

ORDINARY COUNCIL MEETING Minutes

Meeting Date Thursday 16 February 2023

Meeting Time 8:30 am

Held at Chapman Valley Administration Office, 3270 Chapman Valley Road,
Nabawa WA 6532, Council Chambers

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



SHIRE OF

Chapman Valley

love the rural life!

Jamie Criddle
Chief Executive Officer

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

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

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

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



ECONOMY & POPULATION

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



ENVIRONMENT & SUSTAINABILITY

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



PHYSICAL & DIGITAL INFRASTRUCTURE

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



GOVERNANCE & ACCOUNTABILITY

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

ACKNOWLEDGEMENT OF COUNTRY

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

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

DISCLAIMER

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

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

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

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1 Declaration of Opening & Announcements of Visitors

The President welcomed elected members, staff and visitors to the council meeting and declaring the meeting open at 8:35 am.

The Shire acknowledged the traditional landowners through the reading of our Acknowledgement of Country.

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

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

2 Announcements from the Presiding Member

Nil

3 Record of Attendance

3.1 Attendees

The following attended the council meeting:

Elected Members

Cr Kirrilee Warr (President)
Cr Darrell Forth (Deputy President)
Cr Nicole Batten
Cr Beverley Davidson
Cr Elizabeth Elliott-Lockhart
Cr Catherine Low
Cr Trevor Royce

Officers

Jamie Criddle, Chief Executive Officer
Simon Lancaster, Deputy Chief Executive Officer
Dianne Raymond, Manager Finance & Corporate Services
Beau Raymond, Minute Taker

Visitors

Nil

3.2 Apologies

Nil

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

Cr Peter Humphrey - Ordinary Council Meeting February 2023

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

5 Applications for Leave of Absence

Nil

6 Disclosure of Interest

Nil

7 Presentations

7.1 Petitions

The Council did not receive any petitions.

7.2 Presentations

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

7.3 Deputations

The Council has not received any deputations.

8 Confirmation of Minutes from Previous Meetings

Council Resolution

Moved: Cr Trevor Royce **Seconded:** Cr Nicole Batten

That the Minutes of the Ordinary Council Meeting held on 15 December 2022 be confirmed as true and accurate.

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0
CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-1

9 Items to be dealt with En Bloc

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Beverley Davidson

Council resolves to move the following items En Bloc:

- 10.1.1 - Proposed Shed, Redcliffe Concourse, White Peak
- 10.1.2 - Proposed Rezoning - Lot 100 'Wells Road', Howatharra
- 10.3.1 - Annual Electors Meeting

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-2

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Proposed Shed, Redcliffe Concourse, White Peak
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1595 (previous Council Minute Reference 06/15-03)
Attachment(s)	1. Redcliffe Concourse Shed application [10.1.1.1 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for an outbuilding with a reduced rear and side boundary setback of 3m upon 53 (Lot 215) Redcliffe Concourse, White Peak subject to compliance with the following:

Conditions:

- 1 Development shall be in accordance with the approved plan(s) as contained within Attachment 10.1.1 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The outbuilding must not be used for habitable, commercial or industrial purposes.
- 4 The outbuilding shall be clad in colours that are complementary to the existing residence and natural landscape, and be to a finish, to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
- 6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 7 The area between the shed and the property boundaries shall be kept free of items that reduce visual amenity or contribute to fire hazard, and maintained, to the satisfaction of the local government
- 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) The application has been determined by Council based upon its specific merit and this determination should not be deemed to create a precedent for future applications.
- (c) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Council En Bloc Resolution - Minute Reference OCM 2023/02-2

That Council grant formal planning approval for an outbuilding with a reduced rear and side boundary setback of 3m upon 53 (Lot 215) Redcliffe Concourse, White Peak subject to compliance with the following:

Conditions:

- 1 Development shall be in accordance with the approved plan(s) as contained within Attachment 10.1.1 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
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- (c) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Disclosure of Interest

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

Background

Council is in receipt of an application to construct an outbuilding with reduced rear and side boundary setbacks upon 53 (Lot 215) Redcliffe Concourse, White Peak. The application has been advertised for comment and 1 submission expressing support was received and no objections were received. This report recommends approval.

Comment

Lot 215 is a 4,642m² property that slopes downwards from the 80m contour at the rear (southern end of the property) to the 75m contour at the front (north) of the property. Lot 215 is bordered by Redcliffe Concourse to the north, a bridle path to the east and south and a similar sized property to the west.

Figure 10.1.1(a) – Location Map for 53 (Lot 215) Redcliffe Concourse, White Peak



The application is for a 5m x 5m (25m²) colorbond outbuilding with 2.4m wall height and 2.841m gable height that is proposed to be sited 3m from the side and rear property boundaries. A copy of the application that includes the site, elevation and floor plans and the applicant's supporting correspondence is provided as **separate Attachment 10.1.1**.

The Shire of Chapman Valley Local Planning Scheme No.3 establishes a minimum 5m rear and side boundary setback requirement in the 'Rural Residential' zone and the application is therefore required to be presented to Council for determination.

Figure 10.1.1(b) – Aerial photo of 53 (Lot 215) Redcliffe Concourse, White Peak



Figure 10.1.1(c) – View looking south along bridle trail at proposed outbuilding site



Figure 10.1.1(d) – View north-west from bridle trail at proposed outbuilding site



