes it abundantly clear that there will be no time extensions to any of the processes due to the need to enact all changes in the Government Gazette by 30 June 2023 in preparation for the 2023 Local Government elections to be held on 21 October 2023.

The Shire of Chapman Valley resolved at its October OCM to:

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- 1) *Adopt the “voluntary pathway” for the election transition arrangements as part of the Local Government reform process;*
- 2) *Comply with the Minister for Local Government’s instruction for the “voluntary pathway” as outlined in Attachment: 10.3.1;*
- 3) *Subject to adoption of point 1), agree to initiate a Ward and Representation Review for the Shire of Chapman Valley.*

Voting F7/A0

CARRIED

Minute Reference: 10/22-07

This Ward and Representation Review is now required to comply with the requirements of the Act reform process.

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the Shire of Chapman Valley was undertaken in 2016 and as a result of that review, Council resolved to abolish the existing ward system to a No ward system comprising of 8 Councillors with a Councillor/ Elector ratio of 1:108.

From this point, Council would not normally be required to review its ward boundaries, however, the Ministers instruction to all Western Australian local governments relating to proposed amendments to the Act require a Ward and Representation Review to be performed as part of the “Voluntary Pathway” process.

The CEO prepared a Discussion Paper as required outlining the existing ‘state of play’ as well as a number of options to consider based on the requirements of the review. These are listed below:

Existing ratio (as per 2016 review)

Table1

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	8	868	1:108	0.00%
Total	8	868	1:108	0.00%

Current situation as at the October 2021 Local Government Electoral Rolls

Currently the Shire of Chapman Valley has 8 councillors elected from the entire Shire (No Wards) as follows: (Includes State Residents Roll and Owner Occupiers Roll).

Table2

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	8	1014	1:127	0.00%
Total	8	1014	1:127	0.00%

COMMENT

Options to consider

The Council and the Community are to consider the following options and members of the community may suggest other options. There are various scenarios listed under each option:

Option 1(a) Maintain abolished wards – Reduce Councillors from 8 to 7

Table 3 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	7	1014	1:145	0.00%
Total	7	1014	1:145	0.00%

Option 1(b) Maintain abolished wards – Reduce Councillors from 8 to 6

Table 4 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	6	1014	1:169	0.00%
Total	6	1014	1:169	0.00%

Option 1(c) Maintain abolished wards – Reduce Councillors from 8 to 5

Table 5 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	5	1014	1:203	0.00%
Total	5	1014	1:203	0.00%

The Discussion Paper was advertised as per the requirements of the Local Government Act 1995 which sought the communities input into its Review of Wards and Representations and Members of the community are invited to make a written submission about any aspect of representation.

All submissions must be received by 4.00pm on 12th December 2022.

At the time of producing this agenda, there had been NO Public Submissions.

STATUTORY ENVIRONMENT

Reforms to the Local Government Act 1995 are proposed early in 2023. Given the current makeup of Parliament it is extremely likely that amendments to the Local Government Act 1995 will occur as per the timeframes indicated by the Minister for Local Government.

POLICY/PROCEDURE IMPLICATIONS

With reforms to the Local Government Act 1995 appearing inevitable, it is considered essential that Council retains some decision making ability during the process. Council has been kept informed and has made previous consultative submissions to the Local Government Act 1995 reform process over the past three years.

FINANCIAL IMPLICATIONS

Whatever pathway is taken there will be some cost savings for the Shire of Chapman Valley resulting from the reduction in numbers of Councillors. Until Council makes a decision on the pathway and the other processes play out, savings are not quantifiable.

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

Nil

CONSULTATION

Councillors
Senior Staff
Community

RISK ASSESSMENT

If the Shire of Chapman Valley does not act on this matter the default position will be the reform election pathway and any decision making control of the outcome will be taken away from Council. The risk of this could lead to undesirable consequences including reputational damage for the Shire of Chapman Valley.

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 Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- 1) The Council considers all submissions and relevant factors and recommends Option 1(a) - Maintain abolished wards and reduce Councillors from 8 to 7; and
- 2) The Council submits a report to the Local Government Advisory Board (the Board) for its consideration who will in turn submit a recommendation to the Minister for approval.

Council En Bloc Resolution
Voting F8/A0
CARRIED
Minute Reference: 12/22-03

10.3.2 FABCV – Hire of Facilities (Fee Waiver)

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire of Chapman Valley
FILE REFERENCE:	205.02.10
PREVIOUS REFERENCE:	Minute Ref 11/20-07 & 07/21-04, 06/22-09
DATE:	5 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2	FABCV – Shire Venue Hire		✓

DISCLOSURE OF INTEREST

Potential Councillor Impartiality Interest

BACKGROUND

For A Better Chapman Valley (FabCV) Inc commenced in late 2020 as a way to support and foster community ideas, visions and create social connectedness amongst our shire. Our small committee has become a valuable resource to the community attracting events, activities and funding to our shire. Some of these include:

- 2021 and 2022 Rainmakers Dance
- 2021 and 2022 successful art series throughout our whole shire (photography, art workshops, clay workshops, children's writing workshops).
- Summer Movie Series in conjunction with the CV Mens Shed
- Seroja Recovery Breakfast BBQs
- Community Christmas Trees in Parkfalls & Nabawa

Council has already resolved to assist FABCV at the **November 2020 and July 2021 Ordinary Council Meetings**

MOVED: Cr. Batten

SECONDED: Cr. Davidson

1. *Waive fees and charges for the venue hire of Nabawa Community Centre for 2020/2021*
2. *Waive the bond fee required for the venue hire of Nabawa Community Centre for 2020/2021*
3. *Cover agreed Public and Associations Liability, as well as Volunteer Insurance for the first year of FABCV operation as determined by the CEO.*
4. *Investigate annual online meeting platform subscription for Chapman Valley not for profit organisations to utilise, including FABCV to bring back to council for further consideration.*

Voting F6/A0

CARRIED

Minute Reference: 11/20-07

MOVED: Cr. Forth

SECONDED: Cr. Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council advise For A Better Chapman Valley (FABCV) of the following regarding their application to waiver fees, charges and bond relevant to the hire of the Nabawa, Yuna & Bill Hemsley Park Community Centres for the 2021/2022 financial year only:

1. *Full waiver of fees, charges and bond for all venues, as requested, is not agreed to;*
2. *An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a combined maximum of twelve meetings/events held at all venues. Any use in excess of the twelve events per annum will incur the budgeted one-off local community event hire fee;*
3. *The full bond equivalent to the hire of one venue, as set by the Shires adopted budget is to be paid, yet the bond will be relevant to all three venues used.*

Voting F6/A0

CARRIED

Minute Reference: 07/21-04

At the June 2022 OCM, an application has been received from the community group For A Better Chapman Valley (FABCV) requesting financial assistance by the waiver of fees/charges and bond for the following venues:

- Nabawa Community Centre;
- Yuna Community Centre; and
- Bill Hemsley Park Community Centre

The application list various dates for the use of the venues and approximately ten meetings and a further uses for community events throughout the year i.e.

- Ten (10) FABCV Meeting per annum; and
- Ten (10+) Community Events

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council advise For A Better Chapman Valley (FABCV) of the following regarding their application to waiver fees, charges and bond relevant to the hire of the Nabawa, Yuna & Bill Hemsley park Community Centres for the 2022/2023 financial year only:

- 1 Full waiver of fees, charges and bond for all venues, as requested, is not agreed to due to the preference of alignment for all local organisations with the multiuse fee system which allows for affordable and accessible use of all Shire facilities;
- 2 An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a combined maximum of twelve meetings/events held at all venues. Any use in excess of the twelve events per annum will incur the budgeted one-off local community event hire fee;
- 3 The full bond equivalent to the hire of one venue, as set by the Shires adopted budget is to be paid, yet the bond will be relevant to all three venues used.

Voting F8/A0

CARRIED

Minute Reference: 06/22-9

COMMENT

The FABCV committee have now come back to Council with a request to alter a condition of the Hire Agreement, being the total number uses per annum from 12 to 36 due to the number of additional programs they intend to run this year such as book club and monthly craft evenings.

FABCV have explained below their rationale for the request:

"The annual venue hire agreement for the 2021-22 year was an annual fee of \$586.00 for a maximum of 104 uses (no more than 2 times within the week). However, in 2022-23 this agreement has been reduced to just 12 times per year at the same cost. Whilst as a committee we agree that 104 uses is excessive we feel that 12 is not a reasonable nor fair amount for \$586. The once off venue hire fee for Nabawa Community Centre as a Local Community Member is \$50. Limiting the annual venue hire to 12 uses works out to be \$48.83 per use.

We wish to continue using these facilities, with more projects coming to life such as a monthly book club and a monthly craft evening to name a few. However, if we cannot continue to use these facilities at a reasonable cost we fear we may not be able to continue them as there is no other suitable facilities and it isn't viable for our not-for-profit group to pay \$50 per event.

Therefore we would like to propose to the Shire Councillors that for \$586 we are able to use all shire facilities for a maximum of 36 uses and we will continue to ensure the facilities are left to the cleanliness standard in which we found them. We understand cleaning is a big challenge for the shire however for the majority of the activities/meetings we host would not require a thorough contract clean after each event. For example, after committee meetings, we ensure that tables are wiped down and floors are swept."

OPTIONS

1. Retain the status quo - \$586 for 12 uses at the 3 venues (combined);
2. Allow FABCV's request - \$586 for 36 uses at the 3 venues (combined); **REVOKE of Part 2 of Minute Reference 06/22-9 is required.**
3. Alternative Fee/bond amount or venue uses. **REVOKE of Part 2, 3 of Minute Reference: 06/22-9 is required.**

STATUTORY ENVIRONMENT

Council has legal process to follow regarding waiving fees and charges: All waiver of Fees & Charges is to be reported in the Annual Financial Report.

Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts

- (1) *Subject to subsection (2) and any other written law, a local government may –*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) ***waive or grant concessions in relation to any amount of money; or***
 - (c) *write off any amount of money,*
which is owed to the local government.
- * Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(e)

- (1) **If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —**
 - (a) **in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or**
 - (b) **in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover (3).**
- (1a) **Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover (Cr Batten).**
- (2) **If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —**
 - (a) **in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or**
 - (b) **in any other case, by an absolute majority.**
- (3) **This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.**

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-066 specifies conditions and guidelines for financial assistance to community organisations and individuals in the local community by way of waiver.

As the amount requested is over \$1,000, (\$1,200) it is to be submitted to Council for consideration.

CMP-066 Waiver of Fees & Charges

MANAGEMENT PROCEDURE No.	CMP-066
MANAGEMENT PROCEDURE	WAIVER OF FEES & CHARGES
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
SECTOR	ADMINISTRATION
RELEVANT DELEGATIONS	

OBJECTIVES:

These procedures provide prospective applicants with information about financial assistance from the Shire of Chapman Valley by way of a Waiver of Fees and Charges.

Please read these procedures carefully before submitting an application. You may refer to the *Completing your Application* section for Shire Officer contact information.

MANAGEMENT PROCEDURE STATEMENT/S:

Restrictions on Funding

All fees and charges must be paid upfront and if a “Waiver of Fees and Charges” is granted, a reimbursement for the approved amount will be forwarded to the successful applicant.

The approval of a Waiver for a Fee and Charge is governed by Delegation, and specifically Delegation 3008

Write Off Debts.

The exercise of powers and the discharge of duties under section 6.12 of the Local Government Act 1995 to waive or grant concessions (excluding rate concessions) and to write off debts not exceeding \$1,000. In cases where the request for Fee Waivers exceed \$1,000 a report needs to be submitted to an Ordinary Council Meeting for Council's consideration and approval.

Where a Fee and/or Charge is due to the Shire under another Act, regulatory body or Australian Law in respect of a service, then the Shire will not consider any application to waive that Fee and/or Charge.

A maximum of 50% of the Fee and Charge will be considered for waiver as listed in the annual Schedule of Fees and Charges adopted by Council or as otherwise determined by Council.

The Shire may at its own discretion determine an individual application on its merits and give consideration to natural disasters or a declared State of Emergency.

The activity, event, competition, project or celebration must be offered within the Shire of Chapman Valley local government boundaries.

The Community Organisation is not to have already received funding from the Shire by way of a Sponsorship, Donation, Community Development Grant or Shire Contribution or received financial assistance from the Shire under any existing written agreement during the current financial year.

Where an activity, event, competition, project or celebration occurs on a regular basis within a financial year July to June, then application for financial assistance shall be based on the full financial year.

One application per financial year (July to June) may be submitted at any time during the year for Financial Assistance. Reimbursement for utility charges such as water and electricity will not be considered for waivers.