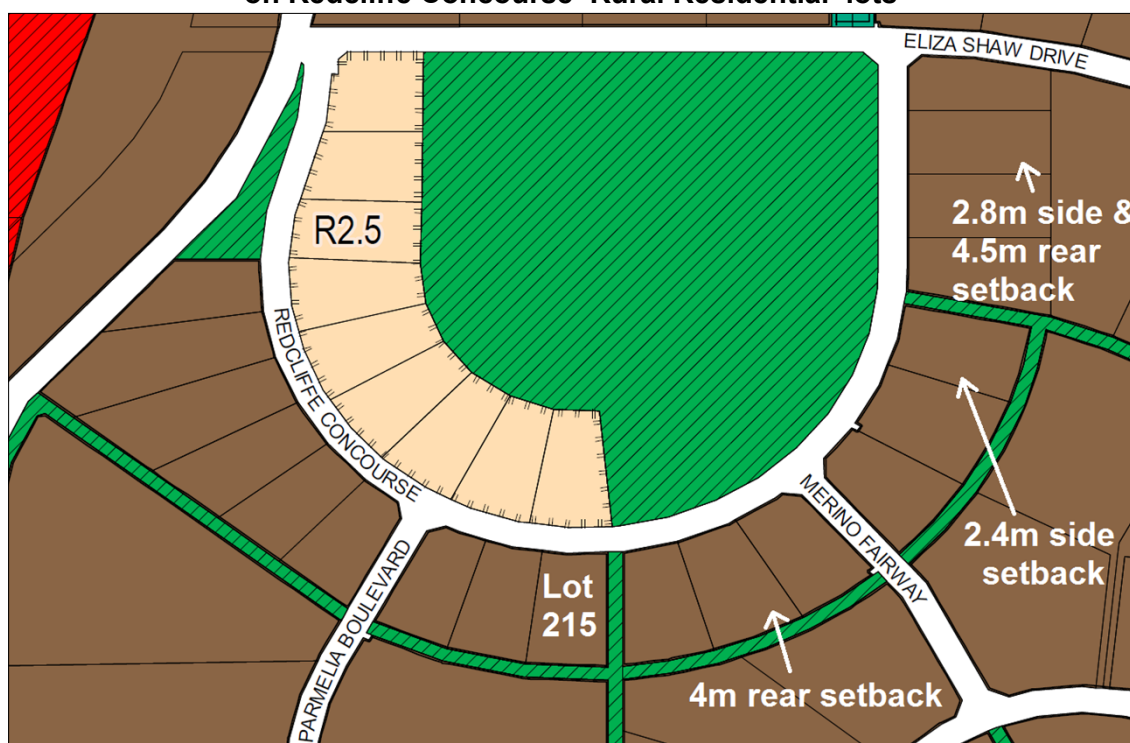
Figure 10.1.1(e) – View looking east along bridle trail at proposed outbuilding site



It is considered that the application should be supported based upon the following:

- the lots in the White Peak and Waggrakine 'Rural Residential' zone are generally all above 1ha in area and the requirement for a 5m rear and side boundary setback is appropriate for lots of that size, however, the 19 'Rural Residential' lots on the outside bend of Redcliffe Concourse are an exception to this, measuring 4,091m²-7,435m². Given that these lots are considerably smaller than is standard for this zone it is reasonable to consider some variation to the side and rear boundary setback requirements.
- the proposed shed being 25m² in area and 2.841m in total height is relatively minor in its scale and visual impact and meets with the requirements of the Outbuildings Policy pertaining to floor area and height;
- the prior siting of the residence at the rear of the property makes the siting of an outbuilding, even one at the modest a scale as proposed, difficult to locate behind the house without variation to the 5m rear boundary setback.
- the siting of the outbuilding behind the residence is considered preferable to it being constructed forward of the residence in a location that would then comply with the rear boundary setback requirement.
- given that the subject rear and side boundaries front a 10m wide bridle path rather than directly adjoining neighbouring lots, the shed would not seem unduly close to neighbouring landowners.
- the shed would be obscured from Redcliffe Concourse by the existing residence and landscaping leading to negligible impact upon the streetscape.
- the shed would enable items to be stored securely, which would benefit the landowner, and not out in the open, which would also improve the visual appearance of the property, benefiting the surrounding residents.
- Lot 215 has established landscaping to assist in screening the shed.
- the proposed shed will be clad in colours to match the existing residence (shale grey walls, deep ocean frames/roller door/gutters and a cream roof).
- Council has the ability to impose condition that the area between the shed and the rear and side boundaries be kept free of items that reduce visual amenity or contribute to fire hazard.
- Council has the ability to impose condition that all stormwater runoff from the shed be retained within Lot 215.
- the application was advertised to the surrounding landowners inviting comment and no objections to the proposed shed were received and the closest side neighbor expressed support for the development.
- Council has in the past approved outbuildings with a reduced rear and/or side boundary setback upon the 'under-sized' Redcliffe Concourse 'Rural Residential' lots as illustrated in **Figure 10.1.1(f)** and the approval of this development would therefore not be setting a precedent.

Figure 10.1.1(f) – Reduced setbacks previously supported on-merit on Redcliffe Concourse ‘Rural Residential’ lots



Statutory Environment

The report complies with the requirements of the:

Shire of Chapman Valley Local Planning Policy

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development (Local Planning Schemes) Regulations 2015

53 (Lot 215) Redcliffe Concourse, White Peak is zoned ‘Rural Residential 1’ under Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’).

Table 2 of the Scheme lists the objectives of the ‘Rural Residential’ zone as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land.”*

Schedule 3 of the Scheme sets the minimum rear and side boundary setback in the ‘Rural Residential’ zone as being 5m.

Lot 215 being 4,642m² is not atypical of lots in the ‘Rural Residential’ zone and as a result the standard 5m rear and side boundary setback requirements may be considered appropriate for variation in this instance.

Section 34 of the Scheme establishes the following in relation to 'Variations to site and development requirements':

- "(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.*
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.*
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.*
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –*
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

Section 37(1) of the Scheme notes the following in relation to the 'Appearance of land and buildings' generally for the Scheme area:

"Unless otherwise approved by the local government, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area."

Schedule 5(2) of the Scheme notes the following of relevance to this application that applies more specifically to buildings in the 'Rural Residential' zone:

- "(2) Buildings*
 - (a) All buildings shall be sited in accordance with the setback requirements specified in the Scheme except where building envelopes are shown on a structure plan or local development plan. Where building envelopes are shown, all buildings and effluent disposal systems shall be located within that envelope.*
 - (b) All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours."*

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

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...
- ...(g) any local planning policy for the Scheme area;
- (h) any structure plan or local development plan that relates to the development;...
- ...(m) the compatibility of the development with its setting including:
- (i) the compatibility of the development with the desired future character of its setting; and
 - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
- (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;...
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;...
- ...(zb) any other planning consideration the local government considers appropriate.”

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *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 1.4 – Outbuildings to guide assessment of applications and a copy of this policy can be viewed at the following link:

https://www.chapmanvalley.wa.gov.au/Profiles/chapmanvalley/Assets/ClientData/Document-Centre/planning/policies/SoCV_LPP_1_4_Outbuildings.pdf

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.

The proposed outbuilding, being 25m² with a 2.4m wall height and 2.841m total height would meet with the maximum 360m² area (comprising 240m² enclosed & 120m² open-sided floor area) and maximum 4.5m wall height/5.5m total height requirements of the Outbuildings policy.

The application is unable to be determined by Shire staff under delegated authority and has been placed before Council for determination as it seeks variation to the following aspect of the Outbuildings policy:

“6.7.c For lots zoned ‘Rural-Residential’, ‘Rural Smallholding’ and ‘Rural’ the Outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.”

Financial Implications

No Financial Implications Identified.

Long Term Financial Plan (LTFP):

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 16 February 2022 meeting. It is not considered that the determination of this application would have impact in relation to the Long-Term Financial Plan.

Strategic Implications

Whilst Lot 215 is zoned ‘Rural Residential’ and is therefore not addressed by the Residential Design Codes of Western Australia it is worth noting that Section 5.1.3.C3.1 of the R-Codes does make the following allowance for reducing the boundary setback where a property adjoins laneways, not dissimilar to bridle paths:

“the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m”

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

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

1.1.1 Development of plans and strategies relevant to emerging population needs.

ENVIRONMENT & SUSTAINABILITY

3.2 Maintain the rural identity of the Shire.

3.2.1 Develop western peri-urban environment in context to rural lifestyle.

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:

Consultation

Section 7.2 of the Shire's Outbuildings Local Planning Policy notes that applications seeking variation require consultation as follows:

"7.1 Should the application be considered to meet the requirements of this policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination."

The application was advertised from 1 December 2022 until 23 December 2022 with the Shire writing to the surrounding landowners inviting comment. An advisory sign was placed on-site and the application was also placed on the Shire website and made available for viewing at the Shire office.

At the conclusion of the advertising period, 1 submission had been received, this being from the side neighbour closest to the proposed shed expressing support as follows:

"We are happy for the shed to go ahead as it does not block our view or what we do on our property."

Risk Assessment

An Insignificant Property Risk of Level 1 - Likely resulting in inconsequential or no damage.

10.1.2	Proposed Rezoning - Lot 100 'Wells Road', Howatharra
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A13 & 204.11.04 (Previous Council Minute Reference: 08/22-03)
Attachment(s)	1. Lot 100 Wells Road Rezoning Document [10.1.2.1 - 43 pages] 2. Lot 100 Wells Road Rezoning Submissions [10.1.2.2 - 13 pages] 3. Lot 100 Wells Road Rezoning Schedule of Submissions [10.1.2.3 - 2 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

- 1 Receive the submissions as contained in separate Attachment 10.1.2(b) and outlined in the Schedule of Submissions included as separate Attachment 10.1.2(c).
- 2 Adopt for final approval Scheme Amendment No.2 to Shire of Chapman Valley Local Planning Scheme No.3 as contained in separate Attachment 10.1.2(a) pursuant to Part 5 of the *Planning and Development Act 2005* as follows:
 - (a) Deleting the 'Special Control Area 1-Oakajee Industrial Zone and Buffer (SCA1)' zone from Lot 100 (Volume 1655/Folio 187 DP302726); and
 - (b) Modifying the Scheme Map accordingly.

Council En Bloc Resolution - Minute Reference OCM 2023/02-2

That Council:

- 1 Receive the submissions as contained in separate Attachment 10.1.2(b) and outlined in the Schedule of Submissions included as separate Attachment 10.1.2(c).
- 2 Adopt for final approval Scheme Amendment No.2 to Shire of Chapman Valley Local Planning Scheme No.3 as contained in separate Attachment 10.1.2(a) pursuant to Part 5 of the *Planning and Development Act 2005* as follows:
 - (a) Deleting the 'Special Control Area 1-Oakajee Industrial Zone and Buffer (SCA1)' zone from Lot 100 (Volume 1655/Folio 187 DP302726); and
 - (b) Modifying the Scheme Map accordingly.

Disclosure of Interest

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

Background

Council initiated the rezoning of Lot 100 (DP302726) to remove it from the 'Special Control Area 1-Oakajee Industrial Zone and Buffer (SCA1)' to correct a cartographic error at its 18 August 2022 meeting. The advertising of the proposed rezoning has now been concluded with 6 submissions being received, with all of these advising that they had no objection. This report recommends that Council adopt the Scheme Amendment and forward it to the Minister for Planning seeking final approval.

Comment

Lot 100 (DP302726) is a 81.3425ha property located 1.5km east of the North West Coastal Highway and straddling the White Peak and Howatharra localities.

Lot 100 gains access to the highway via a gravel access track referred to as 'Wells Road'. This alignment is not a road reserve rather a series of right of carriageway easements (with encumbrances placed on the titles of the lots along the alignment) that were created in 1980 to provide access to gravel extraction operations located in the Moresby Range upon Lot 6769 to the east of Lot 100. Since its construction the track has commonly been referred to as 'Wells Road' as the operating company that constructed the track was Wells Brothers Sand and Gravel Supplies, and the track was used by local residents to access their properties.