Recurrent annual or seasonal fees for sporting groups such as the Sporting Club Levy, court hire and line marking will not be considered for waivers.

Applications are to be lodged on the Shire's official application form and retrospective applications will not be considered where they are submitted after the activity, event, competition, project or celebration.

Once the Delegated Shire Officer has determined that the application for financial assistance be approved, a request for payment for the approved percentage of the fee waiver will be submitted to the Creditors Officer for payment.

If circumstances surrounding a successful applicant change during the financial year the Shire reserves the right to review and cancel any or all of the approved financial assistance.

Eligibility - Who can apply?

To be eligible for a Waiver of Fees and Charges the applicant must meet all of the following criteria:

- Operate in the Shire of Chapman Valley;
- Community Organisation which is an Incorporated body;
- Not-for-profit organisation;
- Educational Institution.

Waiver of Fees and Charges

Fee Waivers will be considered for:

- Shire Fees and Charges that are not due to the Shire as an Australian Tax under Australian law in respect of a service;
- Events that occur as a result of natural disasters or declared State of Emergency;

Fee Waivers under Delegated Authority will not be considered for or provided to:

- Individual persons*;
- State or Federal Government bodies;
- Commercial Organisations or Businesses*;
- Fees and Charges levied and collected by the Shire under any written law;
- Support for organisational or general operating costs;
- Activities that will financially benefit the Community Organisation (i.e. entry charge);
- Activities that are already covered by an existing service agreement with the Shire of Chapman Valley;
- Community Organisations that receive funding from the Shire of Chapman Valley by way of Donation, Community Development Grant or Shire Contribution in the current financial year.

* **Individual persons, Commercial Organisations or Businesses can apply to Council for a waiver or reduction in the fee and charges for community health & wellbeing events for a maximum three month trial period to determine the viability of the event. Fees and charges will remain payable in full until a determination is made by Council on an application for waiver or reduction.**

* **Individual persons may seek the assistance of an Advocacy Agent to submit an application on their behalf. Note: Applications submitted by an Advocacy Agent will not impact the agent's ability to apply for financial assistance within that financial year.**

Application Timeframes

Community Organisations may make application for a Fee Waiver from the Shire of Chapman Valley at any time during the year.

Completing and Lodging your application

Once you have completed all sections of the form and signed the declaration, please take a copy for your records. The Shire requires the original signed Application Form be submitted by either of the following methods:

By Post: Chief Executive Officer

Shire of Chapman Valley

PO Box 1

Nabawa WA 6532

In Person: Shire of Chapman Valley Administration Centre

3270 Chapman Valley Rd, Nabawa, WA 6532

Office Hours: 9.00am – 4.00pm

By Email: ceo@chapmanvalley.wa.gov.au

What happens when your application is received?

Your application will be reviewed by the Shire and we will notify you in writing of the outcome of our assessment.

Acknowledging the Shire's support

Successful applicants will be required to liaise with the Shire's Community Development Officer and provide for marketing and media opportunities during the Project or Event.

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES):

Adopted – Council Resolution:	
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Reviewed/Amended – Council Resolution:	05/15-23; 06/15-18; 03/17-32, 07/20-12
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FINANCIAL IMPLICATIONS

Based on the existing arrangement (as per Minute Reference: 06/22-9) FABCV are requesting an additional 24 uses over the three sites which would equate to an additional waiver of \$1,200 (24 @ \$50)

The existing Waiver is only \$14 (12 @ \$50 = 600, less \$586)

Long Term Financial Plan (LTFP):

No significant effect on LTFP

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

The only consultation has been by the FABCV Application for waiver.

RISK ASSESSMENT

As set out in the Risk Management Governance Framework Procedures there are appropriate processes and internal controls for the management of this type of operational risk. The actual impact on total revenue and expenditure would be deemed **Minor**.

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

Simple/Absolute Majority

If Council opts to continue with FABCV's request of 24 uses at the three venues, the Revocation Procedures must be adhered to:

The following procedure is to ensure Council complies with Clause 10 of the Local Government (Administration) Regulations, 1996, in regards to revoking, or significantly changing, previously agreed Council Resolutions:

1. Elected Member moves a motion to revoke, or significantly amend, a Council decision.
2. Presiding Member requests a "Seconded" for the motion.
3. If no "Seconded" forthcoming the motion will lapse and Council are then required to move onto the next item of business.
4. If a "Seconded" is achieved the Presiding Member will then enquire with the Chief Executive on the following:
 - 4.1 Is revocation motion legally possible?
 - 4.2 Has initial resolution been acted upon?
 - 4.3 Will any third party be adversely affected by the revocation of motion change?
5. If the Presiding Member rules the revocation motion is acceptable he/she will request TWO VOTES to occur:
 - 5.1 VOTE 1 Accept/Reject the Revocation Motion
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous three months but had failed, requires an ABSOLUTE MAJORITY (i.e. 5 votes/8 positions i.e. more than 50% of number of offices whether vacant or not) if a similar attempt has been made to revoke/change the substantive motion within the past 3 months.
 - (b) In any other case requires at least 1/3 of Elected Members, whether vacant or not (i.e. 3 Votes).

(As per reg 10 Local Government (Administration) Regulations 1996)

If the required votes are not achieved the revocation process is discontinued and the substantive motion remains valid and Council are then required to move onto the next item of business.

If the required votes are achieved then the second vote is called for to actually revoke, or change, the substantive motion (i.e. move to point 5.2).

- 5.2 VOTE 2 Actually Revoke, or Change, a Substantive Motion

An ABSOLUTE MAJORITY (i.e. 5 votes) is required to carry this motion.

If this revocation motion is not successful the substantive motion remains valid and Council are then required to move onto the next item of business.

If the revocation motion is successful then the substantive motion lapses, or is effectively changed in accordance with the revocation motion.

Where the substantive motion fully lapses, Council may then present alternative motion(s) on this matter for discussion.

MOVED: Cr Batten

SECONDED: Cr Humphrey

REVOKE COUNCIL RESOLUTION (Simple Majority)

That Council agree to significantly amend part 2 of Council Resolution 06/22-9 listed below:

Council advise For A Better Chapman Valley (FABCV) of the following regarding their application to waiver fees, charges and bond relevant to the hire of the Nabawa, Yuna & Bill Hemsley Park Community Centres for the 2022/2023 financial year only:

- 1 Full waiver of fees, charges and bond for all venues, as requested, is not agreed to due to the preference of alignment for all local organisations with the multiuse fee system which allows for affordable and accessible use of all Shire facilities;
- 2 An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a combined maximum of twelve meetings/events held at all venues. Any use in excess of the twelve events per annum will incur the budgeted one-off local community event hire fee;

- 3 *The full bond equivalent to the hire of one venue, as set by the Shires adopted budget is to be paid, yet the bond will be relevant to all three venues used.*

**Voting F8/A0
CARRIED
Minute Reference: 12/22-06**

MOVED: Cr Batten

SECONDED: Cr Davidson

9:01am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council suspend the operation of the following clauses to allow sufficient discussion of item 10.3.2:

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

**Voting F8/A0
CARRIED
Minute Reference: 12/22-07**

Discussion was undertaken on the item

MOVED: Cr Batten

SECONDED: Cr Humphrey

9:14am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council reinstate the operation of the following clauses to allow sufficient discussion of item 10.3.2:

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

**Voting F8/A0
CARRIED
Minute Reference: 12/22-08**

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RECOMMENDATION (Absolute Majority)

That Council significantly amend Minute Reference: 06/22-9 to state the following:

- 2 An annual fee equivalent to the hire of one venue (\$586), as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a combined maximum of thirty-six meetings/events held at all venues. Any use in excess of the thirty-six events per annum will incur the budgeted one-off local community event hire fee;

**Voting F8/A0
CARRIED
Minute Reference: 12/22-09**

10.3.3 Elected Member Reimbursements – Policy Review

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	11/15-4 (9.10 & 9.20); 5/11-17 (9.10); 05/15-23 06/15-18; 03/17-32; 07/19-4, 03/20-13
DATE:	6 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3 (1)	Elected Member Reimbursements		✓
10.3.3 (2)	Elected Member Reimbursements Form		✓

DISCLOSURE OF INTEREST

Nil – Interest in Common

BACKGROUND

Recent requests for reimbursement of expenses incurred at approved attendance of events has identified an anomaly with procedure and execution of such reimbursements.

Current practice relies on the Councillor submitting fuel receipts in lieu of reimbursement by Council. This should be accompanied with the appropriate 'Elected Member Reimbursement Form' to assist in the paper trail in terms of audit compliance.

While this is done via the Councillor, or with assistance from staff it does not specifically comply with the directive of the Policies relating the Councillor Reimbursements,
CP – 006 Attendance at Events Policy; and
CMP – 030 Elected Member Training & Professional Development.

The current policy states that Councillors are to submit their kilometres travelled via the Claim Form which is to be paid as per the rate determined by the State Administrative Tribunal which is currently between 65.4c and 91.0c per kilometre, depending on the size of vehicle. A standard 880km trip to Perth and back (to Geraldton) would be reimburse at between \$575.52 and \$800.80. What is actually happening is that Councillors are submitting their fuel receipts which would be considerably less than the 'per kilometre' method.

CP-006 Attendance at Events Policy

POLICY NO	CP-006
POLICY	ATTENDANCE AT EVENTS POLICY
RESPONSIBLE DIRECTORATE	CEO
PREVIOUS POLICY No.	CMP-030
LEGISLATION	Section 5.90A of the Local Government Act 1995
RELEVANT DELEGATIONS	1019

1. OBJECTIVES

- 1.1. To introduce policy to address section 5.90A. of the Local Government Act 1995 Policy for attendance at events
- 1.2. To provide elected members and staff with consistent guidelines to ensure transparency, relevance, and value for money for ratepayers.
- 1.3. This Policy does not cover Elected Member Training. Refer to Management Procedure Ref CMP-030: "Elected Member Training & Professional Development".

2. POLICY STATEMENTS

- 2.1. In developing the Attendance at Events Policy, council needs to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who

will have a significant matter before council. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings.

- 2.2. This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).
- 2.3. Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

3. LEGISLATION

3.1. 5.90A. Policy for attendance at events

In this section — *event* includes the following —

- a) a concert;
- b) a conference;
- c) a function;
- d) a sporting event;
- e) an occasion of a kind prescribed for the purposes of this definition.

3.2. A local government must prepare, and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- a) the provision of tickets to events; and
- b) payments in respect of attendance; and
- c) approval of attendance by the local government and criteria for approval; and
- d) any prescribed matter.

**Absolute majority required.*

3.3. A local government may amend* the policy.

**Absolute majority required.*

3.4. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

3.5. The CEO must publish an up-to-date version of the policy on the local government's official website.

4. PROVISION OF TICKETS TO EVENTS

4.1. Invitation

4.1.1. All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer. Invitations made directly to an Elected Member are to be handed to the Chief Executive Officer for action to be taken in accordance with this Policy.

4.1.2. Any other invitation or offer of tickets not addressed to an Elected Member or the Chief Executive Officer in general is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

4.1.3. A list of events and attendees authorised by the local government in advance of the event is recorded in Attachment A.

5. APPROVAL OF ATTENDANCE

5.1 In deciding on attendance at an event, the Council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- d) whether the event is sponsored by the local government,
- e) the benefit of local government representation at the event,
- f) the number of invitations / tickets received, and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

5.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

5.3 The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in 5.2 of this policy.

6. PAYMENTS IN RESPECT OF ATTENDANCE

- 6.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 6.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 6.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel, accommodation and meals.

The calculation of the reimbursement amount is by one of two ways and must be clearly marked on the Elected Member Reimbursement Claim Form:

1). By way of a log record identifying the date, location, reason for travel and the number of kilometers travelled and through the use of the rates specified in Schedule F – Motor Vehicle Allowance of the Public Service Award 1992 (as amended from time to time) to a maximum amount equivalent to what it would have cost to travel by air.

2). By way of claiming reimbursement of submitted fuel receipts for associated travel.

A Claim Form for Council Business Travel, Accommodation and Meals reimbursement covering no later than a three month period (quarterly), must be completed and submitted for reimbursement within three months from the end of the quarter for processing. Claims submitted outside these timeframes must be presented to Council for approval.

Taxi and parking fees (not fines) incurred whilst undertaking Council business may be reimbursed upon lodgement of relevant receipts that accompany the claim form.

If an elected member is provided with a Shire vehicle to attend official duties, travel costs are not claimable.

- 6.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL POLICIES):

Adopted – Council Resolution:	03/20 -13
Reviewed/Amended – Council Resolution:	

CMP-030 Elected Member Training & Professional Development.