Figure 10.1.2(a) – Location Map for 261 (Lot 100) 'Wells Road', White Peak

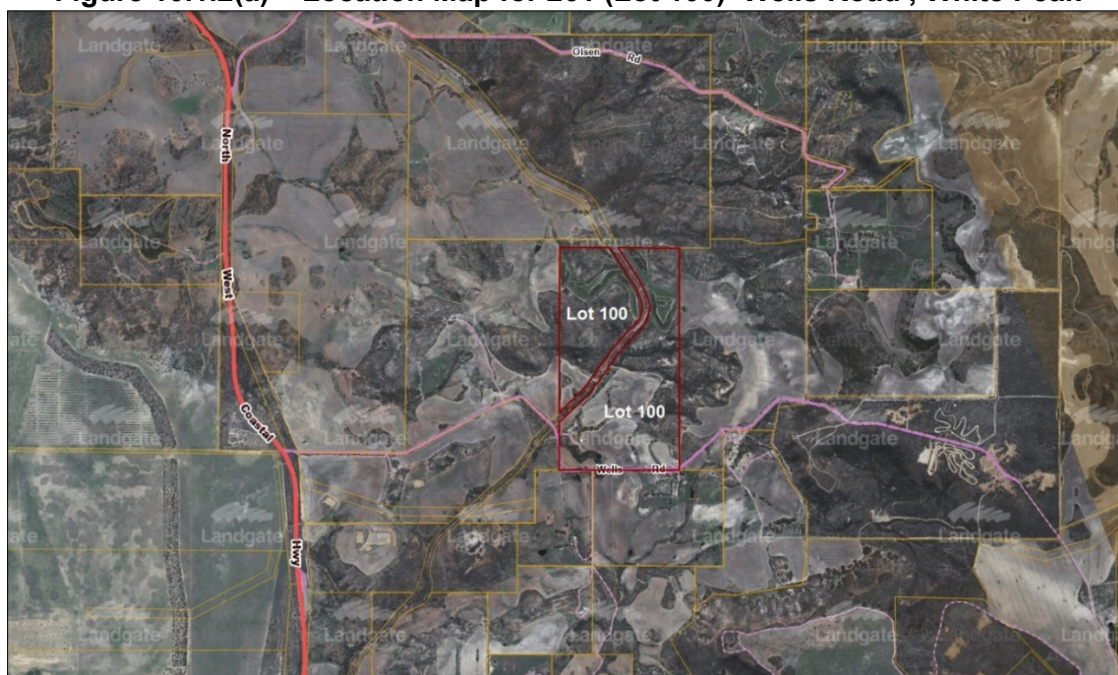


Figure 10.1.2(b) – Aerial Photograph of 261 (Lot 100) 'Wells Road', White Peak



Lot 100 is an undulating property that contains two remnant vegetation covered hilltops rising to the 135 and 155m contour heights and lower cleared sections that are used for farming purposes between the 105m to 125m contour heights. Farm sheds are located towards the southern boundary, along which the 'Wells Road' right of carriageway easement runs. The property is also bisected by the former Geraldton-Northampton railway alignment.

It has emerged during discussions concerning 'Wells Road' that Lot 100 whilst zoned 'Rural' is also identified on the Local Planning Scheme Map as being within the 'Special Control Area 1-Oakajee Industrial Zone and Buffer (SCA1)' zoning.

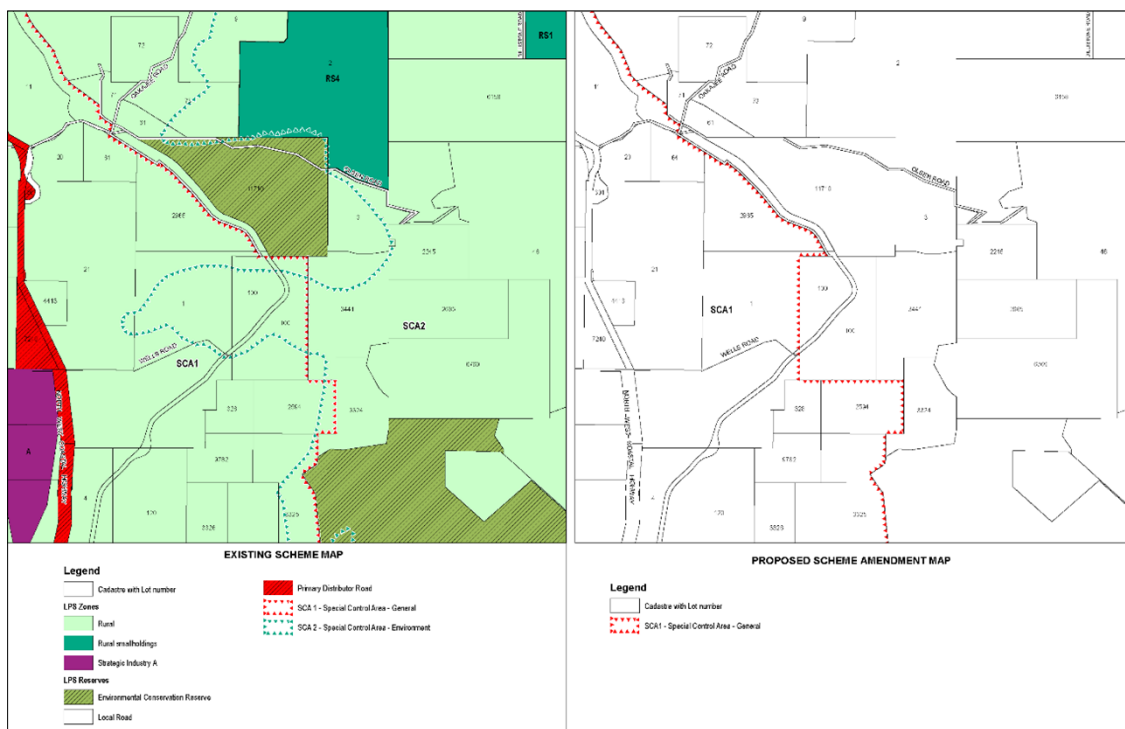
Lot 100 should be zoned simply 'Rural' i.e. the 'Special Control Area 1' line should run along the property's western boundary and not its eastern boundary thereby putting Lot 100 outside the buffer.