MANAGEMENT PROCEDURE No.	CMP-030
MANAGEMENT PROCEDURE	ELECTED MEMBER TRAINING & PROFESSIONAL DEVELOPMENT ETC
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	9.10 and 9.20
RELEVANT DELEGATIONS	1019

OBJECTIVES:

Outline the process and conditions associated with Elected Members attending training or professional development, etc.

Attendance at Events is covered under Policy No CP-006 "Attendance at Events".

This Management Procedure does not cover mandatory Elected Member Training stipulated under legislation. Such Training will be budgeted for accordingly and the Elected Members required to undertake such training must attend the required course.

MANAGEMENT PROCEDURE STATEMENT:

Nominations

Notices inviting Councillors to nominate delegates to undertake training or professional development and similar occasions are to be brought Councillors attention.

Any Councillor who wishes to undertake training or professional development shall request endorsement at a Council meeting for consideration.

EXPENSES

Any Councillor endorsed by resolution of Council to attended training or professional development courses will have the following expenses paid, unless any variation is otherwise determined by Council resolution:

Travel

- Private Vehicle Use – (at the rate determined by the State Administrative Tribunal **or by reimbursement of fuel receipts**). Claim Form **showing preferred method km's and purpose** to be submitted.
- All costs associated with any other form of travel (i.e. air, bus, meals, etc.) **to be submitted on Claim Form and submitted to CEO.**

The calculation of the reimbursement amount is by one of two ways and must be clearly marked on the Elected Member Reimbursement Claim Form:

- 1). By way of a log record identifying the date, location, reason for travel and the number of kilometers travelled and through the use of the rates specified in Schedule F – Motor Vehicle Allowance of the Public Service Award 1992 (as amended from time to time) to a maximum amount equivalent to what it would have cost to travel by air.
- 2). By way of claiming reimbursement of submitted fuel receipts for associated travel.

A Claim Form for Council Business Travel Reimbursement covering no later than a three month period (quarterly), must be completed and submitted for reimbursement within three months from the end of the quarter for processing. Claims submitted outside these timeframes must be presented to Council for approval.

Taxi and parking fees (not fines) incurred whilst undertaking Council business may be reimbursed upon lodgement of relevant receipts that accompany the claim form.

If an elected member is provided with a Shire vehicle to attend official duties, travel costs are not claimable.

Accommodation

- Room and meals as approved by the Chief Executive Officer **to be reimbursed via Claim Form if not paid for prior.**
- Alcoholic beverage cost will not be covered by the Shire

Other

- Course registration expenses.
- Taxi fares as approved by Chief Executive Officer.
- All Councillor partner expenses must be paid for by the relevant Councillor member (Either at the time expense is incurred or by reimbursing Council **at a later date as per quarterly reimbursements**)

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES)

Adopted – Council Resolution:	10/01-9 (9.10) and 12/01-10 (9.20)
Reviewed/Amended – Council Resolution:	11/15-4 (9.10 & 9.20); 5/11-17 (9.10); 05/15-23 06/15-18; 03/17-32; 07/19-4, 03/20-13

COMMENT

The current Policies (CP – 006 Attendance at Events Policy and CMP – 030 Elected Member Training & Professional Development) have been amended in **RED** to allow either form of reimbursement if that is what Councillors desire. The meeting may also direct an alternative policy position, either way the appropriate paperwork must be completed in order to receive reimbursement.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 2.7(2)(b)

Role of Council

- 1) *The council:*
 - (a) *Governs the local government's affairs; and*
 - (b) *Is responsible for the performance of the local government's function.*
- 2) *Without limiting subsection (1), the council is to:*
 - a) *Oversee the allocation of the local government's finances and resources; and*
 - b) ***Determine the local government policies.***

The legislation has no specific period for the review of Policies, yet Council has attempted to undertake a review annually.

POLICY/PROCEDURE IMPLICATIONS

All of the Shire of Chapman Valley existing policies & procedures are reviewed annually by Senior Staff, with only those being recommended for amendments, adoption or deletion presented to Council for consideration.

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Policies and Procedures of the organisations in the first instance and for these to be accessible to the Elected Members, Staff and the community to ensure all ambiguity are removed regarding how the Shire operates.

It is also important Councillors and staff review the policies & procedures to ensure these remain current and relevant.

1. 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

Nil

RISK ASSESSMENT

There is a risk associated with the organisation's Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation. However; I believe this risk is considered "*insignificant*" in this instance i.e.

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

Simply Majority

MOVED: Cr Humphrey

That Council amend the attached Policies (CP – 006 Attendance at Events Policy and CMP – 030 Elected Member Training & Professional Development), as marked in red to reflect the appropriate method of reimbursement of Travel, Accommodation & meals etc. as by reimbursement of fuel receipts only.

MOTION LAPSED DUE TO LACK OF SECONDER

MOVED: Cr Forth

SECONDED: Cr Royce

STAFF RECOMMENDATION

That Council amend the attached Policies (CP – 006 Attendance at Events Policy and CMP – 030 Elected Member Training & Professional Development), as marked in red to reflect the appropriate method of reimbursement of Travel, Accommodation & meals etc.

Voting F8/A0

CARRIED

Minute Reference: 12/22-12

MOVED: Cr Forth

SECONDED: Cr Royce

9.23am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council suspend the operation of the following clauses to allow sufficient discussion of item 10.3.3:

8.5 Priority when speaking,

8.7 Relevance,

8.8 Speaking twice,

8.9 Duration of speeches

Voting F8/A0

CARRIED

Minute Reference: 12/22-10

Discussion was undertaken on the item

MOVED: Cr Batten

SECONDED: Cr Forth

9.37am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council reinstate the operation of the following clauses to allow sufficient discussion of item 10.3.3:

8.5 Priority when speaking,

8.7 Relevance,

8.8 Speaking twice,

8.9 Duration of speeches

Voting F8/A0

CARRIED

Minute Reference: 12/22-11

10.3.4 Tourism & Events Advisory Group

PROPOSERS:	Tourism & Events Advisory Group
SITE:	Shire of Chapman Valley
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	Nil
DATE:	28 November 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached To Report	Under Separate Cover
10.3.4	CONFIDENTIAL – TEAG Minutes		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Tourism & Events Advisory Group (TEAG) met on 28 November 2022 and the minutes from this meeting have been provided as **separate Attachment 10.3.4**.

Due to the need to keep the Australia Day Award nominations and recommended recipients confidential until they are announced at the Australia Day Event to be held on the 26 January 2023 **Councillors and Staff are therefore requested to treat the TEAG Minutes as CONFIDENTIAL.**

COMMENT

Due to the need for confidentiality this report, and the Staff Recommendation will not mention the recommended Australia Day Award recipients.

STATUTORY ENVIRONMENT

Nil.

POLICY/PROCEDURE IMPLICATIONS

Below is an extract from Management Procedure CMP-033 (Honour Awards) relevant to the Australian Day Awards:

Shire of Chapman Valley Australia Day Awards and Function

For personal commitment, service and contribution to the community of the Shire of Chapman Valley

Nominations called in October and close in November (or as determined by the Australia Day Council).

The Council Appointed Working Group shall:

- Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function.*
- Assist with coordinating the annual Australia Day function(s).*
- Discuss all other item(s) referred to them by Council in the areas of tourism and events.*

FINANCIAL IMPLICATIONS

No financial implications are envisaged at this stage as the costs for Australia Day Awards/Event has been budgeted for as per previous years and it not expected to exceed this amount.

Long Term Financial Plan (LTFP):

Nil impact.

STRATEGIC IMPLICATIONS

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	2022 Status	Desired Status
<i>Community Health and Lifestyle</i>				
Objective 1.1 Nurture the sense of community throughout the Shire while maintaining/supporting the differing residential groups and volunteers.				
Strategy: Determine a whole of Shire community integration approach				
1.1.2	Seize opportunities to promote a sense of community.	Ongoing	High – Rural Areas Low - Other Areas	Higher than existing levels.
Strategy: Identify all volunteers and determine their support needs				
1.1.3	Administrative and community development support, resources and programs	Short Term	Numbers reducing and indications of burnout among volunteers and groups	Volunteer numbers and support for admin and activities increases and burnout reduces

CONSULTATION

The TEAG met with Shire staff to determine a recommendation to Council for award recipient(s) and event details.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

MOVED: Cr Davidson

SECONDED: Cr Elliott-Lockhart

COUNCIL RESOLUTION/ADVISORY GROUP RECOMMENDATION

That Council endorse the recommendations of the 28 November 2022 Tourism & Events Advisory Group meeting as contained in separate CONFIDENTIAL Attachment 10.3.4.

Voting F8/A0

CARRIED

Minute Reference: 12/22-13

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOVED: Cr Batten

SECONDED: Cr Royce

REVOKE COUNCIL RESOLUTION (Simple Majority)

That Council agree to significantly amend Council Resolution 12/22-03 listed below:

MOVED: Cr Batten

SECONDED: Cr Forth

Council resolves to move the following items En Bloc:

10.1.2, 10.3.1, 12.1.1 & 12.1.2

Voting F8/A0

CARRIED

Minute Reference: 12/22-14

MOVED: Cr Batten

SECONDED: Cr Forth

That Council agree to significantly amend Council Resolution 12/22-03 listed below:

Council resolves to remove the following items from the En Bloc motion (procedural):

12.1.1 & 12.1.2

Voting F8/A0

CARRIED

Minute Reference: 12/22-15

MOVED: Cr Royce

SECONDED: Cr Elliott-Lockhart

That Council accepts three items of new business of an urgent nature

Voting F8/A0

CARRIED

Minute Reference: 12/22-16

12.1.1 2021/2022 Annual Report and Annual General Meeting of Electors

PROPOSER:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	NA
DATE:	12 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
12.1.1(a)	Audited Annual Financial Report 2022		✓
12.1.1(b)	Independent Auditors Report 2022		✓
12.1.1(c)	Management Report 2022		✓
12.1.1(d)	Unconfirmed Minutes Finance Audit & Risk Committee Meeting		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to accept the Shire of Chapman Valley 2021/2022 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors. The Annual Report is provided under separate cover at **Attachment 12.1.1(a)**.

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 'Electors General Meeting' of the Local Government Act 1995 this meeting can be no later than 56 days after accepting the Annual Report (this will be 9 February 2023 if Annual Report is accepted at today's meeting).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2020/2021 financial year on 8 February 2022 at the Bill Hemsley Community Centre, White Peak commencing at 6.00pm

COMMENT

The Staff Recommendation is suggesting the date, time and location to hold the next Annual General Meeting of Electors as being:

Monday 6 February 2023
Commencing at 6.00pm
Council Chambers, Nabawa

As mentioned, the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore, as mentioned, the latest date the meeting could be held is the 8 February 2023.

It is important to maximise attendances at the Annual General Meeting of Electors by constituents, hence the Staff Recommendation has suggested a date and time, which is in the evening.

STATUTORY ENVIRONMENT

Local Government Act 1995

The Local Government Act 1995 states the following:

"5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but **not more than 56 days after the local government accepts the annual report for the previous financial year**.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed."

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.32. Minutes of electors' meetings

The CEO is to —

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government **no later than 31 December after that financial year.***

** Absolute majority required.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy/Procedure affected.

FINANCIAL IMPLICATIONS

Nil affect for current financial year.

Long Term Financial Plan (LTFP):

Nil affect.

STRATEGIC IMPLICATIONS

It is considered appropriate (by the legislators at least) to conduct the Annual General Meeting of Electors to retain open and accountable governance and communication with the Shire's constituents.

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

The Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2021/2022 Annual Report.

Members of the Shire of Chapman Valley's Finance Audit & Risk Management Committee were all invited to participate in the "Audit Exit Meeting" with the Office of the Auditor General (OAG).

RISK ASSESSMENT

Insignificant risk of non-compliance with legislation to complete this activity in accordance with the Local Government Act and associated Regulations.

Insignificant risk of not conducting the Annual General Meeting of Electors at an appropriate time/date to provide constituents to opportunity to attend.

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

Staff Recommendation 1 - Absolute Majority

Staff Recommendation 2 – Simple Majority

MOVED: Cr Forth

SECONDED: Cr Batten

COUNCIL RESOLUTION/STAFF RECOMMENDATION 1 (Absolute Majority Vote Required)

Council accepts the Annual Report for the 2021/2022 Financial Year as required by s5.54 of the Local Government Act 1995 as presented.