Scheme Amendment No.18 to Shire of Chapman Valley Planning Scheme No.1 was the Oakajee Industrial Estate and Buffer rezoning document and this was approved by the Western Australian Planning Commission (WAPC) and gazetted on 29 June 2004 and identified Lot 100 as being outside of the buffer/Special Control Area.

However, it appears that when the WAPC undertook the drafting on behalf of the Shire, for the Shire of Chapman Valley Scheme No.2 Map on 18 January 2006 that Lot 100 was mistakenly identified as being within the buffer/Special Control Area and this was not picked up by the Shire or WAPC during the subsequent Scheme review and gazettal process.

A Scheme Amendment was therefore required to be prepared to correct this drafting error, and the WAPC have prepared the correcting maps for the Shire as illustrated in Figure 10.1.2(c). Shire staff have prepared the Scheme Amendment documentation and a copy has been provided as separate Attachment 10.1.2(a).

Figure 10.1.2(c) – Lot 100 Scheme Amendment Map



Council resolved at its 18 August 2022 meeting to initiate the Scheme Amendment and the minutes from this meeting can be accessed at the following link:

<https://www.chapmanvalley.wa.gov.au/documents/796/confirmed-ordinary-meeting-of-council-august-2022>

Statutory Environment

The report complies with the requirements of the:

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development (Local Planning Schemes) Regulations 2015

261 (Lot 100) 'Wells Road', White Peak is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 2 of the Scheme lists the objectives for the 'Rural' zone as being:

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

In addition to its underlying 'Rural' zoning, Lot 100 is also located within the 'Special Control Area 1-Oakajee Industrial Zone and Buffer (SCA1)' zoning on the Scheme Map.

Table 6 of the Scheme sets out the following purpose, objectives and additional provisions for the Special Control Area 1 – Oakajee Industrial Zone and Buffer (SCA1) as follows:

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 	<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.

<p>materials (other than hazardous materials) subject to environmental and visual considerations.</p>	<ul style="list-style-type: none"> 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 Heritage Management Plan/s approved by the state government agency responsible for the protection of aboriginal heritage. p) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area C): <ul 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. q) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area B) – <ul style="list-style-type: none"> a. Prior to construction of the port: <ul 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
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	<p>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.</p> <p>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</p>
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Scheme Amendment No.18 to Shire of Chapman Valley Planning Scheme No.1 was the Oakajee Industrial Estate and Buffer rezoning and identified Lot 100 as being outside of the Special Control Area.

Following the gazettal of Scheme Amendment No.18 on 29 June 2004 the Shire of Chapman Valley Planning Scheme No.1 Map identified Lot 100 as being outside of the Special Control Area.

Section 88 of the *Planning & Development Act 2005* requires periodic review of Local Planning Schemes and during the drafting of the Shire of Chapman Valley Scheme No.2 Maps in 2006 a cartographic error was made and the alignment for the Special Control Area was drawn along the western, and not the eastern, boundary of Lot 100 thereby mistakenly placing the property within the buffer area.

Part 5 of the *Planning & Development Act 2005* provides for the amendment of a Scheme and it is recommended that the rezoning be supported by Council and forwarded to the Minister for Planning seeking final approval, to correct this drafting error.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

The preparation of the rezoning document was undertaken in-house by the Shire and the WAPC have assisted with the preparation of the rezoning mapping, and the Scheme Amendment process has been undertaken at no expense to the landowner.

Long Term Financial Plan (LTFP):

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 16 February 2022 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 was endorsed by the WAPC on 20 November 2007 and identified upon the Precinct No.6-Oakajee Strategy Map that Lot 100 was outside of the Oakajee Special Control Area. The proposed Scheme Amendment is therefore in accordance with this strategic planning document.

The Oakajee Industrial Estate Structure Plan prepared by Development WA and endorsed by Council and subsequently approved by the WAPC on 24 January 2012 identified Lot 100 as being outside of the Oakajee Buffer and Structure Plan boundary. The proposed Scheme Amendment is therefore in accordance with this strategic planning document.

Due to Lot 100 being outside of the buffer area that was identified by technical assessment and cumulative emissions modelling for the proposed Oakajee Industrial Estate, the property was not acquired by Development WA during its 2004 land assembly phase that included the lots west of Lot 100 along Wells Road.

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

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

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

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

Consultation

The Scheme Amendment documentation was forwarded to the Environmental Protection Authority ('EPA') on 27 September 2022 for its assessment as per Section 81 of the *Planning & Development Act 2005*. The EPA advised on 4 October 2022 that the proposed rezoning did not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The WAPC advised on 7 October 2022 that the rezoning application was considered a basic scheme amendment, however to provide the opportunity for public comment the rezoning was advertised by the Shire as a standard scheme amendment to provide all parties (and particularly Development WA) the opportunity to make comment upon this matter.

The Shire advertised the Scheme Amendment from 15 November 2022 until 30 December 2022 and undertook the following consultation actions inviting comment:

- copy of the Scheme Amendment documentation placed on the Shire website;
- copy of the Scheme Amendment documentation made available for public viewing at the Shire office;
- letters being sent to the adjoining landowners, Australian Gas Infrastructure Group, Department of Biodiversity, Conservation & Attractions, Department of Fire & Emergency Services, Department of Planning, Lands & Heritage, Department of Primary Industries & Regional Development, Department of Water and Environment Regulation, Development WA, Heritage Council of WA, Main Roads WA, Telstra, Water Corporation and Western Power inviting comment.

At the conclusion of the advertising period 6 submissions had been received, all from government agencies, and all offering no objection to the proposed rezoning.

Copies of the received submissions are provided as separate Attachment 10.1.2(b).

A copy of the Scheme Amendment Schedule of Submissions that is required to be forwarded to the WAPC is included as separate Attachment 10.1.2(c). The Schedule of

Submissions identifies the respondents, the nature of their submission, and provides individual comment upon any raised issues.

Risk Assessment

An Insignificant Property Risk of Level 1 - Likely resulting in inconsequential or no damage.