Voting F8/A0

CARRIED

Minute Reference: 12/22-17

MOVED: Cr Forth

SECONDED: Cr Batten

COUNCIL RESOLUTION/ STAFF RECOMMENDATION 2 (Simple Majority Vote Required)

Council:

- 1 Receives and accepts the Auditors Financial Report for 2021/2022;
- 2 Receives and accept the Auditors Management Report 2021/2022;
- 3 Set the date for the Annual General Meeting of Electors for the 6 February 2022, commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting accordingly.
- 4 Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 the Act;
- 5 Publish the Report on the Shire Website within 14 days of Council acceptance in accordance with s5.55A of the Act;
- 6 Provides a copy of the Shire of Chapman Valley 2021/2022 Annual Report to the Director General of the Department of Local Government.
- 7 Correspond to the Minister for Local Government, the Department of Local Government and the Office of the Auditor General disputing the severity of the risk (Significant) attached to the Fair Value of Infrastructure Assets – Frequency of valuations due to the materiality of the issue and apparent additional costs to band 4 Local Governments.

Voting F8/A0

CARRIED

Minute Reference: 12/22-18

12.1.2 Harvest Vehicle Movement Ban exemption for Western Power

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	NA
PREVIOUS REFERENCE:	NA
DATE:	12 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
12.1.2(a)	Bushfire mitigation processes FAQs		✓
12.1.2(b)	Fire Precautions work instruction		✓
12.1.2(c)	HVMB declaration template – Reg 24C (during a TFB)		✓
12.1.2(d)	HVMB declaration template – Reg 38A (outside a TFB)		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Fire control Officers have the following powers under the *Bush Fires Regulations 1954*.

REGULATION 24C – NOTICE TO BAN THE USE OF ENGINES, VEHICLES, PLANT OR MACHINERY LIKELY TO CAUSE A BUSH FIRE WHEN A TOTAL FIRE BAN IS DECLARED

REGULATION 38A – NOTICE TO BAN THE USE OF ENGINES, VEHICLES, PLANT OR MACHINERY LIKELY TO CAUSE A BUSH FIRE DURING THE RESTRICTED AND PROHIBITED BURNING TIMES

Harvest and Off Road Activity Bans are declared by a Fire Control Officer and in consultation with the Shire. They can be declared when fire weather conditions are most likely to threaten lives and property or when a fire is already underway and firefighting resources are committed. Special conditions and exemptions may apply depending on the type and reason for the ban.

COMMENT

Exemptions:

The following exemptions apply during all bans.

Essential Services

Off-Road activity, for urgent work, carried out by an essential service can continue, but only when the prescribed conditions in Division 9 of the Bush Fires Regulation 1954 are complied with. Urgent works, in relation to the provision of an essential service, means repairs or maintenance necessary for the continued provision, or restoration, of the service. Essential service: water supply, sewerage or drainage services, electricity, or gas services; telecommunications services; public transport services and rubbish collection or disposal services.

Health and Safety

Off-Road Activity is permitted for the use or operation of a vehicle for the prevention of an immediate and serious risk to the health or safety of a person or livestock, and only if all reasonable precautions have been taken to prevent the activity from creating a bush fire danger.

Western Power currently has an exemption issued by DFES under section 22C of the Bush Fires Act 1954.

The exemption provides the conditions required to be complied with when Western Power is restoring power during a Total Fire Ban. These conditions Only relate to carrying out disconnection & re-connection of electricity supplies and operating the transmission & distribution networks open-air switchgear to energise & isolate the electrical network, commonly referred to as switching.

When a Harvest Vehicle Movement Ban (HVMB) is issued outside of a Total Fire Ban (TFB), the impact does NOT allow Western Power to provide for essential services to continue to carry out urgent work banned by the HVMB, unless the

Local Government CBFCO stipulates this in the notice when declaring the ban. This is identified in the attached 24C & 38A Notices. **Attachment 12.1.2(c) & (d)**

Attachment 12.1.2 (b) outlines the strict fire precautions put in place by Western Power, identifying the conditions and type of ban that may be in place.

Council currently has a resolution in place to restrict the Movement of Vehicles during the Christmas holiday period (Christmas Day, Boxing Day & New Years Day). This Ban does not allow for Western Power to carry out essential & urgent works, in relation to the provision of an essential service, means repairs or maintenance necessary for the continued provision, or restoration, of the service.

To enable these works to be carried out, Council is required to authorise the Chief Bush Fire Control Officer to enable an exemption to Western Power to occur when implementing a Harvest Vehicle Movement Ban, issued under section 224C & 38A of the Bush Fires Act 1954.

STATUTORY ENVIRONMENT

Bush Fires Act 1954

Bush Fire Regulations 1954

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

Nil

CONSULTATION

Western Power

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

Simple Majority

MOVED: Cr Forth

SECONDED: Cr Low

COUNCIL RESOLUTION /STAFF RECOMMENDATION

That Council authorise the Chief Bush Fire Control Officer to enable an exemption to Western Power to occur when implementing a Harvest Vehicle Movement Ban, issued under section 224C & 38A of the Bush Fires Act 1954, insuring that the minimum fire precautions (**attachment 12.1.2 (b)**) is imposed, but not limited to, during future Harvest Vehicle Movement Bans.

Voting F8/A0

CARRIED

Minute Reference: 12/22-19

12.1.3 WALGA Best Practice Governance Review Consultation

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire
FILE REFERENCE:	NA
PREVIOUS REFERENCE:	Nil
DATE:	12 December 2022
AUTHOR:	Jamie Criddle, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Att12.1.3(a)	WALGA Governance Review Background Paper		✓
Att12.1.3(b)	WALGA Consultation Paper Model Options		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is requested to review the five (5) proposed Governance Model options developed from the WALGA Best Practice Governance Review (BPGR) Steering Committee and form an endorsed position as to which option is the Shire's preferred model and a ranking in terms of order of preference for the remaining options.

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of their view is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other

drivers for the review included:

- Misalignment between key governance documents.
- Constitution amendments for State Councillors' Candidature for State and Federal elections;
- legislative reforms for the Local Government Act 1995, and for the Industrial Relations Act 1979.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations –Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: Representative, Responsive and Results Oriented.

These activities are outlined in more detail in the Background Paper (**Att 12.1.3 (a)**).

The Governance model presents four potential governance options as well as maintaining the status quo and the structure and roles associated with each option. The five options are:

Option 1: Two tier model, existing zones

Option 2: Board, regional bodies

Option 3: Board, amalgamated zones

Option 4: Member elected board, regional groups

Option 5: Current model

Within all the model options, direct relationship with WALGA and regional/subregional collaboration would continue to be encouraged.