10.2 Manager of Finance & Corporate Services

10.2.1	Financial Management Report
Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. December 22 Financial Management Report [10.2.1.1 - 62 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the financial management report supplied under separate cover for the month of December 2022 comprising the following:

Statement of Financial Activities by Nature or Type
Budget by Program
Summary of Payments
Credit Card Statement
Bank Reconciliation

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Darrell Forth

That Council receives the financial management report supplied under separate cover for the month of December 2022 comprising the following:

Statement of Financial Activities by Nature or Type
Budget by Program
Summary of Payments
Credit Card Statement
Bank Reconciliation

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-3

Disclosure of Interest

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

Background

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

Comment

The financial position at the end of December 2022 is detailed in the monthly management report provided as a separate attachment for Council's review.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

As presented in the Financial Management Report for December 2022

Strategic Implications

No significant effect on the LTFFP

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

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

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

Consultation

Not applicable

Risk Assessment

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

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity

10.2.2

Annual Budget Review

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	306.13
Attachment(s)	1. 2022-23 Annual Budget Review Report [10.2.2.1 - 9 pages] 2. CONFIDENTIAL REDACTED - 2022-23 Annual Budget Review Additional Information for councillors [10.2.2.2 - 1 page]

Voting Requirements

Absolute Majority

Staff Recommendation

That Council adopts the 2022/2023 Statutory Budget Review, which includes all amendments listed in the Annual Budget Review Report supplied.

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Elizabeth-Anne Elliott-Lockhart

8:40 am, 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 10.2.2:

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

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-4

Discussion was undertaken on the item.

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Nicole Batten

9:06 am, That as per part 17.1 of the Shire of Chapman Valley Standing Order Local Laws 2016, Council reinstate the operation of the following clauses to allow sufficient discussion of item 10.2.2:

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

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-5

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Nicole Batten

That Council adopts the 2022/2023 Statutory Budget Review, which includes all amendments listed in the Annual Budget Review Report supplied.

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-6

Disclosure of Interest

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

Background

The Local Government Act and Regulations require a local government to review its annual budget between 1st January and 31st March in each year. Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

“33A Review of budget

Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.

A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

* Absolute Majority required

Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department

Comment

Prudent management of the Shire's Annual Budget includes a full review of the Shire's progress part way through the financial year. This review process has been undertaken having regard for:

actual revenues and expenditures for the first six (6) months of the financial year, forecast revenue and expenditure levels for the remaining six (6) months of the year, the more significant (in dollar terms) variances to budget rather than the minor 'under & over's' which will generally balance out.

Council's adopted budget, at times will need variations made, to reflect changes which occur after the original budget has been adopted. There are several amendments identified in the review document which accommodate unforeseen situations and reallocation revenue and expenditure since the Original Budget was adopted. The items listed in the Annual Budget Review Report have been identified as variations required to the Annual Budget yet having a nil overall effect on the 2022/2023 Adopted Budget.

The Budget Review Report provides information on the identified revenue and expenditure expectations for the full year and is based on the review period 1 July 2022 to 31 December 2022. The additional information report identifies amendments and provides explanations for these variances. The financial statements are provided as a guidance to reflect a general revised full year budget based on the proposed amendments being adopted with no further changes to the budget for the remaining year. Council was successful in obtaining small community grants which provided opportunity to present an event that would be enjoyed by our local families and thank our many volunteers. The most significant adjustment is due to bridge works anticipated to commence in February 2023 which will be undertaken by Main Roads and funded with an adjustment in the Financial Assistance Grants.

The original 2022/2023 budget as adopted by Council forecast a closing position of \$1,816,325; after the annual financial audit, the actual audited closing position is \$2,188,065 increasing the carried forward surplus by an amount of \$371,740. The change in position is due generally to the estimating of 30 June 2022 creditors paid in July 2022 and recognition of operating grant funding.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

Long Term Financial Plan

No major effect is anticipated on the Long-Term Financial Plan.

Strategic Implications

Nil

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

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

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

Consultation

Senior Staff have been consulted to determine the various proposed budget amendments requested.

Risk Assessment

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

Associated risk would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. The proposed changes to the 2022/2023 Adopted Budget does not have a financial impact, simply a NIL affect overall. The proposed increase adjustments to expenditures are offset by reducing expenditure allocations elsewhere in the budget; increase to income not previously allocated and additional opening surplus, with the view to ensuring a budget outcome for the year achieves or delivers an improved overall result than the original budget

10.3 Chief Executive Officer

10.3.1 Annual Electors Meeting

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	413.01
Attachment(s)	1. Unconfirmed Minutes Annual Electors Meeting held 6.2.23 [10.3.1.1 - 7 pages]

Voting Requirements

Simply Majority

Staff Recommendation

The Minutes of the Annual Electors meeting dated 6th February 2023 be received with the following action required from the meeting be laid on the table until the Audit Report is ready for adoption (generally in December):

- Motion from the floor for the next Annual Electors Meeting to be held at Bill Hemsley Park Community Centre

Council En Bloc Resolution - Minute Reference OCM 2023/02-2

The Minutes of the Annual Electors meeting dated 6th February 2023 be received with the following action required from the meeting be laid on the table until the Audit Report is ready for adoption (generally in December):

- Motion from the floor for the next Annual Electors Meeting to be held at Bill Hemsley Park Community Centre.

Disclosure of Interest

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

Background

At the December 2022 Ordinary Council Meeting (OCM) Council resolved the following:

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

Council held its Annual Electors Meeting on the 6th February 2023 and a copy of the unconfirmed minutes from the meeting have been provided under separate cover as ***Attachment Unconfirmed Minutes Annual Electors Meeting 6.2.23.***

Comment

As required by legislation, this item is being presented to the first Ordinary Council Meeting following an Annual Electors meeting to enable consideration of the issues raised (if any).

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 Section 33A

Section 5.33 of the *Local Government Act 1995* requires that:

“(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.

which ever 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."