The Consultation Paper (**Att 12.1.3 (b)**) details the Governance Principles whereby each Model Option is compared, and the implication these principles are likely to have. The structure and role of each Model Option is decomposed and compared.

The WALGA BPGR Steering Committee have requested to have submissions completed by 23 December 2022. In January 2023 the Steering Committee will consider the outcomes of the consultation process and a Final Report and recommended direction will be the subject of a State Council Agenda item in the March 2023 State Council meeting. The WALGA principles of Representative and Responsive will likely be difficult to achieve in harmony given the vast breadth of WA and the number of Local Governments, and the diversity of needs of those Local Governments. In general, not for profit associations tend to operate with a board of 8-12 members, with the consensus being that an organisation with a well-functioning CEO and operational arm needs less Board Members. In general, it is easier to keep smaller numbers more actively engaged, and with this level of representation you can spread workload and, in most part, avoid groups forming that can influence decisions.

COMMENT

Options 1, 2, and 4 provide for a Board of Management for WALGA with 8 – 12 members – this essentially lends itself to the responsiveness required from a contemporary board running an organisation with an executive and organisational structure.

On the other side of the scenario is that WALGA is an association formed to represent the views of its members and provide services to the benefit of its members, its members are 139 Local Governments spread throughout the State. This places WALGA in a difficult position as the needs of Derby, Chapman Valley, Rockingham, and Esperance, as an example, will all be very different.

In terms of representation the current model offers the best Local Government to representative ratio on the WALGA State Council (Board). All other options significantly reduce the ratio on the Board.

Option 1 looks to have a Policy Council with the same makeup of the current state council and the same supporting zone structures. Option 4 seems to offer the least representation with the Policy Teams drawn from the board and no mention of zones just more informal regional groups which feed into things on a group-by-group basis but are not required under the framework.

Option 3 seeks to half the amount of Country Zones – essentially this will double the number of Council's each State Council/Board member is representing. Potentially reducing their knowledge base and influence, this will likely benefit Metro representation as it is easier for a Councillor to understand the whole of the Metro areas needs than it would be for a Councillor to understand the Midwest, Murchison, and Gascoyne which covers a much vaster area.

Option 2 seeks to provide a more area of interest model, with the metro just split into quarters and other areas sorted by the group/economic driver they seem most aligned to. Again, this could lead to bias at the board level as the four metropolitan regional bodies are much more likely to be aligned on items than say the regional capitals are with Mining and Pastoral, and Agricultural areas – this is likely to make advocacy and decision making difficult.

Below is the ranking of the options based on the authors views and potential impact on Chapman Valley

1. Option 5

a. For Chapman Valley this option offers the greatest representation towards WALGA decision making as it provides a Midwest Zone representative on State Council/Board. Under all the other options there is no guarantee a representative who understands the Midwest will be allocated to the Board.

b. Potentially WALGA could appoint an 8-person executive committee from State Council to perform all the functions associated with the business such a finances, staff, etc. and then State Council focusses on member specific topics and endorses the executive committee minutes/decisions.

2. Option 1

a. This option seems to offer the best balance between a responsive board tasked with running a multi-million-dollar organisation, and a Council of representatives that has representation based on smaller geographical locations.

b. The main alteration suggested is that the Policy Council should meet three (3) times a year so it can contribute to Board Advocacy priorities in between the board meetings. For this model to work the Policy Council and the supporting zones must stay relevant, well represented, and targeted. By removing organisation specific items from general discussion, it may allow more time to be spent on advocacy and policy items.

3. Option 3

a. Reduces the representation in our zone by including the Murchison, and Gascoyne. This may also impact on how often the zone meets and its regional collaboration building as the Murchison and Gascoyne travel distances make it unfeasible but still offers better representation than some of the other options.

Having 15 members on the board is potentially no more responsive or flexible than the current 25-person state council.

4. Option 2

a. Whilst not ideal, the regional bodies representation and regional body members being included on policy teams and forums will likely keep strong voices on regional issues. Although it could be argued that regional capitals such as Geraldton,

Albany, and Bunbury have more in common with North or South metro than Country.

5. Option 4

a. Without a clear structure or reason for existing it is likely the zones and regional groups part of this model may dissolve.

Overall options 1 and 5 offer the best representation for Chapman Valley. Whilst the governance review is focusing on creating a more dynamic organisation, the self-interests of Chapman Valley and the zone become diluted across most of the models. When combined with the new electoral reforms this may result in the quietening of the regional voice as more populous areas gain greater depth of representation.

That Chapman Valley states strongly that its preference is for Options 5 or 1 and that all other options will reduce is representation and diminish the inputs of the Midwest region.

STATUTORY ENVIRONMENT

The DLGSCI legislative reform process seeks to take WALGA out of the Local Government Act from a constitutional perspective.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

Nil

CONSULTATION

WALGA

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

Simple Majority

MOVED: Cr Batten

SECONDED: Cr Elliott-Lockhart

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

1. Inform WALGA that the current model (Option 5) is the preference of the Shire of Chapman Valley; and
2. Note that Option 1 would be the Shires second preference while providing the feedback that it does not provide the same level of regional representation as the current model.

Voting F8/A0

CARRIED

Minute Reference: 12/22-20

13 DELEGATES REPORTS

Delegate	Reports
Cr Warr	1 st Dec - Development WA meeting 5 th Dec - National Volunteer Day Hampers and Delivery 6 th Dec - WALGA LEMA Review webinar 9 th Dec - Yuna Primary School Presentation evening 12 th Dec - Western Power Forum 12 th Dec - Exit Audit meeting 12 th Dec - Chapman Valley School Presentation evening
Cr Forth	22 nd Nov - New jobs programme trial 28 th Nov - CVHS Christmas lunch 28 th Nov - Tourism & Events Committee Meeting 2 nd Dec - Shire Christmas function 10 th Dec - White Peak Christmas function 12 th Dec - Western power meeting Council chambers 12 th Dec - FARMS Audit exit Meeting
Cr Batten	22 nd Nov - Future Drought Fund Meeting 28 th Nov - Tourism WG meeting 28 th Nov - CV Museum end of year lunch (brief visit!) 12 th Dec - Audit Meeting
Cr Elliott-Lockhart	28 th Nov - Museum Christmas Function 28 th Nov - Tourism & Events Committee Meeting 2 nd Dec - Shire of Chapman Valley EOY Function
Cr Royce	12 th Dec - Western Power Forum

14 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

Nil

16 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10:18am.