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.2 Be accountable and transparent while managing human and physical resources effectively

5.2.4 Effectively Engage and communicate with the community.

Consultation

Meeting was advertised and attended by elector(s), elected members and staff.

Risk Assessment

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

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

10.3.2

Corporate Business Plan 2022-2025

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	314.04
Attachment(s)	1. 10.3.2 Att - Corporate Business Plan 2022- 25 [10.3.2.1 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Nicole Batten

That Council adjourn the meeting at 9:07am.

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-7

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Katie Low

That Council reopen the meeting at 9:37am.

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-8

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Darrell Forth

9:38 am, 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

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-9

Discussion was undertaken on the item.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Katie Low

10:02 am, 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

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-10

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Trevor Royce

That Council endorse the Corporate Business Plan as presented.

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-11

Disclosure of Interest

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

Background

Council adopted the revised Strategic Community Plan (SCP) at the August 2022 OCM after a full review process during 2022

MOVED: Cr Royce

SECONDED: Cr Forth

COUNCIL RESOLUTION /STAFF RECOMMENDATION

That Council by Absolute Majority pursuant to Section 5.56 of the Local Government Act 1995 RESOLVES to:

- 1. Adopt the Shire of Chapman Valley Strategic Community Plan 2022-2032; and*
- 2. Give public notice of the adoption of the Shire of Chapman Valley Strategic Community Plan 2022-2032.*

Voting F8/A0

CARRIED

Minute Reference: 08/22-08

The next stage of Integrated Planning & Reporting review process is to establish a Corporate Business Plan (CBP) based on the SCP to provide the Chief Executive Officer with direction on how and when to implement specific aspect of the plans over what specific timeframes (e.g., short, medium, long or ongoing)

Comment

The Draft CBP has been reduced to a Table, which lifts the Reference Numbers, Objectives, Strategies and Actions for the Council endorsed SCP. The Draft CBP then lists specific items under short, medium, long-term periods and those items as ongoing matters (See **Attachment Corporate Business Plan 2022-2025**).

The Draft CBP (as presented) is extracted from the Strategic Community Plan and is a live document and can be modified from time to time. The Chief Executive Officer will add comments to the plan on a monthly basis when objectives are achieved. This will be listed in the CEO Officers Report.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Section 5.56 of the *Local Government Act 1995* states:

"5.56 Planning for the Future

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

It is intended under the Western Australian Integrated Planning and Reporting Framework that the Strategic Community Plan will replace the Plan for the Future under the process as set out by the *Local Government (Administration) Regulations 1996*.

Section 19C of the *Local Government (Administration) Regulations 1996* states:

“19C Strategic community plans, requirements for (Act Section 5.56)

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

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

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

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

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

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

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

(c) demographic trends.

(6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.”

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

All relevant projects endorsed in the CBP for short, medium, and long term will be included in the Long Term Financial and Asset Management Plans (if applicable).

Strategic Implications

It was clear the Shire's original Integrated Strategic Plans needed improvement as they were lacking in content, integrity, and ownership by the Shire.

It would be fair to say the initial Plans were adopted predominantly to appease the legislative deadlines for the completion of the Plans. Unfortunately, it appears, the process to establish the Plans lost its way and the feeling was they did not have any ownership by Council, Staff and/or the community. Hence the reason staff have been working on a review of the plans over the past few years with Councillors and the community to bring some validity, understanding and ownership to these Plans.

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.2 Be accountable and transparent while managing human and physical resources effectively

5.2.2 Long Term Financial Management.

Consultation

In response to legislative requirements, formal community engagement processes to inform the development of the Draft SCP were carried out from February to April 2022. Consultation processes included a survey on the Shire website, distribution of postcards in public venues and businesses, a mail out of survey forms and one-on-one meetings with residents and regional businesses and entities.

The CEO also met with relevant Senior Staff to ensure they have had the opportunity to discuss the Draft SCP prior to the Concept Forum, final advertising for community submission and subsequent Council endorsement at the 2022 OCM.

The SCP review process was facilitated by Marg Hemsley (LG People & Culture).

As the CBP is a document from Council directing the CEO on priorities and timeframes to implement items identified in the CBP this Plan now needs to be finalised and endorsed by Council.

Risk Assessment

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

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

10.3.3 Nabawa Recreational Centre Upgrades - Disaster Ready Fund Application

Department Finance, Governance & Corporate Services
Chief Executive Officer

Author Jamie Criddle

Reference(s) 801.00

Attachment(s) Nil

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

1. Authorise the submission of the Disaster Ready Fund application for the proposed upgrades to the Nabawa Recreation Centre & Stadium facilities to assist in future natural disasters and provide better capacity to evacuate and care for displaced people and will reduce the impact of hazards on the community.
2. Agree to the 50% funding request and place in draft budget consideration by combination of cash or loan funds.
3. Seek addition funding avenues to progress the project (if successful)

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Beverley Davidson

That Council:

1. Authorise the submission of the Disaster Ready Fund application for the proposed upgrades to the Nabawa Recreation Centre & Stadium facilities to assist in future natural disasters and provide better capacity to evacuate and care for displaced people and will reduce the impact of hazards on the community.
2. Agree to the 50% funding request and place in draft budget consideration by combination of cash or loan funds.
3. Seek addition funding avenues to progress the project (if successful)

For Cr Nicole Batten, Cr Beverley Davidson, Cr Elizabeth-Anne Elliott-Lockhart, Cr Darrell Forth, Cr Katie Low, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/02-12

Disclosure of Interest

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

Background

The Australian Government has established the Disaster Ready Fund (DRF). The DRF will provide up to one billion dollars over the next five years, from 1 July 2023, to improve Australia's resilience to natural hazards.

Funding for DRF Round One: 2023-24 is now open. Up to \$200 million in funding is available, with projects to commence from 2023-24.

Projects under DRF Round One 2023-24 can target a broad range of natural hazards, and can include:

- **(Stream 1) Infrastructure projects, such as**
 - investment in grey infrastructure;
 - investment in green-blue infrastructure (including nature based solutions);
 - investment in hazard monitoring infrastructure; and
 - business case development for future infrastructure (including investigation, modelling, concept and detailed design activities).
- **(Stream 2) Systemic risk reduction projects, such as**
 - supporting a better understanding of risk, through a better evidence base to understand and raise awareness of risk – to improve understanding of natural hazards and their potential impacts over time;
 - strengthening decision making by enhancing governance networks and communities of practice, including the development and/or alignment of resilience and risk reduction strategies;
 - adaptation projects that improve land use planning and development practice projects, including but not limited to the preparation of regional or local plans and updating land use planning instruments and building codes;
 - projects that build the capacity and capability of businesses, community sector organisations and/or at-risk communities to improve their preparedness and resilience to the impacts of future disasters; and
 - projects that enable and incentivise private investment in disaster risk reduction.

Severe Tropical Cyclone (STC) Seroja crossed the Western Australian coast south of Kalbarri on 11 April 2021, as a Category 3 system, bringing wind gusts of up to 170 kilometres per hour. STC Seroja is the strongest system recorded to have impacted the Midwest Gascoyne Region. The cyclone impacted a population of almost 50,000 people and an area of more than 170,000 km² in 16 local government areas. The Shire of Northampton bore the brunt of the cyclone, with Kalbarri being the most severely impacted townsite. Chapman Valley was also severely impacted with up to 80% of properties sustaining damage and displacing many families. To date over 10,000 insurance claims have been submitted totalling over \$404 million.

The Shire of Chapman Valley and the Shire of Northampton have a joint Local Recovery Coordination Group (LRCG) established in November 2021. The LRCG includes representatives from local government, local community groups and relevant recovery agencies.

From this, the groups main task was to formulate a Local Operational Recovery Plan (LORP) which is to be used as a “Roadmap” for the recover process, incorporating the following environments as outlined in the terms of reference:

- Built
- Natural
- Social
- Economic

A copy of the Local Operational Recovery Plan is attached for reference.

One of the “Game Changer” priorities listed on the LORP was to:

“Secure funding for the development of a multi-purpose centre in Kalbarri and upgrade existing facilities in Nabawa that meets the requirements for an all-hazards evacuation centre and secure place for continuance of service delivery in an emergency.”

Comment

The Nabawa Recreation Centre & Stadium has been a topic of discussion over a number of years and has been the subject of numerous ‘ad hoc’ renovations and upgrades since the 1980’s. While these renovations have allowed the facility to remain functional at the time, the changing demands placed on the facility have deemed it not fit for purpose and in need of renovation.

The Kitchen facility is barely usable and in desperate need of renovation and remodeling, the changeroom facilities due to previous additions have made several rooms irrelevant, a waste of space and under sized. There is also no consideration to the ever-increasing female participation rates within football circles and a distinct lack of disability access and facilities.

The condition of the building itself is at best, “just holding together” with brickwork fretting, non-compliant fittings (windows etc), constant plumbing issues and internal fittings and facilities well out of date.

While this new funding stream has been sprung upon us in January 2023, it comes at a great time where Council can capitalise on the unfortunate events of Seroja and upgrade the Nabawa Stadium facilities to assist in future natural disasters and provide better capacity to evacuate and care for displaced people and will reduce the impact of hazards on the community.

This was evident in the days, weeks after the cyclone event that Nabawa did not have the capacity or facilities to adequately cater for our displaced residents, as well as offer an alternative to our neighbours in Northampton and beyond.

After contacting the Disaster Risk team handling this funding, they have advised that this proposal fits within the DRF objective of:

- (Stream 1) increase the resilience, adaptive capacity and/or preparedness of governments, community service organisations and affected communities to minimise the potential impact of natural hazards and avert disasters.

In order to progress with the funding request, Council need to decide if it wishes to apply for the funding and if so, agree to a 50% contribution (if successful). The remaining 50% can also be sourced via alternative means, such as CSRFF (sport & Recreation Funding), Lotterywest, LRCIP or other such funding opportunities. To assist in the project, Council have engaged Teakle & Lalor to produce a concept design and financial implications for the project. There is an extremely short turn around for this project, but we are hopeful to have designs & costs prior to submitting but will estimate for funding purposes, for now at between \$1.4 million and \$1.8 million.

Council are not obligated at any stage to accept the grant (if successful), but need to have a (non-binding) commitment to the project.

Council would have three (3) years to complete the project.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

50% of the project will need to be sourced by the Local Government. The remaining 50% can also be sourced via alternative means, such as CSRFF (Sport & Recreation Funding), Lotterywest, LRCIP or other such funding opportunities.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.4 Maintain and enhance community safety and security.

1.4.1 Maintain safe roads and infrastructure.

PHYSICAL & DIGITAL INFRASTRUCTURE

4.1 Develop, manage, and maintain built infrastructure.

4.1.2 Development Projects.

Consultation

Senior Staff

DFES (Grant Fund Assessor)

Risk Assessment

A Minor Financial Impact Risk of Level 2 - Which will likely be between \$1,001 to \$10,000.

A Moderate Service Disruption Risk of Level 3 - Which will likely result in medium term temporary interruptions with backlogs cleared in less than one week.

11 Elected Members Motions

The Council has not received any notice of motion from an elected member.

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

Nil

13 Delegates Reports

Council received the following Delegates Reports:

Delegate	Details
Cr Kirrilee Warr (President)	Development WA (Dean Mudford, Andrew Williams, Paul Ferrante)
	State Government Community Cabinet
	Regional Road Group - Coastal Subgroup Meeting
	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Darrell Forth (Deputy President)	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Nicole Batten	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Beverley Davidson	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Elizabeth Elliott-Lockhart	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Peter Humphrey	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Catherine Low	Australia Day - Nabawa
	Annual General Meeting of Electors
Cr Trevor Royce	Australia Day - Nabawa

14 Announcements by Presiding Member Without Discussion

Nil

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

The Council had no confidential items for consideration.

16 Closure

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 16 February 2023 at 10:20 am.